

Rewilding in Romania

Developing Land

*Domogled National Park, Southern Carpathians.
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Core topics

- Land uses and planning regulations
- Building / demolition permits
- Environmental assessments
- Grazing rights
- Dam removal

Key takeaways

- 1 Practitioners should obtain information on the land classification and permitted uses in the proposed area before taking any action.
- 2 Generally, it is necessary to request a building / demolition permit to undertake development works in a rewilded landscape.
- 3 An environmental impact assessment may be required prior to any development works. In Natura 2000 sites, it may be necessary to undertake an appropriate assessment within the EIA procedure.
- 4 Grazing rights can be obtained through an agreement, but they are subject to any existing pastoral agreements.
- 5 The owner of a dam is responsible for all expenses related to the decommissioning and removal of the dam, as well as for making sure no damage is caused to neighbouring land or to the environment.

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1. General considerations about developing rewilded land

The first step to take when developing a rewilding landscape is to obtain information about the planning regulations applicable to the land: Law no. 350/2001 on Regional Planning and Urbanism¹ and Law no. 50/1991 regarding the authorisation of construction works² ("**Construction Law**"). These regulations outline the actions and the measures to be implemented and observed for a given area and identify the specific rules applicable to construction and development.

It is also advisable to identify the relevant public authorities to be contacted. For instance, putting up a fence, changing land use, or removing a small dam may require licences or permits from specific authorities.

This note provides an overview of what needs to be considered when developing land for rewilding, but it is strongly advised to check the requirements for each specific case. Here is a list of preliminary issues to consider before taking any decisions about what rewilding activities to undertake:

- What are the permitted uses of the land?
- Is it mandatory to follow a prior authorisation process for each planned activity?

Are there any other mandatory procedures applicable to the project?

2. What are the main urban planning regulations?

Understanding the permitted land uses for a particular area of land requires consulting the applicable planning regulations. These set out the uses and activities allowed for any given area and identify the applicable rules for construction / development.

There are three levels of planning regulations, each with a corresponding Urban Plan, as follows:

- The broadest: the level of the entire administrative-territorial unit (e.g. city, municipality/ commune, county);

- Intermediate: the level of a certain area; and
- The narrowest: the level of a plot of land.

2.1 The General Urban Plan and its related regulation ("**PUG**")

At the broadest level, the PUG is a strategic and operational planning tool, representing the legal basis for carrying out any development programmes and actions.

The PUG includes regulations concerning matters such as:

- The delimitation of the built-up area and how land within that area can be used;
- Ownership and land transfer regimes;
- Protected areas / historical areas / archaeological sites;
- Natural risk areas established and declared as such by law; or

- Specific measures regarding risk prevention, land use and development in risk areas.

2.2 The Zonal Urban Plan and its related regulation ("PUZ")

At the intermediate level, a PUZ is a detailed specific regulation for a determined area, and it covers how streets are organised, specifics of land use, legal status governing the land³ and land transfers. A PUZ also identifies zones surrounding historical monuments, which are regulated by different legal frameworks.

2.3 The Detailed Urban Plan ("PUD")

At the narrowest level, the PUD applies to a specific plot of land and establishes rules in relation to the neighbouring plots. It may establish certain parameters as the approved limits of the land, the percentage of land occupation, or access to the land, etc.

3. Land classification and permitted uses

According to each PUG, an area can be one of the two following categories:

- "Intramuros" land or land within the built-up area: land located within the urban or rural city perimeter; or
- "Extramuros" land or land outside the built-up area: land excluded from the built-up area. Development on *extramuros* land is generally forbidden.

Typically, rewilding activities will take place on *extramuros* land, so it is highly recommended to assess the regime of the area where the rewilding activities will take place before any development works take place. It is important to know the regime applicable to the land and the scope of any

intended works to establish which formalities will be necessary for construction to be allowed.

3.1 Permitted uses

Depending on its purpose, the PUZ may assign the following uses to the land:

- Agricultural land, where grazing grounds are included⁴;
- Forestry land;
- Land permanently under water;
- Land for construction, corresponding to the built-up area; or
- Land used for special purposes⁵, which includes beaches, natural reserves, natural

monuments, archaeological and historical sites.

3.2 Is it possible to change land classification and permitted uses?

Although it may not be possible to change land classification, it is possible to change designated land use by following the procedure explained below.

Removal of land from the agricultural or forestry circuit (as mentioned in the PUZ)

There are two regimes depending on where land is located. If in:

- *Intramuros* or within the built-up area, land designated for agricultural or forestry use

becomes buildable, *i.e.*, it is removed from the agricultural or forestry circuit once the building permit is issued. This change of use does not require any formalities or planning permissions.

- *Extramuros* or excluded from the built-up area, land with agricultural or forestry use can be removed from the agricultural or forestry circuit temporarily (for periods not exceeding 2 years, possible to be extended for another 2 years if justified) or permanently (for periods exceeding 2 years)

and is subject to payment of specific taxes. This removal is requested by the beneficiary to the relevant authority. For instance, to build greenhouses or tree nurseries.

The change of land use (e.g. from agricultural to buildable) is made based on the decision regarding the removal from the agricultural circuit issued by the local council where the land is located upon the beneficiary's request.

For rewilding activities, this may be relevant in the following cases:

- The landowner decides to stop farming and rewild the land without any building plans. In this case, the land retains its original category of use, presumably agricultural;
- In case afforestation works are performed on *forestry land*, land will maintain such use (see more in *Rewilding in Romania: Forest Management*); and
- In case afforestation works are performed on *agricultural land*, land will have to be reclassified to *forestry land*.

4. Man-made structures

Although rewilding aims to have minimal human intervention, there may be instances where it is desirable to build man-made structures. This section seeks to provide an overview of the main considerations when creating man-made structures in rewilded landscapes.

As part of development activities in the context of rewilding, actions such as putting up fences, removing barbed wire, building a hide, or converting a farm building into an education centre, are everyday examples of development operations which may require a licensing procedure / issuance of a permit. Note that the rules applicable to the construction of objects also apply to demolition. Therefore, before dismantling or demolishing any

man-made structure, it is necessary to comply with necessary formalities (e.g. obtaining demolition permit, if required).

It is generally advisable to discuss the planned construction / demolition with the competent authorities who can help you better understand formal requirements applicable to the project, in particular by indicating whether such a project requires a building / demolition permit.

4.1 What is the process to request a building / demolition permit?

The first step to obtain a building / demolition permit is to obtain an urbanism certificate, which is mandatory both for construction and for demolition

works. This document is issued by the competent city hall⁶ at the request of the beneficiary.

It contains information for the applicant regarding the legal, economic, and technical regime applicable to the property, as well as the conditions that need to be met to obtain a building permit so that work can begin.⁷

Note that the urbanism certificate is not itself the building / demolition permit, meaning that it does not entitle its beneficiary to begin any works. Rather, it is a prerequisite for the issuance of the building / demolition permit.

The urbanism certificate is issued within 30 days of the application being registered. The validity period

of the urbanism certificate is established by the issuing authority, based on the importance of the respective area and of the investment.

After the urbanism certificate has been issued, the practitioner will need to request the building / demolition permit. This permit is the document entitling its beneficiary to commence the intended works.

The authority issuing the building / demolition permit sets the validity period of the permit, which may be up to a maximum of 24 months starting from its issuance. Within this period, the beneficiary must begin the intended works. If the works begin within the set term, the validity of the building permit is extended for the entire period of the intended works covered by the permit.

The permit is issued within 30 days of the application (including requested documentation) being registered with the competent authority. In practice, there are several preliminary discussions with the authorities before submitting the application for the building permit, to ensure that the correct and complete documentation is submitted.⁸

In case of demolition, decommissioning or dismantling, in whole or in part, of buildings and related installations, technological installations and equipment, closure of surface and underground

quarries and exploitations, as well as any other facilities, **a demolition permit** is required. The process for obtaining a demolition permit is similar to the one provided for obtaining a building permit.

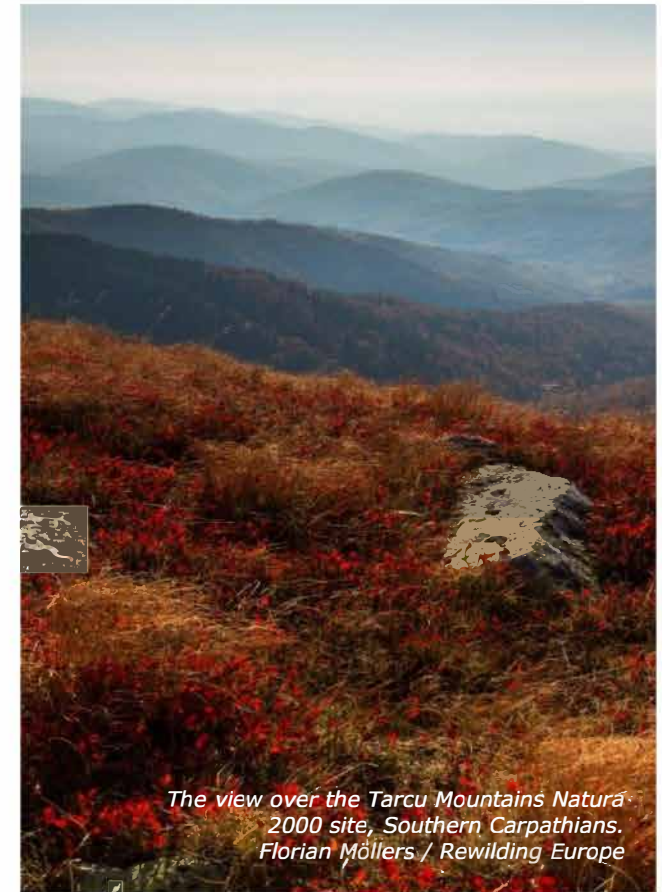
4.2 When is a building / demolition permit required?

Although rewilding should involve minimal human intervention, if a rewilding project involves urban development operations such as construction, demolition, change of land use, a building / demolition permit may be required.

Here are some examples that would require such procedure:

- **To install a cabin to be used for eco-tourism.** The Construction Law requires a building permit for temporary constructions such as cabins, kiosks, booths etc. This requirement is mandatory irrespective of the nature of the materials used to build such cabin. In this case, the applicant would not need to have a property right over the land, but may obtain the building permit based on the right to use the land (e.g. by means of a location/lease agreement) and the landowner's consent (for more information on property rights, see *Rewilding in Romania: Obtaining and Protecting Wild Land*);
- **Putting up or removing fences of any kind;**

- **Converting agricultural buildings into a visitor / education centre:** a building permit would be required if the change of use would entail construction works for which the law requires such permit; or
- **Creating a camping site with a few log cabins.**



The view over the Tarcu Mountains Natura 2000 site, Southern Carpathians. Florian Möllers / Rewilding Europe

4.3 Cases not requiring a building / demolition permit

Certain works which generally do not affect the structure or the architectural aspect of the constructions may be undertaken without a building / demolition permit⁹.

In the context of rewilding, these may be some everyday examples:

- Repair of fences, roofs, covers, or terraces, where such works do not affect the form or the material; or
- Outdoor painting and dyeing, only if the front side elements and the colours of the buildings are not changed.

4.4 Registration in the Land Book

As a final note, practitioners should be aware that the ownership over constructions should be registered with the Land Book to ensure enforceability against third parties. Land Book registrations do not guarantee valid title. For more information on registration duties, see: *Rewilding in Romania: Obtaining and Protecting Wild Land*.

Example 1

Landowner A bought a property with mixed nature: some is arable (used for growing crops), some is pasture where sheep graze, and some is peatland with protected status due to its ecological value in the region. Next to the peatland, a native woodland has been invaded by eucalyptus from a commercial plantation nearby. Close to the pastures, there's a small dam fed by a creek that crosses the property. The former owner used the dam for irrigation and as a water source for animals. There is also a 5-bedroom house, which used to be the family house of the former owner. Landowner A intends to:

i) fell all eucalyptus from the area and sell its timber, and fence off some of the trees and clumps for protection from the cattle;

Landowner A may fell the eucalyptus without obtaining any permissions etc., because the area subject to the intervention is not designated as protected. If the area was covered by the protected status of the peatland, Landowner A would need to go through the environmental assessment procedures (section 5). To sell the timber, Landowner A should request a permit for timber exploitation from forestry district (in Romanian, *ocolul silvic*). There might be additional approvals or permits depending on the relevant forestry district. Finally, to fence off the trees and clumps, Landowner A needs to request a building permit, even if the fence has a temporary use.

ii) build a small hide for birdwatching overlooking the peat, together with the necessary access to the hide.

A building permit would be required if the proposed construction works are listed in subsection 4.2. The same would apply for constructing access to the hide. Access is usually approved by the same building permit as the construction. However, in the event that there is only a footpath on the private land with no additional works needed for access, a building permit may not be required.

iii) convert the 5-bedroom house into a hostel for wwoofers (WWOOF is an international community where visitors pay for their stay by working on organic farms) to help them during the execution of the rewilding projects, and a place to host workshops about rewilding A

building permit would be required if the proposed works for the conversion of the 5-bedroom house into a hostel are listed in subsection 4.2. However, considering that such change of use would probably entail at least some refurbishment and consolidation works, a building permit would be necessary.

It should be noted that the PUG in force would likely also allow hostel services to be provided in the respective area. Such information would be available through the urbanism certificate for construction. Should this be the case, then the authority may require that a PUZ be obtained for the change of use.

5. What environmental regulations need to be considered?

The implementation of a rewilding project may have environmental impacts on the land, so it is necessary to consider whether its execution should be preceded by an environmental impact assessment procedure. If the planned activities will have, or may potentially have, a significant impact on the environment, they may require this prior environmental assessment.

It is important to recognise that rewilding activities may not always be aligned with the specific conservation purposes of an area, considering that rewilding aiming at full ecosystem restoration could, at least in the short term, damage particularly vulnerable flora or fauna.

In fact, even if the goal is to improve the condition of the ecosystem and/or to restore the landscape to a wilder state, it is wise to confirm that there is no need for an environmental evaluation. The rules on the Environmental Impact Assessment ("EIA") and other related regimes might come into play in this context.

5.1 Environmental Impact Assessment ("EIA")

The general framework regarding EIAs is mainly established by:

- GEO no. 195/2005 on environmental protection ("GEO 195/2005")¹⁰;

- Law no. 292/2018 on assessing the impact of certain public and private projects on the environment, transposing the EIA Directive ("EIA Law")¹¹; and
- GEO no. 57/2007 on the regime of natural protected areas, conservation of natural habitats, flora and fauna ("GEO 57/2007")¹².

To determine if a particular project will have a significant effect on the environment and how to address and mitigate any potential negative effects that such project may have on the environment, EIA Law defines "project" as *the execution of constructions, installations or other works, as well as other interventions on the natural environment and landscape*¹³.

The EIA procedure is performed by the central or territorial environmental protection authorities ("EPAs").

5.2 When are EIAs required?

EIAs are automatically required for projects included in [Annex 1 to EIA Law](#) which lists, generally, large scale construction and infrastructure projects, as the environmental effects are presumed to be significant. Such projects will likely not take place in a rewilding context.

On a case-by-case basis

An EIA may also be required for works listed in [Annex 2 to EIA Law](#) if EPAs determine that the project is likely to have a significant impact on the environment, considering the characteristics and the scope of the project at hand. For example, afforestation / deforestation to change the land use or certain categories of dams may be subject to an EIA.

In principle, rewilding activities are unlikely to require EIAs, as they are unlikely to cause significant environmental damage. However, in case of doubt, it is highly recommended to request the competent EPA to issue an opinion, as provided below.

Other cases relevant to rewilding

There are cases where an EIA is mandatory even though the project in question is not listed in [Annex 1 or Annex 2 to EIA Law](#):

- Development works able to alter the current characteristics of a protected natural area (e.g. rewetting a former peatland). In these cases, the EIA may impose the implementation of technical solutions to preserve the natural habitat areas, protecting

both ecosystem functions and wild flora and fauna; and

- Introduction of alien species. The EIA serves to assess the impact on native species of flora and fauna, listed under [Annex 4A and 4B of GEO 57/2007](#) (e.g. species of community or national interest, such as brown bear, wild cat, bison, moss).

5.3 How to determine whether an EIA is required?

There are certain criteria considered by the EPAs when assessing whether a project is subject to an EIA, such as:

- *Characteristics of the projects*
 - size and design of the project;
 - use of natural resources, especially soil, land, water, and biodiversity;
 - amount and types of waste generated/managed;
 - pollution and other negative effects;
 - risks of major accidents and/or disasters relevant to the project; and
 - risks to human health (e.g., due to contamination or pollution);
- *Location of the projects*

- current and approved land use category; and
- availability, quality, and capacity of regeneration of natural resources;
- *Types and characteristics of the potential impact*
 - the importance and spatial extent of the impact (e.g. the geographical area and size of the population that may be affected);
 - the nature, including the cross-border nature, of the impact; and
 - the intensity and complexity of the impact, etc.

5.4 The EIA procedure

All projects subject to an EIA before their approval, shall apply to the competent EPA to issue *environmental approval*, which is the document produced as a result of the EIA procedure.

The EIA procedure is composed of the following stages:

- **Preliminary evaluation stage:** this phase aims to determine whether the project's location is identified in relation to protected natural areas and whether the project is situated on or connected to water.



Winter landscape, Southern Carpathians.
Cătălin Josan/Rewilding Europe

- **Framing stage:** in this phase, all documents which were submitted by the applicant are analysed and public consultations are conducted. In the end, the competent EPA shall decide, whether the project requires an EIA; if an EIA is not required, the procedure ends.
- **Scoping stage:** the competent EPA decides the scope of the EIA, meaning it lays out what needs to be covered in the EIA Report to be prepared by the applicant (the EIA Report

may include, *inter alia*, the description of the project and its environmental impact, as well as the measures to mitigate any potential negative effects). This report is also subject to public consultation.

- **Review stage:** the EIA Report is analysed by the competent EPA and, following a public hearing, it decides whether to issue the environmental approval.

Note that in cases of development works that require an EIA and subsequent environmental approval, this should be obtained prior to requesting the building / demolition permit (subsection 4.2) as it is one of the elements that needs to be submitted with the application for the building / demolition permit.

The EIA procedure may include different evaluations based on the specific circumstances of each case and when particular situations require them. Two of those are the appropriate assessment ("*evaluarea adecvata*") when development projects may negatively impact Natura 2000 sites (see subsection 5.5) and in conjunction with the procedure for obtaining the water management permits for water related projects (see section 7).

5.5 Are there any assessment procedures applicable to rewilding projects in protected areas?

The Appropriate Assessment ("**AA**") takes place when the planned activities, either individually or in combination with other plans or projects, are likely to have a significant impact on Natura 2000 Sites.

In the case of projects subject to an EIA, the AA will be undertaken as part of the EIA process and a separate application is not required^{14/15}.

An AA takes place before any licensing procedure as its outcomes will be part of the licensing decision-making process. Whether or not an activity will "significantly impact the mentioned areas" will be a question of fact that will vary depending on the particular conservation objectives of the protected area and the proposed activities.

Of particular relevance are reintroduction programmes, which may affect a Natura 2000 site. Although species reintroductions are designed to improve the environment, the rigid Natura 2000 regime which involves the protection of specific habitats and species means that it is possible that reintroducing certain species could have a negative impact on the protected features of a site. For more information on reintroduction of wild animals, see *Rewilding in Romania: Wildlife Reintroductions*.

Additionally, there may be other rewilding activities affecting a Natura 2000 site, and the same logic applies: practitioners need to be aware of the potential need to undertake an AA and seek advice or look for more information in the available

materials to understand if there is the need to comply with an AA.

This is because, although the goal is very similar, the Natura 2000 framework works differently from rewilding in the sense that the former is focused on specific species and habitats, sometimes at the expense of the health of the ecosystem, whilst rewilding has a much more holistic approach. The health of an ecosystem benefits all species living there, even if that has negative impacts for one specific species or habitat.

So, whenever a rewilding activity is planned to take place within Natura 2000 site, or it may be considered that such programme outside of a Natura 2000 site is likely to have a significant impact on the area, it will be necessary to complete an AA.

As described below, this assessment will evaluate the project's potential impact upon the conservation objectives of the Natura 2000 area.¹⁶

What is the AA procedure and what are the relevant stages?¹⁷

The AA is a process that aims to assess and identify potential significant impacts on Natura 2000 areas and establish measures to minimise and /or eliminate them. The AA procedure applies not only when there is certainty, but also when there is the probability of significant impacts arising from the project, regardless of whether the activities will

take place within or outside a Natura 2000 site. This probability exists if the existence of significant impacts on the site cannot be excluded¹⁸.

What does “significant impact” mean? The guidelines in place to implement the AA – the AA Guide¹⁹ - provide that whether an impact is “significant” will depend on the specific characteristics and environmental conditions of the relevant Natura 2000 area, considering, in particular, its conservation objectives and ecological characteristics. Significance varies depending on factors such as the magnitude of impact, type, duration, intensity, timing, likelihood, cumulative impacts, and vulnerability of the habitats and species concerned.²⁰

The AA procedure is activated whenever the competent authority of environmental protection, after undertaking an initial assessment, decides that the project falls within the scope of the AA procedure.²¹

In a nutshell, the AA procedure has four non-consecutive stages, as described below. This means that the procedure may end at any stage without running through them all. In fact, the fewer stages applied to a project, the better as it means that the project, such as a reintroduction programme, was determined not to have a significant negative impact in the Natura 2000 site.

- In the **initial assessment** the applicant will notify the competent authority of their

intention to implement a rewilding project and submit the supporting documentation. The competent authority will analyse the supporting documents to decide whether the project may have an impact that causes it to be subject to an AA procedure:

- if the decision is that the project does not represent a potential significant negative impact, the procedure ends here, and the project can proceed subject to other relevant permissions, etc.; or
- if the decision is that the project may represent a potential significant negative impact and requires the AA procedure to be followed, the project moves to the next stage.

Note that non-essential activities will not be permitted within the restricted areas of Natura 2000 sites that are subject to the highest levels of protection. Any such proposal submitted for initial assessment will be rejected.

- In the **classification stage**, the applicant provides further information – the presentation memorandum – to assist the competent authority in determining the impact of the project on the Natura 2000 site by applying the appropriate evaluation procedure:

- if the conclusion is that the impact is not significant, the project is approved, and the procedure ends here; or
 - if the conclusion is that the proposed project may have a potential significant negative impact, it is necessary to move the project moves to the next stage.
- In the **AA study** stage, the applicant will submit its study which will be analysed by the competent authority to assess the likely impacts of the proposed project on the Natura 2000 site, taking into account its conservation objectives. The competent authority will also assess whether impacts on the site’s integrity may occur and the quality of the proposed measures to reduce the impact, as well as alternative solutions:
 - if the decision is to accept the AA study, the project is approved, and the AA procedure ends here;
 - if the decision is to reject the project because the identified alternative solutions do not eliminate or reduce the negative impact on the Natura 2000 site and there is no overriding reason of public interest to undertake the project, the project is not approved, and the AA procedure ends here; or

- if the decision is that the project must be carried out for imperative reasons of overriding public interest relating to environmental benefits, if invoked and justified by the holder, the project moves to the next stage, even if the alternative solutions are deemed as sufficient to reduce/eliminate the significant negative impact.
- The **compensatory measures stage** will apply where there are no alternative solutions and when the negative impact persists. This is the last alternative for the implementation of a project that has a significant negative impact on a Natura 2000 site. This stage is unlikely to be applicable in a rewilding project, such as a reintroduction programme.
 - including all locations and constructive elements of the project)²³;
 - identification of the individual or organisation responsible for the project, including:
 - name;
 - address, telephone, e-mail address; and
 - legal/authorised representatives;
 - evidence of the inclusion, e.g. of the release location, in the approved/adopted urban planning/territorial development plans, in the protection areas provided for in these plans and/or other plans/programs;
- Summary description of the project: a brief description of the programme and the steps necessary for its implementation; and
- Maps and other visual elements such as the relevant urban planning certificate and plans.

What should practitioners prepare for the initial assessment?

Given the complexity of a potential AA procedure, practitioners should seek technical support when preparing their submission to ensure they submit the most complete application possible.

Practitioners should submit a signed application with the following information to the competent authority for environmental protection²²:

- General data and location of the project:
 - project name;
 - location of the project, including the position / distance to the Natura 2000 sites(s), as well as the coordinates of the project area (perimeter/perimeters

What does the initial assessment involve?

Once it has received the application, the competent authority for environmental protection must take three steps:

- Analyse the application submitted by the practitioner;
- Verify the location of the intended project; and
- Use the information provided by the applicant to fill out a checklist to identify the Natura 2000 sites potentially affected by the project (e.g. a reintroduction programme) and possible restrictive measures in the site's management plan.

The AA Guide helps practitioners anticipate whether an AA will be required. A project is more likely to require an AA when there are:

- Natura 2000 sites intersected by the project;
- Neighbouring Natura 2000 sites (considered as located in the area of influence of the project);
- Natura 2000 sites designated for protected species with high mobility behaviour that can reach the project area; and/or
- Natura 2000 sites whose connectivity or ecological continuity may be affected by the implementation of the project.



Of these four situations, in the context of a reintroduction programme, the one likely to be of greater concern is the presence of protected species with high mobility behaviour.

Finally, it is important to note that at this stage of the initial assessment, the competent authority for environmental protection does not analyse whether the project has a significant impact on a Natura 2000 site.

Example 2

Landowner B is a plant enthusiast and is particularly interested in a native plant species – the bearberry (Arctostaphylos uva-ursi), listed as a species of national importance (GEO 57, Annex 4B). Landowner B knows that the species in question used to exist in the region but has disappeared due to human pressure. Landowner B has been in contact with a research project doing work on the conservation of this species elsewhere and wants to assign part of their land to the restoration of the species. The soil and climate are of exceptional quality for the project. The land is also in a Natura 2000 site. Can Landowner B reintroduce such species under the applicable rules?

The reintroduction of plant species of community and national importance requiring strict protection requires the issuance of an environmental authorisation ("EA") and the favourable opinion of the Romanian Academy

The first step for Landowner B would be to contact the competent EPA of the area where they plan to reintroduce the bearberries. This first contact will allow Landowner B to get precise and adequate information about their project, but it will also inform the competent authorities of their plans, which may assist when they are considering the application for the EA.

Landowner B must then complete the necessary steps, as described in section 2 of *Rewilding in Romania: Wildlife Reintroductions*. It should be noted that Landowner B may need to apply for an annual renewal of their EA, which requires new steps and documentation (see subsection 2.5 and 2.6 of *Rewilding in Romania: Wildlife Reintroductions*).

Because the site for reintroduction is within a Natura 2000 area, the potential impact needs to be assessed before it can proceed. This will be done by the competent authority, starting with the initial assessment described in section 3 of *Rewilding in Romania: Wildlife Reintroductions*.

During the validity of the EA, Landowner B must comply with its conditions, and, if any significant changes occur, they must notify the competent authority and suspend all activities until the authority issues new guidelines / confirms they may proceed. Failing to do so may result in the cancellation of the EA. Once the reintroduction programme is concluded, Landowner B must notify the competent authority.

6. Grazing Rights

Grazing rights are the right to graze animals on suitable land belonging to another person, whether that is another individual or an entity. Grazing rights include the right to pass over and remain on grazing grounds for as long as necessary or possible, or as agreed between the parties.

Grazing rights are important for rewilding landscapes seeking to use natural grazing for the many benefits it brings. These benefits include protecting and restoring vegetation mosaics with elevated levels of biodiversity and carbon sequestration.

6.1 How are grazing rights regulated?

The general framework regarding grazing rights is governed by the Government Emergency Ordinance no. 34/2013 on the organisation, administration, and operation of permanent grasslands ("**GEO 34/2013**")²⁴.

Grasslands, such as pastures and hayfields, are agricultural areas intended to produce feed, grass, and other herbaceous plants for grazing animals. The management of grasslands is established through pastoral arrangements (i.e. documentation which includes the technical, organisational, and economic measures necessary for the improvement and exploitation of grasslands) prepared by the local councils and valid for all the grassland located

within the administrative-territorial unit. To regulate the grazing periods and conditions, the local councils may also approve other local grazing regulations.

Generally, it is prohibited to graze on agricultural lands between 6 December and 24 April with two exceptions:²⁵

- The owner of the grazing animals is also the owner of the grazing grounds;
- The owner of the grazing animals has a property right over the land or has the written consent of the landowner, which also needs to be registered with the administrative-territorial unit.

6.2 How to obtain grazing rights?

Grazing rights may be acquired by agreements concluded with landowners (either public or private entities/individuals). Such agreements usually follow a template provided by the local authorities and need to reflect provisions imposed by the pastoral arrangements. There is no specific requirement to set-up a farm to allow livestock to graze. However, certain conditions (e.g. the animals must be registered with the competent authorities) must be fulfilled.

In case the owner of the grazing grounds intends to transfer the ownership right, the new owner is

obliged to observe the category of land use. Such category may be changed only in exceptional situations (e.g. for works related to the national security and public safety, local, regional or national development programs, exploiting mineral resources, etc.), with the removal of the land from the agricultural circuit (subsection 3.2).

Example 3

Landowner C acquired a property with natural meadows forming islands within a native woodland. Parts of the woodland is slowly recovering from a past wildfire, where invasive shrubs are taking over. Landowner C plans to:

i) introduce ancient breed cattle and use the pasture for extensive grazing;

Although extensive grazing is not listed as an activity requiring an EIA, Landowner B should notify the relevant EPA with respect to the introduction of the ancient breed cattle to assess whether an EIA should be performed.

As Landowner C is the owner of the land, there is no need to acquire grazing rights. If Landowner C was not the owner, they would need to enter in an agreement and get the

written consent to use the pasture as grazing grounds.

ii) remove all internal fences with exception of the outer walls which define the limits of the property. This would allow the cattle to use the woods as woodland pasture, thus helping in the ecosystem restoration that the invasive species are damaging.

For the removal of fences, Landowner C would need to request a demolition permit and check with the relevant authorities which approvals they would need before starting the demolition permit procedure. Given the existence of a native woodland, Landowner C should seek technical support to understand how to proceed and whether there are any restrictions in place.

As a final note, both extensive grazing and woodland pasture are considered agricultural land, so the changes Landowner C plans to implement do not require any further action on land use to change the nature of grazing.²⁶



*A shepherd with his domestic sheep. Southern Carpathians, Muntii Tarcu, Caras-Severin.
Florian Möllers / Rewilding Europe*

7. Dam removal

Rewilding landscapes may have in their area small dams that were installed to help drain the soil and to provide a permanent source of water for livestock. Although artificial ponds may be welcome to boost the biodiversity of a landscape, there may be a need to remove obsolete dams because they block the natural flow of rivers and streams.

If it is planned to remove a small dam, this note provides useful information for questions that may arise in dam removal. However, it is recommended to undertake any necessary actions to prevent any damage to the land and to neighbouring property.

The general framework on dam removal is governed by the Government Emergency Ordinance no. 244/2000 on the safety of dams ("**GEO 244/2000**")²⁷ and the Order no. 119/2002 of the Ministry of Water and Environment approving the procedure for the conservation, post-use or abandonment of dams (the "**Dam Procedure**")²⁸.

7.1 Definition of dam

A dam is defined as any hydrotechnical work with an existing or proposed structure, which is capable of ensuring the permanent or non-permanent accumulation of water, of liquid or solid industrial waste deposited underwater (e.g. from the chemical industry, the energy industry) whose breaking may cause the uncontrolled loss of the content, with

important negative effects on the social, economic and/or natural environment.

The legal definition²⁹ does not distinguish between small and large dams, so it applies to both. Practitioners who may want to drain a small dam / pond in private land to water crops or give water to livestock must consider the steps described below and are advised to seek technical and legal advice.

7.2 Additional permits and EIA

In the context of rewilding, it is important to note that dams and other installations designed to permanently retain or store water less than 10 million m³ are subject to the relevant EPA's assessment on whether an EIA is required.

The decommissioning and the removal of the dam should be performed based on a *demolition permit* issued by the competent public authority (see subsection 4.1). Moreover, a water management endorsement should be obtained from the National Administration "Romanian Waters" prior to the obtaining of such permit, as explained below.

Water management endorsement³⁰

The water management endorsement provides the technical and legal regulations for the operation or exploitation of new and existing projects related to waters³¹.

To obtain the water management endorsement the applicant must submit a request with the technical documentation (prepared by specialised technician), as well as required documents.³² The application is submitted with the water basin administration in the area where the project is located. Both the applicant and the expert who produced the technical documentation are responsible for the accuracy of the data and information contained in the application.³³

The water management endorsement may be excluded in some activities, such as:³⁴

- Soil erosion control measures;
- Regularisation of watercourses, bank defences and consolidation, riverbed and bottom sill reinforcement, and water directing works; or
- Management of runoff on slopes and torrent correction.

In summary, in case a practitioner wants to remove a dam from their land, there are three main permits to have in mind:

- The environmental approval, if the EPA decided that an EIA is required;
- The demolition permit; and

- The water endorsement from the Romanian water authorities, if not exempt.

It is highly recommended to contact the relevant authorities prior to any decisions and get all the necessary information regarding licensing and documentation needed to decommission and remove a dam.

7.3 Possible obligations to consider

According to the Dam Procedure, it is responsibility of the owner of the dam to assume all expenses for decommissioning and removing a dam, as well as to ensure that there are no problems of water flow that can cause damage to the land or neighbouring properties.

If, instead of removing the dam, the owner intends to assign a different use to it, the rules of post-use of dams require a set of implementation measures and works to ensure the new functionality of the dam under safe conditions.³⁵

In the case of the abandonment of a dam (e.g. completed or unfinished dams which can no longer be operated or re-used due to technical impossibility or excessively high costs and which, at the same time, represent a potential danger to the population and environment), the owner is responsible for adopting a set of measures and works for the decommissioning of the dam, the

ecological reconstruction of the area and ensuring the proper flows, including the maximum ones, in the initially barred section.³⁶

The abandonment of a dam requires special documentation prepared by the owner, including:³⁷

- Substantiation note for the request to abandon the dam;
- Water management approval;
- Environmental approval; and
- Endorsement from the local or central authority, and approval from the competent environmental authority.

The work to decommission a dam and the undertaking of the ecological restoration are carried out by the owner, whilst the competent public authorities handle the official document or record that details the inspection and acceptance of the completed works.³⁸ This document typically includes information about the parties involved, the scope of the works reviewed, any observations or issues noted during the inspection, and the formal acceptance of the works. It serves as a legal record confirming that the decommissioning and ecological restoration have been completed to the satisfaction of the parties involved.

Example 4

Landowner B intends to restore the natural course of the creek that crosses their land. This would require removing a small dam that used to be used for irrigation, stopping growing crops and allowing natural succession. This would change the mixed nature of the land in a dynamic way as it would depend on the season and volume of water.

The relevant authority should be notified with respect to the dam removal and a demolition permit should be obtained. The Environmental Protection Authority should further assess any potential environmental implications of the changed, including restrictions on the natural landscape.

In this case, the fact that Landowner B seeks to restore the natural course of the creek, it may be argued that removing the small dam constitutes a measure to control soil erosion, an activity exempted of the water management endorsement.

End Notes:

1. For the full text of the law, please see [link](#).
2. For the full text of the law, please see [link](#).
3. This may refer to: the ownership rights over the land and any public utility easements that may burden it; whether the land is inside or outside the buildable area, including both land and any associated constructions; stipulations from the urban planning documents that impose a special regime on the property, such as protected areas or permanent or temporary construction bans. This may also include whether the property is listed as a historical monument in Romania.
4. There are five classes of quality, the highest class including the best quality lands for agriculture. The impact of this classification for rewilding practitioners pertains to the potential for conducting specific activities on the land based on its designated category. The production potential of the land is categorized according to soil, topography, climate, and groundwater, based on the natural grading system for arable land. It is divided into five quality classes, ranging from land with very fertile soils (Class I) to land unsuitable for arable use (Class V).
5. In national parks, the use of meadows for grazing is permitted solely with herds belonging to the local community members. The community may own or have the right to use the grazing grounds, as recognized by current national legislation. However, this use is subject to approval by the park administration regarding the areas, time periods, species, and herd sizes, ensuring that the natural habitats and species of flora and fauna are not adversely affected.
6. In certain situations, the urbanism certificate must be obtained from the county council. For example, if construction or demolition work is planned on land spanning multiple municipalities, no single city hall is competent for issuance of the permitting documentation, making the county council the competent authority to issue the certificate (as well as the subsequent permitting documentation).
7. The urbanism *certificate* typically includes information regarding:
 - *the legal regime of the property*, respectively the ownership over the property and the public utility easements; the location of the land within or outside the built-up area; provisions of the urbanism documentation that establish a special regime of the property, such as protected areas, permanent or temporary construction interdictions or whether the land is listed within the historical monuments of Romania, as well as others provided by the law;
 - *the economic regime of the property*, respectively the current use of the land, admitted or prohibited land utilisations based on the applicable urbanism provisions, specific fiscal regulations;
 - *the technical regime of the property*, respectively the land occupancy percentage, the land utilisation coefficient, the minimum and maximum sizes of the plots, connection to the utilities networks, built area admitted on the relevant plot, traffic and access to pedestrians and cars, necessary parking places, alignment of the land and buildings to the streets delimiting the land, the minimum and maximum admitted height etc.
8. The documentation enclosed to the application for a building permit should include: (i) the urbanism certificate; (ii) documents evidencing the title over the land together with a land book excerpt (this evidence may consist in a sale-purchase agreement, donation agreement, court decision etc.); (iii) the technical project for the authorisation of the construction works; (iv) the required endorsements and permits provided under the urbanism certificate (which may include endorsements for utilities, communications networks, fire prevention and extinction, environment and sanitary endorsements, and, in the applicable cases, EIA); (v) proof of payment of the applicable taxes.
9. Article 11 of Construction Law.
10. For the full text of the law, please see [link](#).
11. For the full text of the law, please see [link](#).
12. For the full text of the law, please see [link](#).
13. As defined in Article 2 point 5 letter e) of Law 292/2018.
14. GEO 57, article 28(4). Also, EIA Law ([Law 292/2018](#), regarding the assessment of the impact of certain public and private projects on the environment), article 4(2), and its [Procedure](#).
15. EIA Law, article 5(2).
16. GEO 57, article 28(2).
17. GEO 57, article 28(3): the AA is carried out in accordance with [Order of the Minister of Environment, Water, and Forests no. 1682/2023](#) for the approval of the [Methodological Guide](#) regarding the appropriate assessment of the potential effects of plans or projects on protected areas of community importance, as amended ("AA Guide").

18. AA Guide, part 2 – Concepts.
19. GEO 57, article 37(3) and Annex 6, para. a.
20. AA Guide, part 2 – Concepts.
21. AA Guide, part 3.A – Initial assessment and [Annex 1](#).
22. AA Guide, part 3.A – Initial Assessment and EIA Law Procedure, [Annex 5A](#).
23. AA Guide, [Annex 6](#).
24. For the full text of the law, please see [link](#).
25. According to Article 23 para. (1) of Law no. 407/2006.
26. According to Article 2 of Law no. 18/1991.
27. For the full text of the law, please see [link](#).
28. For the full text of the law, please see [link](#).
29. As defined in points 81 and 82 of Annex 1 to Law no. 107/1996.
30. The process for obtaining the water management endorsement is approved by Order no. 3147/2023 of the Ministry of Environment, Waters and Forests.
31. Including surface waters, groundwater, the coastal area, cliffs, the coastline, sea beaches, inland maritime waters, the territorial sea, the exclusive economic zone, and the continental shelf.
32. As provided in Article 17 of Order no. 3174/2023.
33. According to Article 15 para. (4) of Order no. 3174/2023. The technical documentation and must demonstrate the following:
 - adherence to the requirements of Water Law no. 107/1996;
 - commissioning of the works and compliance with the provisions of the water management permit during the execution of the investment works;
 - measures taken and proposed to minimise adverse impacts resulting from the works subject to authorisation;
 - ensuring the easement flow in the watercourse beds;
 - existing measures and works to ensure the sustainable management of water resources;
 - compliance with the provisions of Law No. 278/2013 concerning the prevention and integrated control of pollution from industrial activities, in relation to water management and quality.
34. According to Article 6 of Order no. 3174/2023.
35. According to Article 4 of Dam Procedure.
36. According to Article 5 para. 2 of Dam Procedure.
37. According to Article 20 of Dam Procedure.
38. According to Article 23 of Dam Procedure.

Contact Us

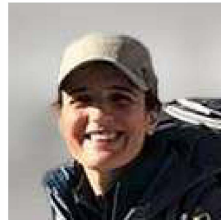
More information about rewilding and the issues addressed in this guidance note is available on [The Lifescape Project](#) and [Rewilding Europe](#) websites.

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This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice. You should not assume that the case studies apply to your situation and specific legal advice should be obtained.