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# Nature Conservation Act<sup>1</sup>

Passed 21.04.2004  
 RT I 2004, 38, 258  
 Entry into force 10.05.2004

Amended by the following acts

Passed	Published	Entry into force
17.06.2004	RT I 2004, 53, 373	18.07.2004
22.02.2005	RT I 2005, 15, 87	03.04.2005
21.04.2005	RT I 2005, 22, 152	29.04.2005
07.06.2006	RT I 2006, 30, 232	01.01.2007
21.02.2007	RT I 2007, 25, 131	01.04.2007
14.11.2007	RT I 2007, 62, 396	16.12.2007
19.06.2008	RT I 2008, 34, 211	01.08.2008
10.12.2008	RT I 2008, 56, 314	01.01.2009
18.12.2008	RT I 2009, 3, 15	01.02.2009
20.05.2009	RT I 2009, 28, 170	01.07.2009
18.06.2009	RT I 2009, 35, 232	01.07.2009
15.10.2009	RT I 2009, 50, 336	09.11.2009
27.10.2009	RT I 2009, 53, 359	21.11.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011, will enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Decision No 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
20.05.2010	RT I 2010, 29, 151	20.06.2010
17.06.2010	RT I 2010, 38, 231	01.07.2010
16.06.2010	RT I 2010, 43, 255	17.07.2010
22.02.2011	RT I, 10.03.2011, 2	20.03.2011
31.05.2011	RT I, 10.06.2011, 3	31.05.2011, a judgment of the Court en Banc of the Supreme Court declares the text "regulation" in subsection 10 (1) of the Nature Conservation Act to be unconstitutional and null and void.
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
23.01.2013	RT I, 14.02.2013, 2	01.03.2013
20.03.2013	RT I, 05.04.2013, 2	15.04.2013
27.03.2013	RT I, 18.04.2013, 1	01.05.2013
25.04.2013	RT I, 16.05.2013, 2	01.06.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014

20.06.2014	RT I, 08.07.2014, 3	01.08.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
19.02.2015	RT I, 23.03.2015, 6	01.07.2015
14.06.2023	RT I, 17.06.2023, 1	14.06.2023 – Resolution of the Constitutional Review Chamber of the Supreme Court declares unconstitutional and invalid clause 3 of subsection 1 <sup>1</sup> of § 20 of the Nature Conservation Act to the extent that it does not allow the state to acquire an immovable containing a protected natural object, which was acquired from a spouse, descendant, parent or their descendant or grandparent or their descendant, where the person from whom the immovable was acquired became the owner of the immovable after it had been placed under protection or after the protection regime had been made stricter, but the transfer transaction did not contain any information concerning the natural object to be protected.

## **Chapter 1**

### **GENERAL PROVISIONS**

#### **§ 1. Purpose of Act**

The purpose of this Act is to:

- 1) protect the natural environment by promoting the preservation of biodiversity through ensuring the natural habitats and the populations of species of wild fauna, flora and fungi at a favourable conservation status;
- 2) preserve natural environments of cultural or esthetical value, or elements thereof;
- 3) promote the sustainable use of natural resources.

#### **§ 2. Principles of nature conservation**

(1) Nature conservation is carried out by means of restricting the use of areas important from the aspect of preservation of the natural environment, by regulating steps involving specimens of species of wild fauna, flora and fungi and specimens of fossils, and by promoting nature education and scientific research.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) Nature conservation will be based on the principles of balanced and sustainable development and in each individual case, alternative solutions will be considered which, from the position of nature conservation, are potentially more effective.

#### **§ 3. Favourable conservation status of natural habitats and species**

(1) The conservation status of a natural habitat will be taken as favourable when its natural range and areas it covers within that range are stable or increasing, and the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and the conservation status of its typical species is favourable as defined in subsection (2) of this section.

(2) The conservation status of a species will be taken as favourable when population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

#### **§ 4. Protected natural objects**

(1) The following are protected natural objects:

- 1) protected areas;
  - 2) limited-conservation area;
  - 3) protected species and fossils;
- [RT I, 08.07.2014, 3 – entry into force 01.08.2014]
- 4) species' protection sites;
  - 5) individual protected natural objects;
  - 6) natural objects protected at the local government level.

(2) Protected areas are areas maintained in a state unaltered by human activity or used subject to special requirements where the natural environment is preserved, protected, restored, researched or introduced. The following are protected areas:

- 1) national parks;
- 2) nature conservation areas;
- 3) landscape conservation areas.

(3) Limited-conservation areas are areas designated for the conservation of habitats, for the preservation of which the impact of planned activities is estimated and activities liable to damage the favourable conservation status of the habitats are prohibited.

(4) 'Protected species' means a taxonomical unit of a species of fauna, flora or fungi, the specimen or habitats or places of finding of which are protected on the basis of this Act or which are listed in Annexes A to D of Council Regulation No 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein (OJ L 061, 03.03.1997, p. 1). 'Protected fossils' means fossils of a protected category, specimens or places of finding of which are protected under this Act.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(5) For the purposes of this Act, 'species protection site' means an area located outside of a protected area or in the limited management zone of a protected area, which is delimited and can be used in accordance with special requirements, and which is:

- 1) the reproduction site or place of other periodic concentration of protected animals;
- 2) the natural habitat of a protected plant or fungus;
- 3) the spawning site of salmon or river lamprey;
- 4) the hibernation site of brown bear;
- 5) the natural habitat of crayfish;
- 6) a badger sett with more than ten entrances.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(6) Individual protected natural object means an animate or inanimate natural object such as a tree, spring, erratic, waterfall, rapid, bluff, terrace, outcrop, cave or karstic form or system which is protected on the basis of this Act.

(7) At the local government level, a landscape, valuable arable land, valuable natural biotic community, individual landscape object, park, green area or an individual object of a green area which has not placed under protection as an individual protected natural object and is not located within a protected area may be a protected object.

## **§ 5. Shores and banks of bodies of water**

(1) A shore or a bank of a water-body is a land zone immediately adjoining a sea, lake, river, reservoir, brook, spring or land improvement system used in accordance with special requirements and protected under this Act.

(2) Land immediately adjoining the Baltic Sea, Lake Peipus, Lake Lämmijärv, Lake Pskov and Lake Võrtsjärv is deemed to be a shore.

(3) A shore or a bank of a water-body protected under this Act is not a protected natural object within the meaning of this Act.

## **§ 6. Application of Administrative Procedure Act**

The provisions of the Administrative Procedure Act apply to administrative proceedings conducted in accordance with this Act, taking account of the specifications provided for in this Act.

# **Chapter 2**

# PLACING UNDER PROTECTION

## § 7. Prerequisites for placing natural objects under protection

A natural object which is under risk, is rare or typical, has scientific, historic, cultural or esthetical value or which is subject to protection under an international agreement is deemed to have the prerequisites for placing the natural object under protection based on this Act.

## § 8. Proposal to place natural objects under protection

(1) Everyone has the right to submit a proposal to place a natural object under protection to the authority competent to initiate the proceedings for placing under protection.

(2) A proposal to place a natural object under protection must contain:

- 1) the justification for placing the natural object under protection;
- 2) the objective for placing the natural object under protection;
- 3) a map indicating the location or the borders of the natural object and the natural values for the protection of which the proposal was made;

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

- 4) a description of the restrictions planned for protection purposes;
- 5) an estimation of the costs related to placing under protection and organising of protection.

(3) The authority competent to initiate the proceedings for placing under protection will arrange for expert assessment of the justification and purposefulness of placing the natural object under protection and assessment of the purposefulness of the planned restrictions, involving a person who has relevant specific expertise in the field (hereinafter *expert*).

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(4) If based on expert opinion, it is obvious that the natural object lacks the prerequisites required by this Act for placing the object under protection, the authority competent to initiate the proceedings may refuse to proceed with the matter, communicating the decision to refuse to place the object under protection along with the expert opinion to the person who submitted the proposal.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(5) If a natural object has the prerequisites required by this Act for placing the object under protection and placing the object under protection is purposeful, the proceedings for placing the natural object under protection will be initiated in accordance with the provisions of § 9 of this Act.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(6) If a proposal is made to place a natural object under protection or proceedings regarding placing a natural object under protection are initiated within the meaning of subsection 9 (1) of this Act, the administrative authority who has received an application for making another administrative decision that could affect the state of the natural object specified in the proposal will have the right to suspend the proceedings for making the administrative decision. The proceedings for making the administrative decision will be suspended until a decision to place the natural object under protection or refusal to place the natural object under protection is made, but not for more than 28 months as of making the decision to suspend the proceedings of making the administrative decision.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

## § 9. Proceedings for placing natural objects under protection

(1) The proceedings for placing a natural object under protection are initiated and the authority conducting the proceedings is appointed by the Ministry of the Environment, except in the event specified in subsection (2) of this section, taking account of the prerequisites for placing a natural object under protection provided by this Act.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(2) Proceedings for placing a natural object under local protection are initiated and conducted by the local authority.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(3) The authority conducting proceedings for placing a natural object under protection will publish a notice concerning the initiation of the proceedings in the official publication *Ametlikud Teadaanded* and at least one national daily newspaper and a local newspaper. A notice concerning the initiation of the proceedings for placing a natural object under protection at the local government level will be published in the local newspaper.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(4) The notice must include information on:

- 1) the natural object to be placed under protection;
- 2) the possibilities to examine the proposal or draft decision to place the natural object under protection;
- 3) the place and time of public discussion or a proposal to decide the matter without a public discussion;

4) the term for filing objections and propositions;

5) the authority conducting the proceedings;

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

6) further steps in the proceedings, estimated time limits of the proceedings and the estimated time of termination of the proceedings.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(5) The authority conducting the proceedings for placing a natural object under protection will forward the notice containing the information specified in subsection (4) of this section to the local authority and the owner of the immovable of the location of the natural object by registered mail.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(6) If a party to the proceedings has not filed, by the deadline for submitting objections and proposals, an objection to the proposal of the initiator of the proceedings to omit the public discussion in the matter of placing the natural object under protection, the party to the proceedings is deemed to have waived the right to discuss the matter in public.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(6<sup>1</sup>) For the purposes of this Act, ‘party to the proceedings’ means the owner of an immovable located in the territory of or contained in a natural object to be placed under protection and the local authority as well as another person who has participated in the proceedings of placing the natural object under protection.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(7) A draft decision for placing a natural object under protection together with documents obtained or prepared in the course of the proceedings that are not subject to confidentiality requirements in accordance with law will be displayed for public examination at facilities of the Environmental Board or the local authority of the location of the natural object. The duration of the public display must not be less than two weeks.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(7<sup>1</sup>) Upon making a proposal or objection in proceedings involving placing a natural object under protection, a clear proposal or objection and reasons thereof must be specified:

1) regarding the existence or absence of natural values;

2) justification of the protection procedure;

3) information about valid administrative decisions or pending proceedings for making an administrative decision, which may affect placing the natural object under protection;

4) other essential circumstances that may affect the placing of the natural object under protection.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(8) The initiator of the proceedings must reply to written proposals and objections filed in the course of the public display 30 days after the end of the display or, if a public discussion is held, before the public discussion.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(9) After the proceedings regarding proposals and objections and renewal of a draft decision to place a natural object under protection, a public discussion will be organised except where no proposals or objections were filed within the term and a proposal to omit the public discussion of the matter had been made in accordance with clause (4) 3) of this section.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(10) If as the result of the public display or public discussion, the main positions expressed by the decision on placing the natural object under protection change, a new notice will be published and a new public display will be organised in accordance with subsections (7)-(9) of this section.

(11) The requirements provided for in subsections (3) to (10) of this section do not apply to the placing under protection of species, species protection sites or fossils.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(12) The requirements of this section do not apply to placing a natural object under protection at the local government level based on a plan.

## **§ 10. Placing natural object under protection**

(1) An area will be placed under protection as a protected area or a limited-conservation area by the Government of the Republic.

[RT I, 10.06.2011, 3 – entry into force 31.05.2011 A judgment of the Court en Banc of the Supreme Court declares the text “regulation” in subsection 10 (1) of the Nature Conservation Act to be unconstitutional and null and void.]

(2) An area will be placed under protection as a species protection site by the minister responsible for the field.  
[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(3) Species will be placed under protection as species in the protected category I or II by a regulation of the Government of the Republic including a list of the species. Species whose sites are automatically placed belong under protection in accordance with subsection 50 (2) of this Act will belong to the protected category I.

(4) Species in the protected category III will be placed under protection by a regulation of the minister responsible for the field including a list of the species.

(5) Rare or endangered natural fossils found in Estonia will be placed under protection by a regulation of the minister responsible for the field.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(6) Individual protected natural objects will be placed under protection by the minister responsible for the field.  
[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(7) A natural object protected at the local government level will be placed under protection:

1) on the basis of an established comprehensive plan or detailed plan;

2) without drawing up a plan.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(8) If a natural object is placed under protection without drawing up a plan, a boundary description of the protected area or a map of the protected individual landscape object will be drawn up and the rules of protection of the area or the individual landscape object will be approved.

[RT I 2009, 28, 170 – entry into force 01.07.2009]

## **§ 11. Decision for placing natural object under protection**

(1) For the placing under protection of a natural object with a surface area:

1) the objective of placing the area under protection will be determined;

2) the protection procedure (protection rules) of the area will be established in the event provided for in subsection 12 (1) of this Act;

3) the boundary of the area will be determined;

4) the manager of the area to be placed under protection will be appointed;

[RT I 2009, 3, 15 – entry into force 01.02.2009]

5) the map of the natural object will be appended to the decision.

(2) For the placing under protection of a species, a list of species in that category of protection will be prepared in Latin and Estonian.

(3) Upon placing an individual natural object under protection, the following will be established:

1) the objective for placing the natural object under protection;

2) the extent of the protective zone;

3) the manager of the individual protected natural object;

[RT I 2009, 3, 15 – entry into force 01.02.2009]

4) the protection procedure.

(4) In the letter of explanation of placing a natural object under protection, the following will be set out:

1) reasons regarding the compliance of the purposes of placing under protection with the prerequisites for protection;

2) reasons for the practicability of placing the natural object under protection;

3) reasons for selection of the type of the natural object to be protected;

4) reasons for the external boundaries and the boundaries of internal zones of the natural object to be protected;

5) reasons for the protection procedure;

6) description of the proceedings for placing the natural object under protection, including a chronological list of the stages of the proceedings, the results of the hearing, and changes made on the basis of proposals made in the course of the proceedings along with the reasons.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(5) A letter of explanation specified in subsection (4) of this section, except for the letter of explanation of a decision to place natural objects protected at the local government level under protection, will be published on the website of the Ministry of the Environment. The letter of explanation of a decision to place natural objects protected at the local government level under protection will be published on the website of the rural municipality or city government.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(6) A decision to place a natural object under protection will enter into force on the tenth day after publication in *Riigi Teataja* at the time specified in the decision.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

### **§ 11<sup>1</sup>. Refusal to place natural object under protection**

(1) If in the course of the proceedings it becomes evident that it is not practicable or possible to protect the natural object with regard to which the proceedings were initiated, a decision to refuse to place the natural object under protection will be made. A decision to refuse to place a natural object under protection will be made by a directive of the minister responsible for the field and a decision to refuse to place a natural object under local protection will be made by the authority that initiated the proceedings regarding placing the object under protection.

(2) A decision to refuse to place a natural object under protection will enter into force upon signature of the decision.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

### **§ 11<sup>2</sup>. Delivery of decision to place natural object under protection and of decision to refuse to place natural object under protection**

(1) The authority conducting the proceedings of placing a natural object under protection will deliver the decision to place the natural object under protection and the letter of explanation thereof to the party to the proceedings within ten days after the publication of the decision in *Riigi Teataja* and deliver the decision to refuse to place the natural object under protection within ten days after signing the decision.

(2) The documents specified in subsection (1) of this section will be delivered to the parties to the proceedings electronically if, in the course of placing the natural object under protection, the person has granted consent thereto. In the event of electronic delivery, the person is required to immediately confirm the receipt of documents by electronic mail.

(3) If the electronic delivery is not possible or the person has not confirmed the receipt of the documents in the event of electronic delivery, the documents specified in subsection (1) of this section will be delivered to the party to the proceedings by registered mail with advice of delivery.

(4) If electronic delivery is not possible and it is impracticable or impossible to send registered mail with advice of delivery, the authority conducting the proceedings will deliver the documents specified in subsection (1) of this section pursuant to the procedure established in §§ 28-32 of this Act.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

### **§ 12. Protection rules**

(1) The protection procedure of a protected area, species protection site or individual protected natural object will be established by the protection rules.

(2) The protection rules must set out the extent of one or several protective zones with equivalent or different degrees of strictness of restrictions, and determine whether the restrictions provided by this Act are applicable in part, in full, permanently or temporarily in each protective zone.

### **§ 13. Amendment and revocation of decision to place under protection and of protection rules**

(1) The provisions of §§ 8 and 9 of this Act apply to the change in the type of the protected object, the objective of protection, the outer borders of the object, and to significant amendment of the scope or revocation of the restrictions or obligations related to the natural object set out in the protection rules.

(2) If a natural object protected at the local government level is also placed under protection as a protected area or an individual protected natural object, the natural object still remains under protection at the local level but, if the protection procedures conflict, the protection procedure for protected areas or individual protected natural objects will apply.

## **Chapter 3 ORGANISATION OF PROTECTION**

### **§ 14. General restrictions**

(1) Without the express consent of the manager of a protected natural object, the following is prohibited within a protected area, limited-conservation area, species protection site or protective zone of an individual protected natural object:

- 1) to change the boundaries of the areas of the land use types and the intended use or uses thereof;
- 2) to prepare a land readjustment plan and to perform land readjustment activities;
- 3) [Repealed – RT I, 18.04.2013, 1 – entry into force 01.05.2013]

- 4) [Repealed – RT I 2007, 25, 131 – entry into force 01.04.2007]  
5) to establish a detailed plan and a comprehensive plan;  
6) to grant consent for the construction of a construction works whereby a construction notice is required or for the construction of a construction work whereby a building permit is required, including for the construction or expansion of a boat landing;  
[RT I, 23.03.2015, 3 – entry into force 01.07.2015]  
7) to issue design criteria;  
8) to issue building permits;  
9) to create a new body of water the area of which is larger than five square metres if a water permit or a building permit does not need to be issued therefor or a construction notice does not need to be submitted therefor;  
[RT I, 23.03.2015, 3 – entry into force 01.07.2015]  
10) to additionally feed wild game.  
[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(2) The manager of a protected natural object will not approve of the activity specified in subsection (1) of this section and any other activity requiring, in accordance with the protection rules, the consent of the manager of a protected natural object if such activity is liable to interfere with achieving the objective of protecting the natural object or damage the state of the protected natural object.

(3) On approval of the activity specified in subsection (1) of this section and any other activity requiring, in accordance with the protection rules, the consent of the manager of the protected natural object, the manager of the object may set written requirements which, if complied with, ensure that the activity does not interfere with achieving the objective of protecting the natural object or damage the state of the protected natural object.

(4) If an activity specified in subsection (1) of this section are not been submitted for approval to the manager of the protected natural object or the requirements set in accordance with subsection (3) of this section are not complied with, then in accordance with the provisions of the Administrative Procedure Act, the person in whose interests such activity is performed will have no legitimate expectation as to the legality of such activity.

(5) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

#### **§ 15. Movement within territory of protected natural objects**

(1) All roads and pathways within conservation zones and limited management zones of protected areas or within limited-conservation area or leading to protected natural monuments must be open for public use from sunrise until sunset, and if such roads or paths exist within the territory of an immovable where a protected natural monument is located, the possessor of the immovable will ensure public access to the monument during such time.

(2) Other persons are allowed to stay in a yard where a protected natural monument is situated with the consent of the possessor of the immovable.

(3) The possessor of an immovable situated within the area of a protected natural object, or of an immovable where a protected natural object is situated has no right to prohibit the following from staying within the immovable:

- 1) a representative of the manager of the protected natural object in connection with administration of the natural object;  
[RT I 2009, 3, 15 – entry into force 01.02.2009]
- 2) a research worker who holds a certificate prepared according to the format established by the minister responsible for the field and issued in accordance with the terms established by the minister responsible for the field.

#### **§ 16. Transfer of immovable containing natural object**

(1) For the purpose of transfer of an immovable or a part thereof situated within a protected area or limited-conservation area or containing a single natural object or the protection site of a species or encumbrance of such immovable or a part thereof with a right *in rem*, the corresponding contract must contain the following information concerning the natural object:

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

- 1) type and name of the natural object;
- 2) name of the manager of the natural object;  
[RT I 2009, 3, 15 – entry into force 01.02.2009]
- 3) reference to the decision to place the natural object under protection.

(2) The state has a right of pre-emption upon transfer of an immovable located, in whole or in part, within the boundaries of a shore building exclusion zone, protection site of a species in the protected category I, limited management zone of a protected natural monument, protected area or limited-conservation area.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(3) A right of pre-emption does not apply in events where an immovable is transferred to the owner's spouse, descendants, parents or their descendants, or grandparents or their descendants.



(4) Within three days after certifying a transaction for the transfer of an immovable or a part thereof, the notary will submit the transaction document to the Ministry of the Environment at the transferor's expense.

(5) Based on an application by the manager of a protected area, species protection site, limited-conservation area or protected natural monument, a notation will be entered in the land register that the immovable is encumbered with the right of pre-emption of the state. The validity of the right of pre-emption does not depend on the entry of a corresponding notation in the land register.

[RT I 2010, 38, 231 – entry into force 01.07.2010]

(6) The minister responsible for the field or a person authorised by the minister will exercise the right of pre-emption in the name of the state. The costs related to the transfer of ownership of an immovable to be acquired on the basis of the right of pre-emption will be borne by the state.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

### **§ 17. Necessary activities within protected natural object**

(1) The activities necessary within the area of a protected natural object hosting semi-natural biotic communities are activities which promote natural aspect and species composition thereof, such as mowing, grazing, and designing, thinning or deforestation of tree and shrub layers, the extent of which will be determined, in the event of a limited-conservation area, by a management plan and in the event of other protected natural objects, by protection rules.

(2) Semi-natural community occurrence areas are areas hosting communities of natural biota, such as wooded meadows, alvars, paludified meadows, fen meadows, coastal meadows, flooded meadows, grasslands on mineral soils, wooded pastures which have developed in the course of long-term human activity, such as grazing or mowing.

(3) Activities necessary for restoring natural forest and mire community within a protected area, such as ditch blocking, felling gaps or mineralizing the ground, may be ordered by the protection rules.

(4) Cutting may be ordered within a protected area by the protection rules as an activity necessary for clearing particular views.

(5) [Repealed – RT I 2006, 30, 232 – entry into force 01.01.2007]

(6) The administrative authority may grant the owner or possessor of an immovable located within the boundaries of a protected natural object use without charge of a movable owned by the state for the performance of necessary activities arising from the protection regime or management plan of the protected natural object.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(7) The provisions concerning the grant of use of state assets of the State Assets Act do not apply to the grant of use without charge of movables owned by the state. A contract for grant of use will be concluded between the manager of the protected natural object and the person using the immovable and the contract must set out at least the following:

[RT I 2009, 3, 15 – entry into force 01.02.2009]

- 1) the types of movables dispatched to the user, their numbers in the register of state assets and the number of things by type;
- 2) the name, and residence or seat of the user;
- 3) the term of the contract;
- 4) the time of transfer of the things and the term of and procedure for their return;
- 5) the obligation to insure and the extent of required insurance coverage;
- 6) the obligation to maintain the thing dispatched to the user in good working order, and to replace or repair the thing;
- 7) the bases for premature termination of the contract;
- 8) the terms, description and technical requirements for the necessary activity arising from the protection regime;
- 9) the intended purpose of the thing dispatched to the user.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(8) If the possessor of the immovable refuses to perform the necessary work prescribed by the protection rules or the management plan or fails to reach an agreement with the manager of the protected natural object, the possessor has no right to prevent the manager of the protected natural object from arranging such work.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(9) In the event specified in subsection (8) of this section, the necessary work to the extent determined by the protection rules will be carried out by the manager of the protected natural object at the expense of the state, unless the natural object has been placed under protection at the local government level.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(10) Performance of work necessary for preservation of semi-natural biotic communities of protected areas, limited-conservation areas or species protection sites is not deemed to be economic activities or business.

#### **§ 18. Nature conservation subsidy**

(1) Nature conservation subsidy is paid for performance of work specified by the protection rules or management plan necessary for preservation of semi-natural biotic communities of protected areas, limited-conservation areas or species protection sites.

(2) Possessors of immovables have the right to apply for nature conservation subsidy.

(3) The procedure for application for nature conservation subsidy, review of applications and payment of subsidy, the requirements for payment of subsidy, and the rates of subsidy will be established by a regulation of the minister responsible for the field.

(4) Nature conservation subsidy is not paid if:

1) the person who is performing the work fails to comply with the contract concluded for obtaining the subsidy, or the result of the nature conservation work does not meet the requirements established by the contract or legislation;

2) the person who is performing the work has submitted inaccurate information upon application for nature conservation subsidy;

3) no funds are prescribed by the state budget of the current year for payment of nature conservation subsidy to a land unit which ranks lower in the priority list of applications, or

4) the activity is to be carried out within a parcel of land with regard to which compensation for damage caused by migratory birds in the current year is applied for under subsection 61 (1) of this Act.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(5) Payment of nature conservation subsidy is based on a contract entered into between the manager of the protected natural object and the person performing the work, and the instrument of delivery and receipt concerning work performed in conformance with the requirements of such contract.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

#### **§ 19. [Repealed – RT I 2008, 34, 211 – entry into force 01.08.2008]**

#### **§ 20. Acquisition of immovable containing protected natural object**

(1) An immovable which contains a protected natural monument or is located, as a whole, within the territory of a protected area, limited-conservation area or species protection site and whose use for its intended purposes is significantly hindered by the protection regime may be acquired by the state upon agreement with the owner of the immovable for payment corresponding to the value of the immovable.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(1<sup>1</sup>) The state will not acquire an immovable in accordance with the procedure provided for in this section if a person has acquired the immovable after it was placed under protection and the transfer transaction contained information concerning the natural object to be protected, unless:

1) the protection regime applicable regarding the immovable is made stricter;

2) the immovable was acquired by inheritance;

3) the immovable was acquired from a spouse, descendant, parent or their descendant or grandparent or their descendant, and a person whose immovable is acquired was the owner of the immovable before it was placed under protection or before the protection regime was made stricter;

[RT I, 17.06.2023, 1 - entry into force 14.06.2023 – Resolution of the Constitutional Review Chamber of the Supreme Court declares unconstitutional and invalid clause 3 of subsection 1<sup>1</sup> of § 20 of the Nature Conservation Act to the extent that it does not allow the state to acquire an immovable containing a protected natural object, which was acquired from a spouse, descendant, parent or their descendant or grandparent or their descendant, where the person from whom the immovable was acquired became the owner of the immovable after it had been placed under protection or after the protection regime had been made stricter, but the transfer transaction did not contain any information concerning the natural object to be protected.]

4) the immovable was acquired by way of restitution of unlawfully expropriated property and the order of the local authority to return the land has been issued before 7 July 1996.

[RT I, 05.04.2013, 2 – entry into force 15.04.2013]

(1<sup>2</sup>) If an immovable is not located, as a whole, within the territory of a protected area, limited-conservation area or species protection site or if its size exceeds the territory of the limited management zone of a protected natural monument, the part of the immovable located within the protected area, limited-conservation area or species protection site may be acquired by the state based on an agreement between the state and the owner of the immovable. The division of the immovable will be organised by the owner of the immovable and the costs relating to the division will be borne by the person who initiated the acquisition.

[RT 2009, 35, 232 – entry into force 01.07.2009]

(1<sup>3</sup>) Upon agreement with the owner of the immovable, the state may acquire the whole immovable if:

1) the part of the immovable located within the protected area or limited-conservation area is larger than two thirds of the total area of the immovable or

2) the immovable is partially located within the boundaries of a protection site of a species in the protected category I or a limited management zone of a protected natural monument.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(2) Acquisition of an immovable may be initiated by the owner of an immovable, the manager of a protected natural object or the minister responsible for the field. The minister responsible for the field will decide on acquisition of immovables. The costs related to the acquisition of immovables will be borne by the state and acquisition will be financed within the limits of the amount allocated in the state budget for each budgetary year.

[RT I 2009, 50, 336 – entry into force 09.11.2009]

(2<sup>1</sup>) The value of an immovable, except the value of an immovable covered with forest, will be determined by the comparison of transactions. Upon determination of the value of an immovable, the real rights which due to their nature cannot be deleted from the land register (e.g. servitudes, neighbourhood rights) and restrictions on the immovable property ownership arising from Acts, except the protection regime which is the bases for the acquisition of the immovable, will be taken into account.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(2<sup>2</sup>) The value of an immovable covered with forest will be determined as the sum of the value of the plot of land and the crop standing on the plot of land. If, upon determination of the value of an immovable covered with forest, the value of the standing crop is not of material importance and, arising from the market situation, the assessed value of land does not reflect the market price of the region, a representative of the state may order an appraisal in order to determine the value of the immovable covered with forest.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(3) The procedure for the acquisition of immovables containing protected natural objects by the state and for proceedings regarding proposals and the criteria on the basis of which the use of an immovable for its intended purposes is deemed to be significantly hindered by the protection regime and the procedure and basis for determination of the value of an immovable will be established by a regulation of the Government of the Republic.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(4) The acquisition of an immovable will be decided in the order of receipt of the applications for acquisition, unless there is good reasons for extension of the proceedings. If there is a good reason, an application will be resolved after the good reason has ceased to exist. Information on the order of receipt of the applications for acquisition will be published on the website of the Ministry of the Environment.

[RT I, 05.04.2013, 2 – entry into force 15.04.2013]

**§ 20<sup>1</sup>. [Repealed – RT I, 05.04.2013, 2 – entry into force 15.04.2013]**

**§ 20<sup>2</sup>. [Repealed – RT I, 05.04.2013, 2 – entry into force 15.04.2013]**

## **§ 21. Manager of protected natural objects**

(1) The manager of a protected area, limited-conservation area, species protection site and protective zone of a protected natural monument will be the Environmental Board (hereinafter *administrative authority*).

(2) The local authority which decided on placing a natural object specified in subsection 4 (7) of this Act under protection, or a rural municipality or city agency authorised by the local authority to administer the object will act as the manager of such object.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

## **§ 22. Administration of protected natural objects**

Administration of a protected natural object must include:

1) deciding the granting of a permit for use of the environment determined by this Act and the protection rules, and establishing conditions of use of the environment;

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

2) participation in the strategic assessment of the environmental impact of a plan liable to affect the protected natural object, participating in the proceedings of assessment of the environmental impact of a planned activity, and establishing conditions for the planned activity or the plan liable to affect the protected natural object;

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

3) organisation of activities arising from the protection rules or management plan;

4) monitoring of compliance with the requirements provided by this Act and the protection rules, and notification of the Environmental Inspectorate of discovered violations.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

### **§ 23. Marking of protected natural objects**

(1) A protected area, limited-conservation area, protected natural monument or natural object protected at the local government level will be marked such that the location of the protected natural object could be reasonably understandable at the site.

(2) The marking of a protected natural object will be organised by the manager of the natural object.  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(3) The procedure for marking protected natural objects and the markings to be used will be established by a regulation of the minister responsible for the field.

### **§ 24. Protection obligation notice**

(1) A protection obligation notice is a document issued for information purposes to the owner of an immovable that contains a brown bear hibernation site or the habitat of a species belonging to the protected category I, or whose immovable is located within such area, or to the possessor of such an area concerning whom a corresponding entry has been made in the land register, an administrator of state assets or an authorised authority (hereinafter jointly referred to as *possessor*).

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(2) A protection obligation notice must contain:

1) information concerning the protected natural object, the name of the authority that placed it under protection and the date of placing it under protection;

2) the objective for placing the natural object under protection;

3) information concerning the manager of the natural object;

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

4) a list of restrictions provided by this Act and legislation issued on the basis thereof.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(3) The Environmental Board will issue a protection obligation notice immediately after learning of the whereabouts of a brown bear hibernation site or a habitat of a species belonging to protection category I.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(4) A protection obligation notice will be delivered against a signature or sent by registered mail.

(4<sup>1</sup>) A protection obligation notice will not be delivered to the State Forest Management Centre.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(5) [Repealed – RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(6) [Repealed – RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(7) [Repealed – RT I 2009, 3, 15 – entry into force 01.02.2009]

(8) The possessor of an immovable will immediately inform third parties who, by an order of the possessor of the immovable, are authorised to stay at the immovable or perform the work or provide services commissioned by the possessor of the immovable about restrictions in force at the protected natural object.

[RT I 2010, 43, 255 – entry into force 17.07.2010]

### **§ 25. Management plan**

(1) For the purpose of organising the protection of a protected natural object, a management plan may be drawn up.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) The procedure for the preparation and approval of the management plan will be established and the person approving the management plan will be determined by the minister responsible for the field. Information regarding approval of the management plan will be published on the website of the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

### **§ 25<sup>1</sup>. Habitat action plan**

(1) A habitat action plan is drawn up for ensuring a favourable condition of the habitat if the results of a scientific stock-taking indicate that the measures taken thus far do not ensure it or if it is required by an international obligation.

(2) A habitat action plan will be established by a regulation of the minister responsible for the field.

(3) A habitat action plan will be published on the website of the Ministry of the Environment.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## **Chapter 4**

# **PROTECTED AREAS**

### **§ 26. National park**

(1) A national park is a protected area prescribed for the preservation, protection, restoration, research and introduction of the natural environment, landscapes, cultural heritage and balanced use of the environment of the protected area.

(2) The following are national parks of Estonia:

- 1) Lahemaa National Park, intended for the protection of the natural and cultural heritage of the coastal landscapes of Northern Estonia;
- 2) Karula National Park, intended for the protection of the natural and cultural heritage of the hilly moraine landscapes of Southern Estonia;
- 3) Soomaa National Park, intended for the protection of the natural and cultural heritage of the mire landscapes and floodplain landscapes of transition zone of Estonia (*Estonia intermedia*);
- 4) Vilsandi National Park, intended for the protection of the natural and cultural heritage of the coastal landscapes of the Western Estonian archipelago;
- 5) Matsalu National Park, intended for the protection of the characteristic biotic communities of Western Estonia and of the natural and cultural heritage of the Väinameri Sea region.

(3) A national park may include strict nature reserves, conservation zones and limited management zones.

### **§ 27. Nature reserve**

(1) A nature reserve is a protected area prescribed for the preservation, protection, restoration, research and introduction of the natural environment.

(2) The zones possible in a nature reserve are the strict nature reserve, conservation zone and limited management zone.

### **§ 28. Landscape protection area (nature park)**

(1) A landscape protection area is an area prescribed for the preservation, protection, restoration, research, introduction and regulation of use of landscapes of the protected area.

(2) A park, arboretum or forest stand is a special type of landscape protection area.

(3) The zones possible in a landscape protection area are the conservation zone and limited management zone.

### **§ 29. Strict nature reserve**

(1) A strict nature reserve is a land or water area of a protected area whose natural status is unaffected by direct human activity and where the preservation and development of natural biotic communities is ensured only through natural processes.

(2) All types of human activity is prohibited within a strict nature reserve, and persons are prohibited from staying in such reserves, except in events specified in subsections (3) and (4) of this section.

(3) Persons may stay in a strict nature reserve only for the purposes of supervision, rescue work or administration and organisation of the protection of the natural object.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4) People may stay in a strict nature reserve for the purpose of monitoring and assessment of the status of the natural object only with the consent of the manager of the protected area.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

### **§ 30. Conservation zone**

(1) A conservation zone is a land or water area of a protected area prescribed for the preservation of natural and semi-natural biotic communities established or to be developed therein. Mineral resources present within a conservation zone are not deemed to be resources intended for exploitation.

(2) Unless otherwise provided by the protection rules, the following will be prohibited within a conservation zone:

- 1) economic activities;

- 2) use of natural resources;
- 3) erection of new construction works;
- 4) staying of persons in the habitats of protected species and staging areas of migratory birds;
- 5) driving motor vehicles, off-road vehicles or floating vessels;
- 6) camping, building fires and organising public events.

(3) The prohibition established by clauses (2) 4) and 5) of this section does not extend to supervision and rescue work, activities related to organisation of the protection and administration of the natural object, and to research carried out with the consent of the manager of the protected natural object.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(4) The following may be permitted by the protection rules in the conservation zone as activities necessary for the preservation of the object or activities that do not harm the object:

- 1) maintenance work on existing land improvement systems and restoration of the water regime;
- 2) development of biotic communities in adherence to the objective of protection;
- 3) gathering of berries, fungi and other forest by-products;
- 4) hunting activities;
- 5) fishing activities;
- 6) erection of roads, utility works or non-production construction works for servicing an immovable located within the protected area, or the protected area, and maintenance of existing construction works;
- 7) activities necessary for guaranteeing the preservation of the characteristic features and species composition of semi-natural biotic communities, and activities for preservation of the living conditions of protected species;
- 8) gathering of reed and seaweed.

(5) [Repealed – RT I 2009, 3, 15 – entry into force 01.02.2009]

### **§ 31. Limited management zone**

(1) A limited management zone is a land or water area of a protected area where economic activities are permitted, taking account of the restrictions provided by this Act.

(2) Unless otherwise provided by the protection rules, the following will be prohibited within a limited management zone:

- 1) construction of new land improvement systems;
  - 2) altering the water levels and shorelines of bodies of water;
- [RT I 2007, 25, 131 – entry into force 01.04.2007]
- 3) extraction of mineral resources;
- [RT I 2007, 25, 131 – entry into force 01.04.2007]
- 4) design of pure stands and planting of energy forests;
  - 5) regeneration cutting;
  - 6) training of crowns of trees and bushes, planting and cutting woody plants in parks, arboreta and forest stands under protection as special types of landscape protection areas and in the limited management zones of protected areas aimed at protecting park, arboreta and forest stands without the consent of the manager of the protected area;
- [RT I, 18.04.2013, 1 – entry into force 01.05.2013]
- 7) use of biocides, plant protection products and fertilizers;
- [RT I 2007, 25, 131 – entry into force 01.04.2007]
- 8) erection of construction works, including temporary construction works, and altering the exterior structure of construction works located in a national park;
  - 9) hunting and fishing activities;
  - 10) driving motor vehicles, off-road vehicles or floating vessels, except for the performance of work necessary for the maintenance of line facilities, and for forestry work or agricultural work in profit-yielding land;
  - 11) camping, building fires and organisation of public events in locations not intended for such purposes and unmarked by the manager of the protected area;
  - 12) gathering of reed on unfrozen ground.

(3) An obligation to preserve natural balance and the species and age diversity within biotic communities and a prohibition on haulage and transportation of timber out of the zone if the ground is not frozen may be established by the protection rules. If the protection rules prohibit the haulage and transport of timber when the ground is not frozen, the manager of the protected area may allow it when the ground permits it.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(4) Restrictions different than those provided for in the Forest Act as well as time limits for cutting may be established by the protection rules with regard to the size and form of cutting areas and the age composition of a forest within a limited management zone, provided that the restrictions and limits are necessary for the preservation of a biotic community or a protected species within the community and for the improvement of the living conditions.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(5) [Repealed – RT I 2009, 3, 15 – entry into force 01.02.2009]

## **Chapter 5**

## LIMITED-CONSERVATION AREAS

### § 32. Limited-conservation area

(1) A limited-conservation area is established with the aim to ensure the favourable conservation status of wild fauna, flora and fungi unless it has been ensured by any other method provided by this Act.

(2) Destruction or harming of the habitats for the protection of which a limited-conservation area was formed, significantly disturbing the protected species, and all activities which are likely to endanger the favourable conservation status of the habitats and protected species are prohibited within a limited-conservation area.

(3) Logging activities are prohibited within a limited-conservation area if such activities are likely to harm the structure and functions of the protected habitats or endanger the preservation of species typical to the habitats.

(4) The objective of establishment of a limited-conservation area will be taken account of upon the processing of forest in compliance with the Forest Act. The manager of a limited-conservation area may impose an obligation to:

- 1) perform planned logging at a determined time,
- 2) use designated technologies for performance of planned logging.

(4<sup>1</sup>) If a planned regeneration cutting is in compliance with subsections (2) and (3) of this section, the size of a clear-cut area within a limited-conservation area must not exceed two hectares and its width must not exceed 30 metres and the area of a shelterwood cutting area must not exceed five hectares.

[RT I 2009, 53, 359 – entry into force 21.11.2009]

(5) The impact of activities planned within a limited-conservation area on the status of habitats and species will be evaluated in the course of environmental impact assessment or in accordance with the procedure provided in § 33 of this Act.

### § 33. Notification concerning limited-conservation area

(1) The possessor of an immovable located within the boundaries of a limited-conservation area will submit a notification to the manager of the limited-conservation area if the following activities are planned:

- 1) construction of a road;
- 2) removal of a natural rock or soil;
- 3) altering the water levels and shorelines of bodies of water;
- 4) use of biocides and plant protection products;
- 5) cultivation and fertilising of natural and semi-natural grasslands and polders;
- 6) cutting of trees located within areas that have the characteristics of a wooded meadow;
- 7) construction and reconstruction of land improvement systems;
- 8) collection of reed.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) The notification must include the description, volume and schedule of the planned work, and a map of the area where the work is to be performed.

(3) The notification will be submitted to the manager of the limited-conservation area at least one month before commencement of the work in one of the following manners:

- 1) personal delivery;
- 2) sending by post by registered mail;
- 3) by electronic message bearing a digital signature.

(4) A notification is deemed to be submitted as of the date of sending thereof or the date of registration thereof by the manager of the limited-conservation area on the basis of the date stamp or time stamp, correspondingly.

(5) The manager of the limited-conservation area will evaluate the compliance of the planned activities with the requirements provided in § 32 of this Act within one month after the date of submission of the notification. The manager of the limited-conservation area will:

- 1) approve the notification and return it to the person who submitted it, if the administrative authority permits the performance of the planned work;
- 2) inform the person who submitted the notification of the conditions in adherence to which the work must be performed, or
- 3) prohibit any work that endangers the preservation of the favourable conservation status of the protected species or habitats present within the limited-conservation area for the guarantee of which the limited-conservation area was established.

(6) The format of notifications concerning limited-conservation areas, and the procedure for approval, review and return thereof will be established by a regulation of the minister responsible for the field.

(7) In a special conservation area, the obligation to submit the notification provided in subsection (1) of this section does not apply with regard to work performed in the yard of an existing residential building.  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## **Chapter 6**

# **SHORES AND BANKS**

### **§ 34. Objective of protection of shores and banks**

The objective of protection of shores and banks is to preserve the natural biotic communities present on the shores and banks, to curb the harmful impact of human activity, to promote human settlement systems which consider the specific character of the shores and banks, and to ensure unrestricted movement within and unrestricted access to the territories thereof.

### **§ 35. Restrictions on use of shores and banks**

(1) The following are zones within the area of a shore or bank:

- 1) the limited management zone of the shore or bank;
- 2) the building exclusion zone of the shore or bank;
- 3) the water protection zone of the shore or bank.

(2) The baseline for calculation of the width of the zones specified in subsection (1) of this section is the boundary of the water-body (the ordinary boundary of water) entered in the base map.

(3) With respect to internal bodies of water with extended areas of potential flooding, the high water boundary will be determined in accordance with the procedure established by a regulation of the minister responsible for the field. The list of internal bodies of water with extended areas of potential flooding will be established by a regulation of the minister responsible for the field.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(3<sup>1</sup>) The boundary of an area of repeated flooding on the sea coast will be determined in a comprehensive plan. If the boundary of an area of repeated flooding has not been determined, 1 metre high contour line is deemed to be the boundary of the area of repeated flooding.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4) The limited management zone, water protection zone and building exclusion zone of the shore or bank of a body of water with areas of repeated flooding consist of the flooded area and the width of the zone provided in §§ 37 to 39 of this Act.

(5) On shore or bank terraces higher than five meters and located less than 200 meters from the water boundary, the limited management zone, water protection zone and building exclusion zone of the shore or bank consist of the area below the terrace extending to the water boundary and the width of the zone provided in §§ 37 to 39 of this Act.

### **§ 36. Guarantee of unrestricted passage and access**

[Repealed – RT I, 08.07.2014, 3 – entry into force 01.08.2014]

### **§ 37. Limited management zones of shores and banks**

(1) The width of limited management zones of shores and banks will be:

- 1) 200 meters on the shores of the Baltic Sea, Lake Peipus, Lake Lämmijärv, Lake Pskov and Lake Võrtsjärv;
- 2) 100 meters on the banks of lakes and reservoirs with an area of more than ten hectares, rivers with a catchment area of more than 25 square kilometres, brooks, artificial recipients of land improvement systems;  
[RT I 2007, 25, 131 – entry into force 01.04.2007]
- 3) 50 metres in the event of springs and on the banks of lakes and reservoirs with an area of up to ten hectares, rivers with a catchment area of up to 25 square kilometres, brooks, artificial recipients of land improvement systems.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) The objective for protecting forests located within the limited management zones of shores and banks is the protection of the water and soil, and the preservation of suitable conditions for recreation. Clear cutting is not permitted within the limited management zones of shores. Within the limited management zone of banks, the area of a clear cut area must not exceed two hectares, except upon performance of work to manage land improvement systems in a water protection zone of artificial recipients of land improvement systems.  
[RT I 2008, 56, 314 – entry into force 01.01.2009]



(3) The following is prohibited within the limited management zones of shores and banks:

- 1) land treatment by sewage sludge;
- 2) establishment of burial sites;
- 3) construction and expansion of facilities prescribed for waste processing or storage, except in the territory of ports;

4) [Repealed – RT I 2007, 25, 131 – entry into force 01.04.2007]

5) extraction of mineral resources;

[RT I 2007, 25, 131 – entry into force 01.04.2007]

6) driving a power-driven vehicle outside designated roads and driving an all-terrain vehicle, except for state monitoring, work related to the management of a protected natural object or the performance of maintenance work in a green zone of a densely populated area, transportation of watercraft needed for fishing activities by a person holding the right to fish as a professional activity or for recreation, for collecting reed and gathering seaweed, and for forestry work and agricultural work on profit-yielding land.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(4) The restrictions provided for in clauses 5) and 6) of subsection (3) of this section do not extend to artificial bodies of water created as a result of excavation of mineral resources or earth material, which bodies of water are located in a mineral deposit in an extracting permit area or in the service area of an extracting permit area, until the soil spoilt by the extraction operations have been declared restored by the issuer of the extraction permit in accordance with the procedure provided for in §§ 48 and 50 of the Earth's Crust Act.

[RT I, 10.02.2011, 2 – entry into force 20.03.2011]

### § 38. Building exclusion zones of shores and banks

(1) The width of building exclusion zones of shores and banks will be:

- 1) 200 meters on the sea coast within Narva-Jõesuu city limits, and on the sea-islands;
- 2) 100 meters on the sea coast, and the shores Lake Peipus, Lake Lämmijärv, Lake Pskov and Lake Võrtsjärv;
- 3) 50 meters on the banks of bodies of water within cities and towns, and built up areas of small towns and villages with clearly determined boundaries (hereinafter *densely populated areas*), except in the event provided in clause 5) of this section;

[RT I 2007, 25, 131 – entry into force 01.04.2007]

4) 50 meters on the banks of lakes and reservoirs with an area of more than ten hectares, rivers with a catchment area of more than 25 square kilometres, brooks, artificial recipients of land improvement systems;

[RT I 2007, 25, 131 – entry into force 01.04.2007]

5) 25 metres in the event of springs and on the banks of lakes and reservoirs with an area of up to ten hectares, rivers with a catchment area of up to 25 square kilometres, brooks, artificial recipients of land improvement systems.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) On forest land of shores and of banks of lakes and rivers for the purposes of subsection 3 (2) of the Forest Act, the building exclusion zone extends to the boundary of the limited management zone of the shore or bank.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(3) Construction of new buildings and civil engineering works is prohibited within the building exclusion zones of shores and banks.

(4) The building ban does not extend to:

- 1) a new building to be constructed in the yard of an existing building in a low-density area, which is not located within the water protection zone;

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

1<sup>1</sup>) erection of new construction works in the building exclusion zones of densely populated areas in the direction of land from the established building line between existing construction works;

[RT I 2007, 25, 131 – entry into force 01.04.2007]

- 2) civil engineering works prescribed for fortification of banks;
- 3) civil engineering works necessary for servicing a bathing area;
- 4) land improvement systems, except for polders;
- 5) initial extension of existing construction works if the volume of the extension is less than one third of the cubature of the existing construction works;
- 6) boundary fences;
- 7) Border Guard facilities.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(5) The building ban does not extend to the following areas concerning which an adopted detailed plan or adopted comprehensive plan exists:

- 1) construction works related to surface water intakes;
- 2) construction works in ports and civil engineering works related to water traffic;
- 3) civil engineering works prescribed for fortification of shores,
- 4) construction works of hydrographical services and monitoring stations;

- 5) construction works in connection with fish farming;
- 6) construction works of national defence, border guard and rescue service authorities;  
[RT I 2010, 29, 151 – entry into force 20.06.2010]
- 7) [Repealed – RT I 2007, 25, 131 – entry into force 01.04.2007]
- 8) utility networks and technical infrastructure;
- 9) bridges;
- 10) public roads;  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]
- 11) railways.

(5<sup>1</sup>) The building ban does not extend to construction works planned under a special national plan.  
[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

(6) Boat landings may be built on shores and banks unless this not contrary to the objectives for protecting shores and banks and subsection 8 (2) of the Water Act.

(7) Unless otherwise provided by the protection rules, the provisions of this Act apply to construction within protected areas.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(8) Construction within limited-conservation areas is regulated, in addition to the provisions of this Act concerning special protected areas, also by this Chapter.

(9) If a local authority allows building within the building exclusion zone of a shore or bank contrary to the provisions of this section, then in accordance with the provisions of the Administrative Procedure Act, the person who was issued the building permit or in whose interest the building is performed has no legitimate expectation as to the legality of the building.

### **§ 39. Water protection zones of shores and banks**

The extent of and restrictions to water protection zones of shores and banks are provided by the Water Act.

### **§ 40. Extension and reduction of building exclusion zones of shores and banks**

(1) Considering the objectives for protection of a shore or bank and based on the flora, relief, boundaries of land parcels and immovables, existing road and utility networks and established patterns of settlement, the building exclusion zone of a shore or bank may be extended or reduced.

(2) Local authorities may extend the building exclusion zone of a shore or bank by a comprehensive plan.

(3) Building exclusion zones will be reduced with the consent of the Environmental Board.  
[RT I 2009, 3, 15 – entry into force 01.02.2009]

(4) For reduction of a building exclusion zone, the local authority will submit to the Environmental Board an application together with:

- 1) the comprehensive plan adopted in accordance with the Planning Act;
- 2) an adopted detailed plan including a proposal to amend the comprehensive plan adopted in accordance with the Planning Act;
- 3) a detailed plan adopted in accordance with the Planning Act, in the absence of an adopted comprehensive plan.

(5) The Environmental Board will assess the compliance of the reduction of the building exclusion zone with the objectives for protection of the bank or shore, and with the provisions of subsection (1) of this section.  
[RT I 2009, 3, 15 – entry into force 01.02.2009]

(6) Extension or reduction of a building exclusion zone will enter into force upon entry into force of the adopted comprehensive plan or detailed plan.

### **§ 41. Formation of new densely populated areas and expansion of existing densely populated areas**

(1) It is prohibited to form new densely populated areas within the building exclusion zones of shores and banks. Exceptions to the above may be made by the Government of the Republic on proposal of a local authority.

(2) Existing densely populated areas situated on shores or banks will be expanded on the basis of existing comprehensive plans.

(3) A local authority wishing to form a new densely populated area will organise the public display of the corresponding general plan and, if the plan passes the public display, will submit an application to this effect together with the opinion of the person exercising supervision over the plan, after which permission for formation of a new densely populated area may be granted to the local authority in accordance with the Planning

Act. The Ministry of the Environment will forward the application of the local authority to the Government of the Republic together with the opinion of the Ministry on the matter.

(4) In granting of permission or refusal to grant permission, the objectives for protection of the shore or bank will be taken into consideration.

(5) Densely populated areas situated in building exclusion zones of small towns or villages will be expanded only on the basis of adopted comprehensive plans.

#### **§ 42. Use of shores and banks as bathing areas**

(1) A bathing area is an area determined by the comprehensive plan situated by a body of water established with the main objective of provision of recreational activities to persons.

(2) No fees will be charged for staying in a bathing area.

(3) The procedure for use and maintenance of bathing areas will be established by the local authority.

(4) The character and location of civil engineering works servicing a bathing area will be building design criteria.

[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

(5) Bathing areas have no water protection areas.

## **Chapter 7 NATURE CONSERVATION AT LOCAL GOVERNMENT LEVEL**

#### **§ 43. Nature conservation on local government level**

The objective for nature conservation at the local government level is the determination by local authorities of the conditions for the protection and use of valuable landscapes representing the specific character of the natural and cultural environment, settlement patterns or land use, or individual features of such landscapes.

#### **§ 44. Protection regime**

(1) The protection regime provided by § 31 of this Act which may also be mitigated by the protection rules or a plan applies to lands placed under local protection.

(2) A protected zone extending to the distance of 50 meters from an individual feature of a landscape will be formed around the feature unless a smaller area has been provided upon placing the feature under protection. The protection regime provided in § 31 of this Act which may also be mitigated by the protection rules or a plan applies to the protected zone.

#### **§ 45. Cutting of trees in densely populated areas**

Single trees growing within a densely populated area, except for forests as defined by the Forest Act, will only be cut based on a permission of the local authority. The conditions and procedure for granting permission will be established by the local authority.

## **Chapter 8 SPECIES**

#### **§ 46. Protected categories of species**

(1) The following will be included in the protected category I:

- 1) species that are rare in Estonia, are located within restricted geographical areas, in few habitats, in isolation or whose population is thinly scattered over a more extensive range;
- 2) species which are in danger of disappearance, whose population been reduced as a result of human activity, whose habitats have been damaged to a critical point and whose extinction in the Estonian wild is likely if the adverse impact of the danger factors continue.

(2) The following will be included in the protected category II:

- 1) species that are in danger due to their small or reducing populations and whose range in Estonia is reducing due to overexploitation, destruction or damaging of habitats;
  - 2) species that are likely to be exposed to danger of being destroyed if the existing environmental factors continue operating.
- (3) The following will be included in the protected category III:
- 1) species whose population is endangered by the destruction or damaging of habitats and has been reduced to a point where they are believed to move into the endangered category if the causal factors continue operating;
  - 2) species that were included in the protected category I or II but that, due to application of necessary protective measures, do not experience a danger of destruction.

#### **§ 47. Definition of specimen**

(1) For the purposes of this Act, 'specimen' means an animal, plant or fungus of any stage of development, or any identifiable part of an animal, plant or fungus.  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) For the purposes of § 59 of this Act, a specimen means an animal, plant or fungus of any stage of development, or any identifiable part of a plant or fungus as well as derivatives and any other goods which appear, from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be parts or derivatives of animals, plants or fungi of a species included in a protected category.

#### **§ 48. Ensuring favourable conservation status of species**

(1) The protection of all known habitats of species in the protected category I will be ensured by formation of protected areas and limited-conservation areas or determination of species protection sites.

(2) The protection of at least 50 per cent of known habitats of the protected category II entered in the environmental register will be ensured by formation of protected areas and limited-conservation areas or determination of species protection sites based on the representativity of the areas and sites.

(3) The protection of at least 10 per cent of known habitats of the protected category III entered in the environmental register will be ensured by formation of protected areas and limited-conservation areas or determination of species protection sites based on the representativity of the areas and sites.

(4) In habitats of species in the protected categories II and III that have not been differentiated, individual specimens of such species will be protected.

#### **§ 49. Action plan for conservation and management of species**

(1) An action plan will be prepared for:

- 1) organisation of protection of a species in the protected category I;
  - 2) ensuring the favourable conservation status of a species, if the results of the species inventory indicate that the current measures fail to do so, or if prescribed by an international obligation;
- [RT I 2007, 25, 131 – entry into force 01.04.2007]

3) management of a species if the results of the species inventory indicate a significant negative impact to the environment caused by the increase in the population of the species, or a danger to the health or property of persons.

(2) An action plan includes:

- 1) biological data, population dynamics data and information on the range of the species;
- 2) conditions for guaranteeing the favourable conservation status of an endangered species;
- 3) risk factors to the species;
- 4) the objective for conservation or management;
- 5) the priority of measures for achieving a favourable conservation status or management of the species, and a schedule for application thereof;
- 6) the budget for organisation of conservation or management.

(3) The action plan will be established by the minister responsible for the field.

(4) The action plan will be published on the website of the Ministry of the Environment.

#### **§ 50. Protection of species protection sites**

(1) The protection regime provided in § 30 or § 31 of this Act determined in accordance with subsection 10 (2) of this Act applies in species protection sites.

(2) Unless a site of a protected species specified in this section, except for unoccupied artificial nests, has been determined in accordance with subsection 10 (2) of this Act, the following will be deemed to be a species protection site:

- 1) nesting tree of a flying squirrel, and the surrounding area within the radius of 25 meters;

- 2) nesting tree of a white-tailed eagle, short-toed eagle or osprey, and the surrounding area within the radius of 200 meters;
- 3) nesting tree of a greater spotted eagle or black stork, and the surrounding area within the radius of 250 meters;
- 4) nesting tree of a lesser spotted eagle, and the surrounding area within the radius of 100 meters;
- 5) nesting tree of a golden eagle, and the surrounding area within the radius of 500 meters;
- 6) nesting tree of a mixed couple of a greater spotted eagle and lesser spotted eagle, and the surrounding area within the radius of 250 meters.

(3) A person who finds a nesting tree is required to inform the Environmental Board within three twenty-four-hour periods after the finding.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(4) If the protection regime of a species specified in this section has not been determined in accordance with subsection 10 (2) of this Act, then the protection regime provided in § 30 of this Act applies to the species protection site of a flying squirrel, golden eagle, white-tailed eagle, short-toed eagle, osprey, greater spotted eagle, lesser spotted eagle or black stork as of the time of finding the nesting tree.

(5) If the site of a protected species specified in this section has not been determined in accordance with subsection 10 (2) of this Act, persons are prohibited to stay within the species protection site of a golden eagle or white tailed eagle from February 15 to July 31, and within the site of the species protection site of a short-toed eagle, osprey, greater spotted eagle, lesser spotted eagle or black stork from March 15 to August 31.

(5<sup>1</sup>) If the species protection site of a species specified in this section has not been placed under protection in accordance with subsection 10 (2) of this Act, the following is, regardless of the restrictions specified in subsection (4) and the time limits specified in subsection (5) of this section, permitted at the species protection site:

- 1) collection of berries, mushrooms and other forest by-products;
- 2) hunting;
- 3) fishing;
- 4) with the consent of the manager of the species protection site, the cultivation of the biotic community in accordance with the purpose of conservation, an activity required for preserving the living conditions of the species and the maintenance of an existing building.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(6) The restrictions relating to a species protection site provided for in subsections (4) and (5) do not apply to an area that is under cultivation, to the yard of an existing residential building to a public road or to the maintenance of a natural grassland.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(7) Persons are allowed to stay within a species protection site during the time of the ban on movement for educational or research-related filming, photography or audio recording activities with the permission of the Environmental Board provided that such activity does not pose a danger to a specimen of the protected species.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(8) The manager of a species protection site has the right to organise work in accordance with the protection regime or action plan based on a contract entered into with the local authority, land owner or another person.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(9) The supplementary feeding of wild boar is prohibited at the protection site of capercaillie.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

## **§ 51. Protection of spawning area**

(1) On bodies of water approved as spawning areas or habitats of salmon, brown trout, salmon trout or grayling, or sections of such bodies of water, it is prohibited to reconstruct existing dams to the extent which would raise the level of water, to build new dams and to alter the natural bed or water regime of the body of water.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(1<sup>1</sup>) It is permitted to alter the water regime and level of water upon reconstruction of dams on bodies of water or sections of such bodies of water specified in subsection (1) of this section only if the spawning possibilities of fish are improved thereby.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) The list of spawning areas or habitats of salmon, brown trout, salmon trout or grayling will be established by a regulation of the minister responsible for the field.

## **§ 51<sup>1</sup>. Protection of hibernation site of brown bear**

(1) The hibernation site of brown bear is a site where a bear hibernates and the surrounding area within the radius of 300 meters.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) A person who finds a hibernation site is required to inform the Environmental Board within three working days of the finding and the Board will, as soon as possible, suspend activities permitted by a forest notification and activities determined by a permit in proof of the right to use the hunting district at the hibernation site of brown bear until the end of the period of hibernation.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(3) Activities determined by a permit in proof of the right to use a hunting district and activities related to forest management and use are prohibited at the hibernation site of brown bear.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4) The protection regime for the hibernation site of brown bear is valid as of finding of the hibernation site until 15 April of the same period of hibernation.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

## **§ 51<sup>2</sup>. Requirements of European Union for protection of species**

It is prohibited to destroy and to harm the clearly delineated breeding sites and resting places of the specimens of the species specified in point a of Annex IV of the Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna.

[RT I 2009, 53, 359 – entry into force 21.11.2009]

## **§ 52. Protection of migratory routes**

(1) Upon construction work, living and moving conditions that are as safe as possible will be ensured to the specimens of protected species.

(2) In order to protect the migratory routes of animals, the minister responsible for the field has the right to establish temporary restrictions of traffic on the proposal of the minister responsible for the field.

## **§ 53. Disclosure of information**

(1) It is prohibited to disclose the specific location of the habitats of specimens of species in the protected categories I and II in the media.

(2) The specific location of a species protection site will not be disclosed in the notice published in the *Riigi Teataja* concerning the placing under protection of the species protection site.

## **§ 54. Improvement of living conditions of species**

The intended improvement of the living conditions of specimens of protected species is permitted only based on the action plan specified in § 49 of this Act or based on the management plan specified in § 25 of this Act.

## **§ 55. Killing, damaging or disturbing specimens**

(1) Intentional killing of a specimen of a protected species, except for the purposes of euthanasia, is prohibited.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) Killing of a specimen of an animal species in the class *Mammalia* in the protected category I is permitted:

- 1) if the animal directly endangers the life or health of a person and the attack cannot be prevented or controlled in any other manner;
- 2) in the interests of public safety.

(3) Killing of a specimen of an animal species in the protected category II or III is permitted:

- 1) if the animal directly endangers the life or health of a person and the attack cannot be prevented or controlled in any other manner;
- 2) in the interests of public safety;
- 3) in the interests of air safety;
- 4) if it is necessary to prevent damage to important agricultural crops or farm animals, fish farming or other important assets;
- 5) educational or research purposes.

(3<sup>1</sup>) The minister responsible for the field will, by a regulation, establish a list of such animal species the killing of the live specimens of which is permitted in accordance with Annexes A to D of Council Regulation No 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein (OJ L 061, 03.03.1997, pp. 1-69).

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(4) In the event specified in clause (3) 1) of this section, the Environmental Board or the Environmental Inspectorate will be informed in writing of the killing of an animal within one working day.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(5) In the events specified in subsection (1), clause (2) 2) and clauses (3) 2)-5) of this section, an animal will be killed based on a permit issued by the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(5<sup>1</sup>) A permit specified in subsection (5) and clauses (6<sup>1</sup>) 1) and 2) of this section may be issued if no other alternative measures which do less harm to the fauna and birds exist to resolve the situation. The permit must set out the following:

- 1) the species and specimens regarding which the permit is issued;
- 2) the permitted devices, equipment or methods;
- 3) the conditions of danger and risk under which and the period during which such activities may be carried out;
- 4) the recipient of the permit;
- 5) the means of observation or other means for the monitoring and verification of results.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(6) It is prohibited to capture or intentionally disturb a specimen of a protected animal species during the breeding, brood rearing, wintering or migration season, except in the events specified in subsections 58 (4) and (5) and § 58<sup>2</sup> of this Act.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(6<sup>1</sup>) In the event of wild birds, it is prohibited to:

1) intentionally destroy or damage their nests and eggs or eliminate their nests, except in the events provided for in clauses (3) 2)-5) of this section on the basis of a permit issued by the Environmental Board;

[RT I 2009, 3, 15 – entry into force 01.02.2009]

2) to intentionally disturb them during nesting and brood rearing, except in the event specified in clause (3) 1) of this section when the Environmental Board must be notified of disturbing not later than one working day after the disturbing, except in the events provided for in clauses (3) 2)-5) of this section on the basis of a permit issued by the Environmental Board and except in the event provided for in subsection 58 (7) of this Act.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(7) Damaging of plants and fungi included in the protected categories I and II, including gathering or destroying thereof, is prohibited. Application of measures prescribed by the action plan specified in § 49 of this Act is not deemed to be intentional damaging.

(8) It is prohibited to destroy or gather from the nature the wild plants, fungi and invertebrate animals in the protected category III to the extent that is likely to pose a danger to the preservation of the species in the habitat.

(9) The list of animal species in the protected category III, specimens of which may be killed outside of areas delimited for the purpose of protection of the species, will be established by a regulation of the minister responsible for the field.

(10) Specimens of animal species which do not belong to a protected species or wild game and which cause damage to property or health such as rodents, insects, snails or mites may be killed for property or health protection purposes.

## **§ 56. Transactions with specimens of species**

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(1) For the purposes of this Act, a transaction with a specimen of a species means purchase, bidding, acquisition with the aim to receive income, sale, keeping at a place of sale, storage facilities or warehouses of the place of sale and other premises linked to the place of sale, transportation with the aim to sell, offer to sell or any other manner of use for the purposes of receiving income.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(2) Transactions with specimens of species in the protected categories I, II and III, except their brood reared in artificial conditions, are prohibited.

(2<sup>1</sup>) Transactions with the following specimens, except for their offspring born in artificial conditions or if the specimens have been killed or removed from the wild in a legal manner, are prohibited:

- 1) wild bird species and their clearly distinguishable body parts or products manufactured therefrom;

2) living or dead specimens of the fauna specified in point a of Annex IX and of the flora specified in point b of Annex IV of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, and their clearly distinguishable body parts or products manufactured therefrom.

[RT I 2009, 53, 359 – entry into force 21.11.2009]

(3) Possession of specimens of species in the protected category I and transactions involving such specimens will be recorded in the environmental register.

(4) The procedure for registration specified in subsection (3) of this section will be established by a regulation of the minister responsible for the field.

(5) The seller must issue a document certifying origin regarding specimens of species entered in Annexes A and B to Council Regulation (EC) No 338/97, except in the event of sale of foodstuffs, cosmetics products and medicinal products, and the document must set out the following:

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

1) the scientific name of the species;

2) proof of the legal origin of the specimen (wild, artificially propagated or captive-bred etc.);

3) in the event of specimens imported into the European Union, the special permit in accordance with the specified Regulation;

4) in the event of the live specimens of animal species, information regarding the previous owner and information enabling identification (marking, photo, description etc.).

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(6) Transactions with seal products that do not comply with the conditions established in Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products (OJ L 286, 31.10.2009, pp. 36-39) and in Commission Regulation (EU) No 737/2010 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products (OJ L 216, 17.08.2010, pp. 1-10) are prohibited.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

## § 57. Non-native species

(1) It is prohibited to introduce live specimens of non-native species in the wild, and to plant or sow non-native plants in the wild, except for the planting and sowing of alien tree species the cultivation of which as forest trees is permitted in accordance with the Forest Act.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) A list of non-native species likely to disrupt natural balance, live specimens of which will not be brought into Estonia and transactions with live specimens of which will not be conducted, will be established by a regulation of the minister responsible for the field.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(3) Controlling the abundance of a non-native species accidentally released into the wild will be organised by the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(4) Specimens of non-native species kept in artificial conditions may be relocated for keeping in artificial conditions in another location only with the permission of the Environmental Board. The restrictions do not apply to household pets within the meaning of subsection 2 (3) of the Animal Protection Act.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(5) It is prohibited to rear specimens of non-native species which are likely to disrupt natural balance in artificial conditions or conduct transactions with the live specimens of such species, except in events which can be justified from a scientific point of view with the permission of the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(6) The undertaking must hold an activity licence for keeping minks and raccoon dogs in artificial conditions (hereinafter *farm activity licence*).

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(7) Specimens of minks and raccoon dogs may be imported into Estonia only on the basis of a permit of the Environmental Board for the purposes of gene pool renewal and to the extent of not more than 20 per cent of the breeding stock per farm within two years.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(8) The procedure for the exchange of information related to the introduction of specimens of the non-native bird species in the wild and for consultations with the European Commission will be established by a regulation of the minister responsible for the field.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(9) The competent authority specified in Article 5 of Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture (OJ L 168, 28.06.2007, pp. 1-17) is the Environmental Board.



[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

### **§ 57<sup>1</sup>. Object of inspection of farm activity licence**

The undertaking will be granted a farm activity licence if it has ensured the fulfilment of the following requirements:

- 1) the building structure and the organisation of running the farm preclude the accidental release of minks or raccoon dogs into the wild on their own or with outside help;
- 2) the farm is under continuous surveillance 24 hours a day in such a manner that the staff and visitors in the territory of the farm are accounted for and any person who does not belong among the aforementioned persons is detected immediately;
- 3) the farm is located in mainland Estonia.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

### **§ 57<sup>2</sup>. Requirements for keeping minks and raccoon dogs in artificial conditions and procedure for granting farm activity licence**

(1) For the purposes of this section ‘farm’ means a facility or facilities along with a territory where minks or raccoon dogs are kept in artificial conditions.

(2) The Environmental Board will grant a farm activity licence within 40 working days as of the date of receipt of a proper request. If the Environmental Board does not review the request within the aforementioned term or within an extended term, the farm activity licence will not be deemed to be granted to the undertaking by default once the term has expired.

(3) In addition to the information required in subsection 19 (2) of the General Part of the Economic Activities Code Act, the person requesting a farm activity licence must submit the following information to the Environmental Board:

- 1) the number, sex, age and origin of the animals of the breeding stock;
- 2) the plan for the acquisition or renewal of animals, which contains information on the number, sex and origin of animals to be brought for forming or renewing the breeding stock;
- 3) the action plan to be implemented in the event of an accident, e.g. if animals escape.

(4) In the farm activity licence the Environmental Board will determine the maximum size of the breeding stock and the maximum number of animals to be brought for renewing the breeding stock.

(5) The farm activity licence is granted for five years.

(6) More detailed requirements for keeping minks and raccoon dogs in artificial conditions and more detailed requirements for the contents of a farm activity licence will be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

### **§ 58. Introduction to and removal from wild of native species**

(1) It is prohibited to release live specimens of native species brought in from other countries in the wild, except in the event of scientifically justified reintroduction with the permission of the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(2) Animals of native species may be relocated with the permission of the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(2<sup>1</sup>) Animals of native species may be removed from the wild:

- 1) for treating an injury or illness and for raising an abandoned young animal;
- 2) for establishing or supplementing collections of animals for research, training or commercial purposes;
- 3) for supplementing the local population;
- 4) for establishment or supplementing of animal farms for commercial purposes.

[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(2<sup>2</sup>) In the events specified in clause 1) of subsection (2<sup>1</sup>) of this section, an animal may be removed from the wild without permission by a person acting in official capacity. If the manner of removal of an animal from the wild differs from the manners permitted in the Hunting Act, authorisation will be requested from the Environmental Board.

[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(2<sup>3</sup>) The taking of wild game to an artificial environment will be coordinated with the Veterinary and Food Board.

[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(2<sup>4</sup>) For the purposes specified in clauses 3) and 4) of subsection (2<sup>1</sup>) of this section, a wild game may be removed from the wild if the place of keeping the wild game in the artificial environment has been registered with the Environmental Board.

[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(2<sup>5</sup>) The procedure for submission, review and registration of application for keeping wild game in an artificial environment will be established by a regulation of the minister responsible for the field.

[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(2<sup>6</sup>) The registration of a place for keeping wild game in an artificial environment will be refused if it does not prevent the release of the wild game into the wild or the spread of an illness or does not comply with the requirements of the Animal Protection Act.

[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(3) Release to the wild of specimens of native species of animals kept in an artificial environment will be carried out only on the basis of the action plan specified in § 49 of this Act, except in the event of release to the wild of specimens kept in an artificial environment for the purpose of treatment of injuries or restoration of the vitality thereof.

(4) Removal (incl. keeping and breeding) of specimens of protected species, including of the fauna specified in point a of Annex IX and of the flora specified in point b of Annex IV of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, from the wild is prohibited, except for treatment of injuries, and in the events specified in subsection (5) of this section.

[RT I 2009, 53, 359 – entry into force 21.11.2009]

(5) Specimens of protected species may be removed from the wild for educational, medicinal or research purposes, or for reintroduction thereof with the permission of the Environmental Board, or for relocation thereof only if this does not compromise the favourable conservation status of the species.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(6) Relocation of protected species will be carried out in accordance with the procedure established by the Government of the Republic.

(7) [Repealed – RT I, 16.05.2013, 2 – entry into force 01.06.2013]

(8) With the aim to regulate the abundance of a species, the Environmental Board may permit the gathering and damaging of eggs of birds, except for eggs of protected species of birds, or the shooting or capturing of birds included in the list of wild game throughout the year, if this is necessary:

- 1) in the interests of public safety;
- 2) in the interests of air safety;
- 3) for prevention of damage to field crops, farm animals and fish farming, or to prevent other significant material damage;
- 4) the conservation of wild flora and fauna and of natural habitats.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

### **§ 58<sup>1</sup>. Bat and bird ringing permit**

(1) A person holding a bat and bird ringing permit (hereinafter *permit*) may ring bats and birds. The ringer must have the permit with them during ringing.

(2) A person who is at least 16 years of age and licensed as a bird and/or bat ringer may apply for a ringing permit.

(3) A permit will be issued for up to ten years.

(4) A permit must contain at least the following information:

- 1) the name, personal identification code and address of the ringer;
- 2) the object to be ringed (species, group of species, age group);
- 3) the right to use capturing devices and the type of the used capturing devices;
- 4) the type of the ring (metal ring, coloured plastic ring, radio transmitter, microchip);
- 5) the beginning and end of the term of the permit.

(5) On the basis of an application, the issuer of permits may extend the validity of the permit for a further ten years if the ringer:

- 1) is a licensed bird and/or bat ringer;
- 2) has performed ringing of specimens of species and submitted reports as required.

(6) The issuer of permits must issue the metal rings and coloured plastic rings necessary for ringing to the ringer free of charge.

(7) The ringer is required to submit reports on ringing to the issuer of permits.

(8) The requirements for the ringing of bats and birds and the procedure for the submission of reports will be established by a regulation of the minister responsible for the field.

(9) The issuer of permits may refuse to issue a permit or to extend the term thereof if:

- 1) the applicant for the permit fails to comply with the requirements provided for in subsection (2) of this section or the licensing requirements for bird and/or bat ringers;
- 2) the applicant for the permit has submitted false information upon application for the permit;
- 3) the applicant for the permit has failed to submit the reports specified in subsection (8) of this section for two consecutive terms for submission;
- 4) a penalty for misdemeanour or a criminal penalty has been imposed on the applicant for the permit for the commission of a prohibited act respect of an animal and the penalty is in force.

(10) The procedure for application for bat and bird ringing permits, for the evaluation of applicants, and the procedure for the issue and extension of permits and the standard format of permits will be established by a regulation of the minister responsible for the field. A person evaluated must:

- 1) be able to determine species which are to be ringed, their age and gender;
- 2) be familiar with the marking techniques and the capturing devices applied for;
- 3) know how to handle the captured specimens without causing them injury or death;
- 4) know how to record information and prepare reports;
- 5) be familiar with the safety requirements upon ringing specimens;
- 6) be familiar with the legislation concerning nature conservation currently in force.

(11) It is prohibited to transfer a licence to another person.

(12) The issuer of permits may revoke a permit if the ringer:

- 1) has submitted false information upon application for the permit;
- 2) no longer complies with the licensing requirements for bird and/or bat ringers;
- 3) materially or repeatedly violates the requirements for ringing;
- 4) submits an application to revoke the permit.

(13) Violation of the requirements for ringing are deemed to be material if the death of an animal arising from the violation may bring about damage to the environment in the amount of at least 32 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

(14) In the event of revocation of a permit on the bases provided for in clause 12 1) or 3) of this section, a new permit may be issued to the applicant at the earliest five years as of the date on which the permit was revoked.

(15) The copy of the decision on the revocation of the permit will be delivered to the ringer against a signature or delivered by registered letter with advice of delivery not later than on the next working day as of the decision being made.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

## **§ 58<sup>2</sup>. Tracking, killing, catching and marking animals for research purposes**

(1) Permission to track, kill, catch or mark an individual of an animal species for research purposes will be granted by the Environmental Board.

(2) The marking of an individual of an animal species for the purposes of this Act means the catching of the animal and provision of the animal with a mark, including a radio transmitter or a chip, for research purposes.  
[RT I, 16.05.2013, 2 – entry into force 01.06.2013]

## **§ 59. Regulation of trans-national trade in endangered species of wild fauna and flora**

(1) Transactions and acts (import, export, re-exportation, transit, acquisition with the objective to receive income, demonstration to the public, exploitation, sale, offer for sale, keeping for sale and transportation for sale) performed with the species set out in the Annexes A to D of Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein are permitted under the conditions provided by the Regulation.

(2) The Ministry of the Environment has the competence of the management authority provided by the Regulation specified in subsection (1) of this section.

(3) The minister responsible for the field will:

- 1) appoint the scientific authority provided by the Regulation specified in subsection (1) of this section;
- 2) establish, where necessary, stricter measures with respect to the areas specified in articles 3 and 8 of the Regulation specified in subsection (1) of this section.

(4) The Government of the Republic will by a regulation specify the customs authorities where the conformity of the export and import of specimens of the species entered in the Annexes of the regulation specified in subsection (1) of this section is checked, and appoint the customs authorities adapted to handle live specimens. [RT I, 08.07.2014, 3 – entry into force 01.08.2014]

### **§ 59<sup>1</sup>. Caviar handling**

(1) For the purposes of this Act ‘caviar handling’ means the (re)packaging or processing of caviar for export, re-export or intra-community trade.

(2) A caviar handler must meet the following criteria:

- 1) the person has been approved as a food business operator;
- 2) the person keeps sufficient records of imported, exported, re-exported, processed-on-site, stored or marketed caviar and, using the prescribed report form, submits annual reports on the quantity, origin and labelling of the imported, exported, re-exported, processed-on-site, stored or marketed caviar;
- 3) the person labels packaged caviar, including repackaged caviar and processed caviar packaging in accordance with the established procedure;
- 4) the legal person has appointed a person who is liable for the processing, packaging and marketing of caviar in the enterprise;
- 5) the person has not violated the requirements for trading in endangered species in the last three years.

(3) To handle caviar, a person must submit an notice of economic activity.

(4) The procedure for labelling caviar packaging and the form of the report submitted by a caviar handler will be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

### **§ 60. Protection of property against animals**

(1) All means of protection which do not cause the injury or death of an animal and which are safe for persons may be used in order to protect property against animals.

(2) Where the possessor of property has not applied measures to protect the property against possible animal attacks, the possessor has no right to kill an animal, obtain permission for killing an animal or receive compensation for damage caused by an animal.

### **§ 61. Compensation of damage caused by animals and payment of compensation**

(1) Damages caused by grey seals, marbled seals, brown bears, wolves, lynxes, European minks, white-tailed eagles, ospreys and migrating cranes, swans, geese and barnacle geese, and the costs of application of measures to prevent damages will be compensated in part.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) The methodology for assessment of the damages specified in subsection (1) of this section, the specific extent for compensation of damages, the procedure for compensation, and the specific extent of and procedure for compensating the costs of application of preventive measures will be established by a regulation of the minister responsible for the field.

(3) The damages specified in subsection (1) of this section will be compensated according to the application of the injured party to the following extent:

- 1) damage caused by grey seals or marbled seals to traps to the extent of the costs needed to replace the traps on the basis of a cost calculation but not exceeding 30 per cent of the sales price of a new equivalent trap in the year during which damage was caused;
- 2) damage caused by grey seals and marbled seals to gillnets and entangling nets to the extent of 70 per cent of the costs needed to replace the nets;
- 3) damage caused by seals to the extent of up to 320 euros per fishing gear set out in the fishing permit annually;  
[RT I 2010, 22, 108 – entry into force 01.01.2011]
- 4) damage caused by migrating cranes, swans, geese and barnacle geese to the extent of 3200 euros to one person per one harvesting season;  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]
- 5) damage caused by wolves, lynxes and brown bears to the extent of 100 per cent after deduction of the excess of the owner in the amount of 64-128 euros;  
[RT I 2010, 22, 108 – entry into force 01.01.2011]
- 6) damage caused by white-tailed eagles or ospreys to a fish farm according to the nesting success of the eagles and ospreys feeding in the fish farm on the basis of an expert assessment;
- 7) damage caused by European minks to the extent of 100 per cent on the basis of an expert assessment.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4) Costs of measures applied to prevent the damage specified in subsection (1) of this section will be compensated to the extent of 50 per cent, but the amount paid to one person will not exceed 3200 euros per one financial year.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(5) Compensation for any damage caused by animals will be organised by the Environmental Board.  
[RT I 2009, 3, 15 – entry into force 01.02.2009]

#### **§ 62. Animals in helpless state**

(1) Removal of the circumstances which caused the helpless state of an animal and the transport of an animal in a helpless state or an injured animal and release of an animal back to the wild will be organised by the Rescue Board or the Environmental Board.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Restoration of the vitality of a sick or injured animal will be organised by the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

#### **§ 63. Protected animal found dead**

(1) The person who finds a dead specimen of an animal species included in the protected category I or II must immediately inform the Environmental Board of the finding.

(2) The person who finds a dead specimen of an animal species included in the protected category I or II may keep the specimen in their possession with the permission of the Environmental Board.

(3) The Environmental Board may decline to grant permission if the specimen can be used for research or educational purposes.

(4) If the Environmental Board refuses to grant permission to the person who finds a dead specimen of an animal species included in the protected category I or II to keep the specimen in their possession or the person does not wish to take possession of the specimen, the specimen will be forwarded to the Environmental Board who organises the use of the specimen for scientific or educational purposes or destruction of the specimen if its use is not justified.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

#### **§ 63<sup>1</sup>. Authority verifying and controlling trade in seal products**

The competent authority specified in Article 9(1) of Commission Regulation (EU) No 737/2010 is the Ministry of the Environment.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

## **Chapter 9 FOSSILS AND NATURAL MONUMENTS**

[RT I, 08.07.2014, 3 - entry into force 01.08.2014]

#### **§ 64. Principles of protection of fossils**

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(1) Fossils that are present in few places of finding and have a high scientific or commercial value will be included in the protected category I.

(2) The following will be included in the protected category II:

- 1) fossils whose places of finding are likely to be harmed by extensive collection;
- 2) fossils that are rarely found as whole specimens.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

#### **§ 65. Protection of fossils**

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(1) Protected areas will be established for the protection of the most representative places of finding of a protected fossil or the places of finding will be placed under protection as protected natural monuments.

(2) At a natural place of finding of a protected fossil it is prohibited to engage in an activity that may destroy or harm the place of finding.

(3) The Environmental Board must be informed of the finding of places of finding of a protected fossil.

(4) A fossil of the protected category I may be removed from the natural state solely for a scientific purpose on the basis of a permit of the Environmental Board.

(5) The grant of a permit specified in subsection (4) of this section may be refused if:

- 1) the applicant does not ensure the permanent preservation of the fossil in an Estonian state or public museum or research institution;
- 2) the applicant has previously violated the requirements established by this Act for the protection of fossils and a conviction for a related offence has entered into force with regard to the applicant;
- 3) the applicant has knowingly given false information upon applying for the permit.

(6) Transactions with protected fossils may be carried out or fossils may be taken out of the country only on the basis of a permit granted by the Environmental Board. The permit is granted on the basis of an opinion of a palaeontology expert.

(7) The grant of a permit specified in subsection (6) of this section may be refused if:

- 1) the fossil is extraordinary and necessary for the Estonian research;
- 2) the fossil belongs to category I and is to be taken out of the country for a purpose other than research;
- 3) the fossil belongs to category I and the purpose of the contemplated transaction is not research;
- 4) the species has not been recorded to date;
- 5) the applicant has previously violated the requirements established by this Act for the protection of fossils and a conviction for a related offence has entered into force with regard to the applicant;
- 6) the applicant has knowingly given false information upon applying for the permit.

(8) It is prohibited to disclose the location of the finding place of a protected fossil in the media if it may put the finding place at risk.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

#### **§ 66. Protection of fossil of protected category I**

[Repealed – RT I, 08.07.2014, 3 – entry into force 01.08.2014]

#### **§ 67. Protection of fossil of protected category II**

[Repealed – RT I, 08.07.2014, 3 – entry into force 01.08.2014]

#### **§ 68. Protection of natural monuments**

(1) Upon entry into force of the decision to place a natural monument under protection, a limited management zone with the radius of 50 meters is formed around the object unless a smaller radius for the limited management zone is established by the decision to place the object under protection.

(2) The minister responsible for the field has the right to establish protection rules for natural monuments or groups of natural monuments, which set out the extent to which the restrictions and requirements provided in § 31 of this Act apply to the areas designated for the protection of the natural objects.

(3) Upon entry into force of the decision to place a group of natural monuments under protection, a limited management zone with the width of 50 meters is formed around the objects unless a smaller radius for the limited management zone is established by the decision to place the monument under protection. The inner boundary of the limited management zone surrounding a group of natural monuments is an imaginary line connecting the outer limits of the monuments facing the edge of the group whereas the land under the group of monuments is also included in the limited management zone.

(4) Any activity in conflict with the protection rules of a protected natural monument placed as well as any activity likely to damage the state or characteristic features of the protected object are prohibited unless such activity is required for application of measures taken to preserve the object or prevent damage caused by the object.

## **Chapter 10 PARTICIPATION IN FORMATION OF NATURA 2000 NETWORK OF EUROPEAN UNION**

#### **§ 69. Natura 2000 network of European Union**

In Estonia, the Natura 2000 network of the European Union consists of:

- 1) areas hosting birds of which Estonia has informed the Commission in accordance with Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (OJ L 20, 26.01.2010, pp. 7–25);

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

2) areas which, the Commission, in accordance with Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, considers to be of common European importance.

#### **§ 70. Objective of protection in Natura 2000 areas**

The objective of protection in Natura 2000 areas will be determined based on the importance of each area in preservation or restoration of the favourable conservation status of the species of birds specified or migratory birds not specified in Annex I to Directive 2009/147/EC of the European Parliament and of the Council or of the natural or semi-natural types of habitats specified in Annex I or of the species specified in Annex II to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, and based on the need to achieve integrity of the Natura 2000 network and taking account of the danger of degradation and destruction of the areas.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

#### **§ 70<sup>1</sup>. Application of compensatory measures**

(1) If, according to the environmental impact assessment report or the strategic environmental assessment report, the planned activities are likely to adversely affect a Natura 2000 site and if the proposed activity is still necessary for public overriding reasons due to the lack of alternative solutions, including social or economic reasons, and the secondary condition of the licence or the strategic planning document will, the application of compensatory measures preceding the implementation of the activity must be established as the collateral condition for the permit or the application of compensatory measures preceding the implementation of the activity must be provided for in the strategic planning document.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) The compensatory measures the purpose of which is to ensure the general cohesion of the Natura 2000 network are the following:

- 1) restoration of habitats;
- 2) creation of new habitats;
- 3) increase in the quality of the existent habitats;
- 4) other measures which help avoid further decrease in cohesion within the Natura 2000 network.

(3) The compensatory measures must:

1) be aimed at adversely affected habitats and species and their extent must be in proportion to the damage caused;

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

2) be implemented as close as possible to the adversely affected habitat;

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

3) ensure that the objectives equal to those of including the adversely affected area among areas of the Natura 2000 network are attained;

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## **Chapter 10<sup>1</sup>** **STATE SUPERVISION**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

#### **§ 70<sup>2</sup>. State supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) Supervision over the fulfilment of the requirements arising from this Act and legislation established on the basis thereof is exercised by the Environmental Inspectorate.

(2) State supervision over the fulfilment of the requirements arising from this Act in the events provided for in § 6 of the Environmental Supervision Act is exercised by the local authority or an agency of the local authority.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 70<sup>3</sup>. Special measures of state supervision**

(1) To exercise the state supervision provided for in this Act, the Environmental Inspectorate may take special measures of state supervision provided for in §§ 30, 31, 32, 45, 46, 49, 50, 51, 52 and 53 of the Law Enforcement Act on the grounds and in accordance with the procedure established in the Law Enforcement Act.

(2) Upon exercising the state supervision provided for in this Act, the local authority or an agency of the local authority may take the special measures of state supervision provided for in §§ 30, 49, 50, 51 and 52 of the Law Enforcement Act on the grounds and in accordance with the procedure established in the Law Enforcement Act. [RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 70<sup>4</sup>. Specifics of state supervision**

(1) The Environmental Inspectorate may enter a marked immovable without the presence of the possessor or another entitled person if:

- 1) it is necessary for identifying or combating a serious threat and the involvement of these persons would result in a delay that would jeopardise the attainment of the purpose of the application of the measure, or
- 2) the purpose of entering the possession is to ensure access to another immovable or a water body.

(2) The Environmental Inspectorate does not have to afterwards inform the possessor about the entry to the possession on the ground provided for in clause 2) of subsection (1) of this section if no supervisory or offence proceedings were conducted after the entry.

(3) The Environmental Inspectorate is authorised to remove unauthorised construction works that have been erected in a protected area, limited-conservation area, limited management zone of an individual protected natural object, species' protection site or building exclusion zone of the shore or bank. To apply substitutive enforcement to the removal of constructions works, the Environmental Inspectorate must give prior notice thereof to the respective local authority.

(4) For the purpose of exercising supervision, an official of the Environmental Inspectorate may, using a vehicle, including an off-road vehicle or a water craft, enter a land or water area even if legislation prohibits entry to and movement in such area for environmental protection purposes. [RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 70<sup>5</sup>. Use of direct coercion**

The Environmental Inspectorate is authorised to use physical force on the grounds and in accordance with the procedure established in the Law Enforcement Act. [RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 70<sup>6</sup>. Rate of coercive payment**

The maximum rate of the coercive payment imposed in accordance with the Substitutive Enforcement and Coercive Payment Act in the event of failure to comply with a prescription is 32 000 euros. [RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **Chapter 11 LIABILITY**

#### **§ 71. Violation of protection requirements of protected natural objects**

(1) The penalty for violation of requirements for use or protection of protected natural objects is a fine of up to 300 fine units or by detention.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros. [RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 72. [Repealed – RT I 2007, 25, 131 – entry into force 01.04.2007]**

#### **§ 73. Unlawful cutting of trees in densely populated areas**

(1) The penalty for unlawful cutting of a tree within a densely populated area is a fine of up to 300 fine units or by detention.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

#### **§ 74. Violation of requirements for use or protection of shores and banks of bodies of water**

(1) The penalty for violation of the requirements set for the use or protection of a shore or bank of a body of water is a fine of up to 300 fine units or by detention.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros. [RT I 2010, 22, 108 – entry into force 01.01.2011]



### **§ 74<sup>1</sup>. Violation of requirements for use of non-native species**

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(1) The penalty for violation of the requirements for the use of non-native species is a fine of up to 300 fine units or by detention.

[RT I 2008, 34, 211 – entry into force 01.08.2008]

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 74<sup>2</sup>. Violation of requirements for handling caviar**

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(1) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) [Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(3) The penalty for failure to submit a report which complies with the requirements, delayed submission of such report or knowing submission of incorrect information is a fine of up to 200 fine units.

(4) The penalty for the same act committed by a legal person is a fine of up to 1600 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(5) The penalty for violation of the requirements for marking is a fine of up to 200 fine units.

(6) The penalty for the same act committed by a legal person is a fine of up to 1600 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 74<sup>3</sup>. Violation of protection requirements of wild bird and bat species**

(1) The penalty for intentional destruction or damaging of the nests and eggs of wild birds or elimination of their nests is a fine of up to 150 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 1300 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(3) The penalty for intentional disturbing of specimens of wild bird species and violation of the ringing requirements of birds and bats is a fine of up to 100 fine units.

(4) The penalty for the same act committed by a legal person is a fine of up to 640 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(5) The penalty for the sale, transportation for sale, keeping for the purpose of sale and offer for sale of the living or dead specimens of wild bird species and their clearly distinguishable body parts or products manufactured therefrom is a fine of up to 150 fine units.

(6) The penalty for the same act committed by a legal person is a fine of up to 1300 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 74<sup>4</sup>. Violation of conservation requirements of flora and fauna specified in points a and b of Annex IV of Council Directive 92/42/EEC on the conservation of natural habitats and of wild flora and fauna**

(1) The penalty for the destruction and harming of the clearly delineated breeding sites and resting places of the specimens of the species specified in point a of Annex IV of the Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna is a fine of up to 150 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 1300 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(3) The penalty for the sale, transportation for sale, keeping for sale and offering for sale of the living or dead specimens of the fauna listed in point a or the flora listed in point b of Annex IV of Council Directive 92/43/EEC or their clearly distinguishable body parts or products manufactured therefrom is a fine of up to 150 fine units.

(4) The penalty for the same act committed by a legal person is a fine of up to 1300 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(5) The penalty for violation of the requirements for removal of the specimens of the fauna listed in point a or the flora listed in point b of Annex IV of Council Directive 92/43/EEC from the wild (incl. keeping and breeding) is a fine of up to 150 fine units.

(6) The penalty for the same act committed by a legal person is a fine of up to 1300 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 74<sup>5</sup>. Violation of requirements for transactions involving seal products**

(1) The penalty for violation of the requirements for placing seal products on the market or importing seal products regulated in Article 3 of Regulation (EC) No 1007/2009 of the European Parliament and of the Council and in Commission Regulation (EU) No 737/2010 is a fine of up to 300 fine units or an arrest.

(2) The penalty for the same act committed by a legal person is a fine of up to 6400 euros. [RT I, 18.04.2013, 1 – entry into force 01.05.2013]

#### **§ 75. Proceedings**

(1) The provisions of the Penal Code and of the Code of Misdemeanour Procedure apply to proceedings in the misdemeanours provided for in §§ 71-74<sup>5</sup> of this Act.  
[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(2) The Environmental Board will conduct extra-judicial proceedings in misdemeanour cases provided for in §§ 71, 73, 74, 74<sup>2</sup>- 74<sup>3</sup> of this Act.  
[RT I 2009, 53, 359 – entry into force 21.11.2009]

(3) A rural municipality or city government is the extra-judicial body that conducts proceedings in the misdemeanours provided for in §§ 71, 73 and 74 of this Act.

(4) The Environmental Inspectorate or the Tax and Customs Board is the extra-judicial body that conducts proceedings in the misdemeanours provided for in § 74<sup>1</sup> and § 74<sup>5</sup> of this Act.  
[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

#### **§ 75<sup>1</sup>. Confiscation**

(1) The Environmental Inspectorate and court may confiscate the means of committing misdemeanours specified in §§ 71 and 74<sup>1</sup>-74<sup>5</sup> of this Act and apply confiscation towards the individual and thing constituting the direct object of the misdemeanour in accordance with § 83 of the Penal Code.

(2) The Ministry of the Environment will decide whether the confiscated individual or thing that belongs to protected species or alien species or trading in which is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be without charge handed over to the authority designated by the Ministry of the Environment or whether it will be destroyed in accordance with the procedure provided for in § 206 of the Code of Misdemeanour Procedure.  
[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

#### **§ 76. Receipt of fines**

If a rural municipality or city government is the extra-judicial body which has imposed a cautionary fine or a fine for misdemeanours provided for in §§ 71, 73 and 74 of this Act, the cautionary fine or the fine will be transferred into the budget of the local authority which made the decision.

#### **§ 77. Collection of damages caused to natural objects**

(1) The procedure for and rates of compensating the damage caused to the environment by destroying or damaging protected natural objects, and specimens of protected species, or of other species of animals, except for wild game, and by introduction of live specimens of non-native species in the wild will be established by a regulation of the Government of the Republic based on the limits specified in subsections (4)-(10<sup>1</sup>) of this section and taking account of the level of risk to the protected natural objects.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) The Environmental Inspectorate has the right to file a claim with a court for collection of damages caused to a protected natural object or a specimen of a species.  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(3) The following is deemed to be causing damage to a protected natural object:

1) cutting or deforestation of woody vegetation within the boundaries of a protected natural object during a time when such activities are prohibited, or at a place where the type of cutting or deforestation is prohibited, or cutting or deforestation in violation of requirements set therefore;

2) unlawful damaging of the soil vegetation within the boundaries of a protected natural object;

3) causing the burning of woody or herbaceous vegetation within the boundaries of a protected natural object;

4) unlawful littering or polluting the area of a protected natural object;

5) destroying or damaging a protected natural monument, a species protection site or finding place of protected fossils;

[RT I 2007, 25, 131 – entry into force 01.04.2007]

6) unlawful destroying of a specimen of a species, rendering a specimen in-viable by injury, or unlawful removing a specimen from the wild;

7) violation of rules established by or on the basis of Council Regulation 338/97/EC.

(4) For specimens in the protected category I:

1) environmental damages in the amount of 96-1280 euros per specimen will be calculated in the event of unlawful destruction, rendering in-viable by injury or unlawful removal from the species protection site;

2) environmental damages in the amount of 16-510 euros per specimen will be calculated in the event of causing damage thereto.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(5) For specimens in the protected category II:

1) environmental damages in the amount of 64-960 euros per specimen or 3.20-13 euros per each gram of the specimen's mass will be calculated for the unlawful destruction, rendering in-viable by injury or unlawful removal from the species protection site;

2) environmental damages in the amount of 6-320 euros per specimen or 1.30-6.40 euros per each gram of the specimen's mass will be calculated in the event of causing damage thereto.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(6) For specimens in the protected category III:

1) environmental damages in the amount of 32-640 euros per specimen or 1.30-6.40 euros per each gram of the specimen's mass will be calculated for the unlawful destruction, rendering in-viable by injury or unlawful removal from the species protection site;

2) environmental damages in the amount of 6-64 euros per specimen or 0.64-3.20 euros per each gram of the specimen's mass will be calculated in the event of causing damage thereto.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(7) For species protection sites:

1) environmental damages in the amount of 128-9600 euros will be calculated upon destruction thereof;

2) environmental damages in the amount of 32-3200 euros will be calculated upon damage thereto.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(8) For protected natural monuments:

1) environmental damages in the amount of 320-3200 euros will be calculated upon destruction thereof;

2) environmental damages in the amount of 192-1600 euros will be calculated upon damage thereto.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(9) In the event of violation of rules established by and on the basis of Council Regulation 338/97/EC for transactions and activities involving specimens of species set out in Annexes A to D thereto, environmental damages in the amount of 13-127 820 euros will be calculated depending on the extent of danger to the species and the market value of a specimen.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(10) In the event of destruction, rendering in-viable by injury, removal from the wild, intentional disturbing, intentional destruction of nests and eggs or elimination of nests of a species which is not protected, except for illegal acts performed with specimens of wild game, or in the event of transactions with specimens and their clearly distinguishable body parts or products manufactured therefrom, environmental damages in the amount of 32-320 euros per specimen will be calculated.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(10<sup>1</sup>) Environmental damages in the amount of 12.80-6400 euros per specimen of a non-native species will be calculated upon introduction of live specimens of the non-native species in the wild.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(11) Compensation received for damages caused to natural objects will be used for the purpose and in accordance with the procedure provided by law.

## Chapter 12

# FINAL PROVISIONS

§ 78.–§ 90.[Omitted from this text.]

## § 91. Implementation of Act

(1) The protection rules and protection regimes established for the protection of protected areas and natural monuments prior to the entry into force of this Act will apply until the entry into force of the protection rules established on the basis of this Act, or until protection is revoked but not for longer than until 1 May 2016.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(2) The temporary restrictions established on the basis of subsection 5 (14) of the Protected Natural Objects Act apply until placement of an area under protection or revocation of the restrictions but not for longer than until 1 May 2007.

(3) Until the approval of the protection rules of a protected area or protected natural monument provided by this Act, the minister responsible for the field will authorise the Environmental Board to administer the protected area or protected natural monument.  
[RT I 2009, 3, 15 – entry into force 01.02.2009]

(4) Activities provided for in subsection 13 (2) of this Act are permitted on a protected area formed prior to the entry into force of this Act with the permission of the administrative authority unless otherwise provided for in the protection regime.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(5) The management plan of a species approved prior to the entry into force of this Act applies until the date specified therein and is deemed to be equal to the action plan specified in § 49 of this Act.

(6) The list of areas included in the Natura 2000 network to be submitted to the European Commission will be approved by an order of the Government of the Republic. The areas included in the Natura 2000 network will be designated in adherence to the requirements set out in Articles 4(1) and (2) of Directive 2009/147/EC of the European Parliament and of the Council and Article 4(1) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.  
[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(7) The proceedings for establishment of protection rules initiated prior to the entry into force of this Act will be completed in accordance with the Acts in force at the time of initiation thereof but not later than by 1 May 2007. For the purposes of this section, initiation means publication of a notice in the official publication *Ametlikud Teadaanded* in accordance with subsection 5 (11) of the Protected Natural Objects Act, or obtaining an opinion concerning the draft of the protection rules from a county government, local authority, land owner or person concerned.

(8) The prohibition on the use of fertilizers provided for in clause 31 (2) 7) of this Act applies to protected areas the protection rules of which are established after the entry into force of this subsection.  
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(9) [Repealed – RT I, 05.04.2013, 2 – entry into force 15.04.2013]

(10) Proceedings for the exchange of an immovable regarding which a decision to exchange has not been made by the entry into force of this subsection will be completed without proceedings for the acquisition of the immovable prescribed in § 20 of this Act and the submitted applications for the exchange of an immovable are deemed to be proposals to acquire the immovable.  
[RT I 2008, 34, 211 – entry into force 01.08.2008]

(11) Proceedings regarding placement of a protected natural object under protection which have been initiated before the entry into force of this provision are deemed to have been initiated:

- 1) after publication of the notice in the official publication *Ametlikud Teadaanded*, in the event of protected areas, limited-conservation areas and natural monuments;
  - 2) as of issue of a directive regarding the initiation or after the first letter has been served on participants in the proceedings, in the event of species protection sites.
- [RT I 2008, 34, 211 – entry into force 01.08.2008]

(12) The permits for the ringing of birds and bats issued before the entry into force of § 58<sup>1</sup> of this Act are valid until the expiry of the term indicated in the permit, but not for longer than until 31 December 2010.  
[RT I 2008, 34, 211 – entry into force 01.08.2008]

(12<sup>1</sup>) Licences issued before 1 July 2014 for keeping minks and raccoon dogs in artificial conditions will remain in force until 30 June 2019.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(13) Unless otherwise provided for in the protection rules, the area of a clear cut area must not exceed two hectares and its width must not exceed 30 metres and the area of a shelterwood cutting area must not exceed five hectares in the limited management zone of a protected area or species protection site in the event of protection rules established before the entry into force of this subsection.

[RT I 2009, 53, 359 – entry into force 21.11.2009]

(14) Immovable offsetting proceedings in the course of which an offsetting application has been submitted by the time of entry into force of this subsection will be finalised on the previous grounds and in accordance with the previous procedure.

[RT I, 05.04.2013, 2 – entry into force 15.04.2013]

(15) Proceedings of applications that were submitted before the entry into force of this subsection for the acquisition of an immovable acquired after it was taken under protection, whereby the transfer transaction contained information about a protected natural object not subject to the exceptions set out in clauses 20 (1<sup>1</sup>) 1) to 4) of this Act, and that were entered in the list of received applications will be finalised in the order of receipt of the applications following the acquisition by the state of the immovables that were acquired before placing them under protection or that are subject to the exceptions set out in clauses 20 (1<sup>1</sup>) 1) to 4) of this Act.

[RT I, 05.04.2013, 2 – entry into force 15.04.2013]

(16) If the proceedings of making an administrative decision have been suspended on the basis of subsection 8 (6) of this Act before 1 May 2013, the proceedings will be deemed as suspended until the natural object has been placed under protection or until a decision to refuse to place it under protection has been made, but not for more than 28 months as of 1 May 2013.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(17) Proceedings regarding placing a natural object under protection, which have been initiated before 1 May 2013, will be continued in accordance with the requirements in force as of 1 May 2013.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

(18) In pending proceedings initiated on the basis of subsection 9 (1) of this Act regarding placing a natural object under protection and whereby a public display was organised more than two years before 1 May 2013 or if the circumstances have changed in the course of the proceedings, a new public display will be organised in accordance with the procedure provided for in subsections 9 (7)-(9) of this Act. The authority conducting the proceedings will publish a notice on the public display on the website of the Environmental Board, in the official publication *Ametlikud Teadaanded* and in at least one national newspaper and in the local newspaper, specifying the information prescribed by subsection 9 (4) of this Act.

[RT I, 18.04.2013, 1 – entry into force 01.05.2013]

<sup>1</sup>Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.07.1992, pp. 7–50); Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (OJ L 20, 26.10.2010, pp. 7–25); Council Directive 90/313/EEC on the freedom of access to information on the environment (OJ L 158, 23.06.1990, pp. 56–58).

[RT I, 18.04.2013, 1 - entry into force 01.05.2013]