

TEN methods of theft and reasons for updating SUMAL

An Agent Green Report

October 2022



Photo: Degraded habitat, Făgăraș Mountains

An aerial photograph of a mountain valley. The landscape is characterized by steep, rolling hills. Large sections of the forest have been cleared, leaving behind brown, eroded soil and sparse, young saplings. The remaining forest consists of dense, dark green coniferous trees. A dirt road or path winds through the valley. The sky is clear and blue.

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Photo:

Degraded habitat
in Valea Bârsei
(Natura 2000 site
Făgăraș Mountains),

9.9.2021



foto: pixabay.com

CONTEXT AND SITUATION ANALYSIS

Theft of trees committed on an industrial scale which is possible because of the ease with which the functions of the SUMAL 2.0 software applications can be corrupted is on the rise. Agent Green has reasonable suspicions about the deliberate bad programming of these applications launched in February 2021 which led to illegal logging getting out of control, the extent of which can only be established with the publication of the new National Forestry Inventory (NFI cycle 3 2019-2022) if the same methodology as in cycles 1 and 2 is maintained and the results are made public.

Analysing the wood's path, which in technical terms includes the planning - location - evaluation - verification of the VPA (act of exploitation) - approval - the way of selling (auction/direct to the population) - authorisation - the process of exploitation of the forest - return of the exploited felling areas, we notice that these methods of theft cannot be considered as anything other than premeditated, entailing a real concurrence of other offences such as: conspiracy, forgery and counterfeiting, evasion.

We draw attention to the extremely worrying issue of the absence of or incorrect SEA (Strategic Environmental Assessment) procedures for forestry planning and poor forest treatments. We are referring here to interventions that are inappropriate from a fundamental and forestry-related point of view, justified in documents as having the aim of promoting natural regeneration, but which in the vast majority of cases either do not exist or are insufficient or do not conform to the fundamental natural type of forest.

Excerpt from address no. DCCIA/1668/29.04.2022 of the Directorate of Control, Integrity and Anti-Corruption of the MMAP with the remark that none of those responsible has suffered even the slightest sanction, although they have degraded a key ecosystem:

personalul silvic din cadrul OS Brănești, vă comunicăm următoarele:
 În urma verificărilor efectuate la această entitate silvică au fost identificate următoarele încălcări ale regimului silvic, astfel:
 -În cazul Actului de punere în valoare nr. 1650282, constituit în fondul forestier situat în UP VI Cernica, u.a. 57G, administrat de Ocolul Silvic Brănești, s-a constatat că factorii responsabili din cadrul OS Brănești a dispus punerea în valoare (Tăieri progresive - punere în lumină) în u.a. 57 G, fără să țină seama că în ochiurile deja instalate nu se afla instalat semințis utilizabil (înălțime - 50 cm) în proporția sau ponderea stabilită de normele tehnice, fiind încălcate astfel prevederile subcapitolului nr. 1.1.3 - *Tratamentul tăierilor progresive (regenerărilor progresive)*, subcapitolului 7 - *Dispoziții și recomandări cu ordin general din Normele tehnice privind alegerea și aplicarea tratamentelor aprobate de OM nr. 1650/2000 și dispozițiile art. 30 alin. (2) din Legea nr. 46/2008 Codul silvic.*
 -Premergător lucrărilor de punere în valoare din ua 57 G, în anul 2019, la nivelul OS Brănești nu au fost constituite echipe de control anual al regenerărilor etapa I care să urmărească realizarea acestor lucrări în baza cărora se stabilea momentul efectuării tăierilor progresive, fiind încălcate astfel prevederile cap. 2. *Organizarea executării lucrărilor de control anual*, subcapitolul 3.1 *Controlul anual al regenerărilor - etapa I*, cap. 4 *Centralizarea și verificarea datelor de teren din Normele tehnice privind efectuarea controlului anual al regenerărilor aprobate de OM nr. 1653/2000.*

In principle, such planned felling (VPAs of main products - coppice or, as the case may be, of garden or conservation felling) can be considered without hesitation a real forestry malpractice and yet it is widely practised because it contains the most prized material on the timber market for which demand always outstrips supply, which motivates the desire of companies in the sector to obtain it in ever greater quantities.

This challenge, often unfair, is carried out with the involvement of the forest management and forestry staff who resort to the reduction of the real dendrometric elements (species, number of trees, quality class, diameter, height) in official documents, activities that generate, after processing field data, VPAs containing quantitative and qualitative data far below the real ones. In other words, the primary beneficiary of the timber (economic operator, forest owner, forest manager) included in these documents is in possession of larger volumes with higher sorting compared to those recorded in the official documents. Note that there are no sanctions and penalties for those who carry out faulty forest management

The transport of the resulting surplus involves minimal risks that the perpetrators take with ease, applying various tricks to manipulate the SUMAL 2.0 application, by which they manage to introduce significant quantities on the black timber market, the size of which the latest NFI (National Forestry Inventory Cycle 2) study has already revealed to be larger than the officially declared market.



foto: pixabay.com



foto: pixabay.com

Once SUMAL 2.0 is operational, the main challenge for the bad guys remains the creation and permanent maintenance in the system of virtual volume reserves from which they can issue electronic transport documents to launder the quantities of illegally stolen timber. The only positive impact of SUMAL 2.0 is that illegal social logging, whereby small-diameter, generally dried, unmarked trees are taken for personal consumption, has been significantly reduced.

With the limitation that the theft methods identified by Agent Green investigators are not the only fraud possibilities nor territorially isolated situations, we present below the most common practices observed since the operationalization of SUMAL 2.0 (February 2021) to date:

METHODS OF THEFT:

- I The classic method - transporting timber material without an accompanying permit
- II Transshipment method (popular name: *teleportation*)
- III Offline transport method (popular name: *evaporation*)
- IV Multiple transport (at least twice with the same document)
- V Shipments without the required photographs or with non-compliant photographs.
- VI Virtual operations method
- VII Incognito shipments (invisible in SUMAL)
- VIII Illegal temporary storage sites
- IX Wood merchants
- X Trucks overloaded in quantity and value

I. THE CLASSIC METHOD transporting timber material without an accompanying permit

Description:

- It occurs less and less often, the risk of being caught is high.
- The method is generally found in illegal logging of a social nature (firewood extracted by wagon or small vehicles), but there are quite a few situations where economic operators still practice it (usually over short distances).
- It is caused by the lack of education and/or the poor financial situation of the perpetrators or, where appropriate, the desire to obtain immediate and substantial income from illegal sources.
- Legislative shortcomings that allow it:
 - a- L 46/2008 Art. . 68 (2.1), 70, 107(1)-(3), 109 ;
 - b- L 171/2010 Art. 8, 17, 19 (2) a) and c);

Negative impact:

- Illegal logging continues and the negative pressure on forests persists.
- State budget fraud.
- Vulnerability of social groups in need.

Ways to fight:

- In order to discourage it, the above-mentioned articles of law need to be amended to increase the penalties and fines and to lower the threshold from which means of transport are confiscated from 10 m³ to 0.1 m³.
- As the needy are also concerned, we propose to develop public awareness programmes and to adopt effective aid measures for these social categories so that they are encouraged to purchase firewood on the taxed market.

Examples:

22.11.2021- the trailer registered **IL03PPS** is loaded with acacia wood. After the report, the police officers from the Bărcănești Police Station, Ialomița together with the forestry staff from the Urziceni IL Forestry Office imposed a fine and confiscated the quantity of wood without legal origin.



- Raport Inspectorul pădurii -

- Remorca încărcată cu lemn -

28.04.2021 - the truck with registration number **AG02WFS** loaded with beech wood was driving without a permit in Dâmbovicioara locality, Argeş. It was anchored by a truck loaded with legal timber with registration number AG09WFS. The transport was reported to 112 and confirmed as illegal transport even by SUMAL dispatch but the authorities failed to intercept it in the 10 km it had to travel to the warehouse in Rucăr, Argeş where it unloaded the wood.



AG02WFS on 28.4.2021 on public roads



AG02WFS at the entrance to the warehouse



AG02WFS during unloading

14.05.2021 - the transport vehicle with registration number **BN34FIN** loaded with poplar wood circulated without a permit in Adjud, Vrancea. It was reported to 112 by representatives of Agent Green and recognized as illegal by SUMAL dispatch, but after a traffic check, inexplicably the police let him continue his ride.



II. METODA TRANSBORDAREA (denumirea populară: *teleportarea*)

Description:

- Within this method we also include the category of 'other situation' shipments. Transshipment is the main method used in order to give formal legitimacy in traffic to illegally-sourced cargoes from the storage facilities set up as described in the introduction or from other storage places of any kind whose book stocks are not correlated with the physical ones.
- Although these situations should be exceptional, only in the period 16-22.10.2022 462 such permits were registered in the system at national level.
- In these cases, both the goods in the original permit specified as the source of origin for an apparently taken over shipment and the illegal cargo fictitiously justified in the system as taken over, both reach either the declared destinations or clandestine ones.
- Such practices are quite common because SUMAL 2.0 does not censor this type of fraud in any way, even if it is repetitive. For example, the permit specified as the source of origin may be very old and the quantity recently retrieved from it is loaded from a completely different area than where it was stored and may be much larger than the initial quantity. In this specific situation with wood originating from a location other than the declared one, the method is called teleportation.
- The same permit may represent the origin several times for other shipments.

Negative impact:

- Increasing illegal logging.
- Distortion of the actual traceability of timber.
- Large quantities of timber are placed on the market without legal origin.
- Tax evasion.

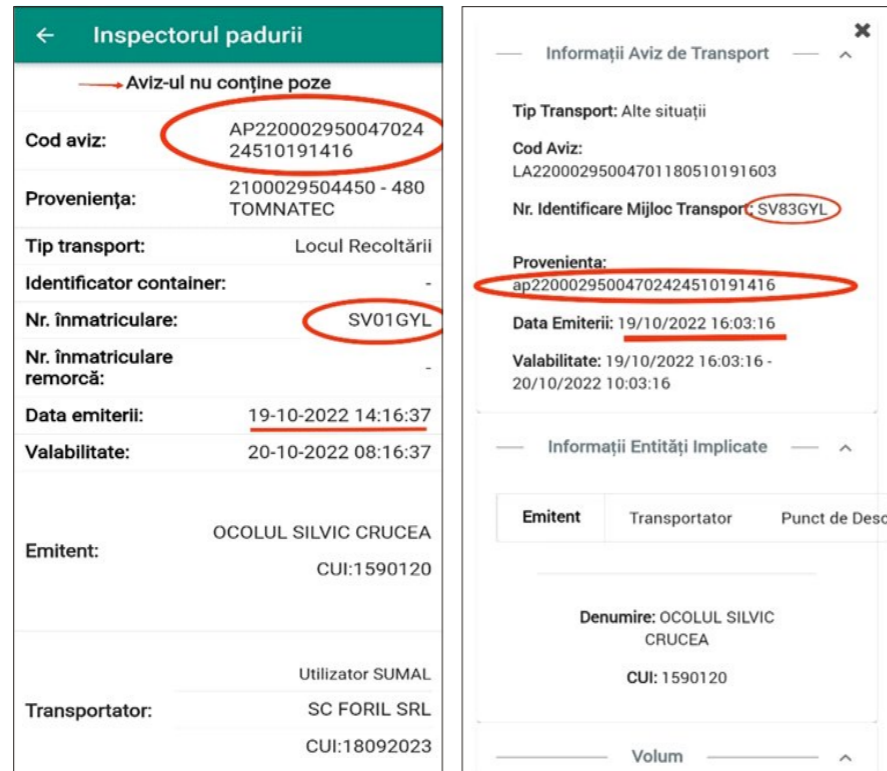
Ways to fight:

- The theft method can be blocked by modifying, completing and streamlining:
 - HG 497/ 2020 art. 5(8)(c), 9(3)(d), 10(3), 11(2), 16a)(v);
 - OM 118/2021 art. 25(4)(b), 27(1)e) (3)b), 43(2) (4);
 - Functions of Sumal 2.0 application permits;
- The targeted changes are as follows:
 - In the case of transshipments, another photograph should be taken to capture the actual operation. This fifth photo to be made available to the public on the forest inspector.
 - The issuer of the original permit specified as the origin must not be the same as the issuer of the transshipment permit.
 - The transshipment permit should only be issued during the period of validity of the initial permit by forest rangers or forestry staff, but in this case, validation should be given by forest ranger superintendents after a prior assessment of the situation on the site.
 - To be clearly specified in the legislation all the cases for which "Other Situations" permits may be issued
 - The Sumal 2.0 permits application should be enhanced with the necessary filters so as to censor the issuance of permits in violation of the conditions precedent.

Examples:

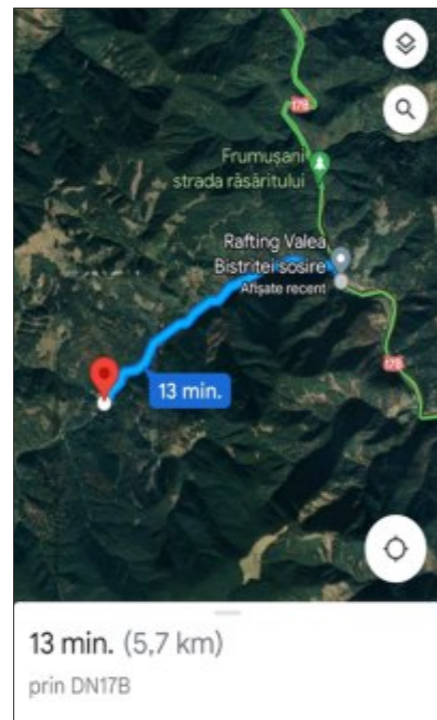
20.10.2022 - SV83GYL apparently picks up on the primary platform the 47.2299 m³ load of the lorry with registration number **SV01GYL** for which the harvesting place permit AP220002950047024510191416 was issued on 19.10.2022, SUMAL transport without photos (i.e. illegal). So a permit that does not meet the conditions of legality is invoked as a source of origin.

The LA other situation permit was issued one hour and 47 minutes later, not enough time for the second truck to drive through the forest to the platform and pick up the wood from the first truck, from which we conclude that both were present almost simultaneously at the site from the moment the first permit was issued. Since all the elements typical for the method are present, the only logic is that both trucks made the ride loaded with wood. The issuer of both permits is Crucea Forestry.



- Initial permit -

- Takeover permit -



- Place of loading -



-Excerpt from the take-over permit -

On **19.10.2022**, the same 3 entities involved, launder unhindered through two shipments a total volume of 31.5822 m³ obtained illegally (9.2886+22.2936).

Actors: **Musatesti Forestry, CEREXPRES 2001 SRL and SERV PĂTRU EXPLOATARE SRL**. The trucks with registration numbers **AG79CER** and **AG38CER** apparently take the wood from trucks **AG34SRV** and **AG37SRV**, but actually the wood is of illegal origin. The two "other situations" permits are issued by forestry staff at Musatești Forestry Office one day after the expiry of the validity of the permits specified as source of origin. The SUMAL 2.0 application was deliberately misused to make it look that the first loaded trucks would have parked in the forest for another day after the expiry date of the harvesting site permits and that the two much smaller trucks would have been able to pick up all their cargo. False photos of the **AG79CER** truck have been added to the LA22001794002200922210191102 permit issued for AG79CER.

Long-term observations by Agent Green revealed that three of the four vehicles involved had been loaded several times during this period, making the area a hotbed of forestry violations.



AG34SRV Initial load 9.2886 m³



Wood "taken over" 9.2886 m³



AG37SRV Initial load 22.2936 m³



rigged photo AG38CER "taken over" wood 22.2936 m³

III. OFFLINE TRANSPORT METHOD (popular name: evaporation)

This method is clearly a deliberate SUMAL 2.0 programming flaw that has been in widespread use for 20 months, i.e. since launch.

Description:

- Accompanying permits entered at the beginning of the transport are kept offline during the whole transport and thus the data never get communicated to the central server, resulting in the definitive loss of those quantities from the traceability monitoring process.
- Such shipments are not terminated through the legal modalities of handing over the permit and immediate management update or closure.
- The loss of these permits in the application installed on the mobile phone occurs once the expiry date is reached or simply following a reinstallation operation.
- Another purpose of the method is to hide the route taken in the Sumal Control and Forest Inspector applications.
- Such a transport checked in the Forest Inspector app is reported as possibly illegal, but in the event that it is reported and stopped in traffic, it almost instantly becomes legal and visible in the system after the driver simply activates the mobile data.

Negative impact:

- Continuation of illegal logging.
- Distortion of the actual traceability of timber.
- Large quantities of timber are placed on the market without legal origin.
- Obstructing enforcement authorities and public whistleblowers.
- Tax evasion.

Ways to fight:

- The method is cancelled by supplementing the rules approved by HG 497/2020 with the prohibition to issue a new accompanying document for carriers/means of transport that register previous uncompleted journeys as provided for in Art. 10 (6) detailed in Art. 27 (3) e)-g) of the Methodology approved by OM 118/2021.
- It is technically necessary and possible to reprogram SUMAL in such a way that information about an offline shipment persists in the terminal even after uninstalling the application and re-installing it. This information would be transferred to SUMAL's servers as soon as the user reinstalls the application and goes online.
- Detection and blocking to be carried out automatically by the Sumal 2.0 Permits application whose functions need to be developed for this purpose.
- The inclusion in Law 171/2010 of a significant fine, coupled with the confiscation of the value of the quantities that have thus disappeared from the timber traceability circuit and the withdrawal of the status of professional transporter.
- Also in Law 171/2010, the measure of physical seizure when such a transport is detected in traffic and the urgent empowerment of the Gendarmerie with law enforcement powers should be reintroduced.
- Amendment of Art. 14(10) of the rules of HG 497/2020 in order to issue a single permit for each transport journey/means of transport in which all beneficiaries with the corresponding addresses for unloading the goods are listed, regardless of their number. For these situations the Sumal application must provide photos of the status of the load after each handover to the beneficiary.
- Dismissal of the Minister of Environment who has knowledge of the operationalization of SUMAL 2.0 with these deliberate major deficiencies and prefers to maintain it in favor of continued theft for 20 months

Informații Aviz de Transport

Tip Transport: Locul Recoltării

Cod Aviz: AP22005709000900674610180804

Nr. Identificare Mijloc Transport: AG34SRV

Proveniența: 2100179400520 - 1682998 / 680 - Valea lui Martin

Data Emiterii: 18/10/2022 08:04:46

Valabilitate: 18/10/2022 08:04:46 - 18/10/2022 10:04:46

Informații Entități Implicate

Emitent	Transportator	Punct de Des
Denumire: CEREXPRES 2001 SRL CUI: 14087857		

Source permit expired on 18.10.2022 at 10:04:46

Informații Aviz de Transport

Tip Transport: Alte situații

Cod Aviz: LA22001794000900922210191035

Nr. Identificare Mijloc Transport: AG79CER

Proveniența: AP22005709000900674610180804

Data Emiterii: 19/10/2022 10:35:32

Valabilitate: 19/10/2022 10:35:32 - 19/10/2022 14:35:32

Informații Entități Implicate

Emitent	Transportator	Punct de Des
Denumire: OCOLUL SILVIC MUȘĂTEȘTI CUI: 1590120		

"Special circumstances" permit issued one day after expiry

Cod aviz: AP22005709002200674610180804

Proveniența: 2100179400520 - 1682998 / 680 - Valea lui Martin

Tip transport: Locul Recoltării

Identificator container: -

Nr. înmatriculare: AG37SRV

Nr. înmatriculare remorcă: -

Data emiterii: 18-10-2022 08:04:03

Valabilitate: 18-10-2022 10:04:03

Emitent: CEREXPRES 2001 SRL
CUI:14087857

Utilizator SUMAL

Transportator: SERV PĂTRU EXPLOATARE SRL
CUI:17357556

Source permit expired on 18.10.2022 at 10:04:03

Cod aviz: LA22001794002200922210191102

Proveniența: AP22005709002200674610180804

Tip transport: Alte situații

Identificator container: -

Nr. înmatriculare: AG38CER

Nr. înmatriculare remorcă: -

Data emiterii: 19-10-2022 11:02:10

Valabilitate: 19-10-2022 15:02:10

Emitent: OCOLUL SILVIC MUȘĂTEȘTI
CUI:1590120

Utilizator SUMAL

Transportator: CEREXPRES 2001 SRL
CUI:14087857

"Special circumstances" permit issued one day after expiry

Other examples of means of transport that have used the transshipment method:

- **AG31CPC, AG59EXP** in April 2022 and
- **NT13DAY, NT21DAY, AB26CKD, AG77SRL** on 19.10.2022.

Example:

15.04.2021 - the transport vehicle with the number **AG24EXF** was caught while making an "offline" trip in the area of Musatești, Arges. He was fined and the stolen wood was confiscated according to the CCS report 0740091/15.04.2021. The Court of Curtea de Argeș by Judgement no.1489/2021 rendered in case no. 1282/216/2021 recognized the method and maintained the sanction imposed:

https://web.justitie-ag.ro/jud_ca/jud_app/dosar_detalii.asp?id_dosar=2160000000062603&fbclid=IwAR33zLjUt4CEmtbMiv1WiyzF9ffwzO7x6yyKQSZW_lubW_mmXG1qXhVQRj4

Detalii dosar			
Număr dosar:	1282/216/2021	Data înregistrare:	11.05.2021
Complet:	COMPLETUL 1 CIVIL	Următorul termen:	Dosar finalizat prin hotărâre - nr. 1489/2021
Obiectul cauzei:	plângere contravențională PV seria CCS nr. 0740091/15.04.2021		
Data recomandată:	04.08.2021		

IV. MULTIPLE TRANSPORT (at least twice with the same document)

Description:

- It is practiced in continuous form because of the long validity periods subjectively granted to the accompanying permits.
- Although this time should be proportional to the distance to be covered and the category of road, the maximum time is generally given.
- It combines well with the offline shipping method.
- Photographs are not an impediment to multiple shipments as they are low resolution, often the registration numbers appear blurred and the parts being transported can easily be matched to look similar in multiple shipments.

Negative impact:

- Increasing illegal logging.
- Distortion of the actual traceability of timber.
- Large quantities of timber are placed on the market without legal origin.
- Obstructing enforcement authorities and public whistleblowers.
- Tax evasion.

Ways to fight:

- For route monitoring, the system should be supplemented with permanently transmitting GPS devices fixed to the professionals' means of transport and with sufficient integrated video cameras. To this end, it is necessary to amend Article 10 (13) of the rules approved by GD 497/2020
- Amendment and completion of Art. 5 (4) and 14 (1) of the rules approved by HG 497/2020 in order to facilitate the inclusion in the application of a navigation section adapted to the

specific activity with the help of which the valid routes with the corresponding time limits can be determined from which the carrier can choose.

- Amendment of Art. 5(8) b) of the rules approved by HG 497/2020 so that the following are accessible to the public: real-time location, route travelled and destination of the transport before the end of the journey.
- Adoption of the limit of 0.1 m³ in Art. 68 (2.1) of the Forestry Code and in Art. 68 (2.2) of the Forestry Code mentioning repeated shipments under the same permit as acts subject to confiscation of means of transport.
- To add to Art. 1 b) of L 171/2010 as an additional penalty the withdrawal of the professional status of the carriers/means of transport involved in the perpetration of this offence and the applicability to be provided for by adding to Art. 19 of the same law.
- Increase of fines provided for in Art. 19 of L 171/2010.

Examples:

10.8.2022 - AG92GEN was caught at the Vidraru Dam while performing multiple transport. The gendarmerie confiscated the wood and the truck.

19.8.2022 - IF96MIR carries out a legal transport of one cubic metre for which it had been issued AP22001192000101502810191120 and shortly afterwards it appears again in traffic with a larger load but this time covered with tarpaulin which it tried to justify with the same permit



V. Shipments of economic operators WITHOUT THE REQUIRED PHOTOGRAPHS OR WITH NON-COMPLIANT PHOTOGRAPHS

Description:

- The method is used with the aim of stealing and misleading the public warnings or the persons in charge of control who are insufficiently prepared on this issue.
- Example of professional transport without photos: PH03TWF on 15 July 2022.
- Example of non-compliant photos: AB92PMK on 8 August 2022: AB26CKD, HR20AME, HR21AME, HR22AME, HR23AME.
- We have encountered inconsistent photos such as after inventory documents, monitors, vegetation or angles from which load details and license plates are not visible.
- Such shipments are considered to be without origin according to Art. 10(10) of the Rules approved by GD 497/2020 and are subject to fines and confiscation.
- Although it is extremely easy to find violations by simply querying the Sumal 2.0 Control database, most facts remain unsanctioned.

Negative impact:

- Facilitates timber theft.
- It obstructs all or part of public information.
- Placing additional quantities of timber on the market without legal origin.
- Tax evasion.

Ways to fight:

- Significant increase in fines provided for in L171/2010 Art. 19(2.2).
- Introduction in L171/2010 of the additional penalty of withdrawal of the professional status of transporters/means of transport who have resorted to such tricks.
- Optimization of the Sumal 2.0 Permits application so that it no longer accepts uploads of non-compliant images and does not allow the validation of the permit for Sumal shipments without the required photos.

Example:

6.10.2022 - SV78NCP after four calls to 112 and crossing four counties (IS,NT,BC,VN) was finally stopped at Adjud (VN) and fined for non-compliant photos on the grounds that they did not capture the entire load and for exceeding the maximum tonnage allowed:



- Photo SUMAL -

- Photo with actual load -

15.7.2022 - PH03TWF
transport without the obligatory photos encountered in traffic by representatives of Agent Green:

Inspectorul padurii		Data emiterii: 15-07-2022 15:16:12	
Aviz-ul nu contine poze		Valabilitate:	16-07-2022 07:16:12
Cod aviz:	AP220000960014009 25607151516	Emitent:	OCOLUL SILVIC CAMPINA CUI:1590120
Proveniența:	2200009600670 - 949 AC I Florei	Transportator:	TUMPY WOOD FOREST SRL CUI:RO 34051769
Tip transport:	Locul Recoltării		
Identificator container:	-		
Nr. înmatriculare:	PH03TWF		
Nr. înmatriculare remorcă:	-		

Other examples of non-compliant photos found in SUMAL 2.0:



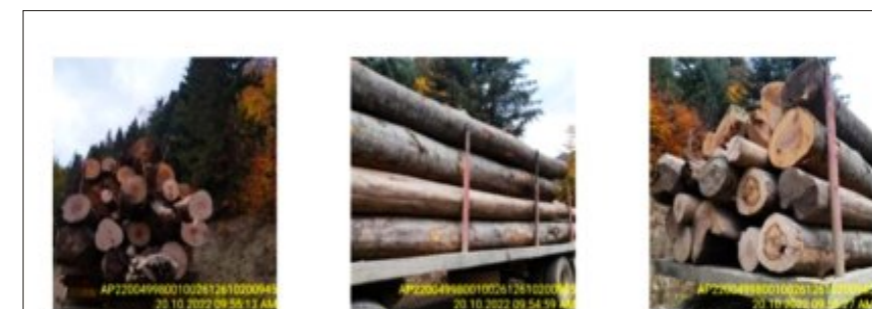
PH19DWF no wood visible



IF23MCE no wood clearly visible



No noticeable load



BZ52MOL, no registration number observed

23.10.2022 - B04TUZ, not able to see the full load. The truck was stopped by the police in Caras-Severin county following Agent Green's 112 call and allowed to continue without the fine provided for by law 171/2010

Inspectorul padurii

Cod aviz: DA22005677000
6024333102311
13

Proveniența: Izvorul Ses
Rusca

Tip transport: Depozit

Identificator container: -

Nr. înmatriculare: B04TUZ

Nr. înmatriculare remorcă: -

VI. VIRTUAL OPERATIONS METHOD.

Description:

- Only fictitious temporary and permanent warehouses, primary platforms and timber shipments are created in the system.
- The aim is to keep virtual volume reserves permanently available.
- Actions of this kind are very difficult to detect in the current conditions.
- Fictitious transport is a simple game where the most difficult part is walking the mobile phone with the car, for example, between the issuing location and the destination to set up the route on the map.

Negative impact:

- Continuation of the technological logging process during the growing season when restrictions are foreseen according to Annex 3 to the instructions approved by OM 1540/2011
- Adjustment of wood mass management without actual physical operations
- The laundering of quantities held and/or purchased without legal documents of provenance in the event of controls being triggered
- Massive fraud of the state budget
- Distortion of the actual traceability of timber
- Unreliable statistical reporting

Ways to combat:

- The introduction of fixed GPS devices with permanent broadcasting mounted on the means of transport of professional drivers to determine their route and position in real time.
- Cameras connected to the Sumal system.
- Eloquent photos of stocks at the end of each day and their upload to the system.
- Frequent unannounced joint checks to be carried out simultaneously at all locations where the economic operator holds timber. Controls must also be cross-checked and cover all trading partners.
- To increase the amount of the fine provided for in Article 16 b) of L 171/2010 and add the additional sanction of withdrawal of the certificate of attestation issued for logging works.
- Adding to L171/2010 the possibility of applying the additional sanction of withdrawal of professional status to transporters who have introduced fictitious consignments into the system.

Examples:

- 24.9.2021- Virtual operations at S.C. Madbra Vâlsan using the fictitious warehouse to reduce in the registers the actual volume by another 4.7471 m³ after it had already left the harvesting site loaded with approx. 5 m³ more than the quantity specified in the permit. This caused a distortion of traceability in the SUMAL system and circumvention of fiscal instruments for the quantity of approximately 10m³.

AG30MDB

AP21000520001802700909241453
Diminished volume from the forest in registers: 18.7051 m³

DA21004873001603099009241733
Fictitious volume decreased again at the warehouse: 16.8805 m³



AG28MDB

AP21000520002102700909241457
Diminished volume from the forest in registers: 21.1692 m³

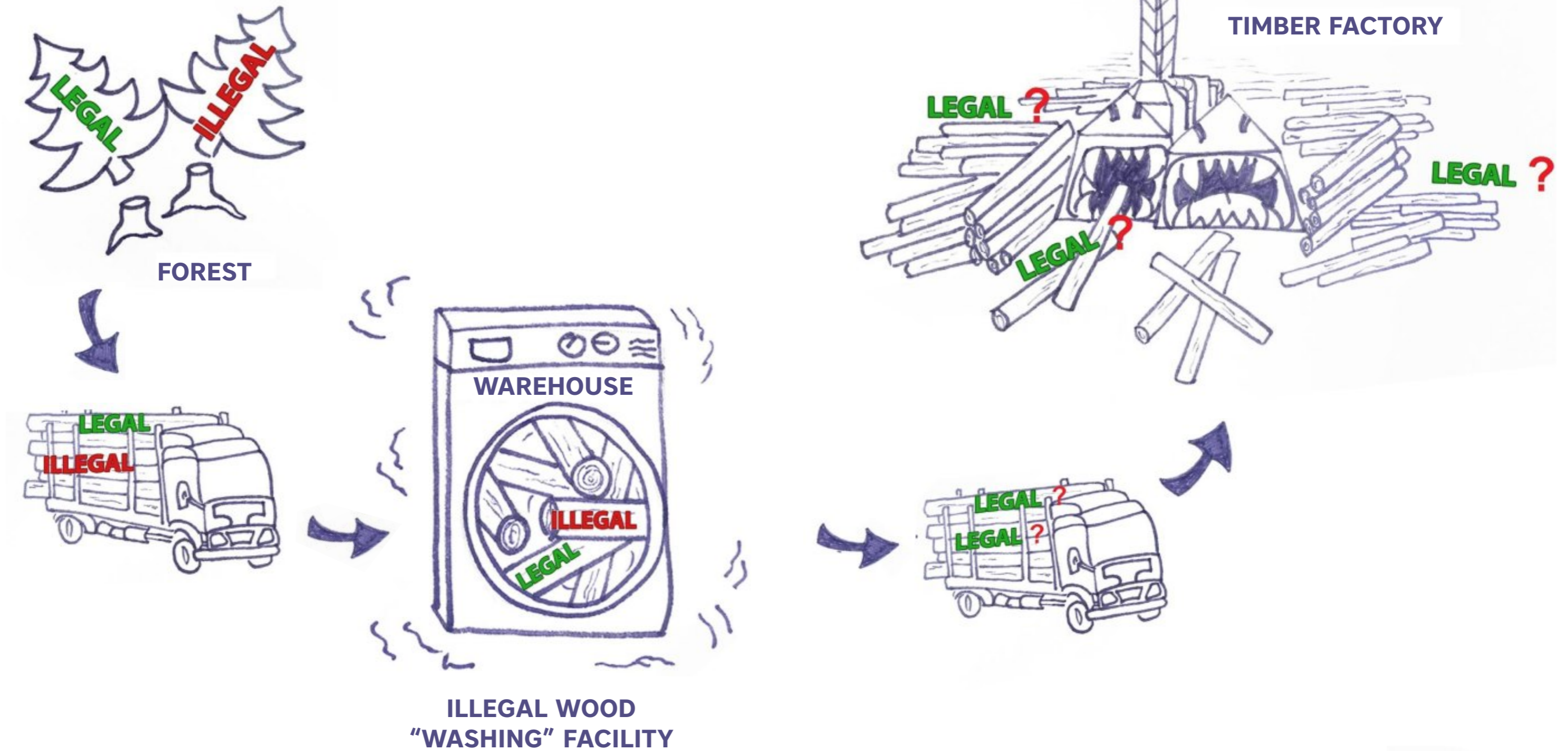
DA21004873001803099009241739
Fictitious volume decreased again at the warehouse: 18.2467 m³



The AG30MDB + AG28MDB assembly receiving a deposit permit from the bar in the village of Galeșu, Argeș



HOW TO LEGALIZE ILLEGAL WOOD



by Striz

VII. INCOGNITO SHIPMENTS (invisible in SUMAL)

Description:

- Are easily achieved by disabling the mobile data and GPS functions, by not pressing the "Start transport" button and/or by closing the SUMAL permits application.
- The method makes it impossible for users with control authority (police, gendarmerie and forest guard) to see the means of transport in transit mode and its location on the specific control application.
- In the event of detection in traffic, the driver has time to comply with the obligations set out in OM 118/2021 Art. 27(2)(e) (3)(c) before interacting with the control body.
- At the end of such a journey, if the carrier carries out the operations provided for in OM 118/2021 Art.27(3) letters e)-g), then the route covered is materialized by straight lines connecting the points where GPS was detected.
- It is often combined with the methods described in points 2, 3 and 4.

Negative impact:

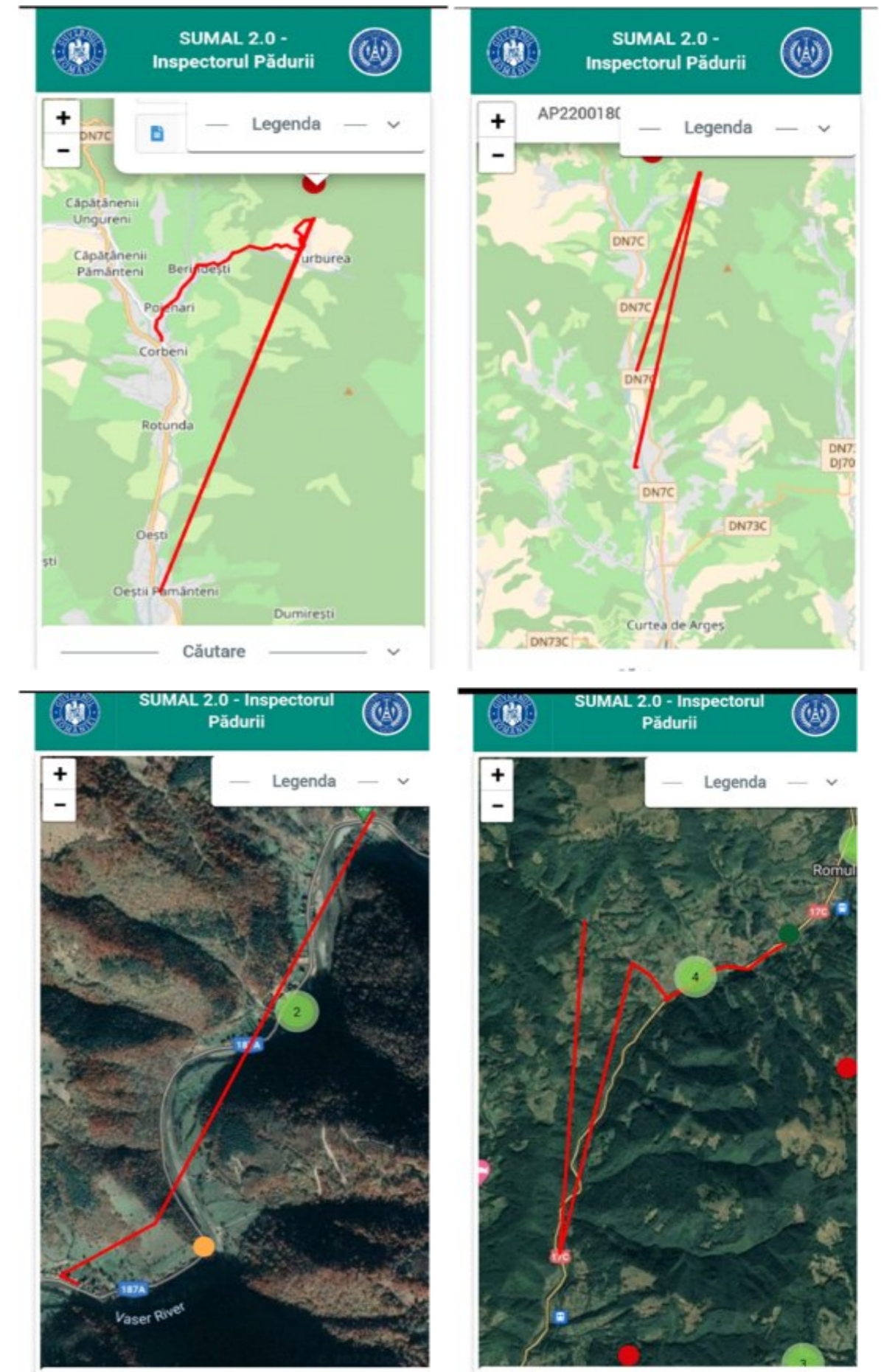
- Facilitates and amplifies illegal logging.
- Distortion of the actual traceability of timber.
- Large quantities of timber are placed on the market without legal origin.
- Obstructing enforcement authorities and public whistleblowers.
- Tax evasion.

Ways to fight:

- Fixed GPS devices with permanent broadcasting and route cameras connected to the system.
- Immediate sanctioning of easily identifiable situations in the system database after abnormal routes.
- Significant increase in fines provided for by L 171 Art. 19 (2.3) a) and b).
- Addition to L171/2010 of the possibility of applying the additional sanction of withdrawal of professional carrier status.
- Making the Sumal 2.0 Control application more efficient so that it automatically generates alerts when a consignment disappears from monitoring within the validity period of the permit.

Examples:

- Routes made by wood-carrying UFOs available in SUMAL 2.0:



VIII. ILLEGAL TEMPORARY STORAGE SITES

Description:

- Primary decks that are located completely different from the place of harvesting in order to use their coordinates when issuing transport permits for timber from sources other than the deck's own wood.
 - The method encourages illegal logging and massive theft of timber.
 - It violates the provisions of Art. 18(1)c) of the rules of HG 497/2020.
 - The violation of the rules in this respect is not punishable under L 171/2010.
- Simultaneous and undivided overlapping primary platforms acc. to Art. 30(3) OM 1540/2011 rules: APV2100019606320, APV2100019601490, APV2100019608740, APV2100019608550, APV2100019610230.
 - The aim is that the stolen wood, once it has passed through these "common laundering points", will be mistaken for wood of legal origin.

Negative impact:

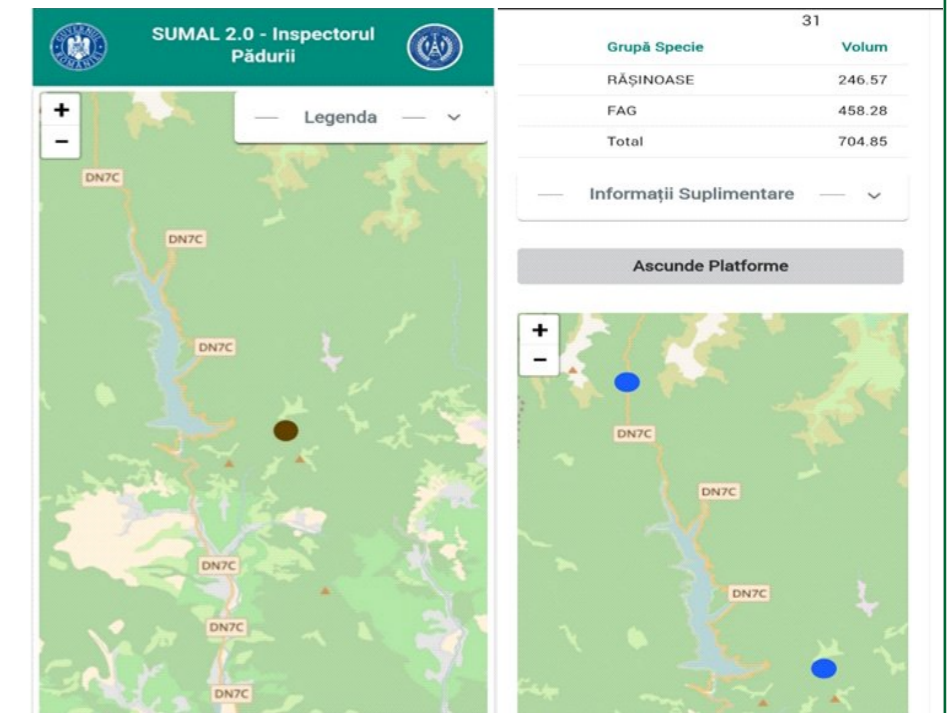
- Facilitates timber theft.
- Allows the creation of virtual volume reserves in the system from which provenance documents for stolen timber are issued.
- Distortion of the actual traceability of timber.
- Large quantities of timber are placed on the market without legal origin.
- Confuses and misleads control authorities and public whistleblowers.
- Tax evasion

Ways to combat:

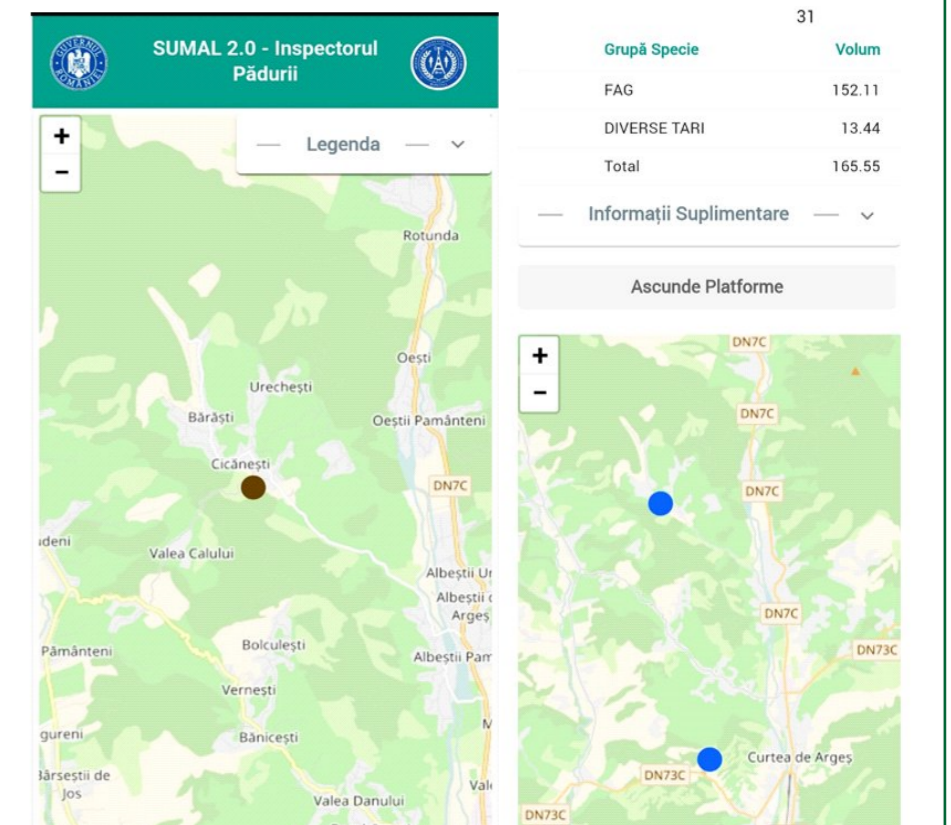
- The introduction of penalty regulations in L 171/2010.
- Streamlining the Sumal 2.0 application so that it no longer allows primary platforms to be located further away from the corresponding harvesting site, or platforms belonging to different felling to be located close together and overlap simultaneously. Approach should be permitted at least 500m apart.
- Uploading publicly accessible photos of stocks from primary platforms to the system after each update.
- Create storage locations in the application in accordance with the legislation, i.e.
 1. APV (stock per foot differentiated by material in the technological process phases within the felling),
 2. primary platform,
 3. temporary warehouse,
 4. warehouse (working point)

Examples:

VPA No
2100180100420 -
platform allocated
13 km in a straight line
from the harvest site



APV No
2200181100030-
platform allocated
12 km in a straight line
from the harvest site



Means of transport
that left from such
platforms:

**AG70GEN,
AG92GEN,
AG40BAV.**

- Location of APV -

-Locations of primary platforms -

The truck with registration number **AG13BAV** carried out in spring this year several shipments of wood totaling 352 m³ loaded from APV no.2100179701460 where the wood mass was underestimated and to give the impression of legality to the additional volume, it received accompanying permits from APV platform no.2200179700970 where the technological process of logging the wood mass had not started.

Caught by the Mountain Gendarmerie - Arefu post during such an operation, the truck was confiscated and a criminal file was drawn up and is under investigation.



AG13BAV at the time of confiscation (source: *Jurnalul de Argeş*, ed. 28 May 2022)

Simultaneously overlapping platforms not enclosed by a fence according to Art. 30(3) of the Instructions OM 1540/2011:

APV 2100019606320,
APV 2100019601490,
APV 2100019608740,
APV 2100019608550,
APV 2100019610230

The screenshot displays several authorization records in the SUMAL 2.0 database. Each record includes the following information:

- Autorizație de exploatare:** Titular: SC LUMBERMAN SRL
- Numar:** A220001960511, A220001960529, A210001960422, A220001960543, A220001960454
- Emitent:** SC LUMBERMAN SRL, OCULUI SILVIC DORNA, SC LUMBERMAN SRL, BIOMIS ENERGY S.R.L.

The interface also shows a 'Stare APV Reprimit' section with a table:

Grup și Specie	Volum
RĂȘINOASE	1359.00
Total	1359.00

Below the records are several map views labeled 'Ascunde Platforme' showing overlapping platforms with green and blue markers on a terrain map. Arrows indicate the flow of information from the records to the maps.

IX. WOOD MERCHANTS

Description:

- Their existence is due to the ease with which the rules of HG 497/2020 concerning the 20 m³ limit which differentiates between professional and non-Sumal carriers can be violated.
- Speculators generally purchase their timber from primary sources (felling) to which they are well connected thanks to their jobs or relations and resell it at untaxed commercial mark-ups of up to 200%
- The method is an important component of the timber black market.
- Forestry staff at forestry offices are generally accomplice.
- It is also often used among professional carriers.
- Failure to register as a professional when this threshold is reached means that the additional timber material transported loses its legal provenance according to Art. 12 (1) o) of HG497/2020.
- The applicable sanction is a fine and confiscation of the wood according to L 171/2010 Art 19 (2)c) and yet the method is very common.
- The method is easy to detect by simply accessing the Sumal 2.0 database.
- The method also includes forgery, counterfeiting and non-compliance with personal data protection legislation because this type of trade is usually itinerant and the buyer (recipient) is not always known in advance.

Negative impact:

- Tax evasion and unfair competition are the main features of the method.
- With this method, the end buyer is most often cheated on volume (the equivalent of scales theft).
- Because of their work, the local needs of neighbouring communities are not prioritized by the forestries.
- This is one of the main reasons for non-compliance with the 400 lei firewood price cap.

Ways to combat:

- Equip Sumal 2.0 Permits with metering formulas that automatically block the issuance of a new non-sumal permit after reaching the 20 m³/calendar year threshold. The censorship to be applied by CNP (personal security number) and means of transport.
- Carriers registered as professionals should be prohibited from carrying out non-sumal transports both by law and by adjusting the computer application.
- To centralize and sanction all existing cases in the Sumal 2.0 database.
- Adding to L171/2010 the possibility of applying the penalty of withdrawal of the professional status of the carrier who has exceeded the limit of 20 m³ in the non-sumal mode.
- Harshly punish forestry personnel involved in such trade.

Examples:

- Smugglers who regularly practice this illegal method of trade can easily be recognized in SUMAL by the circuitous routes they take: **DB25SVD, IF23MCE, IF25ATN, PH19DWF, IF08KVP** etc.

X. TRUCKS OVERLOADED IN QUANTITY AND VALUE

Description:

- The surplus volume resulting from undervalued APVs is evacuated from the felling at the same time as that officially declared in the transport permits.
- The method is repetitive in nature and requires that each such shipment contains an additional quantity that is very difficult to detect both in the photos posted and physically in the event of routine checks.
- The consignment may also contain a higher quality product than the declared one and in this case the aim is sometimes to avoid compliance with the rules of the law no.57/2020 on the sustainable management of forests, which essentially prohibits the export of logs and round wood. Thus, goods are exported at a poor stage of processing due to poor regulation of sorting.
- Mixture of species part of the same genus, one of the species having legal provenance, the other not. This mix, once processed, e.g. into timber, is very difficult to detect and can even be exported.
- The apparent reduction of the real volume is obtained by undersizing the dendrometric elements during the inventory at the time of loading. It is used when measuring the diameters and lengths of wooden pieces, the dimensions of geometric shapes and by applying lower shrinkage factors than those provided for in Annex 6 – Standards of HG 497/2020
- It is ensured that the surplus does not exceed the limit of 10 m³, thus avoiding the risk of confiscation of the means of transport provided for by L 46/2008 Art. 68 (2.2).
- The effects of the method are chained, in that one completed overloaded shipment subsequently causes at least one more to appear on the traceability chain.

Negative impact:

- The driving factor for illegal logging and timber theft.
- Tax evasion is inseparable from this method.
- Incorrect or deliberate mischarging is the source of other offences such as money laundering and corruption.

Fraud is only discovered after a laborious inventory process that requires adequate logistical capabilities, good-faith workers and time on the part of the authorities who often prefer not to bother.

Ways to fight:

- Reduce the threshold from which means of transport are confiscated from 10 m³ to 1m³.
- Update and equip the Sumal 2.0 Control application with a new algorithm and module to estimate volume via camera and be able to distinguish differences and generate alerts.
- Urgent publication of APV inventories in the Forest Inspector, a mandatory requirement according to Art. 5(8)e) of the Rules - HG 497/ 2020.
- Improvement of the Rules - HG 497/2020 regarding the sorting of wood (Annex 1, points I and II) and at the same time it is necessary to harmonize the definitions of wood material with those established in the legislation on the Integrated Customs Tariff.
- Conclusion of a protocol between the competent authorities providing for a joint operational action plan automatically triggered at the initiative of either of them. The protocol must include: police, gendarmerie, forest guard, forestry, ISCTR.
- Adding to L171/2010 the possibility of applying the additional sanction of withdrawal of the professional status of the transporter whose quantities of timber material are found to be greater than those mentioned in the permits.
- Increase of the penalties provided for in Art.19(2)b) of L171/2010.

Examples:

Means of transport that have been officially detected over time as using this method:
AG40BAV, AG13BAV, AG14BAV,HR22AME, HR23AME, HR06PDR.

22.8.2022 - HR20AME and HR22AME caught overloaded in traffic in Gheorgheni HR.



Excerpt from the address of the Forest Guard Brasov no. 10342/1/28.09.2022 to Agent Green - it is confirmed that only in the last 6 months, 21.4% of the shipments entering the warehouse of a large factory have introduced volumes greater than those recorded in the documents

Extinzându-se verificările la avizele emise pe mijloacele auto HR22AME, HR23 AME, HR06PDR în perioada 17.03.2022 – 16.09.2022 (prezentate în tabelul de mai jos), din totalul celor 468 avize verificate, la un număr de 100 s-au constatat nereguli care intră sub incidența prevederilor Legii 171/2010:

- - operarea la punctul 6 – specificație, de date privind înălțimea încărcăturii - nereale (diminuate), atestată prin compararea înălțimii încărcăturii din aviz cu fotografiile atașate;
- - utilizarea unor factori de cubaj sub valoarea minimă prevăzută în anexa 6 – Norme H.G. 497/2020.
- Prin aceste artificii de operare s-au introdus în sistem, aferent acestor avize, volume mai mici față de volumele reale transportate, care, prin crearea de NIR-uri (recepții), au intrat fără proveniență legală, în depozitele SC Ameco Renewable Energy SRL.
- În nici una din situațiile prezentate în tabel SC Ameco Renewable Energy SRL nu a operat refuzuri în SUMAL la preluarea avizelor și nici nu a notificat Garda Forestieră Brașov în conformitate cu prevederile art. 19^A1 din Legea 171/2010.



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CONCLUSION

The incomplete programming of SUMAL 2.0 and the weak enforcement of existing laws make the current tools to combat illegal logging insufficiently agile in rigorously tracking the origin and traceability of timber. As such, timber theft continues at a worryingly high level. The mechanism that systematically devastates the national forest ecosystems and causes irreparable damage to the environment, society and the economy is being perpetuated and amplified.

The development of Sumal 2.0 with the functions specified for each method and the proposed legislative changes will undoubtedly lead to a real and significant reduction of these negative phenomena.

Photo:

Degraded habitat
Maramureş





Photo: Degraded habitat, Făgăraș Mountains

