

ENVIRONMENT LEGISLATION APPLICABLE IN ROMANIA TO NATURAL HABITATS OF GRASSLANDS

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Abstract: "Nature" without "Law"?! or "Law" without "Nature"?! We have the conviction or at least we believe that the great majority of the respondents answering these questions would agree with the affirmation "Nature needs law too, but also law needs nature!". Why? For the simple reason that nature is a common "good" of humanity, for its protection is necessary to exist a well defined legal framework which able to contribute to its protection and conservation, which necessitates a permanent actualization taking into account the specific conditions of the protected area. Protecting the nature means protecting of people. Therefore, starting from the basic principle enunciating that "environment protection constitutes the obligation and responsibility of the local and central public authorities, and also of all natural persons or legal entities" and from the principle "Conservation of biodiversity and of ecosystems specific to natural biogeographical background", the present paper proposes to analyzes the stipulations of the main legislative documents in force in the field of environmental protection in Romania, applicable to natural habitats of grassland. Of course, even in the field of nature protection is applicable the well-known principle of law "Specialia generalibus derogant" (special departs from general), and this is the reason way there will be found generally applicable norms and particularly applicable norms in the area of grassland habitat protection. Also, depending on location of the natural habitat, can be found situations when the available juridical norms are insufficient to assure a special protection regime for that habitat, in this case appearing as very important the role of the authorities and organisms with attributions in the field to permanently actualize the specific legislation by adopting new legislative documents or by modifying and completing those already existing. Taking into account that before adopting a measure is imperiously necessary to study the determinative cause that led to negative phenomenon, a very important role belonging to field studies and researches, their conclusions being a basic instrument in promoting the corrective legal norms and/or the special permissive norms regarding the protection, rational exploitation, organization and arrangement of the natural habitats of grassland in order to assure a favorable status of conservation and development.

Key words: natural habitats of grassland, biodiversity, environment legislation

INTRODUCTION

Romania owns a large surface of grasslands and hayfields which had been exploited in the past using traditional practices (especially for the animal breeding). Although generally viewed as areas less favorable for human locations with permanent economic activities, in present the resources of the mountain areas are facing with new dangers, these areas attracting investments for tourism, hydro energy and communication ways.

All these led to appearance of new threats for the habitats of these areas, which cumulated with destructive effects (even with lower intensity) of the traditional activities put under question the continuity of these fragile habitats. As well, the amplitude and the estimated rate of climate changing are very probable to significantly perturb both the natural ecosystems and the social-economic structure of the human society from the mountain zone [3].

Thus, maintaining the favorable conservation status of these habitats necessitates not only a adequate management, but also the settlement of a coherent legal framework in order to

establish attribution, obligations and responsibilities as a task of natural persons or legal entities.

MATERIAL AND METHODS

The main material used in elaboration of the present paper was represented by the national and community in force legislative documents in the field of nature protection and ecological biodiversity. The used method was the comparative analysis of these legislative documents in order to establish the transposing degree and the legal regime applicable to the natural grassland habitats. Other materials were the Standard Forms Natura 2000, as well as specialty articles in the field to identify the present and potential threats for these types of habitats, and also to outline some recommendations of appropriate management in order to assure an adequate conservation status.

RESULTS AND DISCUSSIONS

In Romania, the legislative document which stays at the basis of subsequent legislation in the field of environment protection and which enunciates the principles that govern the entire activity of environment protection is the Urgency Ordinance no. 195/2005-regarding the environment protection, approved with modifications by the Law no. 265/2006 and modified by the O.U.G. no. 114/2007 and O.U.G. no. 164/2008. This normative document came into force at 31.01.2006, and by it had been abrogated the Law of Environment Protection no. 137/1995, with ulterior modifications and completions.

By biodiversity, according to legal definition stipulated by this normative document, we understand – the variability of organisms within terrestrial, marine, inland aquatic ecosystems and ecological complexes; this includes the intra-specific, inter-specific and ecosystem diversity.

In the field of grassland and hayfield protection, this normative document enunciates at the art. 69 lit. a),h),j) and k) the following obligations which constitute the task of all owners which posses any title of forestry fund, of forestry vegetation from outside of forestry fund and of grasslands, as well as any natural person or legal entity which develops activities on such lands, without owning a legal title:

a) to maintain the surface of forestry vegetation from outside of forestry fund, including the existing *Pinus mugo* woods, shrubs and grasslands, being interdicted their reduction, excepting the cases enounced by the law;

h) to assure the rational exploitation, the organization and arrangement of the grasslands, depending on their recovery capacity;

j) to exploit the grasslands within the limits of soil potential ratings, with appropriate number and species of animals and within adequate established time periods, basing on specialty studies and specific legal stipulations;

k) to protect the forestry, cynegetic, piscicultural and grassland patrimony of the protected natural areas, respecting the terms established by the management plans and specific regulations;

Non-compliance with legal stipulations upper mentioned constitutes contravention and this is sanctioned with contravention penalty according to art. 96 of the same normative document.

Also, according to stipulations of art. 53, any type of ingathering activity of any species of plant or animal of the wild flora and fauna can be organized and developed only by authorized natural person or legal entity, in the law conditions. It is well-known that depending on their type (steppe or sylvo-steppe; hills and mound; hillock and mountain; subalpine and alpine; hallophilic and meadow) and on various factors, the natural grasslands have different

qualitative structures, with diverse species complexes and various functional groups which characterize each habitat, reason for why the ingathering of different species founded in these natural habitats can be performed only in conditions established by the competent authority in the field of environment protection and basing on authorization emitted in conformity to Order no. 410/2008 regarding the approbation of Authorization procedure for ingathering, capturing and/or acquisition and/or trading activities on the national territory or for export of mine flowers, plant fossils, vertebrate and invertebrate animal fossils, as well as plants and animals from the wild flora and fauna and their import.

Romania, as a Member State of the European Union has the obligation to respect the community legislation. In order to accomplish this obligation, Romania implemented the stipulations of the Directive 92/43/EEC (modified and completed) regarding the conservation of natural habitats and wild species of flora and fauna. The main national normative document which assures the implement of this Directive is O.U.G. no. 57/2007 regarding the regime of the protected natural areas, conservation of the natural habitats and of wild flora and fauna, *modified and completed by the Urgency Ordinance of Government no. 154/2008*.

The Habitats Directive comprises a series of requirements for the Member States regarding the implementation of conservation measures for the habitats and species of community interest.

The general objective of these measures is to reach the general purpose “to contribute towards ensuring bio-diversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies”[1].

In this sense, the national normative document enunciates the types of natural habitats of grassland whose conservation necessitates the designation of special conservation areas, which are listed in the Annex 2 of OUG no. 57/2007 with ulterior modifications and completions. Among these, we mention the following: * Inland salt meadows, Alpine and Boreal heaths, Dry heaths, * Communities of rupicolous calcareous or basophilic grasslands of the *Alyso-Sedioni albi*, * Xeric sand calcareous grasslands; Xerophile sand calcareous grasslands, * Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas, * Pannonian sandy grasslands and others.

The list attached in the Annex 2 contains also a series of priority habitats distinguished by an asterisk (*), according to the Habitats Directive - 92/43/CEE, these being in danger of disappearing, for whose conservation is necessary to pay a special attention.

In order to accomplish the objective enunciated at art. 2(1) of the Directive 92/43-EEC, modified and completed, Romania established by Order no. 1964/2007 a number of 273 Sites of Community Importance as an integrant part of the European ecological network Natura 2000 in Romania (SCI). By consulting the Standard Forms Natura 2000, can be observed that there are several sites whose protection objective is represented also by the natural habitats of grasslands [5].

These sites of community importance belong to the category of protected natural areas, so that the natural habitats of grassland from these areas have a special protection regime established by OUG no. 57/2007 with ulterior modifications and completions, by Order no. 1964/2007, and also by OUG no. 195/2005 with ulterior modifications and completions.

Thus, the article 52 of OUG no. 195/2005, stipulates the following:

„(1) Compliance with the stipulations enunciated by management plans and regulations of the protected natural areas approved in conformity with specific legislation is obligatory.

(2) On the surfaces of the natural protected area there is forbidden the access with motorized devices using fossil carburant in the scope of sport practice, excepting the roads allowed for the public access.

(3) On the surfaces of the natural protected area, in addition with interdictions stipulated in the management plans and regulations, there is also forbidden the exploitation of any type of non-renewable mineral resources from the national parks, natural reservations, scientific reservations, nature monuments, and from the areas with strict protection, areas of integral protection and areas of sustainable management from the natural parks.

(4) Within the protected natural areas there are forbidden: any activity of obtaining, cultivation, storage, processing, trading of genetic modified organisms.

(5) Any plan or project which has not direct connection or is not necessary for the management of the protected natural area of community interest, but which could significantly affect the area, alone or in combination with other plans and projects, will be adequate evaluated under aspect of potential effects on the protected natural area of community interest, taking into account its conservation objectives according to specific legislation in the field.”

The O.U.G. no. 57/2007 with ulterior modifications and completions [4], establishes that “within the perimeters of the protected natural areas of community interest there are forbidden the activities which can generate pollution or deterioration of habitats, as well as species perturbations which stay at the basis of protected area establishment, when these activities have a significant effect, taking into account the protection and conservation objectives of species and habitats. To protect and conserve the wild birds, including migratory birds, there are forbidden the activities from outside of protected natural area which could generate pollution or habitat degradation”.

CONCLUSIONS

In the field of management of natural habitat of grasslands must be applicable at least the following principles and strategic elements which stay at the basis of the Law of environment protection, namely:

1. Principle of conservation of biodiversity and ecosystems specific to the natural biogeography background;
2. Principle of sustainable utilization of the natural resources.

The appropriate utilization and the conservation modality of each type of natural habitat of grasslands should be stipulated in a Management plan, although the respective habitat is not located within a protected natural area, situation when its elaboration and also the elaboration of the Regulation of the natural protected area represent a legal imperative requirement.

Its elaboration requires specialty studies and researches in the field in order to establish the conservation degree of the grassland and also to establish the adequate measures that must be applied to assure a rational utilization and a favorable level of conservation, which can represent a technical-juridical instrument for the local public authorities and for the competent authorities in the field of environment protection during the management, control and emission processes of the regulation documents in conformity with law.

The present environment legislation applicable to natural habitats of grasslands located outside of protected natural area is referring only to those general stipulations, so the conclusions found by field studies and researches must represent a basic instrument in promoting the corrective legal norms and/or the special permissive norms regarding the protection, rational exploitation, organization and arrangement of the natural habitats of grassland in order to assure a favorable status of conservation and development.

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