

**THE FOREST CODE\***  
(Law No. 26/24 April 1996)

TITLE I  
**Common provisions with reference to the forest fund  
and the forest vegetation outside it**

**Art. 1.** – Forests, tracts of land designated for afforestation, those serving the needs of timber culture and production, or forest administration, ponds, brook beds as well as unproductive plots of land included in the forest planning shall constitute the national forest fund, regardless of the nature of the property tight, under the terms established by law.

**Art. 2.** – *Forests*, in the sense of the present Forest Code, and included in the national forest fund, shall be considered tracts of land covered by timber vegetation over an area larger than 0.25 ha.

**Art. 3.** – Tracts of land from the national forest fund designated for afforestation, and those serving the needs of forest culture, production, or administration shall include:

- a) plots of land in process of being regenerated, degraded land, and clearings established by forest planning to be afforested;
- b) nurseries, solaria, plantations, osier cultures, as well as fruit-bearing and ornamental shrub cultures;
- c) plots of land designated to provide food for game and for animals from the endowment of forest units;
- d) plots of land temporarily assigned to be used by the forest personnel;
- e) pieces of ground occupied by constructions and appurtenances, forest railways and roads, pheasant stock farms, trout breeding ponds, stock breeding farms, technical endowments specific to the forest sector.

**Art. 4.** – The national forest fund shall be public or private property, as the case may be, and shall constitute a good of national interest.

The property right on the tracts of land constituting the national forest fund shall be exercised conformably to the provisions of the present Forest Code.

**Art. 5.** – Identification of the tracts of land constituting the national forest fund shall be made on the basis of existing forest plannings at the date of adoption of the present Forest Code.

**Art. 6.** – Forest vegetation situated on land outside the national forest fund, subject to the provisions of the present Forest Code shall be constituted by:

- a) forest vegetation from afforested meadows;
- b) protective forest belts of agricultural land;
- c) forest plantations on degraded plots of land;

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\* The Law No. 26/24 April 1996 – The Forest Code – was published in the "Monitorul Oficial" (Official Gazette of Romania), Part I, No. 93/8 May 1996.

- d) forest plantations and trees from the protective zones of hydrotechnical works and land improvement works as well as those situated along water courses and irrigation channels;
- e) protective forest belts and trees situated along ways of communication beyond the boundary of localities;
- f) green spots around towns and communes, other than those included in the forest fund, parks within the confines of localities with exotic timber species as well as alpine juniper zones;
- g) dendrological parks, other than those included in the national forest fund.

**Art. 7.** – Legal, organizational, economic, and technical relations with regard to the national forest fund, the hunting fund, the piscicultural fund from mountain waters, as well as those with regard to the forest vegetation on plots of land situated outside the national forest fund shall be subject to the provisions of the present Forest Code, and completed with any other provisions in the matter, as the case may be.

**Art. 8.** – The State, through the central public authority responsible for forestry, shall elaborate policies in the field of the national forest fund and of the forest vegetation outside it, regardless of the nature of the property, and shall exercise control on the way they are administered.

**Art. 9.** – The national forest fund shall be subject to the forest administration rules.

The forest administration shall constitute a system of technical, economic, and legal rules with regard to the arrangement, culture, exploitation, protection, and safety of this fund, aiming to ensure the long term careful management of the forest ecosystems.

The rules constituting the forest administration shall be elaborated by the central public authority responsible for forestry, which shall also exercise control over the application of these rules of administration.

## TITLE II The public property forest fund

### CHAPTER I Administration of the State's public property forest fund

**Art. 10.** – The administration of the State's public property forest fund shall be achieved through the National Self-Managed Company of Forests.

**Art. 11.** – The National Self-Managed Company of Forests shall function on the basis of economic management and financial autonomy.

The National Self-Managed Company of Forests shall also exercise public service powers with a specific forest character.

According to this specific character, the activity of the National Self-Managed Company of Forests shall be deployed on the basis of organization and functioning regulations approved by Government decision.

The statute of forest personnel shall be approved by law at the proposal of the central public authority responsible for forests within six months after the coming into force of the present Forest Code.

**Art. 12.** – The revenue of the National Self-Managed Company of Forests shall proceed from:

- a) turning to account of the products of the forest fund and from other specific economic activities;
- b) rendering of services, execution of works for third parties, rentings, granting of goods, except woods and other plots of land from the forest fund, compensations, and the like, under the terms established by law;
- c) the equivalent value of the effects of the forests protection functions;
- d) other incomes.

**Art. 13.** – Natural and juristic persons as well as public institutions benefiting economically by the effects of the forests protection functions shall have the obligation to pay to the forest units the equivalent value of these effects.

Tariffs corresponding to the effects provided under para. 1 shall be established by Government decision, with endorsement of the Ministry of Finance at the proposal of the central public authority responsible for forestry, within six months after the coming into force of the present Forest Code.

**Art. 14.** – The National Self-Managed Public Company of Forests shall apply the forest administration rules to the forest fund under its management.

**Art. 15.** – At request and against cost, The National Self-Managed Public Company of Forests shall provide specialist services to other holders of private property forests as well as to the forest vegetation outside the forest fund.

## CHAPTER II

### **Administration of the public property forest fund**

#### *Section I*

#### ***Planning of the forest fund***

**Art. 16.** – The mode of administration of the public property forests fund shall be regulated by the forest plannings. These shall constitute the basis of the forest cadaster and of the State's property title and shall establish, in relation to the ecological and socio-economic objectives, the aims of the administration and the necessary measures for their realization.

**Art. 17.** – Forest plannings shall be elaborated by forest districts and production units, observing a unitary methodology and the provisions of the technical forest arrangement rules, and aiming at ensuring the continuity of their ecological and socioeconomic functions.

An inventory of the forest fund at national and territorial level shall be drawn up periodically on the basis of data from the forest plannings and from other technical specialist works.

The elaboration of forest plannings shall be made in accord with the provisions of urban and regional policy plans approved as established by law.

**Art. 18.** – Forest plannings shall be drawn up over ten years periods, except those with regard to poplar, willow and other with fast growing species with which the respective periods can be from five to ten years.

The elaboration of forest plannings shall be made under the co-ordination and supervision of the central public authority responsible for forestry through specialist units which it authorized to this end.

**Art. 19.** – Forest, plannings and the modification of their provisions shall be approved by the head of the central public authority responsible for forestry.

**Art. 20.** – In relation to the functions they perform, forests shall be classified in two functional groups:

- a) Group I shall include forests with special protective functions of waters, of the soil and climate, of the objectives of national interest, recreation forests, genofund and ecofund protective forests as well as forests declared monuments of nature and reserves;
- b) Group II shall include forests with protective and production functions in which it is aimed mainly to produce high quality timber and other products of the forest simultaneously with the protection of the quality of the environment factors.

Through forest plannings it is aimed to establish differentiated management measures for each functional group and sub-group, with a view to the realization of structures ensuring the adequate discharge of the assigned functions.

## *Section 2*

### ***Ecological reconstruction, regeneration, and care of forests***

**Art. 21.** – The ecological reconstruction, regeneration and care of forests shall be achieved in agreement with the provisions of the forest plannings and of the specialist studies by the National Self-Managed Public Company of Forests.

**Art. 22.** – Forest management rules shall be applied to the regeneration of forests, aiming at the conservation of the genofund and the realization of high quality stands as well as the continuous exercise of the environment protective functions.

Grove management rules shall be allowed only in native poplar, willow, and locust tree stands, and in riverside coppice stands.

**Art. 23.** – For the purpose of ensuring the permanence, stability, and biodiversity of the forest, priority shall be given to the regeneration of the species from the basic natural type by application of treatments with repeated interventions.

Flat cuttings shall be admitted only in spruce fir, pine, locust tree, poplar, and willow forests, and in riverside coppices as well as in the case of the regeneration of some stands in which the application of other treatments is not possible. Under these conditions, the size of the cutting area shall be of three hectares at the most. In the case that the mechanized preparation of the soil is necessary for the reafforestation the size of the cutting area may be of five hectares at the most.

**Art. 24.** – The National Self-Managed Public Company of Forests shall compulsorily ensure the afforestation of all unregenerated plots of land and of the clearings from the forest fund under its administration designated to that end.

Completion of natural regenerations and reafforestation works shall be carried out within not more than two years after the final cutting.

Afforestation technologies, schemes, and composition shall be established by specialist technical rules.

**Art. 25.** – Reproduction materials used in afforestation works shall come from seed reservations, plantings and mother-plantations for slips and from seed source stands inscribed in the national catalogue of reproduction materials admitted in culture.

**Art. 26.** – Conservation of genetic forest resources with their basic genofund and intraspecific genetic variability shall be a permanent obligation of the central public authority responsible for forestry.

Forests constituting genetic forest resources determined as such shall be excluded from cuttings of principal products.

**Art. 27.** – The National Self-Managed Public Company of Forests shall compulsory carry out all works of ecological reconstruction, regeneration, and maintenance of sapling-covered areas and plantations, and care of stands so as to achieve the target compositions established by forest plannings. The pursuit of their realization shall be made by an adequate information system.

**Art. 28.** – Regeneration of forests, care of seedlings, plantations, and stands shall be ensured pre-eminently from the revenue of the National Self-Managed Public Company of Forests.

### *Section 3*

#### ***Forests protection***

**Art. 29.** – The health condition of forests shall be ensured by the National Self-Managed Public Company of Forests by pest and disease control measures, regardless of the form of property of the forests.

**Art. 30.** – The National Self-Managed Public Company of Forests, by specific supervising systems, shall draw up annual statistics and prognoses of forests vegetation pests for the whole national forest fund, and take measures for their control and prevention.

Biological. and integrated disease and pest control methods shall be applied for flora and fauna protection purposes, ensuring the ecological balance.

**Art. 31.** – Measures for the control and prevention of disease and pest liable to be dangerous both for forests and for crop cultures shall be established jointly by the central public authority responsible for forests, and by the Ministry of Agriculture and Alimentation.

**Art. 32.** – Natural and juristic persons deploying activities that might cause prejudice by pollution to the national forest fund and to forest vegetation outside this fund shall be under an obligation to take all the necessary measures for observing the quality indicators of the air, waters, and of the soil.

Damages caused by non-observance of these provisions shall be wholly retrieved from those who have caused them, apart from the penal or administrative sanctions which shall be applied, as the case may be.

### *Section 4*

#### ***Security of the forest fund***

**Art. 33.** – The National Self-Managed Public Company of Forests shall ensure and exercise the security of the forest fund under its administration, against illegal tree cuttings, thefts, destructions, degradations, grazing, poaching, and other damaging deeds as well as measures for the prevention and extinction of fires.

**Art. 34.** – Prefects, local and county councils as well as police and gendarmerie units, according to their powers established by law, shall have the obligation to lend support to security actions of the forest fund.

**Art. 35.** – The National Self-Managed Public Company of Forests, natural and juristic persons, unfolding activities in the forest fund as well in the limitrophe zones to it shall be under an obligation to apply and observe the fire prevention and extinction regulations.

Instructions for the prevention and extinctions of forest fires shall be issued by the central public authority responsible for forestry in agreement with the regulations of the Ministry of the Interior.

Their being made known to the public and their application shall be carried out by the National Self-Managed Public Company of Forests.

**Art. 36.** – Prefects, local and county councils, units of the Ministry of National Defence, of the Ministry of the Interior, and civilian fire brigades, in keeping with their legal powers, shall have the obligation to support activities for the prevention and extinction of fires in zones with forest vegetation.

Natural persons from zones with forest vegetation in which fires have occurred shall have the obligation to participate in their extinction.

**Art. 37.** – Grazing in forests belonging to the State's public, property fund, on afforested degraded plots of land and in protective forest belts shall be prohibited.

Grass cutting with a sickle from forests and plantations shall be permitted, except from those with special protective belt functions.

With a view to the turning to account of the nectariferous-poleniferous sources, the location free of charge of beehives shall be permitted with the approval of the forest bodies, at the recommendation of the Beekeepers' Association.

By exception from the provisions of para. 1, the central public authority responsible for forestry may approve grazing over a limited duration in some perimeters of the State's public property forest fund on the basis of proposals of the local public authorities with the thoroughly justified approval of the territorial forest units.

On the basis of the proposals of the authorities provided in the previous paragraph, the passage of domestic animals through forests towards grazing, watering, and sheltering zones shall be approved annually, with observance of the technical rules, by the territorial forest units.

Access of domestic animals in stands in process of regeneration, in young regenerations and plantations, in forests fulfilling special protective functions, in improvement perimeters as well as in protective forest belts may not be authorized.

**Art. 38.** – In forest plots in process of regeneration, in forest cultures and plantations with heights of less than five meters, in cutting areas in process of exploitation, in game retreat zones, in natural reserves, and in forests declared monuments of nature, in scientific reserves as well as in land plots around mineral water and drinking water springs collected for industrial exploitation or for centralized distributive consumption over a radius of one hundred meters, access shall be permitted only for the management and administration of forests.

Access to the forest with motor vehicles and animal drawn vehicles shall be permitted only on permanent forest roads, with observance of traffic indicators. There shall make an exception forest

equipment, vehicles drawn by animals used to collect wood from cutting areas in process of exploitation as well as beehives transporting vehicles.

#### *Section 5* ***Products specific to the forest fund***

**Art. 39.** – There shall be products of the forest fund goods that are harvested from it. Wooden products of the forest shall include:

- a) principal products resulted from regeneration cuttings of the forests;
- b) secondary products resulted from the trimming of young stands;
- c) accidental products resulted from calamities and from law-fully approved forest clearings;
- d) sanitary products resulted from the normal process of natural elimination;
- e) other products: ornamental shrubs and trees, osier, seedlings and various wooden products.

Non-wooden products specific to the forest fund shall include: all game within its extent, all fish from mountain water, fish-farms, lakes and ponds from the forest fund, forest fruit, forest seed, edible mushrooms from the spontaneous flora, medicinal and aromatic plants, resins, and others of this kind.

**Art. 40.** – The maximum volume of wooden mass that may be harvested annually from forests shall be approved by Government decision within the limits established by forest plannings for each production unit and nature of the products.

The volume of accidental products resulted from wind felling, snow breakings, lawful clearings, trees dried in the mass shall be deducted beforehand from the possibility.

**Art. 41.** – The wooden products of the forest shall be harvested on the basis of an exploitation authorization and a list of technical conditions issued by the forest units. The estimation of these products shall be made by deeds of turning to account drawn up by the forest units, and shall be rendered profitable by public bid, except those exploited by self management. The wooden mass that should have failed to be turned to account by public bid may be sold by direct negotiation.

Non-wooden products specific to the forest fund shall be harvested conformably to the technical rules elaborated by the central public authority responsible for forestry.

Game and fish from mountain waters shall be harvested on the basis of authorizations issued according to the law.

The personnel engaged in forestry may not exercise professional representation functions within the framework of units with trading profile participating in the public bid, processing or turning to account products specific to the forest fund.

#### *Section 6* ***Exploitation of the wooden mass***

**Art. 42.** – Exploitation of the wooden products of the forest shall be made conformably to the provisions of the forest plannings and of instructions with regard to terms, modalities, and harvesting periods, extraction and transport of the wooden material issued by the central public authority responsible for forestry.

**Art. 43.** – Trees designated to be felled shall previously be marked with forest hammers by the forest personnel conformably to the technical rules.

Form and usage of the forest hammers as well as the marking mode of the trees or of tree batches shall be established by regulations approved by the head of the central public authority responsible for forestry.

**Art. 44.** – The forest marking hammers shall follow the rules of marks and seals. Their patterns shall be registered and preserved at notary offices.

For these operations a stamp tax shall be paid as provided by law for the lodging of acts and documents with notary offices.

**Art. 45.** - At the exploitation of the wooden mass, the forest districts, business organizations, and authorized natural persons shall have the obligation to use harvesting and extraction methods of timber from the wood that will not cause degradation of the soil and river banks, destruction or harm to the utilizable seedlings, to the trees not destined for exploitation, above the limits admitted by the instruction provided under art. 42.

For damages caused to the forest fund over the cutting area received for exploitation, their titulars shall be responsible over the whole duration of the exploitation.

The wooden mass exploited and transported from the forest shall be marked and inventoried conformably to the technical rules issued by the central public authority responsible for forestry.

**Art. 46.** – For the purpose of ensuring the necessary funds to cover expenses tied to possible damages of the nature of those mentioned under art. 45 para. 1, the titulars of the exploitation authorizations shall deposit with the forest district previously to the issue of the exploitation authorization a guarantee equivalent to five per cent of the timber's value established by the supply contract of the timber mass.

**Art. 47.** – The non-exploited timber mass remaining upright or felled and not extracted from the cutting area up to the end of the year shall constitute a priority resource by preliminary deduction for the following year with the obligation to observe the possibility established by forest plannings.

**Art. 48.** – For the extraction and transport of timber from the forest fund, forest transport roads shall be constructed on the basis of rules with regard to their location, designing, construction, maintenance and exploitation, approved by the central public authority responsible for forestry.

The necessary funds for the construction of these forest transport roads shall be ensured annually according to the law.

**Art. 49.** – When the transport of timber is conditioned by the passage over plots of land belonging to other owners, these shall be entitled to be indemnified by the natural or juristic person who carries out the exploitation of the timber. The compensation shall be established by an agreement between the parties. In case of disagreement, the compensation shall be established by a commission consisting of representatives of the National Self-Managed Public Company of Forests and of the local public administration or through justice.

Up to the passage of a final judicial sentence, the transport of timber may not be impeded if the compensation established by the commission provided under para. 1 has been deposited on the account of the land's owner.



CHAPTER III  
**Ensurance of the integrity and development  
of the forest fund**

**Art. 50.** – The protection, ensurance of the integrity and development of national forest fund shall constitute a basic concern of national interest of the central public authority responsible for forestry destined to secure its lasting development.

**Art. 51.** – The central public authority responsible for forestry through the National Self-Managed Public Company of Forests shall take measures for the liquidation of the enclaves and correcting the perimeter of forests by exchanges of land or buying, on the basis of authentic deeds.

By the exchanges carried out, each piece of land shall acquire the legal situation of the land which it replaces. The operation of recording in cadastral records shall be incumbent on each party for the land received, with payment of the stamp duties according to legal provisions.

**Art. 52.** – At equal price and under equal conditions, the State, through the central public authority responsible for forestry, shall have a pre-emption right at all free or forced sales, for enclaves from the public property forest fund and plots of land limitrophe to it as well as for land covered with forest vegetation.

The selling owner shall be under an obligation to inform in writing the territorial forest unit in whose radius the respective land its included, in connection with the intention to alineate. The forest unit informed shall express its option within thirty days, after which the pre-emption right shall cease. A sale made with violation of the above provisions is void by right.

**Art. 53.** – The National Self-Managed Public Company of Forests may buy private property plots of degraded land or may take over such plots of land, if they are donated by the holders, with a view to afforestation.

Buying and afforestation expenses shall be borne from the forest regeneration and conservation fund provided under art. 63 below.

The acquisition of degraded land shall be made on behalf of the State, by an authentic act exempt from stamp duties, recorded in forest plannings and in the registers of the general cadastre, free of charge, and shall enter into the public domain of the State.

Likewise, the National Self-Managed Public Company of Forests shall take over in administration degraded public property land included in the improvement perimeters and provided for afforestation. Expenditure for the necessary works shall be supported form the land fund improvement fund or from allocations from the state budget, according to the law.

**Art. 54.** – Reduction of the area of the public property forest fund shall be prohibited.

Exceptionally, for constructions with military destination, for railways, particularly important roads, high tension power lines, mines, drillings, derricks and equipment belonging to them, main oil or gas pipe lines, or land improvement works, for the management of waters, or the realization of new water sources, touristic objectives, the occupation for good and all of land from the forest fund for other purposes than forest ones, with or without clearing of the forest, shall be approved according to the law.

**Art. 55.** – The occupation for good and all of land from the forest fund shall as a rule be made on an exchange basis. The plots of land taken over must be apt for afforestation and equivalent in area and classification of soil.

In case that the land from the forest fund is covered with wood, the turning to account of the timber shall be made by the forest district, and the beneficiary of the exchange shall owe the equivalent value of the loss of growth determined by the exploitation of the wooden mass prior to the age of exploitability as well as the expenses of installation of the forest vegetation and of its maintenance up to the closure of the massive state, established on the basis of an estimate, in addition to the legal tax for taking for good and all out of forest production.

Through the exchanges carried out, each plot of land shall acquire the juridical situation of that which it replaces.

Registration in the books of the general cadastre is compulsory for both parties, with payment of the stamp duties according to the law.

**Art. 56.** – The beneficiary of the taking out for good and all of land from the forest fund, who has no equivalent piece of land available for exchange shall pay to the land holder its equivalent value, the legal duty for the use for good and all of the forest land for other purposes than forest production as well as the equivalent value of the loss of growth stated precisely under art. 55, if the land is covered with wood.

**Art. 57.** – The temporary transmission of land from the public property forest fund for use to other ends than forest production, with or without clearing of the existing vegetation shall be approved according to the law.

**Art. 58.** – For the temporary use of land from the forest fund, the titular of the approval shall pay to the National Self-Managed Public Company of Forests the rent for the respective land and the equivalent value of the loss of growth as a result of the cutting of timber before the age of exploitability established in forest plannings, the expenses corresponding to the re-installation of the forest vegetation and of its maintenance up to the achievement of the massive state as well as the value of the existing objectives which are abandoned as a result of the transmission of the land as the case may be, too.

Before taking over the land, the titular of the approval shall also deposit with the National Self-Managed Public Company of Forests a guarantee equivalent to the legal duty provided for the occupation for good and all of land from the forest circuit. After fulfilling the obligations provided under para. 1 and rehanding over the lands in the forest fund under conditions apt for afforestation, the titular of the approval shall receive the deposited guarantee.

**Art. 59.** – The calculation method of the price of the land, of the rent, of the equivalent value of the loss of growth, and of the other expenses stated precisely under articles 55, 56, and 58 shall be elaborated by the central public authority responsible for forestry within ninety days after the publication of this Forest Code in the "Monitorul Oficial" (Official Gazette of Romania).

**Art. 60.** – The temporary use of some lands from the forest fund for interventions with an emergency character with regard to the remedying of certain faults or damages in telecommunication lines, power transport and distribution lines, water pipes, sewerage, or gas pipes as well as in other similar installations shall be approved by the National Self-Managed Public Company of Forests. The duration of interventions with an emergency character shall not exceed thirty days.

The value of damages caused by the remedying works mentioned under para. 1, established by the forest unit on the basis of an estimate shall be borne by the performer of the works.

**Art. 61.** – The change of the class of forest use, clearing of the forest inclusive, for the purpose of carrying out works necessary to the management of the forest fund shall be approved by the central public authority responsible for forestry and shall be exempt from the payment of any duties.

**Art. 62.** – For the location at smaller distances than 1.0 km from the skirt of the forest of industrial objectives, commercial units, or of any other nature, which by functioning may cause damage to the forest, their beneficiaries shall previously obtain the approval of the National Self-Managed Public Company of Forests.

**Art. 63.** – An interest bearing *forest regeneration and conservation fund* shall be constituted at the National Self-Managed Public Company of Forests from the following resources:

- a) the equivalent value of the plots of land removed for good and all from the forest fund;
- b) the equivalent value of the losses of growth determined by the exploitation of trees before the age of exploitability established by forest plannings in the case of the plots of land provided under letter a) as well as compensations for prejudice caused to the forest fund;
- c) tariffs for the favorable effects determined by the protection functions of forests;
- d) twenty to twenty-five per cent of the cash collected by turning to account the wooden mass standing upright from principal and secondary products;
- e) allocations from the state budget.

The regeneration and conservation fund of forests shall be used for the afforestation of plots of land without vegetation, for the regeneration of areas crossed by cuttings, for the priority management of forests with special protection functions, for covering the expenses caused by possible calamities on forests, and for buying plots of land according to the provisions under articles 51 and 53 from the present law;

- f) sums of money available at the end of the year, mentioned under letters a) to d) shall be used for the same purpose in the next budgetary year.

### TITLE III

#### **The private property forest fund**

**Art. 64.** – The administration of the private property forest fund shall be made by its owners individually or in associations.

Owners of forests and other plots of land from the private property forest fund shall have the obligation to manage them conformably to the forest rules and with the rules of the environment conservation.

**Art. 65.** – Incomes of the owners of the private property forest fund shall come from:

- a) turning to account of the forest products and of other economic activities carried out by themselves;
- b) lettings, licensing of forests and of the other plots of land from the forest fund, compensations and others of the same kind;
- c) the equivalent value of the effects of the protection of forests and other incomes.

**Art. 66.** – The mode of management of the private property forest fund shall be established by forest plannings. These shall be drawn up by forest bodies and localities as a whole, without affecting the property right. Non-observance of these provisions shall constitute contravention or an offence, as the case may be.

The drawing up of forest plans shall be made as established under art. 18 and the technical rules regarding the management of private property forests.

Expenses corresponding to the drawing up of forest plans for the private property forests of natural persons shall be borne from the state budget.

**Art. 67.** – Owners of the private property forest fund shall be compelled to observe the provisions of the forest plans and to ensure the permanence of the forest.

The regeneration of private property forests after cutting shall be achieved by the owners within two years at the most. To this end, the National Self-Managed Public Company of Forests shall grant technical support, on request.

In case that the owner fails to fulfil the obligations provided under the previous paragraph for reasons imputable to him, after serving a summons, the central public authority responsible for forestry shall order the National Self-Managed Public Company of Forests to carry out the works of afforestation and maintenance up to the final regeneration, through the forest district, at the owner's expense. The estimate of work drawn up by the forestry district and approved by the hierarchically superior competent authority to it shall be communicated to the owner. The estimate of work to be done may be disputed by the owner within thirty days after the communication at the court of first instance in whose territorial radius the forest lies. The ways of challenge provided by the Code of civil procedure may be exercised against the court's decision. The estimate of work to be done expressly or tacitly accepted by the owner through failure of disputing it within the legal term shall constitute an executory title and a ground for an execution writ. Over the period of execution of regeneration works and up to the closure of the massive state, the use of the regeneration zone for other purposes shall be prohibited.

In the situation of natural calamities, the National Self-Managed Public Company of Forests shall support the re-afforestation activity by granting afforestation material and technical aid, free of charge.

The composition, schemes, and techniques of afforestation shall be those provided in the technical rules elaborated by the central technical authority responsible for forestry.

**Art. 68.** – Juristic and natural persons may, under the terms established by law, set up forest plantations on plots of land belonging to them outside the forest fund. The harvesting of timber from these plantations and its turning to account shall be left at the owner's full discretion.

**Art. 69.** – The holders of private property forests shall be under an obligation to keep them in a good state of health and to carry out in time the sanitary as well as the protective works with technical aid from the National Self-Managed Public Company of Forests.

These holders shall inform the forest district as soon as pests and diseases appear, and shall carry out the control works with their own means or through specialist units against cost.

**Art. 70.** – Holders of private property forests shall be under an obligation to provide their security against unlawful cutting of trees, destruction of seedlings, fires, thefts, unauthorized grazing as well as other damaging deeds.

The forest bodies, prefects, local and county councils, police and gendarmerie units, fire formations and units, and units of Ministry of National Defence shall, according to their lawful powers, lend support to holders of private property forests in activities of forest security and of forest fire extinction.

At the request of owners associations and of individual owners, the National Self-Managed Public Company of Forests may, through its territorial units, assume the security of the respective forests on the basis of conventions or contracts concluded with the petitioners.

**Art. 71.** – Grazing shall be prohibited in stands in process of regeneration and in forests with special protective functions as well as in seedlings and plantations of less than ten years of age and heights of less than three metres, and in poplar or willow forests under five years of age.

**Art. 72.** – The central public authority responsible for forestry shall organize the control of the manner in which the forest administration rules are applied in private property forests, finding deeds that violate these rules, and apply sanctions according to the law, or inform the criminal prosecution bodies, as the case may be.

**Art. 73.** – The holders of private property forests and the natural or juristic persons carrying out the exploitation of timber shall be under an obligation to harvest only trees marked by the forest personnel, to observe the forest timber exploitation rules and those referring to timber circulation provided under the Forest Code.

The marking and estimation of trees destined for cutting shall be made on request by the authorized forest personnel. Together with the payment of these services, the owners shall receive the legal documents for the exploitation and transportation of the respective timber.

**Art. 74.** – A reduction of the area of private property forests shall be prohibited, except situations provided under art. 54 para. 2.

Likewise shall be forbidden the slow clearing of forests by sectioning trees with an axe or other proceedings that lead to a gradual reduction of the forest's consistency.

**Art. 75.** – The afforestation of degraded plots of land constituted in improvement perimeters according to the law shall be carried out by the National Self-Managed Public Company of Forests through its territorial units, the expenses being borne from the land fund improvement fund or allocations from the state budget, according to the law.

The changing of the destination of land plots shall not affect the property right on them.

#### TITLE IV

##### **Provisions common to the public property forest fund and to the private property forest fund**

#### CHAPTER I

##### **Control over the circulation of wooden materials and of installations for converting round wood into timber**

**Art. 76.** – Wooden materials shall be transported from the harvesting or storage place only accompanied over the whole duration of the transport by documents of origin from which the legality of their origin shall result with certitude.

By *wooden materials* shall be understood round or chopped processing wood and fire-wood obtained as a result of the application of authorized cuttings of principal, secondary and accidental products and from sanitation activities of forests, timber as well as squared or hewn wood, raw, processed or semi-processed wood.

Christmas trees shall likewise be subjected to the provisions under paragraph 1.

**Art. 77.** – Forest bodies shall be empowered to exercise control over the circulation of wooden materials and to retain those that are not accompanied by legal documents of origin and transport.

Police and customs bodies shall be under an obligation to exercise control over the circulation of wooden materials and to retain those not accompanied by legal documents.

The reception for loading in any transport means of wooden materials not accompanied by legal documents of origin shall be prohibited.

**Art. 78.** – Wooden materials found in process of transport without the documents provided under art. 77 shall be retained by the empowered forest bodies, by the police or customs bodies with a view to establishing their origin.

The transporter shall be obliged to refuse the reception of wooden materials offered for dispatching if these materials have not attendant documents according to the provisions mentioned under art. 77.

**Art. 79.** – The wooden materials retained on the basis of the provisions under art. 78 para. 1 shall be given into custody, according to circumstances, to the nearest forest unit, which shall ensure the storing and safety of the retained wood.

The transporter found without legal attending documents shall be under obligation to transport the wooden materials to the place of handing over into custody.

The wooden materials retained in railway stations, ports, or customs points shall be transported at the dispatcher's expense to the nearest forest units, giving them into their custody.

**Art. 80.** – If, within the term established by the finding body or as a result of a judicial decision, the origin of the wooden materials retained cannot be established, it will be confiscated according to the provisions under the criminal law or rules referring to the sanctioning of forest contraventions.

In case that the legal origin was established, the wooden materials retained shall be returned to the owner, who will bear the storage expenses.

**Art. 81.** – The processing of round wood into timber by holders of installations, if there are no documents of its legal origin, shall be prohibited.

**Art. 82.** – The mode of fulfilling, of the provisions referring to the circulation and processing into timber of wooden materials shall be established by Government decision at the proposal of the central public authority responsible for forestry.

## CHAPTER II

### **The game fund and the fish fund from mountain waters**

**Art. 83.** – Mammals, wild birds, fish from mountain waters as well as other species of animals which by their social, economic and ecological importance constitute wealth of national interest shall be protected by law.

**Art. 84.** – The rational and unitary management, protection and administration of the game fund, and of the fish fund from mountain waters shall be provided by the central public authority responsible for forestry.

In the discharge of the service duties provided under para. 1, the central public authority responsible for forestry shall issue technical rules for the protection and administration of the game fund and fish fund from mountain waters, rules that are compulsory for all holders, regardless of the type of property.

**Art. 85.** – In the exercise of the service duties, the forest personnel responsible for the security, selection, and protection of game shall practice hunting on the hunting funds managed by the forest units on the basis of the gun licence and of the authorization given by the forest district managing the respective fund.

The recreative hunting activity and the fishing for sport shall be regulated by law.

**Art. 86.** – The central public authority responsible for forestry shall establish compulsory technical rules for the regulation of optimum game numbers, especially of those causing damage to agricultural crops, and the units holding hunting funds shall be responsible for their application and for the damages caused.

## TITLE V

### **The forest vegetation outside the forest fund**

**Art. 87.** – Forest vegetation situated on land plots outside the national forest fund, stated precisely under art. 6, shall be administered by their owners, managed according to the purpose for which it was created, and subject to the forest security and technical rules as well as of circulation and transport for the harvested wooden material, issued by the central public authority responsible for forestry, which has under its control their observance and application.

**Art. 88.** – The conversion of afforested pastures shall be made on the basis of studies drawn up by specialist units qualified by the central public authority responsible for forestry.

Clearing of forest vegetation on pieces of land outside the forest fund shall be prohibited in the following situations:

- a) in zones in which the forest vegetation fulfils special protective functions provided under art. 20;
- b) on land which an inclination greater than thirty degrees;
- c) before reaching the age of exploitability established by technical rules.

**Art. 89.** – The cutting, setting on fire, and destruction or degradation by any means of alpine juniper zones shall be prohibited.

**Art. 90.** – Holders of land with forest vegetation outside the national forest fund shall be under an obligation to ensure their security, to make measures for the prevention and extinction of fires, to observe provisions with regard to the protection of forests and the circulation of wooden materials contained in the present Forest Code.

**Art. 91.** – The turning to account of wood from land plots with forest vegetation outside the national forest fund shall be made by their owners.

**Art. 92.** – The harvesting of wooden material from plots of land situated outside the forest fund, provided under art. 6, shall be permitted only with the previous marking by the forest district of the trees to be extracted. The equivalent value of the expenses occasioned by the marking of the wooden

material shall be borne by the holders of the lands and shall be constituted revenue to the National Self-Managed Public Company of Forests.

**Art. 93.** – The central public authority responsible for forestry shall organize the control over the mode in which the security and forest rules are applied on land with forest vegetation outside the national forest fund as well as those referring to the circulation of wooden material resulted from these lands.

**Art. 94.** – The State, through the central public authority responsible for forestry, shall encourage the creation of forest belts protective of agricultural lands, the planting with forest species of degraded private property land, not constituted in improvement perimetres as well as of other available plots of land, providing free of charge at the owners' request planting materials and technical aid required. Expenses for the respective services shall be borne from the improvement fund of land fund constituted according to the law, and from allocations from the state budget.

For zones affected by draught and erosion, where strong ecological disfunctions are manifest, the activity of achieving protective forest belts shall constitute a public utility work.

## TITLE VI Responsibilities and sanctions

**Art. 95.** – Violation of the provisions of the present Forest Code shall involve disciplinary, material, civil, contraventional, or criminal responsibility of the guilty person according to the law, as the case may be.

**Art. 96.** – The occupation without right, wholly or in part, of forests, plots of land, or waters from the national forest fund as well as the destruction, degradation, or removal of boundary signs, fences, or bench-marks, shall be punished with imprisonment from three months to three years or with a fine.

**Art. 97.** – The cutting or uprooting without right of trees, saplings or young trees from the national forest fund or from land plots with forest vegetation provided under art. 6, if the value of the damage is five times greater than the average price of one cubic metre of wooden mass standing upright, or if the value of the damage is below this limit, but the deed was committed at least twice at an interval of two years shall be punished with imprisonment from six months to four years or with a fine.

If the deed had as a result a damage amounting to over twenty times greater than the average price of one cubic metre of wooden mass standing upright, it shall be punished with imprisonment from one to five years.

When the deed had as a result a damage amounting to over fifty times greater than the average price of one cubic metre of wooden mass standing upright, it will be punished with imprisonment from two to seven years.

The maximum of the punishments provided under paragraphs one to three shall be increased by three years in case the deeds were committed under the following circumstances:

- a) by two or more persons together;
- b) by on person carrying a gun or dangerous chemicals;
- c) during the night;
- d) in forest areas under protection.



The attempt shall be punished.

**Art. 98.** – The theft of trees felled or broken by natural phenomena, or of trees, saplings, or young trees cut or uprooted, with or without right from the national forest fund or from land plots with forest vegetation provided under art. 6, if the value of the damage is five times greater than the average price of one cubic metre of wooden mass standing upright, or if the value of the damage is below this limit, but the deed was committed at least twice at an interval of two years shall be punished with imprisonment from one to five years or with a fine.

If the deed has resulted in a damage amounting to over twenty times greater than the average price of one cubic metre of wooden mass standing upright, it shall be punished with imprisonment from two to seven years.

When the deed has resulted in a damage amounting to over fifty times greater than the average price of one cubic metre of wooden mass standing upright, it shall be punished with imprisonment from three to ten years.

In case the theft was carried out under the circumstances mentioned under art. 97 para. 4 the maximum of the punishments provided under the previous paragraphs shall be increased by three years.

The means of transport and tools used for carrying out the offence shall be subject to special confiscation under the terms provided under art. 118 of the Criminal code.  
The attempt shall be punished.

**Art. 99.** – The forgery of the forest marking hammer shall be punished with imprisonment from three months to two years or a fine.

**Art. 100.** – The use of the forest marking hammer without right or contrary to the specific legal provisions shall be punished with imprisonment from six months to three years.

If a forged forest marking hammer, or other adequate means or objects were used for marking, the deed shall be punished with imprisonment from one year to five years.

**Art. 101.** – The destruction, degradation or making useless by arson of woods on extended areas of land shall constitute an offence of qualified willful destruction having as a result a disaster, and shall be punished according to the provisions of the Criminal code.

**Art. 102.** – The destruction or damaging of trees, saplings, or young trees by grazing in forests or in zones where grazing is prohibited, if the value of the damage is over five times greater than the average price of one cubic metre of wooden mass standing upright, shall be punished with imprisonment from three months to three years or with a fine.

**Art. 103.** – The destruction or damaging in any way of alpine juniper zones shall be punished with imprisonment from three months to three years or with a fine.

**Art. 104.** – When the offences provided under articles 97 and 98 are carried out by the forest personnel with powers of finding offences and contraventions, the maximum of the punishments provided shall be increased by two years.

**Art. 105.** – In addition to the criminal prosecution bodies, persons competent to find the offences provided under articles 96 to 103 shall include forest guards, forest keepers, heads of forest districts, forest technicians and engineers from forest districts, forest units, the National Self-Managed Public Company of Forests, and the central public authority responsible for forestry, as well as other

employees empowered by the National Self-Managed Public Company of Forests and by the central public authority responsible for forestry.

**Art. 106.** – The bodies provided under art. 105 shall have the obligations of the finding bodies of offences provided under the Code of criminal procedure.

The finding bodies, accompanied by a policeman, shall be authorized to identify and make an inventory at the sites where the wooden materials from offences are found, with observance of the provisions of the Code of criminal procedure with regard to search.

The finding statement of the offence shall be sent within not more than five days after the date of the finding to the forest district from the territorial radius of the site where the deed was committed, for calculation of the damage.

The head of the forest district shall send the offence finding report together with the calculation of the damage to the competent public prosecutor within not more than five days after its reception from the finding body.

**Art. 107.** – An estimation of the damages caused to the forest fund through offences and contraventions shall be made according to the criteria and quantum established by the central public authority responsible for forestry and approved by law.

Likewise shall also be established by law the estimation criteria of the damages produced owing to the personnel of the forest units, which do not constitute offences or contraventions with regard to trees standing upright, saplings, or young trees and for which the material responsibility is regulated according to the labour legislation.

The value of the damages shall be recovered through the bodies of the Ministry of Finance and paid in to the forest regeneration and conservation fund.

**Art. 108.** – The establishment and sanctioning of forest contraventions shall be regulated by a special law.

**Art. 109.** – The provisions of the present title shall be completed with the provisions under the Criminal code and of the Code of criminal procedure.

## TITLE VII Final provisions

**Art. 110.** – The central public authority responsible for forestry shall co-ordinate, organize, and guide the activity of scientific research and technological engineering in the domain, lend support to their development and pursue the efficient use of the results obtained with a view to the technical and scientific substantiation of the management of forests.

Likewise, the central public authority responsible for forestry shall support the initiative and actions of the public institutions and of the non-government bodies aiming at the defence and development of the national forest fund as well as the rational and lasting administration of the forest ecosystems.

**Art. 111.** – The conservation of the biodiversity and of the woodland scenery shall be insured mainly by the constitution of national parks and other protected areas in the forest fund and in the forest vegetation outside it, as the case may be.

Their constitution shall be made at the proposal of the specialist institutes and of other scientific bodies on the basis of researches undertaken to this end, and shall be approved by law.

**Art. 112.** – The constitution, administration, and management of national parks and of the other protected areas from the forest fund shall be made by the National Self-Managed Public Company of Forests.

**Art. 113.** – In the exercise of their service powers, the forest personnel of all ranks shall be under an obligation to wear the uniform and distinctive signs established by the central public authority responsible for forestry, which shall be granted free of charge and of taxation.

The professional ranks and promotion mode shall be established by the statute of the forest personnel approved by law.

The forest technical personnel shall be endowed with service armament conformably to the legal regulations in force.

**Art. 114.** – In the exercise of their service powers regarding the security of the forest fund, finding of forest contraventions and offences, the forest personnel shall be assimilated to the personnel performing functions that involve the exercise of public authority.

**Art. 115.** – Police and gendarmerie units shall be under an obligation to lend support to forest units in the organization and unfolding of actions for the prevention and control of the infractional and contraventional process in forestry.

**Art. 116.** – Plots of land from the state public property forest fund shall be exempt from taxes and duties.

For the buildings located in the forest fund shall be paid taxes and duties as provided by law.

**Art. 117.** – The central public authority responsible for forestry shall issue rules and instructions with regard to the lasting forest management, which shall be published in the "Monitorul Oficial" (Official Gazette of Romania) as well as specific technical rules.

**Art. 118.** – The central public authority responsible for forestry shall present annually to the Government a report on the state of the forests.

**Art. 119.** – The present Forest Code shall come into force within sixty days after its publication in the "Monitorul Oficial" (Official Gazette of Romania).

**Art. 120.** – On the date of coming into force of the Forest Code, the Law No. 3/1962 – The Forest Code; art. 18 under the Law No. 8/1971 on the organization, administration and use of lawns, zootechnical and seedling lots as well as of the communal covering stations; chapters I–III and provisions under chapter V – Responsibilities and sanctions – with reference to the rules governing the forest vegetation outside the forest fund, under Decree No. 257/1982 regarding the rules governing the forest vegetation on plots of land situated outside the forest fund and the functioning of installations for processing round wood into timber; Law No. 2/1987 on the conservation, protection, and development of forests, their reasonable and economic exploitation and the maintenance of the ecological balance, with subsequent modifications, except art. 9, articles 35–39 and appendix No. 2 as well as any other contrary provisions shall be abrogated.