

**Report on the first public consultation on the
FSC® National Standard for Forest Management**

Draft 1-0



FSC® (Forest Stewardship Council)® National Standard for Forest Management

Results of the public consultation

The certification of the forest management represents the process through which an independent accredited certification body assesses the management of a forest area against a standard.

The standard relative to the FSC Principles and Criteria is the key document in the certification of the forest management of any forest manager intending to hold an FSC certificate. The FSC Principles for the Forest Management Standard describe, at a general level, the elements of and the rules for an environmentally appropriate, socially beneficial, and economically viable management. Compliance with these principles represents the condition for obtaining the FSC certificate.

The adaptation of the Standard for Romania involves, within the process of developing the FSC indicators and verifiers, a large public consultation, as it is a transparent, participative process in which all those interested have the opportunity to contribute to its development.

A first draft of this standard (D1-0) was submitted to public consultation between September 15th and December 15th 2015. The public consultation was promoted by mails sent to the identified stakeholders (1564 electronic messages) and on the webpage of the National Standard development process: <http://standardnational.ro> (RO version) and <http://en.standardnational.ro> (EN version). At the completion of the public consultation, the web page had been viewed 1067 times.

During the public consultation, there were 287 downloads of the Romanian version and 38 downloads of the English version of the document of the National Standard for Forest Management.

There were 94 comments received from 11 stakeholders:

- Seven stakeholders represent economic interests / forest industry
- Three stakeholders represent environment interests
- One certification body

Individual comments are presented in Table A. For confidentiality reasons, the names of those who made the comments are not included in the report. Comments with identical text sent for several indicators were included only once in the report.

All comments have been reviewed by the National Standard Development Group and those which proved technically feasible and compliant with the FSC principles and criteria have been included in the 2nd draft of the FSC National Standard for Forest Management.

The public consultation process also included a meeting in which the National Standard Development Group made a presentation of their proposals resulted from the first stage of public consultation, followed by discussions on these proposals and the identification of new proposals. This meeting was held in Brasov, on January 28th and was attended by 30 participants. It resulted in the modification of one indicator.

This report presents the summary of the results obtained from the public consultations and the answers given by the National Standard Development Group to each comment.

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Table A: Comments received from the public consultation and SDG'S answers

1	1.1.1	For a harvest of 10 mc someone needs to fill 7 paper sheets with FSC related issues. Practically, you are consuming the 10 mc in the paper you use. Owners of the forest are not compensated by the state for the environmental services their forests are providing (clean air, clean waters, soil stability to erosion, flood prevention, non-timber forest products offered etc.). Even more, they are forced to pay the environmental tax despite the fact that they are providing environmental services (providers not consumers).	Comment is too general and addresses the bureaucratic aspects of FSC process procedures. It does not refer to this principle, its criteria or indicators
2	1.1.1	Verifier does not address the environmental permit	The right for carrying out operations mentioned within the certificate is granted by this document. Activities, depending on situation, are subject to environmental impact analysis. Environmental permit is issued only for certain activities carried out by the organization, and is requested according to legislation
3	1.2	General comment - regarding the purchase and restitution process - please provide clear verifiers such as "auditors must check documents and also discuss with neighbors, forestry authorities and check the maps"	As a result of this comment and also comment no. 2 from 1.2.2. (below), a new indicator with verifiers is provided (see 1.2.1).
4	1.2.1	Legal tenure is documented by the organization. Boundaries of FMU shall be marked in maps	As a result of this comment, and of the one below, a new indicator is provided: Land ownership for areas included in the certificate is proved by legal documents (see below). The requirement referring to the limits of the forest management unit is under indicator 1.2.3.
5	1.2.2	At present there is a large number of FSC certified forests which have been restituted illegally or are in a process of restitution. Even more, there are forests which have been restituted to associations and which have been illegally transferred against the legal provisions of article 28 (paragraphs 6 and 7) from Law no. 1 /2000). According to this: „(6) Members of associations holding common and indivisible property cannot transfer their shares to foreign persons from outside the association. (7) Lands of such associations cannot be, in part or fully, transferred to others.”	Organization must obey the national legislation, including provisions regarding ownership. Legal right on ownership is proven by legal documents. When this right is under question (areas under disputes), loss of the ownership right must be documented by legal documents as well. As a result of this comment, a new indicator with verifiers is provided (see 1.2.1 – Land ownership for areas included in the certificate is proved by legal documents). Verifiers: a. Written protocols for transfer in possession of land or ownership titles

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		<p>Our suggestion is that this criteria should be significantly enforced as follows: Forests which:</p> <ul style="list-style-type: none"> - are in the restitution process - were restituted to owners which do not have the legal right for them - were restituted on other locations than those where they supposed to - were purchased from associations trespassing provisions of article 28 from Law no. 1 / 2000 <p>cannot be FSC certified. For already FSC certified forests which do not fulfill this requirement, the certificates will be suspended.</p>	<p>b. Claims register c. Consultations with interested stakeholders d. Contracts for land acquisition</p>
6	1.3.1	<p>Some customary rights - as they are defined in the standard - could come into contradiction with present laws. It is important to define/establish what happens in such situations. A customary right could be the traditional access for mushroom and forest fruit collection. According to the Forestry Code this right can be restricted by the forest owners. This example is relevant for the subsequent indicators and therefore is recommended to provide in the standard a clarification on such issues. A list of the customary rights which could come into contradiction with the legal rights could be elaborated and solutions could be suggested.</p>	<p>Customary rights linked to old traditions are at present regulated by national and European legislation. There are sometimes conflicts on such rights between local communities and local or national authorities. From the standard perspective, in a case of any such conflicts, legal provisions should have priority.</p>
7	1.3.1	<p>It is recommended to introduce an indicator for verifying whether standing volume in the field matches the volume proposed for harvesting</p>	<p>Checking the timber which will be harvested is done according to the technical norm by other persons than those who made the volume evaluation (in many cases, including the representatives of the authority for regulation and control). Also volume checking is a right of the contractors before timber auctions. The auditor has the right to pursue such checking especially if there are suspicions or notifications on this issue. Therefore, an additional and separate indicator is not justified.</p>

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8	1.3.1	<p>All activities undertaken in the Management Unit are carried out in compliance with:</p> <p>2 legal and customary rights add verifier d) ongoing council processes</p> <p>3 obligatory codes of practice Question: what codes are meant? How will this be controlled? Will it be confirmed through a national competent authority?</p>	<p>Indicator refers to compliance of activities carried out in the management unit and not to the legal status of ownership over the area of the management unit. This issue has been addressed at indicator 1.2.1</p> <p>Obligatory codes of practice: „ A manual or handbook or other source of technical instruction which The Organization must implement by law (Source: FSC 2011)”- this term is defined in chapter F in the Glossary of terms. As mentioned in the definition, being about a manual or handbook, conformity with them will be checked by the auditor without being subject to a control of the national authorities.</p>
9	1.3.2	<ul style="list-style-type: none"> • payment categories like fees, royalties, etc are not listed • a complete list of legally prescribed charges is needed • accounting documents are only sufficient as verifier, if above lists are available 	<p>The indicator is modified to „Timely payment is made of all applicable legally prescribed obligations connected with forest* management”. Additionally, two new verifiers are provided (a, c):</p> <p>a. Evidences of controls pursued by legal authorities (documents, reports) c. Interviews with personnel and interested stakeholders</p> <p>Taking into account the dynamics of the Romanian legislation in the field of forest management, a complete list of all taxes prescribed by law at present could become limitative in the future. The categories of taxes applicable result from documents requested by the first verifier (a.)</p>
10	1.3.3	<p>Verifier does not refer to the environmental agreements needed for forest management plans, especially for situations when the forest is included in national parks and Natura 2000 sites. Verifier does not refer to the management plan of the park or Natura 2000 site</p>	<p>The verifier „Forest management plan approved by Ministry Order or (depending on the stage of development) accepted by legal authorities” Regarding the comment on the management plan of a Natura 2000 site or park, for all protected areas in forested areas (not only parks or Natura 2000 sites) the Forestry Code, in Annex C (Definitions), mentions that „c) the meeting for analysis and acceptance of technical solutions proposed in forest management plans is to be held in the following year after the reception of field work with the participation (among others) of:3. administrator of the natural protected area; 4. representative of the county or regional environmental protection agency; 5. representative of the public authority on silviculture or, depending on the situation, of the territorial unit of this authority;”. Therefore, we consider that the verifier covers the issues raised by the comment in the actual form.</p>
11	1.4.1	<p>In the present context of the problems existing in the forestry sector, criteria 1.4 needs more attention. A study on perceptions on</p>	<p>The indicator refers to „measures to provide protection* from illegal harvesting, hunting, fishing, trapping, collecting, settlement and other</p>

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12	1.4.1	<p>Collaboration protocols with local police, rangers etc. are proposed for 1.4.1 as well, not only for 1.4.2. There are situations when foresters need support from other institutions</p>	<p>For official agencies or institutions (police, gendarmerie, rangers from protected areas) is mandatory to react and support forest administrators. In addition, at indicator 1.4.2. are presented as verifiers „a. Collaboration</p>

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			protocols with competent legal authorities and legally responsible organizations (resource managers, service providers etc.)” and „b. Contracts for service providing”
13	1.4.1	<p>Question: Why is a job description useful for that?</p> <p>Measures to protect the Management Unit* from unauthorized or illegal resource use, settlement and other illegal* activities emphasize prevention rather than control ‘after the event’ and may include:</p> <ul style="list-style-type: none"> · Forest* roads have gates and/or have controlled access to areas of high risk*; · Temporary roads are physically closed off after harvesting; · Forest* roads are patrolled to detect and prevent illegal access to the forest*; · Personnel and resources have been assigned to detect and control illegal activities promptly, within their legal* rights* 	<p>The personal job description sheet contains all responsibilities of the employee, this being the first document showing that the organization ensures „protection* from illegal harvesting, hunting, fishing, trapping, collecting, settlement and other unauthorized activities.” through specialized personnel.</p> <p>Issues on „forestry roads are provided with gates and/or with controlled access to the areas of high risk” and „forestry roads are patrolled to detect and prevent illegal access to the forest” and „human and material resources have been allocated to detect and control illegal activities, within their legal rights” are included in the Forest Protection Plan and can be verified by two already proposed verifiers: e. field visits and d. the timetable for illegal logging control patrols, resulting documents. In addition, installing gates on forestry roads cannot be a mandatory verifier as access on such roads (or parts of them) cannot be legally restricted (even if the area is of high risk).</p> <p>Regarding the proposed verifier „temporary roads are physically closed after harvesting”, we consider that such an action would not necessarily solve the problem of illegal activities but would certainly reduce the reaction capacity in case of emergency situations (accidents, forest fires or even interventions for controlling the illegal activities – harvesting or poaching) and would hinder implementation of other forestry works needed in that stand.</p>
14		It was proposed as a prevention measure to use as a verifier the Due Diligence System (where applicable)	A new verifier is provided „f. DDS Procedures (where applicable)”
15	1.4.3	add verifier c) immediate information of legal authorities (if necessary before written notices is ready)	Informing immediately the authorities is justified only in certain cases when the law is trespassed. Therefore, verifier c. (Written notices to the legal authorities on illegal events) was modified to „c. Official notices (which can be proven) to the legal authorities on illegal events”. As a result, the verifier includes informing immediately the authorities as a way for controlling illegal or unauthorized activities. In addition, as when the person is not caught in the action a written punishing report cannot be filled, a new verifier is provided „a. Fact finding report ” (on the first position in the list, being the

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			<p>first step; the others would follow). Based on this, the procedure of finding the person and recovering the loss would start (the loss is recovered from the forest ranger if the person is not identified). to prove the implementation of such measures, a new verifier is added at the end „d. Evidence of organizational and administrative measures (e.g. re-dimensioning the area under control of the ranger, frequency of controls, patrols together with other bodies, evidence of DDS measures, disciplinary measures, financial charges etc.)”</p>
16	1.5.1	<p>Does not refer to checking the timber from volume and weight point of view. There is no indicator to verify if log measurements at roadside is correctly done and according to the guidelines</p>	<p>1. New verifiers are provided b. field visits – random checks (volumes, timber categories, traceability elements) c. reports from traceability systems (e.g. Wood-tracking, SUMAL)</p>
17	1.5.1	<p>Comment: if organization sells standing timber as FSC certified then the organization must ensure that logging companies or buyers are fulfilling the FSC criteria. Questions: Should this target the requirements of the EUTR? If yes, it is too weak. Change at least into new wording “Requirements of the EUTR are fulfilled” and add it to criteria-level and not at verifier-level. The DDS is not required if organization sells standing timber. This could be a big loophole! Why are FSC requirements not applicable for standing timber, if the organization is certified? Or where gives the standard requirements for buyers or sub-contractors? For which cases was this developed? Please give more background information</p>	<p>2. The indicator was modified: „Compliance with applicable national laws*, local laws, ratified* international conventions and regulations and obligatory codes of practice, relating to the transportation and trade of forest products up to the point of first sale is demonstrated”</p> <p>In addition, FSC Standards support international regulations on controlling illegal logging and commerce with illegal timber. EUTR represents at EU level the only instrument on this issue. As a result a new indicator is introduced 1.5.3. EUTR prescriptions are respected with Verifiers a. registration of the DDS system of the organization (this was moved here from indicator 1.5.1.) b. Evidence of controls pursued by the competent authorities (Environmental Guard, Forest Guard) The Note („DDS system is not needed if the organization is selling only standing timber”) was eliminated</p>
18	1.6.3	<p>Limitation of „up to date records” only of „disputes related to issues of applicable laws” is not acceptable. Notes must be kept for all kind of disputes Question: Or is only the wording misleading because point 2 talks about all disputes?</p>	<p>The text of the indicator comes from the FSC Standard FSC-STD-01-004 V2-1. According to the definition provided by FSC „applicable law” means „applicable to The Organization* as a legal* person or business enterprise in or for the benefit of the Management Unit and those laws which affect the implementation of the FSC Principles and Criteria. This includes any combination of statutory law (Parliamentary-approved) and case law (court interpretations), subsidiary regulations, associated administrative</p>

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			procedures, and the national constitution (if present) which invariably takes legal* precedence over all other legal* instruments (Source: FSC-STD-01-001 V5-0).”, therefore, addresses all kinds of disputes
19	1.7	add an indicator Personnel and staff of the organization are informed about the organization’s anti-corruption policy.	A new indicator (1.7.3.) was included Personnel and employees of the organization are informed about the anti-corruption policy of the organization. with Verifiers: a. Interviews with personnel b. Evidence on training/informing sessions (written documents, internal regulations)
20	1.8.1	The written policy endorsed by an individual with authority must specifically mention within the compliance with prescriptions of criteria 1.4 and 1.7	As a result of this comment, the indicator becomes: A written policy endorsed by an individual with authority to implement the policy, includes a long- term commitment to forest* management practices consistent with the FSC Principles* and Criteria* and related Policies and Standards. The written policy/declaration will specifically mention the anti-corruption policy of the organization and will be presented to all employees
21	1.8.1	A written policy endorsed by an individual with authority (senior management) to implement the policy, includes a long- term commitment to forest* management practices consistent with the FSC Principles* and Criteria* and related Policies and Standards. Verifiers: a) signed policy of senior management	The term senior management could be interpreted depending of the type of organization (state administration, private administration etc.) and other reasons. To avoid this disadvantage, is better to mention that the policy must be endorsed by the “individual from senior management with authority” being therefore mentioned not only a person from senior management but also a person responsible for endorsing and enforcing the policy. As a result of this comment the indicator becomes A written policy endorsed by an individual from senior management with authority to implement the policy, includes a long- term commitment to forest* management practices consistent with the FSC Principles* and Criteria* and related Policies and Standards. Verifiers: a) policy signed by an individual from senior management with authority to implement the policy
22	1.8.2	Additional wording: The organization informs its staff, contractors and subcontractors and the public about the FSC-certification and its implementation.	The suggestion does not address this subject. Taking into consideration the fact that all provisions of the standard must be obeyed by the organization (through its employees) and also by all subcontractors of the organization: - all employees must know and must implement the provisions of the

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			<p>standard. They are not only informed on this issue but also trained.</p> <ul style="list-style-type: none"> - all collaborators are not only informed but also trained on FSC certification issues (through different signed documents – tender books, handing over of harvesting areas, controls etc.) - the public is informed on FSC certification process through public consultations on different topics (especially the HCVF identification) and through the written policy from 1.8.1 and the public summaries from 7.5.1 and 8.4.1.
23	2.1.1	<p>Employees of the forest districts are suffocated by the bureaucracy, hundreds of documents are requested, all need a lot of time, fact which keeps the personnel away from the real problems in the field. The personnel scheme is small. To implement the requirements of certification, in each forest district a separate person (dealing only with FSC certification) must be hired. It is like a surgeon would do surgery of his patients only on paper. Employees in the forestry sector (rangers, engineers, technicians) are underpaid compared to their responsibilities and the risks they are exposed to.</p>	<p>Comment is too general and addresses the bureaucratic burden of FSC specific procedures. Does not refer to principle, criteria or indicator. In Romania employment practices are correlated with the specific activities implemented by the organization, the distribution of specific tasks being up to the organization itself.</p>
24	2.1.1	<p>Much more verifiers are needed for employment practices, ex. The employment folder for a certain position, CVs received, diplomas, interviews, etc.</p>	<p>As a result of this comment, a new verifier is added „Employment folder”</p>
25	2.3.1	<p>More verifiers are needed related to the mandatory requirements from national legislation, like internal instructions, medical analyses, etc. There are no indicators to verify the preparation status of harvesting units before harvest starts Indicators do not refer to the controls done by legal authorities and to the implementation of imposed measures</p>	<p>New verifiers are introduced:</p> <ul style="list-style-type: none"> d. Evidence of controls by legal entities (Territorial Labor Inspection) e. Field checks.
26	2.4.2	<p>Salaries are not equal for the same job positions and the same numbers of years of service. Ex. I work at a forest district. A colleague of mine has been hired in a different forest district in a different county branch of the National Forest Administration has a higher salary than me. If we work in the same national forest administration, why salaries are different?</p>	<p>Indicator refers to meeting the requirements of the minimum wages according to forest industry standards or other recognized forest* industry wage agreements. The situation described here does not trespass the requirements of this indicator. Additionally, the differences in wages within the organization are clearly determined on a scheme known by all employees. A certain position within the organization is not restricted to only one level in the scheme. Based on negotiations and other criteria (professional rank, years of service, tasks, financial possibilities of organization etc.)</p>

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27	2.5.1	Comment: This is very different to the German STD. In Germany we also ask for knowledge in forest management and silvicultural techniques, including Qualification of „European Chainsaw Standard (ECC) Level 3“. And that staff is aware of FSC requirements	It is not clear what the suggestion here is? The list of verifiers is not exhaustive. Punctual issues (from 1 to 9) are considered as sub-indicators and are proposed based on information available in the Annex B („Training requirements for workers*“) of FSC-STD-60-004 V1-0 EN International Generic Indicators FINAL June 2015
28	4.1.1	More verifiers are needed to check if local organizations which are sustaining the local communities are sustained through the management practices	Indicator 4.1.1. refers only to identifying local communities within the management unit or those potentially affected by management activities. Respecting legal and customary rights of local communities are addressed under criteria 4.2.
29	4.1.2	Local communities do not receive cheaper wood for fire or constructions although they leave next to the forest and they gained this right. Tribes from Africa have more rights upon resources than local communities living next to the forest in Romania	One of the principles from the Forestry Code for selling timber from public ownership forests refers to allocating with priority of fuel wood resources for local communities. Additionally, for isolated communities, Principle 9 (HCVF 5) imposes addressing such needs and implementing a proper management to these forests.
30		Suggested new indicator: 4.1.3 The organization informs the local communities about changes in forest management which affect the communities.	This issue is addressed under indicator 4.2.4., point 4
31	4.2.1	add to indicator A contact person of the community is identified	The indicator is modified: Local communities are informed through appropriate means and procedures of when, where and how they can comment on and request modification to management activities to the extent necessary to protect their rights Note - „ Appropriate means and procedures“ implies also identifying the contact persons where relevant. For affected stakeholders, this is explicitly mentioned under 7.6.2.
32	4.3	4.3 should treat also the issues related to employment opportunities (ex. Social compensation plan, full year employment) - additional possibilities should be added like „organization requires offers from local and small contractors“, „organization offers positions / possibilities for training and positions for interns“	Referring to „ organization requires offers from local and small contractors“, according to the Explanatory Notes and Rationales (FSC-STD-01-001 V5-0 D5-0 EN FSC Principles and Criteria for Forest stewardship Supplemented by Explanatory Notes and Rationales), this criterion (and its associated indicators) does not refer to services offered by contractors to the organization (like timber harvesting services). It is referring to services offered by the organization to communities or to other owners. Therefore, the suggested changes are not relevant here. Referring to „ organization offers positions / possibilities for training and

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			positions for interns”, verifiers proposed for 4.3.1 ensure the possibility for checking to what extent the organization offers possibilities for employment (Employment procedure, Evidence on employment and interviews) and for training (Evidence of trainings) of different types (including interns). Mentioning explicitly of intern positions for training is not considered as mandatory for fulfilling the requirements of this criterion.
33	4.3.1	4) and its supply of timber and other forest products is known by local communities, contractors and local suppliers.	According to the Explanatory Notes and Rationales (FSC-STD-01-001 V5-0 D5-0 EN FSC Principles and Criteria for Forest Stewardship Supplemented by Explanatory Notes and Rationales), this criterion (and its associated indicators) does not refer to services offered by contractors to the organization (like timber harvesting services). It is referring to services offered by the organization to communities or to other owners. Therefore, the suggested changes are not relevant here. Issues related to offering the possibility for service providing to the organization is covered under 5.4. However, we consider useful proposing a new verifier for services – „Services offers of the organization, contracts, other relevant documents”
34	4.4.1	Public consultation for socio-economic development is proposed to be indicator with separate detailed verifiers	Engagement: The process by which The Organization communicates, consults and/or provides for the participation of interested and/or affected stakeholders ensuring that their concerns, desires, expectations, needs, rights and opportunities are considered in the establishment, implementation and updating of the management plan (Source: FSC 2011) Answer: According to this definition, through engagement the organization ensures much more than a public consultation for identifying opportunities for socio-economic development
35	4.5.1 pct. 2	2. Compensation must be also included as a solution along with avoidance and mitigation. 4.5.2 If the organization is planning activities, which significantly affects others, these are informed and their comments and concerns are answered.	The indicator changes to: When significant negative impacts are detected, measures to avoid/mitigate/compensate the negative socio-economic impact on local communities are established and implemented through culturally appropriate involvement of these communities Involvement of local communities / interested stakeholders is detailed within the standard at indicators 7.6.3 and 7.6.4

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36	4.6.1	Verifiers: a. Internal procedure (contact person, timelines, requirements for submitting a complaint, documentation) for solving complains and grievances	All details from parenthesis are included in Annex G
37	4.6.4	(similar to 1.6.2). The term „substantial magnitude” is not defined in the standard. It is necessary to mention which are the operations to cease: those that generate the disputes or all operations of the organization in that particular location? If in a certain location there is a dispute on the customary right of a community to pass through the forest with cattle to the grazing area, all forestry operations must cease until the dispute is solved?	Due to the complexity of ownership forms and particular features of forest management in Romania, it is very difficult to define here the term of „substantial magnitude”. As a result of this comment, the indicator becomes: „ Operations cease until causes are removed in areas with disputes: 1. due to activities subject to punishment by law 2. of substantial duration; or 3. involving a significant* number of interests.”. As a result, using the expression „disputes resulting from activities subject to punishment by law” covers „substantial magnitude”.
38	4.7.1	Proposed to be specified under indicators „through public consultations” to make the requirement more clear. The same for 4.7.2 It should not take place during the consultation for HCVF, should be separate consultations, as this is an area with direct impact on community	Engagement is „The process by which The Organization communicates, consults and/or provides for the participation of interested and/or affected stakeholders ensuring that their concerns, desires, expectations, needs, rights and opportunities are considered in the establishment, implementation and updating of the management plan” (Source FSC 2011). Verifiers are modified: a. Proof of engagement with authorities in the field b. Proof of engagement with interested stakeholders
39	4.7.1	The identified sites are marked in maps.	Indicator is modified: Sites of special cultural, ecological, economic, religious or spiritual significance, for which local communities* hold legal* or customary rights* are identified through culturally appropriate engagement* and are recognized by The Organization*. These sites are marked on maps. Verifier will be added for 4.7.2 : e. Field checks Verifier will be added for 4.7.3: e. Field checks
40	P5	A concept for a development of high and valuable growing stock, tree composition, dynamics and structure of natural forests must be	Management of the forestland at national level is strictly regulated through the forestry regime (a complex system consisting of silvicultural, economic,

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		<p>integrated; so that all forest functions are maintained or enhanced and harvesting levels must be below natural regeneration capacities.</p> <ul style="list-style-type: none"> • Actually it is only defined through harvest rates and growing stock, that is insufficient. • the application period must be defined! • Concept for harvesting rates after big calamities is needed. • “taieri igienice” are not allowed 	<p>legal norms referring to management planning, regeneration, reforestation, harvesting, pest control and protection to reach the objective of sustainable management of the forest ecosystems) and is implemented through forest management plans elaborated according to technical norms valid at national level. Forest management plans (elaborated for periods of 10 years) are checked by the national authority for silviculture and approved through Ministry order. According to the Forestry Code, the following principles serve as a basis for sustainable forest management (Forestry Code, art. 5):</p> <ul style="list-style-type: none"> a) promoting practices which ensure sustainable management of forests; b) ensure integrity of the forest land and perpetuation of the forest; c) increasing the area occupied by forests; d) stable forest policies on long term; e) ensure the appropriate level of legal, institutional and operational continuity in forest management; f) ecological objectives of silviculture are primordial; g) increasing the role of silviculture in rural development; h) promote the natural forest type and ensure the biological diversity of the forest; i) harmonize the relationships between silviculture and other fields of activity; j) support forest owners and stimulate them to get associated; k) prevent irreversible degrading of forest through human activities or natural phenomena; l) management of forests based on principle of territoriality; m) mitigating climate change effects on forests and adapting forests to climate changes. <p>Both principles and criteria of the FSC Standard are developed and applicable at global level. The role of the Standard Development Group was to develop indicators and verifiers at national level.</p>
41	5.2.2	Text is unclear	<p>Indicator is modified to: Based on the analysis of the management plan, a maximum allowable annual cut for timber (from regeneration cuttings) the current growth over the implementation period of the plan are determined.</p> <p>Verifier</p>

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			<p>a) Forest management plan (auditors will verify allowable cut and current growth over the implementation period of the plan)</p> <p>Verifier b. (Harvested volume does not exceed maximum allowable cut) will be moved from 5.2.2 to 5.2.3.</p>
42	5.2.3	More verifiers are needed to check in the field timber volume estimations from the point of view of metrics - height and diameter	<p>A new verifier is introduced</p> <p>b. Harvested volume does not exceed maximum allowable cut provided at 5.2.2.</p>
43	5.2.3	We do not agree! Excessive harvesting must be diminished in the next decade.	This does not mean excessive harvesting. It respects international principles for sustainable forest management (to which Romania has adhered), mentioned in the Forestry Code. The forestry regime (defined in the Forestry Code) is mandatory for all owners.
44	5.4.1	It is not fulfilled. Local communities although have lived for hundreds of years next to the forest are not involved in managing the timber resource for community development	Text does not refer strictly to the provisions of the indicator. The indicator does not refer to the existing situation but to the situation which shall exist within organization which voluntarily apply for FSC certification (i.e. respecting the provisions of the FSC standard). Verifiers provided offer the possibility to an auditor to check if the organization does not offer equal chances for local options when these are at least equivalent with non-local options. However, we do consider useful modifying verifier b. (Contracts) by including the offers received for a certain product/service. As a result the verifier becomes – b. The acquisition folder.
45	5.5.1	General comment: What are the arguments for a compensation fund instead of proactively preventing damage (precautionary approach)?	The text „Sufficient funds are allocated to implement the Management Plan* in order to meet this standard and to ensure long-term economic viability” was not intended to ignore prevention of damages in favor of compensating their effects. It was meant to address a particular case in forest management in Romania – when the organization (forest district) is only providing forestry services to an owner (the owner having complete control over timber sales and financial benefit). In such situations, the text proposed by the working group was meant to guarantee that any damage will be compensated by one of these players (i.e. at least one of them would be responsible for paying). To better address this issue, a new verifier is proposed – „c. Commitment of the owner (where applicable)”
46	6.1	About protecting permanent water courses: placing wooden or concrete bridges over permanent running water course requires a	Comment does not address criteria 6.1. The subject is addressed in details under 6.7.1. According to criteria 6.7, the standard requires that „The

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		special permit from SGA, based on a special documentation made by the beneficiary (the approval of this could take a long period of time), documentation which should prove the necessity and opportunity for this. After documentation approval, a public auction must be held for carrying out the works. All these are needed even for a temporary bridge. We mention that are no permits for crossing Bistrita river. Also, to reach the roadside platform with the timber, the only possibility is to cross in a longitudinal direction a small water course.	Organization* shall* protect or restore natural water courses, water bodies, riparian zones and their connectivity*. The Organization* shall* avoid negative impacts on water quality and quantity and mitigate and remedy those that occur". The way the Organization fulfills these requirements, with what costs and what procedures, depends on its approach and on national legislation (mandatory to be respected also according to the FSC standard)
47	6.1.1	A new indicator is proposed to require the preparation of a map of the harvesting unit showing the affected areas, restricted areas for collecting timber and direction and method for extracting logs. Often watercourses are used for collecting timber when alternatives exist. Apparently a simple line on the harvesting unit map is not sufficient for collecting timber.	We consider that this issue is corresponding to indicator 6.1.2. (Assessments of environmental values* are conducted with a level of detail and frequency so that) taking into consideration it does address a detailed level of management (i.e. harvesting unit). In this case, verifier b. (Internal procedures and annexes) at indicator 6.1.2. will be modified to b. Internal procedures and annexes (including map of harvesting unit)
48	6.1.1	Verifiers b. Public consultations with relevant, local and regional, stakeholders e. Representative Sample Areas* showing environmental values* in their natural condition*; f. Field surveys g. Databases relevant to the environmental values*; Definition of environmental values is missing in the standard (e.g. carbon sequestration and storage, watershed, soil protection,) Question: In which indicator are protected areas, rare species, habitats etc targeted? Are these not treated as environmental value?	We consider the suggestion to mention explicitly „local and regional” within the verifier b. as useful. Therefore the verifier becomes „b. Public consultations with relevant, local and regional, stakeholders” Referring to the proposed verifier e. – Indicator refers to using the best available information for identifying environmental values within the management unit. The existence of representative sample areas in their natural condition is a plus but cannot be imposed as a verifier (i.e. the lack of such areas cannot be interpreted as a non-conformity) Referring to the proposed verifier f. – Indicator refers to using the best available information and therefore we consider the best form of the verifier is „information from the field” and not „field surveys”. As a result, a new verifier is included „ information from the field”. Referring to the proposed verifier g. – Note 1 from above describes potential sources for the best available information (relevant sources). Referring to the lack of a clear definition of environmental values, a note with the descriptions was introduced (Note 2. Categories of environmental values which need to be evaluated: a. ecosystem functions (including carbon

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			sequestration and storage), b. biological diversity, c. water resources, d. soils, e. atmosphere, f. landscape (including cultural and spiritual values).)
49	6.1.1	<p>The proposed form is not sufficient to ensure proper conservation of some extremely important areas. In the last years there were harvesting activities in FSC certified forests which were virgin forests and therefore, these are compromised. Also, forests were certified and harvested ignoring their past biodiversity value, some of them being located inside of habitats and ecological corridors critical for large mammals, inside priority habitats, reproduction areas for amphibians, key habitats for bats, bear dens etc. In a particular case, a forest was FSC certified inside the last intact forested landscape in the temperate zone of Europe. As a result of this intervention, the area does not fulfill the criteria for an Intact Forested Landscape.</p> <p>Even more, internal zoning of national parks in Romania was approved by political factors influenced by economic interests and does not address at all the scientific reality from the field. As a result, HCVFs and virgin forests were already harvested. At present, most of the parks do not have a central area of non-interventions of at least 75%, as requested by IUCN. Internal zoning of parks is very fragmented in general and threatens the stability of ecosystems and habitats for many species</p> <p>Our suggestions are:</p> <ul style="list-style-type: none"> - virgin and virgin-like forests identified within the study by Veen, P.; Biris, I.-A. (Eds.), 2004: "Inventory and strategy for sustainable management and protection of virgin forests in Romania", PINMATRA project, co-financed by the Dutch Royal Society for Nature Conservation KNNV will not be FSC certified - virgin and virgin-like forests identified after the above mentioned study by various NGOs (WWF, Agent Green etc), authorities or other operators will not be FSC certified - territories from national parks which do not have a central non-intervention area of at least 75% will not be FSC certified. The rest of 25% is exclusively used for local communities only for superior resource use. 	<p>The issues addressing virgin forests, ecological corridors, intact forest landscapes, reproduction areas for amphibians, key habitats etc. are mentioned at principle 9 High Conservation Value Forests</p> <p>Certification of forest management does not refer only to forests where timber production is a management goal. More than this, in certified forest areas, conservation of some rare, threatened and endangered forest ecosystems is checked by an external independent auditor. Increasing the core (non-intervention) areas for national parks to 75% is not sustained by any legal provisions and does not represent an objective of the generic FSC standard. IUCN provides guidelines which are adapted for each park to the reality from the field.</p>

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		- point (d), relevant documentation must be described in details and must include: existent historical literature with updates, impact studies, counter-valuations, historical studies on search engines etc. ,	- the verifier (d. relevant documentation) is modified to – d. relevant documentation (Ph.D. theses, Practical guide for identification of HCvFs – WWF 2013, environmental studies, management plan of protected area)
50	6.2.1	point 1 and 2: environmental impact assessment required by law.	Forest management plans are subject to SEA Directive, transposed into the national legislation by Government Decision no. 1076/2004. The need for environmental impact assessment is established during the procedure detailed in this Gov. Dec. at art. 5. However, such an environmental impact assessment is required by law only in some cases.
51	6.2.2	We have noticed cases when companies have trespassed FSC Standard requirements during preparation works and transit to the harvesting units in the vicinity of certified forests. Suggestion: Before starting the activities, the Organization must check compliance with all FSC standard principles along the entire way to the harvesting units.	FSC requirements to which the comment refers are addressed at criteria 10.11. Also, these requirements are entirely included in the provisions of Ministry Order 1540/2011. Fulfilling the requirements of this order are mandatory by law in all areas affected by forestry operations, including those that are FSC certified.
52	6.3.2	It is proposed as indicator keeping at least 5 alive trees/ha for regeneration cuttings and 10 alive trees/ha in Natura 2000 sites.	Management measures/activities assumed by the organization should prevent negative impact on environmental values and are established in each case, proportionally with the scale, intensity and risk of these impacts, including through consultation of interested stakeholders (e.g. criteria 4.5. and 7.6). Measures proposed through a public consultation referring to indicator 6.3.1. could represent a viable solution only in some specific cases and therefore cannot be considered an indicator which would be then mandatory.
53	6.3.2	In "Generic Standard and Checklist" adapted for Romania and used at present, there is a provision regarding clearcuts, provision which is not existing in this draft. We demand explanations in regard with the exclusion of this FSC provision. We suggest introducing the following requirements: "Clearcuts of any size are forbidden. Other cuttings which lead to a landscape effect similar to clearcuts (uniform shelterwood, group	The „Generic Standard and Checklist” adapted for Romania which is mentioned here belongs to Soil Association certification body from Great Britain and is not the standard for forest management elaborated by the Standard Development Group. Starting with July 2015, version 5-2 of Principles and Criteria for Forest Management are approved by FSC International (Forest Management Standard FSC-STD-01-001 V 5-2 EN). Development of the National Standard is based on this standard taking into consideration the international generic indicators published in FSC-STD-60-004 V1-0 EN.

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		shlterwood, group selection) are also forbidden. FSC certified forests must permanently ensure an unevenaged structure with trees in all stages of development.	<p>About the suggestion of introducing the requirement "Clearcuts of any size are forbidden. Other cuttings which lead to a landscape effect similar to clearcuts (uniform shelterwood, group shelterwood, group selection) are also forbidden. FSC certified forests must permanently ensure an uneven aged structure with trees in all stages of development", management activities assumed by the organization should prevent negative impact on environmental values and are established in each case, proportionally with the scale, intensity and risk of these impacts including through consultation of interested stakeholders (e.g. criteria 4.5. and 7.6).</p> <p>Silvicultural treatments for stand regeneration are strictly regulated through technical norms which clearly mention the rules and particular ecological conditions when they should be applied. Clearcuts are the most appropriate treatment in some ecological conditions when natural regeneration or ensuring the natural stand composition cannot be attained by different types of cuttings. Group shelterwood or other long-period- regeneration treatments are developed to obtain a natural composition to the stands by developing relatively uneven structures. Single tree selection can be applied only in certain administrative/ecological conditions and cannot become an indicator which would be mandatory.</p>
54	6.3.3	<p>1. Procedures to mitigate and repair the negative impacts of management activities on environmental values exist</p> <p>comment to point 2: negative impacts shall be prevented. A precautionary approach must be implemented and verified by documentation of evaluation of alternatives. A monitoring for negative impacts assumes that damage will not be prevented proactively. Nevertheless is a monitoring a step for more control and valuable to see changes over time.</p> <p>A precautionary principle must be mentioned in an operational definition: choice of least disturbing method; proof of comparisons.</p>	<p>Entire indicator 6.3.3. refers to environmental values, including 6.3.3. point 1.</p> <p>Proposals are reflected at indicator 6.1.2. Monitoring of environmental values and of impact of management activities is regulated and analysis of monitoring results, including implementation of appropriate measures, are ensured under indicator 8.3.1.</p>
55	6.3.3	Protection of marginal habitats must be clearly defined. For example, no interventions should be allowed in alpine areas (with strong winds and insolation) on a 100m wide stripe	These issues refer to indicator 6.3.2. (Management activities prevent negative impacts to environmental values*) as they address prevention and not repair/restoration. Protection of marginal habitats is done through activities specific for each habitat type (for example, there are big differences between water courses and rocky areas) and depends especially

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			<p>on the real situation from the field in each case. In alpine range there are no forests anymore due to harsh climate (and therefore we cannot talk about forest management certification there). Forests go up in the montane belt and stop at the limit of the sub-alpine belt in the Carpathians (where the treeline is and subalpine scrubs are present, rarely with few isolated dwarf trees). Even in the high montane belt, a-priori forbidding all interventions could hinder ecological restoration efforts after natural disturbances (e.g. windthrow, wind and/or snow breakage, avalanches) or anthropogenic disturbances (e.g. fire). Additionally, the Technical Norms valid at present already regulate the management of forests at the treeline zone (functional category 1.2.c – functional type T II – Special conservation works). To improve the standard, a definition of these marginal habitats was included in the Glossary and they were also mentioned as environmental values in the definition of this term.</p>
56	6.4.1	<p>According to the FSC requirements, at forest district level under a county branch of the National Forest Administration, it is necessary to elaborate a list of biodiversity elements which shall include plants, birds and mammals included in annexes 4A and 4B of Government Emergency Ordinance no. 57/2007. Therefore, such a list was established. The problem is that some species from this annexes, which are found in the field are considered as damaging agents which in years of mass reproduction could seriously damage the forest. What can be done in this case? It is a contradiction as from a biodiversity conservation point of view it must be protected while from the silvicultural point of view it should be controlled as it produces significant damage in some cases.</p>	<p>The certification standard requires maintenance of certain species of conservation interest but not at any cost. The special case of species with negative impact (which could threaten fulfilling standard provisions on economic viability of the organization and health status of forest ecosystems), the organization can take action to control and not to eliminate the species. Actually, even in the protected areas from Romania, it is foreseen to maintain equilibrium between species and not to strictly protect species ignoring all consequences.</p>
57	6.4.1	<p>The occurrence of that species and their habitats will be considered in the management planning.</p>	<p>This issue was mentioned and is addressed at 6.4.2.</p>
58	6.4.1	<p>„The biodiversity registry” is proposed as a new verifier, as being the document which mentions the species and the locations within the management unit.</p>	<p>A new verifier was introduced - „The biodiversity registry”</p>
59	6.4.3	<p>The wording “where information is available” is too weak, please change to IGI wording “Best available information”...</p>	<p>Identifying rare, threaten and endangered species is done based on the best available information, according to indicator 6.4.1.</p>
60	6.5	<p>About the tractor road planning, in the case of Crucea Forest District where slopes are over 35 degrees, the fact that tractor roads are limited</p>	<p>National legislation requirements, according to Principle 1, are mandatory and minimal. The FSC standard cannot modify requirements of this</p>

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		to slopes of maximum 25 degrees forces us to use manual hauling which produces a lot of damages to residual trees and soils. Therefore, we propose in our case, allowing tractor road establishment on slopes up to 30 degrees. This would substantially reduce the danger of damaging residual trees.	legislation. According to the national legislation, road planning must obey all provisions of Ministry Order 1540/2011. Requirements for forest road network development are mentioned under Principle 10, criteria 10.10 and 10.11
61	6.5	Of each forest area 10% will remain unmanaged creating thus a network of “reference areas”. These areas are representative to the main natural forest associations in this area. The extent of the single representative area shall be of minimum 100 hectares. These are intended to serve as learning areas where the observation and documentation of natural processes will be compared to manage forests. These areas explicitly serve as reference and learning areas and are not to be mistaken for strictly protected areas, selected primarily for nature protection purposes Protected Areas).	Using a certain minimum threshold for conservation of such areas could lead to ignoring and therefore losing some values which are occurring naturally on small areas (e.g. bogs, alder forests etc.) The indicator 6.5.1 is modified to: “Available Information is used to identify native ecosystems* that exist, or would exist under natural conditions*, within the Management Unit *. Identification of representative areas would take into account the following selection criteria: - forest ecosystems with old-growth structures (virgin forests) - samples of representative forest ecosystems in a favorable conservation status - natural habitats with high conservation value - compact forest areas able of self regulation. Where possible, such areas would be at least 10 ha in size. - areas already included in the national/European protected area network”
62	6.5.1	New forest roads should not be wider than 4 meters and the width of the cleared stripe should not exceed 7 meters.	Requirements for forest road network development are mentioned under Principle 10, criteria 10.10 and 10.11. National legislation requirements, according to Principle 1, are mandatory and minimal. Management measures/activities assumed by the organization should prevent negative impact on environmental values and are established in each case, proportionally with the scale, intensity and risk of these impacts, including through consultation of interested stakeholders (e.g. criteria 4.5. and 7.6) and cannot be considered an indicator which would be then mandatory.
63	6.5.5	Rule suggestion: "Access into the harvesting area and harvesting operations are restricted when soil is waterlogged"	Requirements related to timber harvesting and transportation and their monitoring are mentioned under Criteria 8.2 and 10.11. The suggestion made here is clearly defined in the Ministry Order 1540/2011, art. 13, obeying the national legislation being mandatory according to the provisions of Principle 1.

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64	6.6	<p>Basic requirements and some details for 6.6 ff:</p> <ol style="list-style-type: none"> 1. Concept for laying and standing deadwood must be developed including identification and labeling of standing habitat-trees. 2. At least 10% of the trees remain as habitat and dead trees to contribute to a functioning and diverse ecosystem. As far as comparable pristine forests are available, the number and composition of these trees can be derived from their occurrence in those forests. 3. No acceptance of “complete tree harvesting methods” 4. No active introduction of exotic species including control and combating of exotic species (e.g. Acacia) 5. The corresponding areas/habitats are known, described and marked on maps 6. Regular information about endangered species and their habitats will be gathered and evaluated 7. recommendations for the adjustment of management measures of professionals will be requested and considered. 8. If specially protected species could potentially be at risk from forest management, the management methods are adjusted accordingly (e.g. with respect to level of intervention and intervention time). The areas affected are known at district level. 9. Question: only rare and threatened species are targeted but where are protected species mentioned in the standards? Different categories should be developed (protected, threatened, rare... and additional laws and regulations: Red Lists, national laws, Cites etc) 	<ol style="list-style-type: none"> 1. There is a concept for maintaining dead wood at 10.11.3. Imposing thresholds is not the objective of the standard taking into account the particular features of various forests and even of the same forest during its development. Checking in the field (including the sufficiency of the quantity) is the responsibility of the certification body. Comparing the situation of a managed forest to the one from a virgin forest is not relevant and cannot be imposed not only for economic reasons but also for stand health status issues. 2. Complete tree harvesting methods are forbidden by law in Romania 3. In Romania, according to the Technical norms (mandatory for all forest owners), maintenance of the natural forest type is mandatory. The situation of plantations (including those with exotic species) is addressed separately at 6.10. 4. Addressed at 6.5.3.1 5. Addressed in details at 6.4 and Principle 8 6. The way the organization is adapting its management measures (involving experts from outside the organization or based on its own expertise) is the organization choice. In addition, at 6.4.2. is mentioned that „depending on scale and intensity of management activities, identification of potential impact on rare and threaten species has included consultation of relevant interested stakeholders and involvement of specialists”. 7. Addressed in details at 6.4 (6.4.2.) 8. This issue is addressed at 6.4 and not 6.6. Species from red lists and CITES are rare and threaten species which has determined their classification as protected species. Annex B presents species of conservation interest according to the biodiversity conservation legislation (Government Emergency Ordinance no. 57/2007).
65	6.6.4	<p>We have noticed cases when poachers (employees of the national Forest Administration or other individuals) have used methods of attracting wild animals for national parks (where hunting is forbidden) in the vicinity of these protected areas where they have killed them.</p> <p>Suggestion for improvement: - hunting in FSC certified production units located in the vicinity of</p>	<p>Legal hunting as part of game management (according to the restrictions and legal provisions in Romania) guarantees species perpetuation and cannot threaten them. As a result, forbidding hunting does not result in eliminating poaching. Actually, in areas where hunting is forbidden, the interest for controlling illegal activities are reduced</p>

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		national parks will be forbidden	
66	6.7.1	As for the majority of the forest districts in Suceava Branch of the National Forest Administration, there are areas in the forest where timber cannot be extracted on other ways than the valley bottoms on small water courses. Therefore, we require that point 7 of the indicator will be completed and rephrased as follows „Roads and trails are not placed in riverbeds where alternative solutions exist”	Comment can be accepted and included in the standard. Therefore, point 7. of the indicator becomes: „ Roads and trails are not placed in riverbeds where alternative solutions exist.”
67	6.7.1	Point 7: veto Use of chemicals not closer than 10 m from water course No use of chemicals at all Indicator 6.7.1. could be upgraded with more criteria, e.g. - no drainage of moist areas - continuous forest stand with tree species of the natural forest species associations, - progressive removal of tree species (e.g. exotic species) which do not belong to natural composition	Organization uses chemicals for pest control only in situations where this is the only efficient way to meet the management objectives. These requirements are mentioned at indicator 10.7.1. A new alignment is introduced: 8. Wet areas identified as marginal habitats will not be drained. Regarding stand structure and composition, according to the Technical Norms, natural regeneration must be promoted and an optimal structure (including a minimum crown closure percentage) must be maintained. Management of exotic species is addressed separately at Principle 10.
68	6.7.1	We suggest replacing the text „Where possible, for crossing culverts will be used” with „For new road construction and also during harvesting operations, crossing temporary and permanent water courses will always use culverts which will be removed after finishing the operations”	Requirements refer to permanent water courses. For forest roads, the use of bridges or culverts is mandatory. For timber extraction operations, other solutions can be applied. The indicator becomes „Where is necessary, crossing of permanent water courses will use bridges or culverts”
69	6.9.1	We suggest deleting the exceptions on reconverting natural forests. New text: "6.9.1. There is no conversion of natural forest* to plantations* or to non-forest* lands use, nor conversion of plantations* on sites directly converted from natural forest* to non-forest* land use" We also suggest adding a new provision on restoration of forests which were transformed to plantations before FSC certification. Suggested text:	Management decisions include involving interested stakeholders and should not have a negative impact on social and environmental values. Forbidding in general the change of land-use could come into contradiction with social and environmental management objectives from the point of view of interested stakeholders including for example issues like ensuring national security, ensuring health and safety of humans and animals, preventing natural catastrophes. Land use changes in case of forests is strictly regulated by the national legislation (Forestry Code). Transformation of natural forests into plantations is restricted by national regulations (Forestry Code, Technical Norms)

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		„6.9.2. In the case of forests which at the time of certification were plantations, significant efforts will be done to restore at least 10% of their area to the historically natural composition. The naturally restored forest must be in a single location.”	
70	6.10.2	The definition of the term plantation in the standard is too general. The role of a national standard should be to specify more clear what a plantation means in the specific conditions of Romania in the context of the maximum 5% accepted by indicator 6.10.2. In the actual definition, the standard leaves room for interpretations. Could a forested area where black locust plantations established after 1994 cover more than 5% be certified? What if is the case of artificially established Norway spruce plantations?	<p>Criteria 6.10.2. refers only to transforming natural forests into plantations. Any plantation established before 1994 is not subject to this indicator. Establishment of any plantation is strictly regulated by the technical norms. Black locust is a naturalized species on certain site conditions in Romania (not exotic). The species is used on areas where it best fulfills the objectives set through the technical norms. Using the species on degraded lands and maintenance of the stands on such lands is not only allowed but the only solution to ensure attaining the environmental objectives (usually soli stability). However, this situation does nt represent a conversion of natural forests to plantations. Replacing natural forests with balck locust plantations is forbidden.</p> <p>Artificially regenerated spruce stands established with respecting provenance of regeneration materials and which do not alter the natural forest type are not subject to this indicator.</p> <p>Artificially regenerated spruce stands established without respecting provenance of regeneration materials and which alter the natural forest type are forbidden in Romania.</p> <p>The term „plantation” is defined in the glossary of terms provided by FSC.</p>
71	7.6.2	7.6.2 public/state forest with more than 1000 ha have a list of interested stakeholders	According to interpretation of indicator 4.2.1., it is understood that identification of interested stakeholders (including a contact person where necessary) will be carried out. Also, verifiers from 7.6.2.1 to 7.6.2.3 require the existence of an analysis and evidence of interested stakeholders.
72	P 9	General comment: The development for a concept of a precautionary approach is missing! Especially for criteria and indicators 9.2.2, 9.3.2, 9.3.3!	<p>Precautionary approach is defined in the glossary of terms and also mentioned in the Principle 9.</p> <p>At indicator 9.2.2 is clearly mentioned that „Management strategies and actions are developed to maintain and/or enhance the identified HCVs and to maintain associated High Conservation Value Areas* prior to implementing potentially harmful management activities”. As a result the precautionary approach is implemented. At indicator 9.3.2. is mentioned that those strategies elaborated under indicator 9.2.2. „prevent damage and avoid risks to High Conservation Values*, even when the scientific information is</p>

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			incomplete or inconclusive, and when the vulnerability and sensitivity of High Conservation Values* are uncertain.”. As a result the precautionary approach is implemented. Indicator 9.3.3. is the solution for cases when, despite all preventive measures taken, there are negative impacts. Therefore, it refers to impacts that already are present and therefore the precautionary approach cannot be implemented anymore.
73	9.1	Evaluation of HCVFs should not lead to a lower area than the area important for conservation resulting from the forest management plans and existing protected areas (TI and T II)	Identification of HCVFs is based on clear criteria presented in the annexes. Among these, there are many situations when, from a silvicultural point of view, functional types T I and T II are imposed. Despite this, there are also many cases when the technical norms impose these functional types but the forest has nothing to do with HCVFs (e.g. Forest belts around surface mines and quarries, 300 m wide depending on the erosion danger; Stands surrounding retention watersheds or ponds, Forest edges up to 20 m wide in the lowlands). Therefore, it is not relevant to use a direct correlation between the area of HCVFs and the area included in these functional types.
74	9.1.1	The HCV areas are marked in maps. The HCVF are described, including values, threats, protection status, management goals etc.	Regarding the marking on maps, verifier „e.” is addressing this issue. The description of Values is included in the HCVF study (verifier „d.”). The threats, management and monitoring measures are addressed at criteria 9.2. (indicators 9.2.1. and 9.2.2.).
75	9.2.2	Management strategies and actions are developed to maintain and/or enhance the identified HCVs and associated areas <u>prior to implementing potentially harmful management activities</u> Comment: the underline text is confusing. No harmful activities at all shall be implemented in HCV areas.	Indicator refers to „potentially harmful management activities” and not to activities with a proven harmful effect which would surely occur. In addition, each HCVF category has its particular management measures depending on the value identified and its conservation requirements. The standard requires monitoring of the management activities effect (9.4.1.) and also requires that measures will be adapted accordingly when negative impact on conservation status is recorded (9.4.4.)
76	P 10	Re-arranging the criteria seems to have led to missing some beneficial elements traditionally implemented in forest certification in Romania (elements which are missing now from the standard): - identifying and keeping dead wood and biodiversity trees - maximum size of regeneration openings at least according to the Technical Norms no. 3 - there is no maximum reference area for clearcuts in protected areas - the standard must be more restrictive compared to national legislation in such situations	Dead wood has been addressed under indicator 10.11.3. Group shelterwood treatment: diameter of regeneration gaps, opened only correlated to the mast years, could vary from 0,5 to 2,0 tree heights. The intervention is meant for natural seeding and its intensity (gap size) varies depending on the shade tolerance of the tree species wanted for regeneration (Technical norms no. 3) Forestry code, art. 29, paragraph 5: „Clearcuts are forbidden in natural and

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			national parks, except stands which cannot be naturally regenerated with other methods". Other restrictions and regulations are prescribed in the management plans of the protected areas. Forest management plans are elaborated with the involvement of the protected area administrations.
77	P 10	<p>Guiding criteria for silvicultural strategies and approaches must be incorporated in P10. These are:</p> <ul style="list-style-type: none"> • Only single tree cutting or small groups of trees with maximum canopy openings of 0.3 hectares each. • Growing stock objective (total volume) • concept for tree species composition according to natural composition • Where beech or mixed forests have been replaced in the last century by spruce forests or other non-native or not site adapted forests the management plans have to request a return to the original forest composition. • Regeneration of the forest is mainly achieved by natural regeneration • a concept for forest roads (e.g. construction and maintenance of forest roads and transport lines is limited to real needs and with careful processing to the soil, the forest and the landscape). • no introduction of exotic species, in particular not in HCVF • no use of fertilizers • no drainage and no soil degradation • new: regulations for subcontractors, service providers are needed 	<p>The Standard Development Group cannot introduce new criteria in the national standard. The group can modify or introduce new indicators and verifiers, adapted to the existing situation in Romania. The first proposal cannot be accepted as it is not supported by the legislation or the scientific literature in the field of forests. The following requirements are covered by the forest management plans which include all the issues mentioned in the comment.</p> <p>Construction and maintenance of forestry roads is strictly regulated. The use of other species than those of the natural forest type is strictly regulated by the technical norms. Such species are used only when they are very well adapted to the site and only when the autochthonous species cannot resist. The standard addresses these issue at 10.1.2, 10.2.1, 10.2.2, 10.3.1.-10.3.4.</p> <p>Fertilizers are not used in the forest. The use of fertilizers is however addressed under 10.6.</p> <p>Drainage is used only in very limited and well documented situations. IN the case of wet areas identified as marginal habitats, drainage is forbidden (according to 6.7.1. point 8)</p> <p>All provisions of the standard are mandatory not only for the forest managers but also for all subcontractors or service providers who carry out activities in the certified area. Therefore, no other regulations for subcontractors, service providers are needed</p>
78	10.1.1	Indicator is too general. More verifiers referring to precise technical data from regulations are proposed	Indicator is specific and not general if we take into consideration all sub-indicators with verifiers which include also measurable and objective data.
79	10.1.2	using „ecologically well adapted species” has to be replaced into „native / autochthonous species”	<p>Indicator becomes:</p> <p>„1. The harvesting of plantations will produce a stand structure similar to that which existed prior to the harvest or to the natural one using ecologically well-adapted species or native/autochthonous species”</p> <p>The FSC standard does not impose 100% ecological restoration of plantations (as they are defined in the glossary) to natural forests. Therefore, it cannot</p>

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			become mandatory that only native/autochthonous species can be used for their regeneration.
80	10.2.1	<p>Species* chosen for regeneration are ecologically well adapted to the site, are native species* and are of local provenance, <u>unless clear and convincing justification is provided for using non-local genotypes* or non-native species*</u>.</p> <p>Comment: underlined part of the sentence has to be deleted or comprehensive justification criteria to be developed.</p> <p>New indicators to add:</p> <ol style="list-style-type: none"> 1. the proportion of non-native species shall not exceed 10 % of the area of regeneration and of the management unit. 2. priority is given to natural regeneration 3. natural succession and differentiation processes are beneficial for forest development 4. definition under which conditions artificial regeneration (planting and sowing) is allowed 5. criteria for tree species procurement (tree nurseries, seed supply, etc.) 	<p>Taking into account the provisions of the criteria (mandatory) and the reasons mentioned above about the use of other species than the native/autochthonous ones (see indicator 10.2.2), the underlined part will not be removed from text.</p> <p>There are no new indicators added because the national legislation on the topic of regeneration is sufficient. Here are some examples:</p> <ol style="list-style-type: none"> 1. According to the technical norms (mandatory for all forest owners), natural regeneration is a priority and is imposed by most of the applied silvicultural treatments. 2. Conditions under which artificial regeneration is allowed are clearly mentioned in the Technical norms (mandatory for all forest owners). Technical norms vol. 3 regarding compositions, reforestation schemes and technologies for reforestation and afforestation of degraded lands, are mandatory for all owners and therefore, the decision of species to be used takes into account the ecological conditions, site conditions, regeneration species composition, type of regeneration works etc. 3. Producing and purchasing forest reproductive materials is strictly regulated by national and European legislation (Directive 1999/105/EEC on the marketing of forest reproductive material; Law no. 107/2011 on the marketing of forest reproductive material; Government Decision no. 611/2005 for approving the Regulation on controlling producers, sellers and users of forest reproductive materials etc.) 4. In the managed forest, natural succession is controlled and the differentiation process as well in order to maintain / restore the natural forest type.
81	10.3	<p>concept for alien species is needed:</p> <ol style="list-style-type: none"> 1. The area of alien species shall not exceed 10 % of the forest management unit. 2. no exotic species in HCV and control of exotic species. 	<ol style="list-style-type: none"> 1. The following text is included „The area of alien species shall not exceed 10 % of the forest management unit” 2. In some cases (HCVF category 4 – soil erosion control; HCVF category 5 – forests which provide fuelwood) the use of allochthonous species could be the solution for ensuring the High Conservation Value. For forests in protected areas, interventions are strictly limited (management plans, including

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			reforestation works are verified by the environmental authority and the manager of the protected area). Control over allochtonous species is clearly mentioned under 10.3.2, 10.3. and 10.3.4.
82	10.5	“taieri igienice” are not allowed.	Sanitation cuttings („taieri igienice”) are very low intensity interventions which target dead trees. From the point of view of the vegetation, the effect of such works is very low or even null. From the point of view of certain species (i.e. those that use the deadwood as habitat), respective provisions of indicator 10.11.3 are sufficient to ensure their perpetuation and also to ensure an appropriate health status of the forest, economic efficiency and to cover the local community needs.
83	10.6	Fertilizers are not applied.	Criteria of the Standard cannot be modified by the Standard Development Group, and in this specific case, the standard does allow for the use of fertilizers under certain circumstances.
84	10.7	pesticides are not used Pesticides cannot be used by the decision of the management unit. The use can only be an exception in an officially declared state of emergency and by an order of a legal and responsible institution, which is not under the management unit’s organization.	The use of pesticides is strictly regulated in Romania. The Forestry Code (article 55) mentions that „(1) Surveillance of the health status of forests and establishing the needed works to prevent and control pests is carried out through the specialized service from the national authority on silviculture (2) Measures proposed by the specialized service mentioned at paragraph (1) are mandatory for all forestland owners”
85	10.7.2	Forest tree nurseries, according to FSC Standard, are not certified. It is understood the fact that is forbidden to use certain pesticides in nurseries as seedlings reach later the certified area. Having this contradiction regarding the use/non use of certain pesticides in non certified nurseries, we require a clarification.	According to the definition, the Management Unit is „ A spatial area or areas submitted for FSC certification with clearly defined boundaries managed to a set of explicit long term management objectives which are expressed in a management plan. This area or areas include(s): - all facilities and area(s) within or adjacent to this spatial area or areas under legal title or management control of, or operated by or on behalf of The Organization, for the purpose of contributing to the management objectives; and - all facilities and area(s) outside, and not adjacent to this spatial area or areas and operated by or on behalf of The Organization, solely for the purpose of contributing to the management objectives. (Source: FSC 2011)” In addition, it is not written in the FSC standard that forest tree nurseries cannot be certified and therefore are all not certified. However, areas not included in the scope of the certificate are not under the

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			provisions of this indicator. Indicator 10.7.2 is modified and becomes: „ Chemical pesticides* prohibited by FSC’s pesticide Policy are not used in the certified area and are not stored by the Organization unless FSC has granted derogation”
86	10.9.2	The main natural disturbance in Romania’s forests are windthrows and wind and snow breakages. As a result, at the verifier level should be checked if prescriptions of technical guidelines no. 2 (tending operations) are respected in young spruce stands in order to avoid such disturbances. Intensity and periodicity of cleanings and thinnings must be respected in order to provide a better protection to the spruce stands.	Recently, disturbances as dieback and defoliation became as important as windthrow and wind breakage. The danger of windthrow is important in certain areas and certain circumstances. Catastrophes produced in the recent decades have affected both old and relatively young stands, dens or less dense, with uniform or diversified structures. Certain situations (existent in areas of high risk) must be mentioned in the forest management plan and appropriate measures (intensity and timing of various tending operations) must be included in the plan. Therefore, implementation of the forest management plan (subject addressed at 7.2.2., annex E) should be verified. Assessment of certain technical details is up to the auditors and depends on their experience in the field.
87	10.9.2	in case of calamity: The organization has taken steps in the case of calamity to ensure workplace safety, to minimize damage to trees and harvested timber (wood depreciation) and to protect remaining forest composition.	According to the national legislation and to the provisions of the standard, ensuring safe conditions at the workplace and taking measures to prevent or reduce damages to standing trees are imposed for all activities, not only for those implemented after natural disasters.
88	10.10.1	More verifiers are needed about the maximum weight admitted for transportation	The maximum weight allowed on forestry roads is decided by the norms for construction of roads and is implemented by the operational procedures
89	10.10.1	In managed forests, a concept for forest roads in order to avoid damage to the forest and soil should be developed (e.g. construction and maintenance of forest roads and transport lines is limited to real needs and with careful processing to the soil, the forest and the landscape). It is not meant to access more forest areas! <ul style="list-style-type: none"> • minimization of driving on soils, in order to not harm the soil • soil cultivation is not harming the mineral soil • criteria if driving outside road system is allowed need to be defined 	Planning of forestry roads according to the existing regulations takes into account reducing the destructive effects on soil, forest and the other environmental values, including the landscape.
90	10.11.1	Proposed indicator - maintenance works of forest machinery in the forest is forbidden	The following text is added to the indicator: „Maintenance works of forest machinery in the forest is forbidden”
91	10.11.3	Dead and decaying biomass needs threshold criteria! “sufficient” is not precise enough	The indicator is modified and becomes: „To conserve the environmental values, after harvesting, an ecologically sustainable amount of dead and

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			<p>decaying biomass is retained”</p> <p>Answer: Imposing thresholds for dead wood is not the objective of the standard taking into account the particular features of various forests and even of the same forest during its development. Checking in the field (including the sufficiency of the quantity) is the responsibility of the certification body. A guideline for deadwood and biodiversity trees will be developed.</p>
92	10.12.1	Proposed indicator - Existence of waste management registry according to the Government Decision 856 and proof of delivery for used oil, tires and ferrous waste	It is accepted as a verifier and not as an indicator. Therefore, a new verifier is added: „c. Registry for waste management”
93		<p>page 5: question: is it planned to develop an SLIMF standard for forest entities below 100h?</p> <p>page 6: the second draft standard will be field-tested. How will the forests and the Certification Body be chosen? What is the process?</p>	<p>(page 5) There is no plan for developing a standard for Small Low Intensity Managed Forests (SLIMF)</p> <p>(page 6) The field testing will cover state forests as well as private forests. For the selection of the certification body a technical and financial offer will be requested. A main requirement is the similar experience in the area.</p>
94		<p>By mistake the annex refers to National Forest Administration - Romsilva. It should refer to organizations in general</p> <p>Also, the footnote from this annex is confusing as there is also information which is not public (Law 544/2001, art. 12, letter c)</p>	1. The text referring to the type of administrative organization was corrected („e.g. public service / forest unit with districts”)