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Commissioner for Environment
Oceans and Fisheries

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Honourable Members of the European Parliament,

Commissioner Wojciechowski and I would like to thank you for your letter of 11 November 2020 in which you express your concerns about the violations of the protection of Natura 2000 areas, primary and ancient forests, and UNESCO World Heritage Sites in Romania. The Commission is fully aware of the continuous allegations of illegal logging in Romania and we are closely following all developments on this matter.

The necessity to protect high-biodiversity value forests, including the remaining primary and old-growth forests, has never been greater. As underlined in the Biodiversity Strategy for 2030, these are the richest forest ecosystems that remove carbon from the atmosphere, while storing significant carbon stocks, and supporting biodiversity conservation, climate adaptation, tourism, and research and development. The Strategy recalls the importance of properly defining old-growth forests, stating that *'it is crucial to define, map, monitor and strictly protect all the EU's remaining primary and old-growth forests'*. Guidelines on the definition will be adopted by the Commission in 2021, as a result of a participatory process. Romania is one of the Member States with an important area of primary forests left, and we have engaged in discussions with Romanian authorities on the necessity to identify and strictly protect these areas.

On 12 February 2020, the Commission decided to launch an infringement procedure under Article 258 TFEU against Romania for systemic breaches of the EU Environmental law in relation to forestry activities. A reasoned opinion was addressed to Romania on 3 July 2020. Considering the urgency of the matter, the Commission gave to Romania only one month to reply to both these letters. In order to bring the matter in compliance with the EU rules, Romanian authorities are expected to:

- make the timber tracking system (SUMAL) fully operable immediately in order to be able to detect the movement of illegally harvested timber, and to impose the appropriate sanctions and preventive measures;
- amend immediately their laws and regulations in order to assess the environmental impacts of each forest management plan and amend existing plans following such an assessment, as required under the EU environmental rules. Pending the adoption of such legislative and regulatory amendments, the implementation of the current forest management plans in priority habitats must be suspended immediately, their environmental impacts must be assessed and they must be modified accordingly;
- take measures to restore the Natura 2000 sites that have been deteriorated;

- make the forest management plans immediately accessible to the public, in accordance with the EU rules on access to environmental information.

The Commission attaches great importance to the matter. We have engaged into discussions at both political and technical level to urge the Romanian authorities to take immediate actions, and I have personally raised the matter with the relevant Ministers on several occasions during 2020. This cooperation and the replies of the Romanian authorities within the infringement procedure allowed for identifying concrete solutions to some of the elements mentioned above.

The Commission is currently closely following-up on the commitments undertaken by the Romanian authorities, and it is also assessing the need and scope for further legal action.

In this context, the Commission would like to recall that, for the purposes of Article 258 TFEU, the Commission has the burden of proof to demonstrate the existence of a breach and may not rely on any presumption. It must also be borne in mind that the Commission services do not have the competence to conduct on-site inspections in Member States in order to investigate compliance with EU law in the area of environment; this falls exclusively within the responsibility of Member States.

The Commission is well aware of the violent and tragic incidents, which have caused the death of forests rangers, and is particularly concerned by these developments. The Commission has condemned these actions on several occasions, including in the context of public debates held in the European Parliament. Moreover, the Commission is concerned and regrets that freedom of expression has come under threat by associations or federations clamping down on activists, NGOs and journalists militating for forests' protection.

We will continue to monitor very closely the implementation and enforcement of EU environmental legislation in relation to forestry activities in Romania and, if need be, will not hesitate to take further steps.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'V. Sinkevičius', with a horizontal line extending to the right.

Virginijus Sinkevičius