

Better Governance for Biodiversity Conservation is Possible in Romania?

Gheorghe Iuliana Florentina^{1,*}, Cocioaba Suzana Maria¹, Lorent Adrian² and Mihăilescu Simona³

¹*Ecological University of Bucharest, Department of Ecology and Environmental Protection, Romania*

²*National Institute of Forestry Research and Development "Marin Drăcea", Bulevardul Eroilor nr. 128 Voluntari, Ilfov, Romania*

³*Institute of Biology-Bucharest-Romanian Academy, Splaiul Independenței 296, OP-CP 56-53, 060031-București, Romania*

Abstract: Romania is one of the countries with a long tradition in biodiversity conservation. Regulations on nature protection included in Romanian law were first signaled in the 15th century. Although in the inter-bellum and communist periods the regulations were relatively fewer and the inflexible legislative framework had no focus on conservation, biodiversity and natural capital conservation happened by itself. After 1989, although there have been numerous legislative amendments and an opening concerning the signing of international conventions, the transposition of European biodiversity conservation legislation and support of large amounts of money; the efficiency of conservation is increasingly weaker. The Convention on Biodiversity (CBD), signed by Romania in 1992 was ratified by European Union in 1993. Since 2007 Romania, as an EU state member, must comply with commitments to the Convention in both positions. Natura 2000 network of protected areas is the key legal instrument in applying the sustainability principles to biodiversity. In order to ensure that the existing biodiversity is maintained, Romania has developed three National Strategies and an action Plan for Biodiversity Conservation. In all three, Romanian experts settled: the priority objectives, the priority areas for nature and biodiversity conservation, the ways of reforming the legal and institutional framework; the cost estimate to achieve the major objectives. The estimated budget necessary to implement the action plan is about 1,508,175,000 € out of which a small portion was spent, with very low efficiency.

Keywords: Habitats directive, birds directive, sites of community importance, special areas of conservation, romanian national legislation, natura 2000 network.

1. INTRODUCTION

World population growth along with improved living standards involve an increase of the amount of resources used, conversion of natural ecosystems in anthropic ecosystems and a pressure on the remaining natural habitats. Although Romania is a country with a declining population (in 2009 the growth rate was negative - 4‰), it is a country in the process of development, therefore the anthropogenic pressure is determined by rising living standards (the gross salary has doubled between 2003 and 2010) (Statistical Yearbook 2003 and 2010) [1]. For a management of natural resources, there must be a balance between human activities and conservation of nature, allowing development without erosion of natural capital, especially of biodiversity. Economic policies of different states, especially European countries such as Romania, must take into account in their development strategies, in various areas, of biodiversity conservation. Most states have strategies and action plans for biodiversity conservation. Romania is now implementing

the third strategy for 2011-2020 (Manoleli *et al.* 2011)[2]. Romania's first strategy on biodiversity conservation was implemented in 1996, two years after the CBD ratification (Convention on Biodiversity), and the second was in 2000, following Romania's EU inclusion and takeover of the communitarian acquis. Although concerns aimed at nature protection in Romania were addressed ever since 1922, and in 1930 the first regulation governing the conservation of biodiversity were elaborated: "The Law of protection of natural monuments"[3], the biodiversity conservation as a goal in itself was not achieved by this day. This paper proposes an analysis of mode of governance on the conservation of biodiversity before January 1st, 2007 when Romania became an EU member state and the period which follows that event. It also tries to highlight the weaknesses of this poor governance, and propose solutions to improve environmental policies on biodiversity conservation. Policies on biodiversity conservation in Romania are based on the development and implementation of national legislation. As a side note, there are parts of international legislation that must be transposed and implemented as one of Romania's obligations following the signing and ratification of a series of conventions, treaties and agreements (CBD, CITES, Ramsar, the Black Sea

*Address correspondence to this author at the Ecological University of Bucharest, Department of Ecology and Environmental Protection, Romania; Tel: 0 04 07 43 53 84 12; Fax: 004 021 316.63.37; E-mail: iuliag65@yahoo.com

Convention, the Carpathians Convention, the Desertification Convention, Convention of Florence regarding European Landscape Convention, Paris Convention regarding UNESCO heritage, the Aarhus Convention, etc), and the “acquis communautaire”, i.e. the Birds Directive 79/409/EC that amended by 2009/147/EEC and Habitats Directive 92/43/EEC. Romania as an EU member state is obliged to respect European directives on the conservation of biodiversity. Failure to comply with these directives, as opposed to the other treaties, would attract financial penalties. Financial support for implementation of European Directives is more consistent than those of other conventions (axis 4 POS environment - biodiversity). Because of these two goals and due to the geographical position of Romania, today, the environmental policies on biodiversity are focused on the transposition and implementation of two directives with the aim of achieving the Natura 2000 network. Therefore, this paper will focus mainly on Natura 2000 network. In December 2009 The Barometer Natura 2000, which monitors progress in the implementation of both Directives (Habitats and Birds) provides the following information regarding the SCI-s and the SPA-s in Romania: 273 SCI-s were designated, having a total surface of 32,833 km², including 6 marine, with 1,353 km² of marine area; and 109 SPA-s with one marine site. The public local authorities have an important contribution to create special protected areas by means of a local council resolution. As well, the public authorities have competence in territorial planning and can endorse a proposal of SCI-s (Mares *et al*, 2010)[4]. In order to have an efficient governance, in line with EU policies on biodiversity conservation, Romania must take into account the provisions of the European Commission. The Commission issued a Communication in January 2010 which established the options for 2010-2020 and the EU vision regarding the target for biodiversity beyond 2010. The document takes into account the current successes and shortcomings of the existing EU policy and offers a new long-term vision for 2050; establishing four mid-term targets (2020) every one of them having a high level of priority. It also outlines the volume of work and financial effort in order to achieve the objectives settled by the EU. Two issues are highlighted in particular. The first is the acknowledgment that, despite the progress made so far, there is an urgent need to step up the efforts at European level concerning biodiversity conservation. We have sufficient evidences about a lot of components of the biodiversity, that are still in serious decline and that entire ecosystems are at the point of collapse. This has implications beyond the disappear-

ance of the flora and wildlife, leading to the erosion of natural capital and affecting the welfare of millions of people. Consequently the society can no longer ignore and disregard the fact that we have economical and social benefits offered by nature (Mares *et al*, 2010)[4]. In Romania the situation is similar to what we experience at a European level: the number of species, the preservation of habitats and natural ecosystems are in decline, For this reason, in this paper we are trying to identify the causes of this paradox: the society is becoming more aware of the importance of nature conservation but the measures to preserve the biodiversity are not sufficient.

2. MATERIAL AND METHODS

The paper is based on a desk study, analyzing the legislation in the field of biodiversity conservation and the involvement of the relevant institutions. We analyzed the dynamics of institutions involved in drafting laws and their performance in achieving a clear and consequent legislation. We conducted a SWOT analysis of weaknesses and strengths for both international and national legal framework, as well as for the efficiency of European and national institutions operation. The scope of this analysis is to answer the following questions: Why even after 1989, when the society put great emphasis on the conservation of biodiversity and natural capital, these degraded at a much higher rate? What was the cause? the chaotic amendment of the legislation; wrong implementation of laws; the inconsistency of legislation or the violation of the laws in force; the institutional weaknesses?

3. RESULTS AND DISCUSSION

Brief history regarding nature conservation policies in Romania Natural resource management and biodiversity conservation had different approaches throughout recent history in Romania. There were four crucial moments: the Second World War, the establishment of communism, the revolution of 1989 and the accession to the European and Euro-Atlantic Structures. These events had defined periods with different environmental policies in terms of the vision, the objectives of conservation, legislation and institutions involved.

3.1. Interwar Period—before 1944

Nature conservation activities have a long history in Romania, developed in parallel with other human concerns. The first regulations on nature protection were included in Romania legislation ever since the

15th century. These regulations have been the first measures regarding forest conservation present in the Forest Codes, the oldest dating from 1612, during the reign of Prince Radu. These evolved into legislation by entering a number of strict rules and measures until the 19th century, ensuring good preservation of the natural resources. The first "protected areas" appeared at the same time with the establishment of forestry management plans (Biriş *et al*, 2003)[5]. These were places where the following activities were prohibited: cutting of the trees, mowing, grazing, hunting, fishing or gathering berries. After signing the Treaty of Adrianopolis in 1829, Romania liberalized trade and grain export was on the rise. The increased production of grain was accompanied by an expansion of farmland to the detriment of natural areas: forested areas, meadows and pastures; the agricultural land was leading to a large scale degradation of soils. The Criminal Code, elaborated in 1864, provides sanctions for some actions such as poisoning fish in pools and ponds; or fires of vegetation in the grassland or forests. In 1868 the Law for rural policy has banned the fire in open spaces in the summer months, destruction of nests and eggs of birds; has taken some measures to combat pests and diseases in plants and animals. In Romania, the first law on hunting was promulgated in 1872 (that same year, in North America was created the first National Park -Yellowstone Park); for cynegetic species, the law limited the prohibition period to when the species were in their reproduction phase, or juvenile phase; or total prohibition of hunting for certain species. In 1913, Grigore Antipa proposed a law to protect egrets, protesting against hunting for collecting feathers. In 1920, at the writer Grove initiative, the first association involved in nature protection issues was formed. Under the patronage of this association, between 1920-1928, these activities were championed by leaders in the field of biology (oceanography-Grigore Antipa, speleology-Emil Racoviță), geography, geology, forestry; and the following zones were declared as protected areas: salted wetlands Cluj in Turda, the red rocks from Tulghes, Mountains Domogled, Rodna, Parang, Piatra Craiului, Haghimasu, Retezat and Letea, Slatioara forests, the dunes from Agigea etc. In the same time the Monuments Commission of Nature was created, which had to agree on the monuments that must be preserved. These actions were strongest in Transylvania where these movements are very active. At Sinaia in 1926, the organization of a congress for naturalists was proposed; idea which materialized two years later at Cluj, by the naturalist association. At the same event, the following issues were also addressed: research

objectives, guidelines for understanding the values of natural capital of the country, the necessity for creation a practical basis for natural sciences, the economic and cultural progress of the country. In 1928, the association organized the first congress where a decision on drafting the law on nature protection in Romania was adopted, at the proposal of Emil Racoviță. After two years, in 1930, the first Law on the protection of natural monuments (law 213/1930) marked the beginning of a new phase in nature protection in Romania. Based on this law "the commission for natural monuments" was formed, and in 1931, the first monuments of nature (*Nymphaea lotus* var. *thermalis* - thermal lily) were declared by law (Council of Ministers) and the first national park in 1935 (Retezat National Park). The first activities of the Commission for the Protection of Natural Monuments were focused on scientific research, fact reflected in the publication of many studies, notes and papers. These scientific papers were the basis of the legal protection for the following items classified as natural monuments: 15 plant species, 16 animal species and 36 nature reserves covering about 15,000 ha, including the Retezat National Park. In 1932 Grigore Antipa founded, with help of King Carol I, the first two natural scientific reserves in Romania, one at Agigea and the second at Cape Caliacra. In the inter-bellum period the land ownership was largely private, and only a very small portion of land was managed by the state. In this period the agriculture was the major pressure on natural ecosystems. In the same time the industrial development was at the beginning of the development of human settlements and landowners were more open to new ideas on nature conservation (Stanciu *et al*, 2009) [6].

3.2. Communist Period -1944–1989

In the communist period, land ownership changed dramatically, the state becomes the majority owner; it launched on an unprecedented development of heavy industry, intensive agriculture and urbanization, exerting a high pressure on nature. These new pressures justify the legitimacy of new conservation measures further. After August 23, 1944 the nature protection measures were based on institutional efforts made before the war by renowned scientists such as Alexandru Borza and Emil Racoviță. The main concern in nature conservation is the declaration of protected areas; in 1972 the number of protected areas increased up to 190, about 100,000 ha. Unfortunately the protection measures are confined to the declaration of protected areas, and almost all of administrations

faced with increasing anthropogenic pressures. The investments allocated for facilities, guarding and effective measures for the protection of protected areas have not been sporadic and in 1972, the implementations of these activities exceeded the sum of 500,000 lei (~149,000 \$) for the entire country. Also, another supposition for the number increase of protected areas in 1972 was their significant increase to 4.2% of the country, a percentage which does not cover the entire ecological diversity forms for our country. Such projects proposed other large protected areas were done by research institutes, such as the national parks (Apuseni, Călimani, Ceahlău, Bucegi, Piatra Craiului, Cozia, Valea Cernei, Cheile Bicazului, Rodna) but did not come into being. After that, followed a period where they established a large number of protected areas with lower surface (natural reserves) through the Decision of the Council of Ministers (DCM), decrees and legislative initiatives at county level. Often the local initiatives for the establishment of protected areas have been made from "local patriotism" only based on the biodiversity value of local natural zones. Also, the some small protected areas were proposed again for which the recognition documentation was incomplete and not declared as areas of special status. In terms of legislation, in 1973 the Law no. 9 (Environmental Law) was adopted, that included provisions relating to the protection of natural reserves and monuments; also the tasks and obligations of central and local authorities were outlined. Although, in this law, references are made about the status of protected areas, a specific law for protected areas and regulating their administration is not adopted, as in Poland and Czechoslovakia, countries that had national parks with proper administration. During this period, the first international recognition of the value of Romanian protected areas occurred, while in 1979, the Danube Delta, Pietrosul Rodnei, Retezat Mountains have been recognized as biosphere reserves under UNESCO auspices - Man and Biosphere (MAB). But even this international recognition has not led to a sustainable management of these protected areas (Stanciu *et al*, 2009) [6].

3.3. Transition Period 1990–2007

Once the communist period passed, higher efficiency in terms of achieving a national network of protected areas that covering the entire range of ecosystems in the country were expected; also concrete measures in the legislative and institutional framework to ensure effective management of these protected areas. But results proved that these goals

are very difficult to achieve. The major difficulty was related to different interpretations by different stakeholders on the measures that must be taken for nature protection, due to indecision of the central environmental authority - the Ministry of Waters, Forests and Environmental Protection (MWFEP). Within it, the Biodiversity Conservation Direction was established in 1997, direction that had to plan and coordinate all activities related to nature conservation in protected areas. As a first step, in 1990, MWFEP Order no. 7 on the establishment of a total of 13 national parks between the National Park Retezat already existed, order that causes some confusion because it refers only to areas of forest in national parks but not in areas containing alpine goals. The Majority of forest protected surfaces were declared on large stretching, in areas where the most important economic activity was represented by timber harvesting, which could not be stopped suddenly; also human settlements were included. For this reason, this order was completed with many contested technical rules and implementation of the order was blocked. Another international recognition of the value of natural capital in Romania was the designation of the Danube Delta Reserve, in 1991, as Ramsar site and for 50% of its surface as part of Natural and Cultural World Heritage. Also in 1992 Danube Delta is recognized as a Biosphere Reserve (Nica *et al* 2015) [7]. There is thus the paradox of the Danube Delta being recognized as large protected area at nationally and internationally, not only for certain areas as nature reserves but also for a part of cultural heritage represented by human settlements.

Thus, exceptionally, the Danube Delta Biosphere Reserve is adopted by the Government Decision (GD) no. 248/1994. In 1994 a project financed by The Global Environment Fund (GEF) also began, for the establishment and administration of the protected area and implementation of a management plan. Unfortunately the Delta remained, until now, the only protected area with it's own administration designated by a special law. Due to the fact that Romania has joined the Convention on Biological Diversity[8] (CBD - Rio) in 1996, with the financial assistance of World Bank, "The National Strategy and Action Plan for Biodiversity Conservation in Romania" (NSAPBC) was realized. In this strategy, the objectives on short, medium and long term were established; and the activities that must be undertaken in Romania to achieve those objectives. Unfortunately, this strategy was not based on recent assessment of natural capital of Romania; only information given by a study done in

1994 in Romania's Eco-regions were used, which classified the major regions by type of soil and vegetation. Using this classification at a national level, 22 Eco-regions were identified. In 1995, the Law of Environment no. 137 came into being, containing provisions relating to nature conservation and protected areas and also recognizing all previously declared protected areas by any laws, orders, and decisions. Thus far, the National Network of Protected Areas includes a total of 579 protected areas (among which 13 national parks) representing 4.8% of Romanian territory (1,140,590 ha). Three of them are internationally recognized as biosphere reserves in UNESCO Programme - MAB, namely: Retezat, Pietrosul Rodnei and Danube Delta. It's also recognized that some of the best preserved protected areas, in Romania have been self-preserved, given that human interventions on them were minimal in the previous regime. But there are many examples where protected areas were simply destroyed, although they still to be in good condition of conservation in the official list. As a result of the studies financed through CORINE Biotopes Programme, a number of 783 habitats were identified and characterized (13 coastal habitats, 89 wetlands, 196 meadows, 206 forest areas, 54 swamp areas, 90 rocky/sandy areas and 135 agricultural areas) of 261 areas analyzed on the entire national territory. Also, 44 important areas for the wild bird's life were identified, with a total surface of 6,557 km² representing 3% of the country's surface. In Romania, 3,700 species of plants were identified out of which: 23 are declared natural monuments at present time, 74 species have disappeared, 39 species are endangered, 171 species are vulnerable and 1,253 are rare species. The meadow species represent about 37% from the total existent species in Romania. Regarding the animals, 33,792 species were identified out of which 33,085 invertebrates and 707 vertebrates. Concerning the vertebrates, 55 species are endangered (11 species of fish, 3 species of amphibians, 4 species of reptiles, 18 species of birds and 19 species of mammals), 69 species are vulnerable (16 species of fish, 9 species of amphibians, 1 species of reptile, 17 species of birds and 26 species of mammals) and 24 are rare species (11 species of fish and 13 species of mammals). The total surface of the 827 natural protected areas established through Law No 5/2000 represents 1,234,710 ha, that means 5.18% of the country's surface. The Danube Delta protected area stands out, for its surface (580,000 ha) and the level of biological diversity. The Danube Delta has a triple international status: it is a Biosphere's Reserve, a Ramsar Site (wetland of international

importance), and also a Site of World renowned Natural and Cultural Heritage (Manoleli & al, 2003)[9]. In 2000, the Council of Europe awarded the European Diploma for the Danube Delta for the favorable conservation status of its ecological systems and species. The structure of administration and plans of management for three protected areas was been established: National Park Retezat, Craiului Stone National Park, and Vânători - Neamt National Park; these three documents became models for replication management structures and for other protected areas. These models were achieved in late 1999, inside of the project "Biodiversity Conservation Management", funded by the Global Environment Facility (GEF) and implemented by the World Bank, National Forest and the Romanian Government. Following the success of the project, 13 National and Natural Parks were taken in by the National Forest Administration - the Department of Protected Areas. In this period, have national legislation and a series of treaties were created, conventions and international agreements, other than the European directives (Decree No 187/1990 for ratifying the Convention on protection of world cultural and natural heritage; Law No 5/1991 for ratifying the Convention on wetlands of international importance especially as waterfowl habitats; Law No 13/1993 on Romania's adhesion to the Convention on the preservation of the European wildlife and natural habitats; Law No 58/1994 for ratifying the Convention on biological diversity[10]; Law No 13/1998 for ratifying the Convention on the preservation of migratory species of wild fauna)[11].

In the nature protection field of activity, Romania fully accepts the *acquis communautaire* and will try to be fully compliant with its provisions and implementation. Romania does not request a transition period for this field. At the end of 2000, most of the European legislation was transposed into national legislation. Until the end of 2005, Romania will be finalizing the necessary institutional framework for implementing these legal provisions. The national legislative framework in this field includes all the international conventions and agreements, which Romania was part: Law No 89/2000[12] for ratifying the International agreement on the protection of the migratory species of African- Eurasia birds; Law No 90/2000[13] for ratifying the International agreement on the preservation of bats in Europe; Law No 91/2000[14] for ratifying the International agreement on the conservation of cetacean in the Black Sea, Mediterranean and contiguous Atlantic Area. On the other hand, a great part of community provisions can

be found in the national legislation. The most important laws to this respect are: Law No 137/1995[15] on Environmental Protection, republished in 2000, Law No 82/1993[16] on the establishment of the 'Danube Delta' Biosphere Reserve, Forest Code (Law No 26/1996), the Law on the hunting fund (Law No 103/1996)[24], and Law No 5/2000 on the territorial planning use - section III- Protected areas. Law No 462/2000[17] for the approval of Emergency Government Ordinance No 236/2000 on the status of natural protected area [18], natural habitats and species of wild flora and fauna conservation, through the necessary legislative framework for the development of the network

The establishment of Nature 2000 in Romania has fully transposed the community legislation. The most important laws to this respect are: Law No 137/1995[15] on Environmental Protection, republished in 2000, Law No 82/1993[16] on the establishment of the 'Danube Delta' Biosphere Reserve, Forest Code (Law No 26/1996), Law on the hunting fund (Law No 103/1996)[24], Law No 5/2000 on the territorial planning use - section III-Protected areas, and Law No. 462/2001 for the approval of Emergency Government Ordinance No 236/2000 on the status of natural protected areas [18], natural habitats and species of wild flora and fauna conservation, through which the legislative framework necessary for the development of the network Nature 2000 is established. In the Position Paper of Romania, chapter 22 on Environmental protection, presented on 30 October 2001 at the Conference on Accession to the European Union at Brussels, Romania has made the following commitments: According to Article 14 (1) and (2) of the Emergency Government Ordinance No 236/2000 [18] concerning the national, regional and local territorial arrangement and urban plans, the regime and status of the natural protected areas (including special preservation areas of the birds and wildlife) must be clearly indicated. In these areas and the neighboring ones, any activity with a negative impact is forbidden. The management of the protected areas and of the areas special for birds and wildlife will be based on specific management plans. Any plan or project that could affect the area will be subject of an impact study, taking into consideration the preservation objective of the area. The plans or projects, which could affect the areas, will be accepted only in accordance to public opinion; the local population will be consulted for any activity to be developed in these areas. The management plans will be elaborated by administration and approved by the Public Central Authority for Environmental Protection, after consulting with the

Romanian Academy. The management of these areas could be done by special administrative structures such as: the commercial companies, local public administration, decentralized offices of central public administration, scientific, research and educational institutions in the public or private sector, non-governmental institutions or individuals. The natural heritage goods existing on site which are on private property are protected and will be preserved by their owners, respecting legal rights and obligations. The Public Central Authority for Environmental Protection, in case of temporary or definitive unavailability of the owner, will ask for the training of a special administration in accordance with the law, if the owner does not accept or, if he does, does not respect the special measures for protection and preservation established by the environmental authority or does not have the capacity to implement them. In order to extend the collection of the necessary financial resources for an efficient management, the Public Central Authority for Environmental Protection or local public administration could approve a fee system. The fees are paid by natural or legal persons, which benefit from the goods and specific activities in the natural protected areas. In accordance with Law No 137/1995[15] on the environmental protection, republished in 2000, the owners irrespective of their property rights which want to apply the preservation measures are tax exempted and the private owners are compensated in relation with the value of the restoration activities. Romania has proposed amending the Annexes to Directive No 92/43/CEE, through introduction of 10 new types of habitats: Ponto-sarmatic salted steppes and salted marshes; Central-Eurasian crypsoid communities; Sub continental and continental deciduous forests; Peri-alpine spruce forests; South-eastern European forests with Scots pine; Transylvanian hot-spring with lotus thermal; Sacred lotus marshes; Dobrogean beech forest; South-Eastern European oak-hornbeam forests; Dacian beech forests. In 2000, for the implementation of the Habitats Directive Romania established the following schedule [19]: Establishing the competent authorities to implement the directive -2002; Listing the sites -2004; Establishing the special preservation areas and management plans (Article 4) - 2005; Establishing the necessary measures for the preservation of that areas, including co-financing (Articles 6 and 8) - 2005; Establishing the strict protection system of the species from Annex IV (Articles 12 and 13) -2005; Establishing the monitoring system for the preservation status of habitats and species (Article 11); Assessing the status of species from Annex V (Article 15) -2005;

Establishing the mechanism for public consultation on the projects that could affect the special preservation areas or reintroduction of some species (Articles 6 and 22) - 2005; Establishing the promoting mechanism of education and public information (Article 22) - 2005; The full implementation - 2005 Natural and half-natural eco-systems represent about 47% from the Romania's total surface. While this schedule was unrealistic, Romania did not ask the extension of data of compliance, which subsequently led to further delays and breaches of obligations undertaken by signing the Treaty of Accession 2007. Within the context of the European Union enlargement, the European Commission initiated at the beginning of 2000 a series of negotiations with the candidate countries in order to amend the annexes of Council Directives No 92/43/EEC and 79/409/EEC taking into account the proposals made by each candidate country. Some of the Romanian proposals had already been accepted; the others to be further discussed. Also, the Strategy for the harmonization of the national legislation with the Community provisions in the field of nature protection was drafted: Council Regulation No 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein, and subsequent amendments; Council Directive No 83/129/EEC concerning the importation into Member States of skins of certain seal pups and products derived from there; Council Regulation No 348/81/EEC on common rules for imports of whales or other cetacean products; Council Regulation no 3254/91/EEC prohibiting the use of leg hold traps in the Community and the introduction of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leg hold traps or trapping methods which do not meet international humane trapping standards. The great variety of wild flora and fauna on the Romanian territory has a special economic importance with multiple uses in various sectors. In order to avoid over exploitation of these resources, starting with 1997, the regime of harvesting/capturing and purchasing activities of wild species and other natural heritage goods commercialized on domestic market and exported has been regulated. These regulations were amended by the Order of the Ministry of Waters, Forests and Environmental Protection No 322/2000 regarding the approval of the Procedure of authorizing the harvesting/capturing and/or purchasing activities of wild flora and fauna species in order to be traded on the domestic market or exported taking into consideration the EU and international procedures. In addition to the above mentioned document, the Minister of Waters, Forests and Environmental

Protection issued the Order No 647/6.06.2001 for the approval of the authorization procedure for the harvesting, seizing, and/or acquisition and trading on the domestic market and export/import of the plants and animals from the wild flora and fauna, clarifying some procedural aspects concerning the trading activity with CITES wild species (endangered) and not endangered. Therefore, the provisions of the Convention concerning the international trade with endangered species of wild flora and fauna (ratified by Law No 69/1994) entered into force. According to article XV (1, c) and article XVI (2) of the Convention concerning the international trade with endangered species of wild flora and fauna (CITES), the amendments to the annexes I, II and III, adopted at a session of the Conference of the Parties enters into force 90 days after this session for all the above mentioned parts, except those who expressed a reserve. Until now, Romania has not transmitted any notification to express reserves on the adopted amendments. In this field, the Romanian legislation is stricter than the Community provisions. The evaluation and authorization of harvesting/capturing activities are compulsory for all wild species not only for the endangered ones. In addition, the importation of certain seal pups skins and products derived and the use of leg hold traps is completely forbidden.

3.4. Romania Member State of European Policy in Nature Conservation 2007–Present

Although Romania did not have enough time to comply, it did not ask for the extension of the date of compliance for implementation of Natura 2000, and the network was not made until January 1, 2007. In 2007 a temporary network was established that was formalized by Decision of Govern 1284, Emergency Ordinance 57/2007 [20], and Order of Minister 1964/2007[21]. By Emergency Ordinance 57/2007[20] national network of protected areas merged with Natura 2000 network, and the annex at the ordinance was completed with the species with conservation value a national level (species that were the subject of national red lists); the network was remade in December 2011 and updated by law 49 and Order of Minister 2387/2011. At the last biogeographic seminar that took place in Bucharest in October 2012, EU structures asked the designation of new sites because the depiction for the habitats types in the network are not sufficient and at national level the sites are not distributed in a balanced manner. Starting with 2012, Romania focused on the country report on the conservation status of species and habitats under the EU Directives according to Articles

17 of Habitats Directive [19] and 13 of the Birds Directives [22]. The deadline for the standard reporting was July 2013, which was not respected. The responsibility of the ministry over the Institute of Biology of the Romanian Academy and Foundation of National Centre was removed for Sustainable Development that respected the European guidelines for reporting. The data and information was collected in "hml" file format, the maps in format GIS stereo 70 (SIMSHAB compatibility); and the material support was provided by the national programs "Monitoring the conservation status of species and habitats in Romania under Article 17 of the Habitats Directive [19] and Article 13 of the Birds Directive [22] "Outside of these two national programs the necessary human and material resources have been supplemented with other 98 programs financed by Sectorial Operational Program-Environment-Axis 4, almost 44, 000, 000 euro.

4. CONCLUSIONS

The first concerns for biodiversity conservation, attested in documents occurred ever since 1621. Although, in this time, the anthropogenic pressures were limited, the people were educated in the spirit of respecting nature and sustainably using the resources generated by this. The issue of biodiversity conservation was approached differently depending on the political regime. During the recent history of Romania, at a politically level four periods were distinguished: before World War I, inter-bellum period, communist period, the post-revolutionary period. Before World War I, using a simple legislative framework, concrete, coherent and a small number of institutions that have required low funds, an effective conservation of biodiversity was achieved - natural landscape, as well as sustainably using natural capital and the resources' generated by it. In terms of the legislative and institutional framework, in the interbellum period, the development rate was moderate, whilst maintaining efficiency for conservation. The main feature of environmental policy in the inter-bellum period was that the decisions were based on scientific studies, involving scientists that were recognized at an international level such as Gregore Antipa and Emil Racoviță. The objectives, in the communist period were focused on an intense and aggressive development in agriculture and industry, nature conservation being an unimportant issue. Although in 1972 the number of protected areas increased to 190, about 100,000 ha, the communist period was responsible for mistakes such as "the large

damming" which led to the destruction of the whole complex of wetland ecosystems in the lower third of the Danube River. The policy of increasing the agriculture land surfaces, besides the draining of wetland in the lower floodplains of large rivers, led to the destruction of the alpine shrubs' zones, (about 85% of them) to expand the grassland areas. The consequences were disastrous, the shrubs habitats with were disturbed, the grazing areas were not extended, and high slopes surfaces manifested a powerful phenomenon of soils erosion. In the post-revolutionary period there was a great openness towards international law for nature conservation, treaties were signed, conventions and international agreements to which

Romania was not part in communist period. Starting with 2000, the Romanian effort was focused on the transposition of the *acquis communautaire*, respective Chapter 21 Environment, Biodiversity section; and the Position Paper on the transposition and implementation of the two directives for Birds and Habitats. Although for the transposition of directives four acts were developed (Emergency Ordinance 236/2000, Law 462/2001 Emergency Ordinance 57/2007[20] and Law 49/2011)[23] some species and habitats kept in Annexes of GEO 236/2000, GEO 57/2007 and law 462/2001 are not present in Romania. In accordance with those two laws Romania must first report in 2006, before being Member State of EU (Article 17), Romania became state member only in January 2007. Also, in accordance with those four acts transposed from European legislation, Romania made a commitment to elaborate Appropriate Assessment Studies without having a guide or maps of species and habitats, or objectives of management plan for each site (Article 6.3, 6.4). The numerous inaccuracies and delays present in the transposition and implementation of international law, particularly European, led to delays in preparing the country reports on CBD and Natura 2000 Network. For better governance is needed: a review of the law 49/2011 [23], particularly the Annexes of the minister orders that relate to these; a more judicious use of money, a voiding of the double or even triple funding; a good administration of Natura 2000; an excellent scientific expertise and providing the respect of these views.

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