

Issuer: Riigikogu  
Type: act  
In force from: 01.04.2013  
In force until: 31.12.2013  
Translation published: 30.10.2013

# Forest Act<sup>1</sup>

Passed 07.06.2006

RT I 2006, 30, 232

Entry into force 01.01.2007, in part 01.07.2007

Amended by the following acts

Passed	Published	Entry into force
24.01.2007	RT I 2007, 12, 64	20.07.2007
10.12.2008	RT I 2008, 56, 314	01.01.2009
11.12.2008	RT I 2008, 58, 328	01.01.2009
18.12.2008	RT I 2009, 3, 15	01.02.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, shall enter into force on the date specified in the decision of the Council of the European Union concerning derogation of the abrogation 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).
16.12.2010	RT I, 05.01.2011, 13	15.01.2011
28.02.2013	RT I, 20.03.2013, 1	01.04.2013

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act regulates the directing of forestry, forest survey and management and compensating the damage caused to the environment within the meaning of this Act, and provides for liability for violation of this Act.

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings provided by this Act, taking account of the specifications provided for in this Act.

(3) Issuing precepts on the basis of this Act shall be based on the provisions of the Substitutive Enforcement and Penalty Payment Act, taking account of the specifications provided for in this Act.

### § 2. Purpose of Act

(1) The purpose of this Act is to ensure the protection and sustainable management of the forest as an ecosystem.

(2) Forest management is sustainable if it ensures biological diversity, the productivity, regeneration capacity and vitality of forests, and the possibility of multiple uses of forest in a way that satisfies ecological, economic, social, and cultural needs.

### **§ 3. Forest and forest land**

(1) Forest is an ecosystem consisting of forest land and the flora and fauna thereof.

(2) For the purposes of this Act, 'forest land' means land that meets at least one of the following requirements:

1) is entered in the cadastral register as a forest land parcel;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

2) is a plot of land with an area of at least 0.1 hectares and woody plants with the height of at least 1.3 metres and with the canopy density of at least 30 percent grow there.

(3) The land of yards, residential land, parks, cemeteries, green areas, berry gardens, orchards, forest nurseries, gardening centres, arboreta, and plantations of trees and shrubs is not deemed forest land.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(4) For the purposes of this Act, 'tree and shrub plantation' means a site of habitat established for intensive growing of trees and shrubs on non-forest land where trees and shrubs are grown with regular planting spacing and managed uniformly by age.

### **§ 4. Application of Act**

(1) This Act applies to forest land and the flora and fauna thereof.

(2) This Act does not apply to:

1) detached plots of forest land with an area of less than 0.5 hectares;

2) land which conforms to the requirements set out in clause 3 (2) 2) of this Act but where the average age of trees does not exceed ten years and the land is not entered in the cadastral register as forest land;

3) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

4) plots of land or immovables where land use other than forest management is planned pursuant to the design criteria or detailed plan;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

5) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(3) For the purposes of this Act, detached plot of forest land is a detached part of forest surrounded on each side by land parcels other than forest.

### **§ 5. State forest land**

(1) In order to ensure the stable state of the environment and multiple uses of forest, the area of state forest land shall be at least 20 percent of the area of the mainland of the Republic of Estonia.

(2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

## **Chapter 2 DIRECTING OF FORESTRY**

### **§ 6. Duties of state in forestry**

(1) The duties of the state in forestry shall be:

1) the directing of forestry and the development of a forestry development plan and legislation regulating forestry for this purpose;

2) ensuring the good state of forest;

3) the accounting of forest resource;

4) support to private forestry;

5) administration and management of state forest;

6) organisation of state supervision;

7) ensuring the protection of biological diversity of forest.

(2) The performance of the duties of state in forestry is co-ordinated by the Ministry of the Environment.

### **§ 7. Forestry development plan**

(1) A forestry development plan for the directing of forestry shall be prepared for every ten years.

(2) The forestry development plan shall determine the objectives of forestry development and describe the measures and means necessary for the achievement of the objectives.

(3) The Ministry of the Environment shall organise the preparation of the forestry development plan.

(4) The Minister of the Environment shall establish a working group for the preparation of the forestry development plan and the research institutions engaged in forestry and other relevant interest groups related to forestry shall be involved in the activities of the group.

(5) The forestry development plan shall be approved by the *Riigikogu*.

(6) The Government of the Republic shall submit a report on the implementation of the forestry development plan to the *Riigikogunot* less frequently than once in every two years.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

## **§ 8. [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]**

### **§ 9. State register for accounting of forest resource**

(1) The state shall maintain records of the area, growing stock, location, state, owners and use of forest and the calculation of restrictions on the use of forest in a state register for the accounting of forest resource.

(2) The Government of the Republic shall establish the state register for the accounting of forest resource and approve the statutes of the register.

### **§ 10. Support to private forestry**

(1) The state supports the following through a foundation established for the development and supporting of private forestry, the rights of the founder of which are exercised by the Ministry of the Environment (hereinafter *foundation*):

[RT I 2008, 56, 314 - entry into force 01.01.2009]

- 1) the advising and training of private forest owners;
- 2) the training of agricultural advisers and the awarding of professional qualifications to and the evaluation of agricultural advisers in the area of forest management;
- 3) the investments aimed at increasing the economic, ecological, social and cultural value of the forest and the silviculture work performed by private forest owners, including the preservation of cultural heritage and key habitats, and the work aimed at forest improvement;
- 4) forestry-related joint activities of private forest owners;
- 5) measures to avoid forest damages in a private forest, which may occur independently of the forest owner and to prevent the spread thereof;
- 6) inventory of the forests of private forest owners and preparation of forest management plans.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) Support may be granted to private forest owners and forest associations.

(3) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(4) For the purposes of this Act, private forest owner is a natural person or a legal person in private law who has forest land.

(5) For the purposes of this Act, forest association is a non-profit or commercial association whose activities as specified in the articles of association include forest management and whose members are natural persons or legal persons in private law who have forest land.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(6) A recipient of the support:

[RT I 2008, 56, 314 - entry into force 01.01.2009]

- 1) shall be solvent, the assets of the person shall not be sequestered, and no liquidation procedure shall have been initiated and no bankruptcy order shall have been issued with respect to the person;
- 2) shall have performed all the obligations regarding state and local taxes;
- 3) shall have used the forestry support previously granted thereto for its intended purpose.

(7) If the contract entered into for the grant of support is not in written form, the foundation shall send a written confirmation to the recipient of the support confirming the content of the contract. The form and the requirements for the content of the written confirmation shall be provided for by a regulation established pursuant to subsection (11) of this section.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(8) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(9) If, after the payment of support, it becomes clear that the recipient of the support submitted false information or did not use the support for the intended purpose, the foundation shall require the recipient of the support to repay the funds received as support into the revenue of the state budget.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(10) The procedure for application for the support and processing of the applications, and the form of the applications shall be established by the supervisory board of the foundation, taking into account the provisions of this Act. The specified procedure shall set out the due date for the submission of applications and the procedure and due dates for the review of applications and the payment of supports. The procedure shall be published on the website of the foundation.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(11) The bases for granting the support, the requirements for applications for support, the procedure for the assessment of applications and the evaluation criteria and the procedure for reclaiming the support shall be established by a regulation of the Minister of the Environment. The subordinate activities of the activities supported specified in subsection (1) of this section, eligible expenditure and the rate of support are the bases for granting the support.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(12) Support for inventory of the forests of private forest owners and preparation of forest management plans shall be paid to the extent of 100 percent of the cost of forest inventory and a forest management plan once in ten years. The rates of supports shall be established by a regulation of the Minister of the Environment.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(13) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(14) The foundation shall make the decisions concerning the granting, payment and repayment of support, the decisions to deny applications and other decisions related to the granting of support to applicants.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(15) The foundation has the right to monitor the use of the support for its intended purpose.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(16) The foundation shall maintain records on the recipients of support specified in subsection (1) of this section and the amount of the supports granted to them, and such information is public.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

## **Chapter 3**

### **FOREST SURVEY**

#### **§ 11. Forest survey**

(1) Forest survey is carried out with an aim to receive data on the condition of forest and the volume of growing stock, advise forest owners and plan long-term forest management activities.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) Forest survey shall consist of the following procedures (hereinafter *forest survey activities*):

- 1) forest inventory;
- 2) planning of forest management activities.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) Forest survey shall be carried out in accordance with the forest survey guidelines established by a regulation of the Minister of the Environment.

(4) The forest survey guidelines provide:

- 1) the requirements for forest mapping;
- 2) the objectives and methods of forest inventory;
- 3) the requirements for the planning of the ways and methods of forest management;
- 4) the methods of calculating the prescribed cut;
- 5) the requirements for the preparation of forest management plans.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(4<sup>1</sup>) Forest inventory shall be taken as a total area forest survey based on cadastral or management units or using the statistical inventory method. The forest inventory data, except the data obtained by the statistical inventory method, shall be valid for ten years as of entry thereof in the state register of forest resource along with the data of the forest map. The inventory data to be entered in the register shall be not older than one year.

[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

(4<sup>2</sup>) Valid inventory data are mandatory for carrying out regeneration cutting, thinning or selective cutting. The above does not apply to immovables the forest area of which is smaller than two hectares.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(4<sup>3</sup>) A forest management plan shall be prepared for a forest owner together with forest inventory unless the forest owner does not wish it.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(5) The following costs of forest survey incurred by the state shall be covered from the state budget:

- 1) the accounting of forest resource;
- 2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]
- 3) the payment of support on the basis of clause 10 (1) 6) of this Act.

(6) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

## § 12. Activity licence for forest survey activities

(1) Persons and profit-making state agencies who hold an activity licence for forest survey activities (hereinafter *licence*) may engage in forest survey activities.

(2) A licence is granted to a person or profit-making state agency:

[RT I 2008, 56, 314 - entry into force 01.01.2009]

- 1) who has sufficient equipment for forest survey activities;
- 2) who employs for forest survey activities persons who have attained special education in forestry and who have passed the practical tests and examination in the theory and practice of forest survey activities (hereinafter *forest surveyor*);
- 3) who has paid the state fee.

(3) The requirements for the practical tests and examinations for forest surveyors and the equipment for forest survey activities, and the procedure for the administration of practical tests and examinations and evaluation of the results thereof, and the procedure for conformity assessment of equipment shall be established by a regulation of the Minister of the Environment.

(4) Licences shall be issued by the authorised processor of the state register for the accounting of forest resource (hereinafter in §§ 12 and 13 of this Act *issuer of licences*).

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

(5) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(6) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(7) Licences shall be issued for five years.

(8) On the basis of the request of the holder of a licence, the issuer of licences may extend the validity of the licence for a further five years if the holder of the licence:

[RT I 2008, 56, 314 - entry into force 01.01.2009]

- 1) meets the requirements specified in clauses (2) 1) and 2) of this section;
- 2) has performed forest survey activities in conformance with the requirements;
- 3) has paid the state fee.

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

- 1) the applicant for licence does not comply with the requirements set out in subsection (8) of this section;  
[RT I 2008, 56, 314 - entry into force 01.01.2009]
- 2) the applicant for licence has knowingly submitted inaccurate information upon application for the licence;
- 3) a punishment for misdemeanour or a criminal punishment has been imposed on the applicant for licence for violation of the requirements for economic activity and the corresponding information has not been expunged from the punishment register.

(10) The procedure for applying for, issuing and extending licences and the form of licences shall be established by a regulation of the Minister of the Environment.

(11) The issuer of the licence has the right to verify the compliance of the forest survey activities of the holder of the licence with legislation at any time.

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

(13) The holder of a licence is required to give written notification to the issuer of licences immediately of any change to the circumstances that constituted the basis for issue of the licence.

### **§ 13. Expiry, suspension and revocation of activity licence for forest survey activities**

(1) An activity licence expires upon expiry of the term of the licence, upon revocation of the licence or upon division or dissolution of the holder of the licence.

(2) The issuer of licences may suspend the validity of the licence for up to six months if the holder of the licence has regularly or significantly violated the requirements for forest survey activities.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) Violation of the requirements for forest survey activities is deemed to be regular if the holder of the licence has, within three months, violated the requirements for forest survey activities or has disregarded the requirements for forest management arising from legislation upon planning forest survey activities on 15 percent of the cadastral units, the forest inventory data of which have been submitted for entry in the state register of forest resource by the holder of the licence.  
[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

(4) Violation of the requirements for forest survey activities is deemed to be significant if the significant distortion of the height, breast height diameter, age, basal area or composition of the forest stand on one cadastral unit by the holder of the licence may result in damage to the environment in the amount of at least 6400 euros or the error of determining growing stock exceeds 25 percent. A distortion is significant if the error of the height, breast height diameter, age, basal area or composition of the forest stand exceeds the maximum limits permitted in the forest survey guidelines established on the basis of subsection 11 (3) of this Act.  
[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

(5) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(6) The issuer of licences may revoke a licence if the holder of the licence:

- 1) has submitted inaccurate information upon application for the licence;
  - 2) no longer complies with the requirements provided for in clauses 12 (2) 1) and 2) of this Act;
  - 3) significantly violates the requirements for forest survey activities twice in one year;
- [RT I 2008, 56, 314 - entry into force 01.01.2009]
- 4) submits an application to revoke the licence.

(7) Before revoking a licence in the events specified in clauses 1) and 2) of subsection (6) of this section, the issuer of licences shall set a term for the holder of the licence for the elimination of deficiencies and shall suspend the licence until the deficiencies are eliminated. In the event of failure to eliminate the deficiencies during the term, the issuer of licences shall revoke the licence.

(8) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(9) The copy of the decision on the suspension and revocation of the licence shall be delivered to the holder of the licence 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.

(10) In the event of revocation of a licence on the basis of clause 1) of subsection (6) of this section, if intentionally submitted and inaccurate information was of material importance in the decision to grant the licence, or on the basis of clause 3), a new licence may be issued to the applicant at the earliest twelve calendar months as of the date on which the licence was revoked.

§ 14. –§ 15. [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

## **Chapter 4 FOREST MANAGEMENT**

### **Division 1 General Provisions**

#### **§ 16. Forest management**

Forest management is the reforestation, silviculture and use of forest, and forest protection.

§ 17. –§ 22. [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

#### **§ 23. Key habitats and management thereof**

(1) For the purposes of this Act, a key habitat is an area of up to seven hectares, which needs protection outside a protected natural object and where the probability of the occurrence of narrowly adapted, endangered, vulnerable or rare species is great.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) The classifications of key habitats and the guidelines for the selection of key habitats shall be established by a regulation of the Minister of the Environment.

(3) In a state forest, the manager of state forest shall organise the protection of a key habitat in accordance with the directive of the Minister of the Environment.

(4) For the protection of a key habitat a notarial contract (hereinafter *contract*) shall be entered into with the owner of the immovable, on the basis of which the immovable shall be encumbered with the personal right of use for the benefit of the state through the Ministry of the Environment for the term of twenty years. A contract can be entered into for the protection of a key habitat entered in the state register for the accounting of forest resource.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(5) The personal right of use means the right of the state to use the immovable for the protection of a key habitat. The state has the right to prohibit or restrict economic activities in a key habitat arising from the objective of the protection of the key habitat and the forest owner is required to ensure preservation of the key habitat.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(6) The authorised representative of the state upon the establishment of the personal right of use for the benefit of the state and entry into a contract for the protection of a key habitat is the foundation specified in subsection 10 (1) of this Act.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(7) All the rights and obligations arising from the contract entered into for the protection of a key habitat shall transfer upon transfer of the right of ownership of the key habitat. Upon transfer of ownership of a key habitat the transferee shall not have the right to terminate the contract prematurely within one year after the acquisition.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(8) Compensation for the damage caused by the restrictions on forest use in a key habitat and for the costs of maintenance of a key habitat (hereinafter *fee for the right to use a key habitat*) shall be paid to the owner of the immovable in equal yearly instalments during the period of encumbrance with a personal right of use for the benefit of the state.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(9) The fee for the right to use a key habitat shall be calculated by the method established on the basis of subsection (10) of this section.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(10) The detailed bases and procedure for the calculation of the fee for the right to use a key habitat and content of the contract shall be established by a regulation of the Minister of the Environment.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

## **§ 23<sup>1</sup>. Management of forest designated for protection of environment**

Upon management of a forest designated by a plan for the protection of settlements or structures against air pollution, noise, strong wind or snowstorm or for the reducing of fire risk or the prevention of spread of forest fire, the local authority may establish restrictions for the size of the cutting area and the rotation age upon clear cutting by a plan.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

## **Division 2 Reforestation**

### **§ 24. Reforestation**

(1) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(2) Reforestation methods are:

- 1) soil scarification with a view to enabling tree seeding and planting of trees or fostering of natural regeneration;
- 2) tree seeding;
- 3) the planting of trees;
- 4) the improvement of a forest culture;
- 5) the promotion of the generation and development of natural regeneration in any other manner.

(3) A forest owner is required to apply the reforestation methods specified in subsection (2) of this section to such extent as ensures regeneration of the forest not later than five years after the cutting or the perishing of the forest.

(4) For the purposes of this Act, a forest is deemed to be regenerated if tree species suitable for the forest site type with the dimensions and in the quantity which guarantee the generation of a new forest generation grow on the whole area where the forest perished or was cut. The existence of trees is not required in natural kettle holes located on clear cut areas or in perished parts of forest, on branch piles and drag roads strengthened with logging waste.

(5) For the purposes of this Act, a forest in which the canopy density as determined on the basis of live trees is less than 30 percent or crop density has fallen below 0.3 due to wind, fungus diseases, damage caused by insects or wild animals, flood(ings), fire, pollution or other biotic or abiotic damages is deemed to be perished.

(6) A forest may be reforested only with tree species suitable for the forest site type and the Minister of the Environment shall establish the list of the types by the rules of forest management.

(7) The Minister of the Environment shall establish the required minimum number of trees per hectare and the minimum height of the trees to be taken into account for each forest site type or type group by the rules of forest management.

(8) The basic material of the cultivating material used for reforestation shall originate from a permitted region of origin. The regions of origin of the basic material of the cultivating material permitted for forest cultivation in Estonia shall be established by a regulation of the Minister of the Environment.

(9) The list of alien tree species permitted to use in reforestation shall be established by a regulation of the Minister of the Environment.

(10) The Minister of the Environment shall establish the requirements for reforestation, including in the type of forest in which forest is reforested by sowing or planting, the minimum original density of places of sowing and planting, the requirements for the preparation of the soil in a type of forest in which reforestation is not required, and the stands cut because of root rot by the rules of forest management.

## **§ 25. Reforestation obligation**

(1) A forest owner is required to apply reforestation methods in perished parts of forest or clear cut areas with an area of at least 0.5 hectares within two years after the cutting or perishing thereof.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) Application of reforestation methods is not required if:

1) according to the reforestation expert analysis conducted by the Environmental Board, there is a natural regeneration with suitable species composition and sufficient number of plants on the whole area of a perished part of a forest or a clear cutting;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

2) the perished part of forest or the cutting area belongs to the type of forest for which the application of reforestation methods is not required pursuant to the rules of forest management established on the basis of this Act;

3) the perished part of forest or the cutting area is located in the special management zone of a protected natural object.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) The Minister of the Environment shall establish the procedure for the commissioning and conducting reforestation expert analyses in the rules of forest management.

(4) A reforestation expert analysis shall be conducted on the basis of an order from a forest owner and at the expense of the state. If an expert analysis indicates that the application of reforestation methods is mandatory, the costs of the expert analysis shall be covered by the forest owner. The amount and the procedure for the payment of the fee shall be established by a regulation of the Minister of the Environment.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(4<sup>1</sup>) The amount of fee specified in subsection (4) of this section shall be determined on the basis of the minimum and maximum rates of reforestation expert analysis costs as follows:

1) the minimum rate of the fee for the field work of reforestation expert analysis is 6.35 euros and the maximum rate is 12.75 euros per hectare;

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

2) the minimum rate of the transport costs of the field work of forest expert analysis is 9.55 euros and the maximum rate is 12.75 euros per land unit.

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

(5) The Minister of the Environment or a person authorised by the Minister may extend the term for the application of reforestation methods specified in subsection (1) of this section at the request of the forest owner if the application of reforestation methods is unjustified in the first two years due to the specific natural

conditions or the reasons for the perishing of the forest which are independent of the forest owner, as well as due to teaching and scientific research.

(6) The Minister of the Environment or a person authorised by the Minister may extend the term for forest regeneration specified in subsection 24 (3) of this Act at the request of the forest owner if forest regeneration is impossible within five years due to the extension of the term for application of reforestation methods, the specific natural conditions or the reasons for the perishing of the forest which are independent of the forest owner.

(7) The Minister of the Environment shall establish the procedure for the extension of terms for the application of reforestation methods and forest regeneration by the rules of forest management.

(8) If the application of reforestation methods is obligatory but the forest owner fails to apply the methods within two years after the perishing of the forest or after the cutting and the term for application of reforestation methods has not been extended or a perished part of forest or a clear cut area has not been regenerated with tree species suitable for the forest site type within five years and the term for forest regeneration has not been extended, the Environmental Board shall issue a precept to the forest owner for application of reforestation methods. The precept shall be served on the forest owner against a signature or delivered by registered letter with advice of delivery. In the event of failure to comply with the precept during the term indicated therein, the Environmental Board shall apply a coercive measure. If the Environmental Board applies penalty payment as a coercive measure, the upper limit for the penalty payment shall be 1300 euros per hectare.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(9) A precept shall set out:

- 1) the name of the administrative body in whose name the precept is issued;  
[RT I 2009, 3, 15 - entry into force 01.02.2009]
- 2) the given name, surname and official title of the person issuing the precept;
- 3) the date and, where necessary, the time of issue of the precept;
- 4) the name of the forest owner to whom the precept is issued;
- 5) circumstances and legal basis on which the precept is based;
- 6) the conclusion of the precept that sets out the necessary reforestation methods and the term for applying the methods;
- 7) the coercive measure that is applied in the event of failure to comply with the precept;
- 8) the procedure and term for contesting the precept;
- 9) the signature of the person issuing the precept.

(10) The obligation of the reforestation of a perished part of forest or a clear cutting shall be transferred to the new owner of the immovable upon transfer of an immovable and the terms for reforestation provided for in this section shall be calculated as of the perishing of the part of forest located on the immovable or the cutting.

**§ 26. [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]**

## **Division 3 Silviculture**

### **§ 27. Silviculture**

(1) For silviculture, improvement cutting and regulation of the water and nutrition regime of forest soil are permitted.

(2) The Land Improvement Act provides the procedure for design, construction and maintenance of land improvement systems.

(3) The fertilisation of forests with direct effective mineral fertilisers is prohibited, except the fertilisation of forest nurseries.

### **§ 28. Fellings**

(1) For the purposes of this Act, at least one of the following works performed on forest land is deemed to be cutting:

- 1) felling of trees and bushes;
- 2) lopping of felled trunks;
- 3) cross-cutting of trunks;
- 4) hauling and dragging of timber.

(1<sup>1</sup>) For the purposes of this Act, cleaning of the existing roads, ditches or other tracks, rides or protection zones on forest land from trees and bushes with the average breast height diameter of up to eight centimetres is not deemed to be cutting.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) The following is timber:

- 1) felled tree and stem;
- 2) the part of stem acquired by means of cross-cutting the stem.

(3) For the purposes of this Act, up to ten ornamental trees are not deemed to be timber.

(4) The following types of cutting are permitted:

1) regeneration cutting, including clear cutting and shelterwood cutting;

2) improvement cutting, including cleaning in stands with the average breast height diameter of up to eight centimetres, thinning in stands with the average breast height diameter of eight centimetres and larger, and sanitary cutting;

3) selective cutting;

4) track cutting, including the cutting of quarter or boundary lines in stands with the average breast height diameter of more than eight centimetres;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

5) deforestation.

(5) Breast height diameter means the diameter of the stem measured at the height of 1.3 metres from the root collar. The average breast height diameter of the dominant tree species is deemed to be the average breast height diameter of a stand.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(6) Regeneration cutting is carried out in order to enable reforestation or forest regeneration.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(7) Improvement cutting is carried out:

[RT I 2008, 56, 314 - entry into force 01.01.2009]

1) for the improvement of the daylight and nutrition conditions of trees and shaping of the composition of the forest (cleaning);

2) for the raising of the value of a forest, for the regulation of forest density and composition, and for enabling the use of the timber of dead trees which will fall out in the immediate future (thinning).

3) for the improvement of the sanitary state of the forest and for enabling the use of the timber of dying or dead trees that are not a source of danger, if this does not endanger the biological diversity (sanitary cutting).

(8) Selective cutting is permitted by way of cutting out single trees:

1) within a protected natural object for protection purposes on the basis of the Nature Conservation Act or protection rules;

2) in a stand outside a protected natural object which has reached the rotation age provided for in subsection 29 (5) of this Act.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(8<sup>1</sup>) The Minister of the Environment shall establish the characteristics of a stand that allow for selective cutting and the minimum limit of the basal area and the crop density in a stand after selective cutting and the maximum volume of wood permitted to cut within a year by selective cutting by the rules of forest management.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(9) The minimum size of a quarter shall be ten hectares upon the cutting of quarter lines.

## § 29. Clear cutting

(1) In the event of clear cutting, all trees are cut from the cutting area within one year after the beginning of the cutting, with the exception of:

1) 20–70 pines, white birches, ashes, oaks, black alders, European white elms or Scots elms per hectare, dispersed or situated in small groups, which are left as seed trees, and viable undergrowth;

2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

3) old crop trees, i.e. trees which are necessary to ensure the biological diversity, or the preserved standing parts of such trees, with the total volume of stem wood of at least five solid cubic metres per hectare.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) Seed trees shall not be left if the forest to be cut does not contain trees suitable for seed trees or if viable undergrowth of the tree species suitable for the forest site type exists on the cutting area for reforestation and it is preserved in the course of cutting. Also, it is not mandatory to leave seed trees on a part of cutting area which is located at a distance of less than 30 metres from the edge of a pine stand in seed-bearing age or less than 50 metres from the edge of a white birch stand in seed-bearing age.

(3) The Minister of the Environment shall establish the requirements for seed trees and old crop trees and for their preservation and the bases for the assessment of the seed-bearing age of a stand by the rules of forest management.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(4) Clear cutting is permitted in a stand that meets at least one of the following conditions:

- 1) the age of the stand exceeds the rotation age established on the basis of subsection (5) of this section;
- 2) the stand has reached the average breast height diameter established on the basis of clause 1) of subsection (6) of this section;
- 3) the basal area or the crop density of the stand is less than the rate established on the basis of clause 2) of subsection (6) of this section.

(5) The Minister of the Environment shall establish the age of stand starting from which clear cutting is permitted for dominant tree species and quality classes by the rules of forest management, observing that it does not exceed:

- 1) the limit of 90–160 years in the event of clear cutting of pine stands and hard broadleaved tree stands;
- 2) the limit of 80–120 years in the event of clear cutting of spruce stands;
- 3) the limit of 60–80 years in the event of clear cutting of birch stands and black alder stands;
- 4) the limit of 30–50 years in the event of clear cutting of aspen stands;

(5<sup>1</sup>) Basal area is the area of the imaginary cross-section of the stem at a height of 1.3 metres from the root collar. Basal area of a stand is the total of the basal areas of all trees growing in the stand, expressed in square metres per hectare. Crop density is the ratio of the basal area of a stand to the basal area of a similar normal stand. Basal area and crop density shall be determined by layers.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(6) The Minister of the Environment shall establish by the rules of forest management for dominant tree species and quality classes:

- 1) the average breast height diameter of a stand in excess of which clear cutting is permitted in a stand;
- 2) the maximum basal area and the crop density in a stand permitting clear cutting in a stand.

(7) A stand in which oak, ash, Scots elm, European white elm or maple are dominant tree species is deemed to be hard broadleaved tree stand.

(8) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(9) New clear cutting shall not be commenced at a distance of less than 100 metres from a clear cut area before the regeneration of the clear cut area and before the minimum closing time has elapsed, except if the width or the total of the area of the old clear cut area and the new bordering clearcut does not exceed the maximum width of a clearcut provided for in subsection (11) of this section.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(10) Upon natural regeneration or reforestation, the minimum closing time for pines, spruces and hard broadleaved trees shall be four years, in other events two years. Cutting years shall not be included in the closing time.

(11) In the event of clear cutting:

1) the area of a cutting area shall not exceed two hectares on dunes, in areas sensitive to erosion or deflation and in areas of infiltration or with pressured groundwater;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

2) the cutting area shall not be wider than 30 metres and the area of a cutting area shall not exceed two hectares in marsh site types and in lichen site types;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

3) the area of cutting area shall not exceed three hectares in site types not specified in clause 2) of this subsection, or shall not exceed five hectares in coniferous and hard broadleaved tree stands and shall not exceed seven hectares in soft broadleaved tree stands in the event of a cutting area with a width of up to 100 metres.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(11<sup>1</sup>) On the immovables of different owners the total area of bordering cutting areas in site types not specified in clause 2) of subsection (11) of this section shall not exceed seven hectares independent of the width of the cutting area.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(12) The Environmental Board may allow, on the basis of a forest protection expert analysis conducted on the order of the forest owner, for enabling the reforestation of a forest perished due to a natural disaster or with a poor state of health due to natural factors, as well as of a stand with poor phenotype or a stand with a small basal area and crop density due to a reason independent of the forest owner:

[RT I 2008, 56, 314 - entry into force 01.01.2009]

1) clear cutting in stands which are younger than the age established on the basis of subsection (5) of this section, with the average breast height diameter less than the rate established on the basis of clause 1) of subsection (6) and with basal area and crop density exceeding the rate established on the basis of clause 2) of subsection (6);

2) cut clearcuts with an area exceeding the area or wider than provided for in subsection (11) of this section.

### **§ 30. Shelterwood cutting**

(1) Shelterwood cutting is divided into shelterwood compartment cutting, group selective cutting and shelterwood strip cutting.

(2) In the event of shelterwood compartment cutting, dispersed trees shall be cut in the forest subject to reforestation in several cutting stages within a period of ten to twenty years.

(3) In the event of group selective cutting, the forest subject to reforestation shall be cut by groups in several cutting stages within a period of twenty to forty years. The Minister of the Environment shall establish the number and size of the gaps to be cut by the rules of forest management.

(4) In the event of shelterwood strip cutting, trees shall be cut from the edges of the cutting area by clear cutting in several cutting stages and dispersed single trees shall be cut from other places, or the trees shall be cut by groups in the forest subject to reforestation within a period of twenty to forty years. The area of clear cutting shall not be wider than the average height of the forest. A clear cut area may be extended after the regeneration of the part of the forest that was clear cut in the previous cutting stage.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(5) Shelterwood cutting may be carried out in a stand which has reached the rotation age established on the basis of subsection 29 (5) of this Act and which belongs to the type of forest in which shelterwood cutting is permitted pursuant to the rules of forest management established on the basis of subsection (7) of this section.

(6) In the event of shelterwood cutting:

1) there shall be at least five years between the cutting stages, not including the cutting years;

2) the next cutting stage may be commenced when there are trees of the type suitable for the forest site type in the cutting area with the measurements and in the quantity established on the basis of subsection (7) of this section;

3) the area of a cutting area shall not exceed ten hectares;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

4) new cutting shall not be commenced at a distance of less than 100 metres from a cutting area which has not been regenerated, except in the event where the total of the areas of the old and new cutting area does not exceed the maximum size of the cutting area provided for in clause 3) of this subsection;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

5) the basal area and crop density of the upper layer of the stand shall not be reduced below the minimum rate established on the basis of subsection (7) of this section;

6) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(7) The Minister of the Environment shall establish the characteristics of a stand which allow for shelterwood cutting in a stand, the minimum limit of the basal area and the crop density of the upper layer of a stand after each stage of cutting, the minimum number of trees per hectare of the cutting area of the natural regeneration required before commencement of the next cutting stage and the minimum height of the trees to be taken into account and the forest types in which shelterwood cutting is permitted by the rules of forest management.

### **§ 31. Improvement cutting**

(1) Improvement cutting may be carried out in a stand which has the characteristics established on the basis of subsection (4) of this section.

(2) Upon thinning, the basal area of the upper layer of the stand shall not be reduced below the minimum rate established on the basis of subsection (4) of this section.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) Sanitary cutting is carried out for the removal of trees that are a source of infection or promote the reproduction of pests from a forest, as well as the dying or dead trees that are not a source of danger and the seed trees that have fulfilled their function. The Minister of the Environment shall establish the essential characteristics of the trees permitted to be cut by sanitary cutting by the rules of forest management.

(4) The Minister of the Environment shall establish the characteristics of a stand that allow for improvement cutting in a stand and the minimum limit of the basal area of the upper layer of the stand after thinning by the rules of forest management.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

## **§ 32. Deforestation**

(1) Deforestation means the cutting that is done in order to enable the use of land for purposes other than silviculture.

(2) Deforestation is carried out:

[RT I 2008, 56, 314 - entry into force 01.01.2009]

1) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

2) on the basis of building design documentation conforming to the provisions of the Building Act or Land Improvement Act, or on the basis of an operational plan of the electrical installation conforming to the provisions of the Electrical Safety Act if the preparation of a detailed plan is not mandatory;

[RT I 2007, 12, 64 - entry into force 20.07.2007]

3) on the basis of protection rules or a management plan within the territory of a protected area, special conservation area or species protection site;

4) on the basis of other valid design documentation, maintenance schedule or document arising from legislation which serves as the basis for the use of land for purposes other than forest management.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

## **§ 33. Environmental protection requirements upon cutting**

In addition to the provisions of §§ 28–31 of this Act, the Minister of the Environment shall establish the following detailed requirements by the rules of forest management:

1) the requirements for the protection of the trees which are left growing, natural regeneration, the soil of the cutting area and the surrounding forest;

2) the requirements for the protection of biological diversity and the objects of heritage culture;

3) the requirements for drag roads.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

# **Division 4 Forest Use**

## **§ 34. [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]**

## **§ 35. Restrictions on right to use forest**

(1) The following is allowed in forests owned by persons in public law and in private forests that are not fenced or marked:

1) staying in the forest and picking of berries, mushrooms and nuts and gathering of ornamental branches, herbs and ornamental plants and parts thereof without unduly harming the interests of the forest owner, without disturbing the game and protected animals during their reproduction period and other persons who are in the forest, without leaving permanent traces in the forest, and provided that the fire safety requirements and the requirements of the forest owner are adhered to;

2) camping and making a campfire is permitted only at the places which the forest owner has prepared and designated therefor or with the permission of the forest owner;

3) being in a forest with dogs if the dogs are on a leash. Service dogs who are performing their service functions or hunting-dogs who are hunting need not be on a leash.

4) drive a vehicle on the roads located on forest land and, with the permission of the forest owner, outside of roads.

(2) A fee may be charged for the gathering of forest berries, mushrooms and nuts, and ornamental branches, herbs and ornamental plants and parts thereof and for recreative use of forest on correspondingly marked forest land in forests owned by persons in public law only if the forest owner has incurred expenses for increasing the productivity of forest berries, mushrooms, nuts, ornamental branches, herbs and ornamental plants, or the recreative value of the forest, or if the income received from other uses of forest has decreased due to the measures for increasing productivity or the recreative value of the forest.

(3) For the prevention of forest fire, local authorities have the right to prohibit the following, by publishing a notice in a local or county newspaper and in other local media:

1) the use of forest for obtaining timber, use of by-products, hunting, research and education, and recreation;

2) the staying in the forest of another person, except upon the performance of duties.

## **§ 36. National defence activities in forests**

(1) Forests shall be used for national defence:

- 1) on the training areas of the Defence Forces and the National Defence League in accordance with currently valid plans;
  - 2) for organisation of permanent training in state forests;
  - 3) for organisation of training in state forests, if it causes forest damage;
  - 4) in events not specified in clauses 1) to 3) of this subsection, with the permission of the forest owner or the manager of state forest.
- [RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) In the events specified in clauses 2) and 3) of subsection (1) of this section, the permission of the Government of the Republic is required for organisation of training.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) In the events of using a forest as specified in clauses 2) and 3) of subsection (1) of this section, the requirements for the training areas of the Defence Forces and the National Defence League apply.

[RT I, 20.03.2013, 1 - entry into force 01.04.2013]

### **§ 37. Obligation to prove legality of cutting right and of delivery of timber, of transfer of forest for cutting and of transportation of timber, and transportation of timber**

(1) Upon transfer of the cutting right or timber and transfer of timber for processing, storage or transportation, the person who transfers the right or delivers timber shall prove the existence of the cutting right or the legality of the possession of timber to the person who acquires the right or receives timber, and the latter shall verify it.

(2) Upon the transfer of a forest cutting, the transferor shall prove to the transferee the existence of the cutting right and the transferee shall verify it.

(3) The following constitute information and documents that certify the existence of the cutting right and the legality of the possession of timber:

- 1) a land registry entry;
  - 2) a state assets register entry in the event of state forests;
  - 3) a transfer deed for the cutting right or timber;
  - 4) a forest notification with the notation on the permission for cutting issued by the Environmental Board;
- [RT I 2009, 3, 15 - entry into force 01.02.2009]
- 5) identity document;

(4) Any person who is carrying out cutting in a forest is required to certify the cutting right with the following documents:

- 1) a document certifying the existence of the cutting right or the written contract, which is the basis for the work or service;
  - 2) a copy of forest notification with the notation on the permission for cutting issued by the Environmental Board;
- [RT I 2009, 3, 15 - entry into force 01.02.2009]
- 3) identity document.

(5) A natural person or a representative of a legal person who is carrying out cutting in a forest shall have the documents specified in clauses 2) and 3) of subsection (4) of this section with him or her in the cutting area and such documents shall be submitted to an official authorised to verify the legality of cutting at the request of the official.

(6) Upon transfer of the cutting right, the transferor and the acquirer shall enter into a written transfer deed for the cutting right or prepare a written legal instrument upon conclusion of an oral agreement, which sets out at least the following:

- 1) the name, personal identification code or registry code and residence or location of the transferor and acquirer of cutting right;
- 2) in the event of representation, the name and personal identification code of the representative, the basis for representation and the residence of the representative of the natural person;
- 3) location of the forest the cutting right of which is transferred (the registered immovable and cadastral unit number);
- 4) the type of cutting to be carried out;
- 5) the size of the area and the estimated volume in solid cubic metres of the forest affected by cutting;
- 6) the signatures of the transferor and the acquirer of the cutting right;
- 7) numbers of forest notifications with the notation on the permission for cutting issued by the Environmental Board.

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

(7) Cutting right grants the right to cut trees to the extent, at the place, time and on the conditions prescribed by a contract, to acquire the cut trees, to produce timber assortments of these trees and to take the assortments obtained out of the forest. A transfer deed for the cutting right shall be accompanied by the right to use the land pursuant to the content of the cutting right. A transfer deed for the cutting right is not terminated upon the transfer of immovable if the transferor of the cutting right has transferred the possession of the part of the immovable on which the forest which is the object of cutting right grows to the acquirer of the cutting right

before the transfer of the right of ownership in an immovable. The rights and obligations arising from the transfer deed for the cutting right shall transfer to the acquirer of the immovable.

(8) Upon transfer of timber and giving of timber for processing or storage, the transferor or the person who gives timber for processing or storage and the acquirer of timber or the person who receives timber for processing or storage shall enter into a written transfer deed for timber or other private law contract or prepare a written legal instrument upon conclusion of an oral agreement. The specified contract and legal instrument shall set out at least the following:

- 1) the name, personal identification code or registry code and residence or location of the transferor and the acquirer of timber and the person who gives and the person who receives timber for processing or storage;
- 2) in the event of representation, the name and personal identification code of the representative, the basis for representation and the residence of the representative of the natural person;
- 3) the location of timber;
- 4) the volume of timber by assortments (log, pulpwood, technological wood, fire wood, post, pole, etc.) and tree species;
- 5) the signatures of the transferor and the acquirer of timber;
- 6) the numbers of forest notifications.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(9) A standard instrument of delivery and receipt of timber shall be annexed to the agreement or legal instrument specified in subsection (8) of this section. Annexing of the instrument of delivery and receipt is not required if the written agreement or the a written legal instrument prepared upon conclusion of an oral agreement sets out the basis for the possession of timber pursuant to the requirements of the form of the instrument of delivery and receipt.

(10) Upon transportation of timber, the transporter of timber shall have a conveyance document certifying the volume and ownership of timber issued by the forest owner. The conveyance document is not required if carriage is performed by the owner of the timber and the owner has the documents which certify the legality of the possession of timber with him or her.

(11) The requirements for the transportation of timber, form of the deed of delivery and receipt of timber, and the conveyance document shall be established by a regulation of the Minister of the Environment.

[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

(12) The transferor and the acquirer of the cutting right or timber and the person who gives and the person who receives timber for processing or storage shall preserve the agreement or legal instrument on the transfer of cutting right or timber and the giving of timber for processing or storage for seven years

(13) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

### **§ 38. Notification cutting right or timber sales and purchase transaction**

(1) A seller of the cutting right or timber and a purchaser of the cutting right or timber are required to submit a notification concerning the cutting right or timber sold or purchased, prepared according to the form established by the Minister of the Environment, to the Tax and Customs Board. A notification need not be submitted if up to twenty solid cubic metres of timber is sold or purchased per year.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) The notification shall be submitted by a registered letter with advice of delivery, by electronic message bearing a digital signature or through an electronic tax board by the tenth day of the month following the quarter in which the sales or purchase transaction was carried out.

### **§ 39. Measuring of timber and determining of volume thereof**

(1) The methods for measuring of timber and wood chips and determining the volume thereof and the requirements set for measurement accuracy and for the documentation of the results of measurements shall be established by a regulation of the Minister of the Environment.

(2) On the performance of transactions with timber and wood chips, timber and wood chips are measured and the volume thereof is determined pursuant to the methods of measurement established on the basis of subsection (1) of this section unless the parties have agreed in writing on the use of an alternative method.

## **Division 5**

# Forest Protection

## § 40. Forest protection

(1) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(2) The Environmental Board has the right to issue prescriptions in order to avoid forest damages and to prevent the spread thereof on the basis of a forest protection expert analysis. A precept shall require, in addition to the provisions of clauses 25 (9) 1)–5) and 7)–9) of this Act, as a conclusion, the termination of activities which are causing damage or the refraining from activities which may cause damage, the removal of the sources of danger and the elimination of the consequences of damage caused. A precept shall be served on the obligated subject in the manner provided for in subsection 25 (8) of this Act.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) In the event of failure to comply with a precept issued on the basis of subsection (2) of this section, the Environmental Board shall apply a coercive measure. If the Environmental Board applies penalty payment as a coercive measure, the upper limit for the penalty payment shall be 640 euros.

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

(4) Cutting areas, except cleaning cutting areas, shall be cleaned of logging waste. The Minister of the Environment shall establish the manner of and procedure for the cleaning of cutting areas of logging waste by the rules of forest management.

(5) Pesticides may be used in forests only in the events provided for in the rules of forest management established by the Minister of the Environment.

(6) Upon forest management, the soil shall not be damaged more than permitted. The Minister of the Environment shall establish the maximum permitted rate of damage to the soil upon reforestation and cutting by the rules of forest management.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(7) In the event where the volume of undried and unbarked coniferous wood exceeds ten solid cubic metres per hectare it shall be transported out of forests by the term established by the Minister of the Environment in the rules of forest management.

(8) For the financing of the measures to be applied for the prevention of forest fire, counties shall be classified as counties with high, medium or low risk of forest fire by a regulation of the Minister of the Environment.

(9) In order to prevent damaging of a forest due to excessive recreative use, the Environmental Board has the right to restrict or prohibit the use of or single ways of using the damaged or endangered area on the basis of a forest protection expert analysis and with the consent of the forest owner. The Environmental Board shall publish a notification concerning the establishment of a prohibition or restriction, specifying the reasons therefor, in a local or county newspaper and, if possible, in other local media, and shall display it in the Environmental Board.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(10) Restrictions may be established on fellings in multi-layer stands and mixed stands during the period of April 15 to June 15 for the protection of fauna during the reproduction period by a regulation of the Minister of the Environment.

(11) The Minister of the Environment shall establish the procedure for the ordering and conduct of forest protection expert analysis and the restrictions for extracting resin and for tapping by the rules of forest management.

## § 41. Forest notification

(1) The forest owner or the representative of the owner (hereinafter *submitter*) shall submit a forest notification to the Environmental Board:

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

- 1) concerning planned cuttings;
- 2) concerning planned reforestation;
- 3) concerning forest damages and the objects of heritage culture immediately after the owner has become aware thereof.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) For the purposes of this Act, a forest is deemed to be damaged if:

- 1) more than five percent of the total number of the trees of the upper layer in the stand are dying or freshly populated by trunk borers, freshly barked by wild animals or freshly windfallen or broken by wind;
- 2) more than 20 percent of the trees have needles or leaves eaten by insects to an extent of more than 25 percent;
- 3) site conditions have changed significantly due to floods or environmental pollution;

4) the stand has suffered a forest fire with an area of at least 0.1 hectares.

(3) If a forest notification is submitted by the representative of the owner, a document certifying that person's right of representation shall be annexed to the forest notification.

(4) A forest notification is deemed to have been delivered if:

1) the submitter has handed it over to the Environmental Board against a signature;

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

2) the post office has handed over the forest notification sent by registered mail to the Environmental Board against a signature;

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

3) the submitter has forwarded it by an electronic channel allowing the unequivocal identification of a person or if the notification submitted in electronic form is signed digitally.

(5) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(6) The form of forest notifications, a list of information to be provided therein and the procedure for submission of forest notifications shall be established by a regulation of the Minister of the Environment.

(7) The Environmental Board shall verify the following on the basis of a forest notification prepared according to the requirements:

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

1) the compliance of planned regeneration cutting, thinning and selective cutting with the requirements of legislation and valid inventory data;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

3) compliance of the planned cleaning, sanitary cutting, selective cutting and track cutting and deforestation, as well as reforestation with the requirements of legislation.

(8) Pursuant to subsection (7) of this section, the Environmental Board shall verify the legality of the planned activities within 15 working days as of receipt of a forest notification prepared according to the requirements and shall enter a notation "lubatud" [permitted] on the forest notification if the activities comply with the requirements, and a notation "ei ole lubatud" [not permitted] if the activities do not comply with the requirements. If the activities are not permitted, the Environmental Board shall give the reasons in writing and make recommendations as to bringing the activities into compliance with legislation. A forest notification shall be returned to the submitter against signature or by a registered letter with advice of delivery or electronically in a digitally signed form or via an electronic channel that allows for the unambiguous identification of person.

[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

(9) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(10) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(11) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(12) Where the approval or the conduct of forest protection expert analysis pursuant to subsection 29 (12) of this Act is required for grant or refusal of permission for the planned activities, the Environmental Board shall verify the forest notification within up to thirty working days.

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

(13) A forest owner may perform cuttings and reforestation after the forest notification with the notation on the permission has been returned by the Environmental Board and do so within twelve months as of the date on which the forest notification was delivered or delivered against a signature to the submitter. Hauling and dragging of timber may be carried out also later than within twelve months as of the date on which the forest notification was delivered or delivered against a signature to the submitter.

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

(14) A forest owner may cut, without submitting a forest notification, three solid cubic metres of wood per one hectare of forest land in the event of a cutting which is permitted in such part of forest by legislation but not more than twenty solid cubic metres per immovable per year.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(15) Upon receipt of a forest notification concerning forest damage, a forest protection expert analysis is conducted and the forest owner shall be notified of the results of the expert analysis within the period specified in subsection (12) of this section.

#### **§ 42. Obligations of owner in forest management**

(1) The forest owner is required to:

- 1) monitor the condition of the forest, protect the forest against pests and diseases, littering or fires;
- 2) manage and permit his or her forest to be managed only in such a way which does not endanger the forest as an ecosystem or damage the gene pool, forest soil or water regime, and the conditions for forest regeneration and reforestation to an extent larger than permitted by legislation, which does not allow wind damages or the spread of fungus diseases or pests and which is in accordance with the principles of the sustainable use of forest, and protect the forest against the deterioration of site conditions;
- 3) in the gathering of forest by-products, apply and permit the application of only such gathering methods that do not damage the productivity of such by-products as berries, mushrooms and herbs.
- 4) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(1<sup>1</sup>) In order to manage a forest growing on an immovable encumbered for the benefit of the Republic of Estonia on the basis of the Land Reform Act, the forest owner shall order a forest management plan which is mandatory upon the planning of forest management activities.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) The requirements provided for in clause (1) 2 of this section do not extend to forests used for national defence purposes.

## **Division 6 Management of State Forests**

#### **§ 43. Organisation of management of state forest and of financing of management**

(1) An administrator of state assets, to whom state forest as a state asset has been transferred for administration in accordance with the State Assets Act, shall organise the management of state forest and of the financing of the management thereof. A state forest shall be managed by a person or state agency designated by the administrator of state assets (hereinafter *manager of state forest*).

(1<sup>1</sup>) The manager of the state forest shall prepare a forest management plan for the forests managed thereby by forest district or other management unit at least once every ten years.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) A state forest administered by the Ministry of the Environment and the Ministry of Defence shall be managed and the management thereof shall be financed by the State Forest Management Centre. A state forest administered by the Ministry of Defence shall be managed on the basis of an agreement entered into with the agency designated by the Minister of Defence.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) On the basis of a proposal of the Minister of Defence, the Minister of the Environment may make exceptions to the rules of forest management in a training area and a firing range.  
[RT I, 20.03.2013, 1 - entry into force 01.04.2013]

(4) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(5) The manager of a state forest shall ensure the maintenance and lawful use of the property left at the disposal of the manager.

(6) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(7) A manager of state forest possesses all the rights of a forest owner arising from forest management and the manager shall perform all the duties imposed on the owner of forest by Acts and by legislation based on Acts.

(8) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

#### **§ 44. Permitted commercial activities in management of state forests**

(1) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(3) The requirement to register in the register of economic activities provided for in the Trading Act does not apply to the manager of a state forest in the event of the sale of timber and forest products.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

#### **§ 45. Right to use state forest**

(1) A manager of state forest has the right to use the state forest.

(2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(3) The manager of a state forest shall use the state forest by himself or herself, or grant use thereof without charge or for a charge.

(4) The manager of a state forest shall use the cutting right by himself or herself or shall transfer the right pursuant to the procedure established in this Act and on the basis thereof.

(5) The Minister of the Environment shall annually specify the optimal area of wood permitted to cut in state forests within a year by regeneration cutting, including the area of pine stands, spruce stands, birch stands and aspen stands by tree species, for each manager of state forest by December 1.  
[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

(6) The manager of state forest specified in subsection (5) of this section shall coordinate the optimal area of regeneration cutting with the Environment Information Centre.  
[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

#### **§ 46. Transfer of cutting right or timber in state forest**

(1) The cutting right or timber in state forests shall be transferred by sale as follows:

- 1) by a public auction;
- 2) by tender with preliminary negotiations;
- 3) at negotiated price.

(2) The Government of the Republic shall establish the procedure for the sale of the cutting right or of timber. The procedure provides:

- 1) the methods for the determination of the base price of the cutting right or of timber;
- 2) the procedure for the sale of the cutting right or of timber;
- 3) the supervision of sale.

(3) The selling price of the cutting right or of timber in public auction or tender with preliminary negotiations shall not be lower than the base price calculated pursuant to the methodology determined in accordance with clause 1) of subsection (2) of this section.

(4) A negotiated price may be applied in the event of improvement cutting right, volumes of timber of up to 50 solid cubic metres, firewood, rapidly perishable timber, the cutting right of forests damaged by a natural disaster, and the sale of trial consignments of timber and sales contracts with the duration exceeding one year.

(5) A negotiated price of the cutting right or of timber shall not be lower than the usual value of the cutting right or timber.

#### **§ 47. State Forest Management Centre**

(1) The State Forest Management Centre (hereinafter *State Forest Management Centre*) is a profit-making state agency who operates as the manager of state forest within the area of government of the Ministry of the Environment pursuant to this Act, other legislation and its statutes.

(2) The Government of the Republic shall approve the statutes of the State Forest Management Centre on the proposal of the Minister of the Environment.

(3) The directing bodies of the State Forest Management Centre are the supervisory board and the management board.

(4) The State Forest Management Centre is restructured and its activities are terminated by an Act.

(5) The State Forest Management Centre shall be registered in the state register of state and local government agencies. Regional units of the State Forest Management Centre may also be registered in the specified register if the statutes of the State Forest Management Centre provide for such registration.

#### **§ 48. Main function, areas of activity and use of revenue received from economic activity of the State Forest Management Centre**

(1) The main function of the State Forest Management Centre is the management of the state forest specified in subsection 43 (2) of this Act.

(2) The areas of activity of the State Forest Management Centre are:

- 1) planning, management and grant of use of state forest;
- 2) sale of cutting rights, timber and forest produce;

- 3) processing of forest produce and sale of the products of processing;
- 4) ensuring the performance of the public function of the state forest;
- 5) protection of natural values.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) The State Forest Management Centre receives an income from its economic activities, which ensures management of state forests and the performance of public functions imposed on state forests in compliance with the requirements of law.

(4) [Repealed – RT I 2008, 58, 328 – entry into force 01.01.2009]

(5) The amount to be transferred from the net profit of the State Forest Management Centre to the state budget shall be approved by the Government of the Republic on the proposal of the Minister of Finance. The Minister of the Environment shall submit an application together with the annual report approved by the supervisory board the State Forest Management Centre to the Minister of Finance.

[RT I 2008, 58, 328 - entry into force 01.01.2009]

#### **§ 49. Supervisory board of State Forest Management Centre**

(1) The supervisory board the State Forest Management Centre is the highest directing body that plans the activities of the State Forest Management Centre, organises the management of the State Forest Management Centre and supervises the activities of the management board.

(2) The Government of the Republic shall approve the membership of the supervisory board by an order for a term of three years.

(3) The supervisory board shall be comprised of nine members. The supervisory board shall comprise:

- 1) two members appointed by a resolution of the *Riigikogu*;
- 2) two representatives of the Ministry of the Environment;
- 3) one representative of the Ministry of Economic Affairs and Communications;
- 4) one representative of the Ministry of Finance;
- 5) three experts on the proposal of the Minister of the Environment.

(4) A member of the supervisory board may resign before the termination of the authority with a good reason and he or she shall be replaced by a new member.

(5) The *Riigikogu* shall appoint the members of the supervisory board by a resolution on the proposal of the Environmental Committee of the *Riigikogu*. The authority of a member of the supervisory board appointed by the *Riigikogu* shall terminate upon the termination of the authority of the person as a member of the *Riigikogu*. The *Riigikogu*, Minister of the Environment, Minister of Economic Affairs and Minister of Finance may withdraw a member appointed by them before the termination of the authority if:

- 1) he or she has failed to perform his or her duties to a material extent;
- 2) he or she is not able to participate in the work of the supervisory board;
- 3) his or her service relationship has terminated.

(6) The members of the supervisory board shall elect a chairman from among themselves who shall organise the activities of the supervisory board, and a deputy chairman who shall perform the duties of the chairman during the chairman's absence.

(7) The competence of the supervisory board of the State Forest Management Centre shall include:

- 1) the approval of development plan and policies and monitoring the observance thereof;
- 2) the determination of the number of and election of members of the management board and deciding on the conclusion, amendment and termination of contracts with them, the approval of the rules of procedure of the management board and the deciding on conduct of legal disputes with the members of the management board;

[RT I 2008, 56, 314 - entry into force 01.01.2009]

- 3) appointment of the chairman of the management board;
- 4) determination of the remuneration of members of the management board;
- 5) the approval of the annual budget;

[RT I 2008, 58, 338 - entry into force 01.01.2009]

6) the approval of the annual report and submission thereof together with a proposal for the share of net profit to be transferred to the state budget to the Minister of the Environment;

[RT I 2008, 58, 338 - entry into force 01.01.2009]

7) the election of an auditor, review of auditing results and submission thereof to the Minister of the Environment;

8) the establishment of the audit committee and the approval of the rules thereof with a view to advising the supervisory board in matters involving the organisation of accounting, the performance of an external internal audit, the functioning of the internal audit system, the monitoring of the management of financial risks and the legality of activities, as well as budget preparation and approval of the annual report;

9) the approval of the statutes, annual plan, budget and staff of the structural unit of the internal audit division, the procedure for internal audits and the job description of the head of the structural unit of the internal audit division, and the granting of consent for the conclusion, amendment and termination of an employment contract with the head of the structural unit of the internal audit division;

[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

- 10) the approval of the salary scale of the employees;
- 11) the grant of approval to the taking of loans;
- 12) deciding on the grant of use and the transfer of property in the events specified in this Act;
- 13) deciding on foundation of and participation in legal persons in private law by the State Forest Management Centre as the representative of the state and representation of the State Forest Management Centre in such legal persons.

[RT I 2008, 58, 338 - entry into force 01.01.2009]

(8) Meetings of the supervisory board shall be held as necessary but at least once every three months. The procedure for calling the meetings of supervisory board and the procedure for holding the meetings are provided for in the statutes of the State Forest Management Centre.

(9) The amount of remuneration paid to the members of the supervisory board and the procedure for payment thereof shall be determined by a regulation of the Government of the Republic. In the payment of remuneration to members of the supervisory board, their participation in meetings of the supervisory board and in the activities of the supervisory board shall be taken into consideration

(10) In order to perform its tasks, the supervisory board has the right to examine all documents of the State Forest Management Centre and to audit the accuracy of accounting, the existence of assets, the compliance of the activities of the State Forest Management Centre with law, other legislation and the statutes of the State Forest Management Centre.

(11) Members of the supervisory board shall bear joint and several liability for any damage caused to the state by violation of the requirements of law and the statutes or by failure to perform their duties. A member of the supervisory board shall be relieved from liability if he or she maintained a dissenting opinion in the adoption of the resolution that was the basis for the illegal activity, and the dissenting opinion has been recorded in the minutes. The limitation period for submission of claims against a member of the supervisory board shall be five years.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

## **§ 50. Management board of State Forest Management Centre**

(1) The management board of the State Forest Management Centre is a directing body of the State Forest Management Centre who represents and directs the State Forest Management Centre. The management board shall, in directing, adhere to legislation and the orders of the supervisory board and shall present an overview of the activities and economic situation of the State Forest Management Centre to the supervisory board at least once every three months.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(2) The management board of the State Forest Management Centre shall consist of up to five members. The term of authority of the management board shall be five years.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(3) The procedure for the election of members of the management board, the requirements for members of the management board and the procedure for conclusion of contracts with members of the management board are provided for in the statutes of the State Forest Management Centre.

(4) Every member of the management board may represent the State Forest Management Centre in all legal acts. The area of responsibility of each member of the management board shall be determined by a contract concluded with the member of the management board.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(5) The management board shall organise accounting.

(6) The chairman of the management board or a person authorised by him or her shall enter into employment contracts with the employees of the State Forest Management Centre.

(7) Without the consent of the supervisory board, a member of the management board shall not be:

- 1) sole proprietor in the areas of activity of the State Forest Management Centre;
- 2) a partner in a general partnership or a general partner in a limited partnership that operates in the areas of activity of the State Forest Management Centre;
- 3) a member of a directing body of a company that operates in the areas of activity of the State Forest Management Centre.

(8) If the activities of a member of the management board are in conflict with the provisions of subsection (7) of this section, the supervisory board may demand that the member of the management board terminate the

prohibited activity, transfer the income received from the prohibited activity to the State Forest Management Centre and compensate for damage to the extent exceeding the claimed income.

(9) The limitation period for a claim to transfer the income received from the prohibited activity shall be three months as of the date the supervisory board becomes aware of the violation of the requirement provided for in subsection (7) of this section but not longer than three years as of the violation of the requirement. The general limitation period shall apply to a claim for compensation of damage.

(10) Members of the management board shall perform their obligations in line with due diligence. Members of the management board who cause damage to the State Forest Management Centre by violation of their obligations shall bear joint and several liability for compensation for the damage caused. The limitation period for submission of claims against a member of the management board shall be five years.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

#### **§ 51. Accounting of State Forest Management Centre**

(1) The State Forest Management Centre is an independent state accounting entity and shall organise accounting pursuant to the Accounting Act, other legislation regulating this area and the statutes of the State Forest Management Centre.

(2) The State Forest Management Centre shall be liable to pay value added tax.

#### **§ 52. Reporting of State Forest Management Centre and auditing of activities of State Forest Management Centre**

(1) The management board shall submit the annual report audited by an auditor for approval to the supervisory board not later than four months after the end of the financial year.

(2) The State Audit Office shall audit the activities of the State Forest Management Centre to the extent and pursuant to the procedure provided for in the State Audit Office Act.

## **Division 7 Possession, Use and Disposal of Assets of State Forest Management Centre**

#### **§ 53. Assets of State Forest Management Centre**

(1) The property (hereinafter *property*) of the State Forest Management Centre are immovables and movables granted into the possession of the State Forest Management Centre by the administrator of state assets and created and acquired as a result of the activities of the State Forest Management Centre and monetarily appraisable rights and obligations.

(2) The State Forest Management Centre is an agency authorised to administer the state forest land administered by the Ministry of the Environment and other property in the possession of the State Forest Management Centre.

(3) The State Forest Management Centre shall possess, use and dispose of the property in its possession for the management of state forests and for generating income pursuant to the procedure provided for in this Act. In the event of the right to use state forest and the possession, use and disposal of timber, the provisions of §§ 45 and 46 of this Act apply.

(4) If a movable or a building which is an essential part of a plot of land in possession of the State Forest Management Centre is not necessary for the management of state forests and for generating income, and their preservation is inexpedient, the management board of the State Forest Management Centre may declare such assets unserviceable and they shall be written off on the basis of a decision of the management board of the State Forest Management Centre and, if necessary, destroyed.

(5) The State Forest Management Centre shall obtain approval for the sale of immovable property belonging to the state and in the possession of the State Forest Management Centre from the administrator of state assets.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(6) The use, grant of use and transfer of state assets and declaring of state assets unserviceable in the events not specified in this Act shall be performed pursuant to the procedure provided for in the State Assets Act and legislation established on the basis thereof.

#### **§ 54. Use of income received from use, grant of use and transfer of property**

(1) The income received from use, grant of use and transfer of property shall be used for the management of state forests.

(2) Income received from the sale of immovables shall be used for acquisition of immovables for the State Forest Management Centre for the purposes of management of state forests or generating income.

#### **§ 55. Grant of use of property for generating income**

(1) Use of property is granted to another person for generating income if the property is temporarily not necessary for the management of state forests.

(2) Use of property shall be granted:

- 1) by lease or commercial lease of movables and immovables;
- 2) by encumbering immovables with restricted rights *in rem*.

#### **§ 56. Persons who decide grant of use of property**

(1) The following are persons who decide the grant of use of property:

- 1) the management board of the State Forest Management Centre or a person authorised by the management board upon lease or commercial lease of movables and immovables;
- 2) the management board of the State Forest Management Centre or a person authorised by the management board upon encumbrance of immovables with personal or real servitudes;
- 3) the management board of the State Forest Management Centre upon encumbrance of an immovable with a right of superficies for up to 50 years, the supervisory board of the State Forest Management Centre upon encumbrance with a right of superficies for more than fifty years;
- 4) the management board of the State Forest Management Centre upon encumbering with other restricted rights *in rem*.

(2) A contract for the grant of use of property shall be entered into by a member of the management board of the State Forest Management Centre or a person authorised by him or her.

#### **§ 57. Procedure for grant of use of property**

(1) Negotiations, auction and negotiations with auction are manners of the grant of use of property.

(2) The person who decides the grant of use of property shall determine the manner of the grant of use of property on the basis of economical expediency.

(3) An auction shall be organised for the grant of use of property if it is known in advance that more than one persons are interested in the use of property or if the organisation of an auction is likely to yield more profit from negotiations or in addition to negotiations upon grant of use of property.

(4) A notice concerning the grant of use of property by auction shall be published in the official publication *Ametlikud Teadaanded* and on the website of the State Forest Management Centre not later than one week before the tender takes place. If necessary, such notices and announcements may also be circulated by other means. The tender notice shall set out the basic characteristics of the property subject to a grant of use and the principal conditions of the grant of use.

(5) The detailed procedure for the grant of use of property shall be provided for in the statutes of the State Forest Management Centre.

(6) A contract for the grant of use of property shall be entered into with the person whose bid is considered the best by the person who decides the grant of use. In the absence of bids that meet the established conditions, the person who decides the grant of use has the right to refuse to enter into a contract.

(7) A notification concerning the grant of use of property shall be published on the website of the State Forest Management Centre.

#### **§ 58. Amount paid and terms for grant of use, and other conditions of grant of use of property**

(1) Use of property shall be granted for charge. The amount of the charge shall not be less than the usual value of the charge received from the grant of use of property.

(2) The person who decides the grant of use of property shall determine the terms for the grant of use of property and other conditions of the grant of use of property on the basis of the class of property and economical expediency.

#### **§ 59. Transfer of property for generating income**

(1) Property is transferred for generating income if the property is not necessary for the management of state forests and the transfer of the property is more expedient than the grant of use of property.

(2) Property is transferred for money.

(3) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

#### **§ 60. Person who decides transfer of property**

(1) The following are persons who decide the transfer of property:

1) the supervisory board of the State Forest Management Centre in the event of property with usual value exceeding 32 000 euros;

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

2) the management board of the State Forest Management Centre in the event of property with usual value of up to 32 000 euros.

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

(2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

#### **§ 61. Procedure for transfer of property**

(1) Auction is the manner of transfer of property.

(2) The person who decides the transfer of property may decide to transfer property without an auction if the transfer of property in another manner is more profitable.

(3) An auction shall be organised by a committee of at least three members appointed by the person who decides the transfer of property.

(4) A notice concerning the transfer of property by auction shall be published in the official publication *Ametlikud Teadaanded* and on the website of the State Forest Management Centre not later than two weeks before the tender takes place. If necessary, such notices and announcements may also be circulated by other means. The tender notice shall set out the basic characteristics of the property subject to transfer and the starting price of the transfer of property. In an auction, the starting price shall not be lower than the usual value of the property subject to transfer.

(5) The detailed procedure for transfer of property is provided for in the statutes of the State Forest Management Centre.

(6) A member of the management board of the State Forest Management Centre or a person authorised by him or her shall enter into property transfer contracts.

(7) A property transfer contract shall be entered into with the person who agrees to the established conditions of sale.

(8) A notification concerning the transfer of property shall be published on the website of the State Forest Management Centre.

#### **§ 62. [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]**

#### **§ 63. Acquisition of property**

(1) The State Forest Management Centre shall acquire property for the management of state forests or for generating income out of the funds designated therefor in the budget of the State Forest Management Centre.

(2) The following is the acquisition of property by the State Forest Management Centre:

1) acquisition of movables and immovables for a charge or free of charge;

2) acquisition of rights of use or rights *in rem* of movables and immovables that belong to other persons;

3) encumbering of immovables that belong to other persons with restricted rights *in rem*;

4) acquisition of a right of claim.

#### **§ 64. Person who decides acquisition of property**

(1) The following are persons who decide the acquisition of property:

1) the management board of the State Forest Management Centre or a person authorised by the management board, upon acquisition of movables and immovables;

2) the management board of the State Forest Management Centre or a person authorised by the management board, upon acquisition of rights of use or rights *in rem* of movables and immovables that belong to other persons;

3) the management board of the State Forest Management Centre, upon encumbering immovables that belong to other persons with restricted rights *in rem*;

4) the management board of the State Forest Management Centre, upon acquisition of a right of claim.

(2) A member of the management board of the State Forest Management Centre or a person authorised by him or her shall enter into property acquisition contracts.

## **§ 65. Procedure for acquisition of property**

(1) the State Forest Management Centre shall acquire property in adherence to the procedure provided for in the Public Procurement Act.

(2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(3) The person who decides acquisition of property or a person authorised by him or her shall conduct negotiations for the acquisition of the property.  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

(4) The procedure for conducting negotiations for acquisition of property is provided for in the statutes of the State Forest Management Centre.

(5) A notification concerning the acquisition of property shall be published on the website of the State Forest Management Centre.

# **Chapter 5 STATE SUPERVISION AND COMPENSATION FOR DAMAGE**

## **§ 66. State supervision of forest management**

The environmental supervision agencies shall exercise state supervision over the legality of forest management pursuant to the procedure provided for in the Environmental Supervision Act.

## **§ 67. Damage caused to environment and payment of compensation therefor**

(1) Damage unlawfully caused to the environment shall be compensated for by the person who caused the damage to the extent and pursuant to the procedure provided for in this section.

(2) Within the meaning of this Act, damage is caused to the environment:

1) by cutting stands which are younger or with average breast height diameter smaller than permitted, if the permitted limits of the basal area and the crop density of a stand, the cutting time or type of cutting are not complied with upon logging, the minimum period of time established for the sequence of cutting stages is disregarded or forest is cut in a place where cutting is prohibited;  
[RT I 2008, 56, 314 - entry into force 01.01.2009]

2) the permitted closing time, the size or the maximum permitted width of the regeneration cutting area is not complied with, new regeneration cutting is commenced before a regeneration cutting area in the immediate neighbourhood has been regenerated or at a distance of less than 100 metres from a cutting area which has not been regenerated, the number and size of gaps in selective cutting exceeds the permitted limit, or the area of clear cutting in the forest is cut wider than the average height of the forest upon shelterwood cutting;  
[RT I, 05.01.2011, 13 - entry into force 15.01.2011]

3) if trees, shrubs, forest plantation or natural regeneration are destroyed or damaged by mechanical damaging thereof or impairing of the site conditions;

4) if soil is damaged;

5) by causing forest fire;

6) by littering forests;

7) if the cutting areas or timber landings are left uncleared;

8) the term for removal of undried and unbarked coniferous wood from forest is violated.

(3) In the events specified in clause 1) of subsection (2) of this section, damage is calculated pursuant to the rates provided for in Annexes 2 and 3 to this Act.

(4) In the events specified in clause 2) of subsection (2) of this section, damage is calculated at the rate of 3200 euros for each hectare which exceeds the area on which cutting is permitted.

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

(5) If a forest plantation or natural regeneration with the height of less than 0.6 metres, or trees or shrubs have been destroyed or damaged by mechanical damaging thereof, impairing of the site conditions or causing a fire, and:

1) more than 30 percent (in the event of spruce, more than 10 percent) of the circumference of the stem of trees or shrubs is damaged and damages to the bark extend at least to wood, or more than a half of the crown or root system of a tree or bush is damaged or destroyed as a result of damage or the top of the tree is destroyed, damage is calculated pursuant to the rates provided for in Annex 2 to this Act;

2) 10–30 percent (in the event of spruce, up to 10 percent) of the circumference of the stem of trees or shrubs is damaged and damages to the bark extend at least to wood, or 1/3–1/2 of the crown or root system of a tree or bush is damaged, damage is calculated to the extent of 25 percent of the rates provided for in Annex 2 to this Act;

3) less than 10 percent of the circumference of the stem of trees or shrubs is damaged and damages to the bark extend at least to wood, or 1/4–1/3 of the crown or root system of a tree or bush is damaged, damage is calculated to the extent of 10 percent of the rates provided for in Annex 2 to this Act;

4) forest plantation or natural regeneration with a height of less than 0.6 metres has been damaged and this has caused destruction of a forest plantation or natural regeneration, damage shall be calculated 447 euros per hectare.

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

(6) Where soil has been damaged, damage shall be calculated as follows:

1) 0.60 euros for the damaging of one square metre of the area in flood-plain forests, paludified forests, bog woodlands and floodplain willow shrubland;

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

2) 0.50 euros for the damaging of one square metre of the area in alvar forests and boreal heath forests;

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

3) 0.35 euros for the damaging of one square metre of the area in dry boreal forests, fresh boreal forests, fresh boreo-nemoral forests and dry boreo-nemoral forests;

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

4) 0.25 euros for the damaging of one square metre of the area in drained peatland forests, poor paludified forests, ombrothropic bog forests and mixotrophic bog forests.

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

(7) If soil is damaged on cutting areas in the course of logging, the damage exceeding 25 percent of the area of the cutting area is subject to calculation as damage.

(8) If a forest has been littered:

1) with waste or other substances transported thereto or any other manner, damage is calculated 6.40 euros per square metre of the littered area;

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

2) by leaving stopping or camping places uncleared, damage shall be calculated 0.60 euros per square metre of the littered area.

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

(9) If the cutting areas or timber landings are left uncleared, damage shall be calculated 320 euros per hectare of the area which has been left uncleared of logging waste or timber residue or 1.60 euros for each place of cutting a single tree or shrub which has been left uncleared, but not more than 320 euros per hectare, or 1.60 euros per solid square metre of undried and unbarked coniferous wood which has not been transported out of the cutting area or timber landing during the term specified by this Act.

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

(10) Where stumps have been removed upon damaging the forest or it is impossible to assess the damage by single trees or shrubs, damage shall be calculated on the basis of the survey data of an average tree of the stand set out in the description of the forest in the forest management plan and the number of the damaged trees shall be calculated by allocations, by dividing the general reserve of the damaged part of the forest by the volume of an average tree.

(11) Upon calculation of damage caused to the environment by damaging a forest in a strict nature reserve of a protected area or a special management zone, the rate for calculation of damage shall be multiplied by the factor 5.0, and in the event of the damaging of a forest in a limited management zone of a natural object and a special conservation area, by the factor 3.0.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(12) Compensation for environmental damage shall be collected by the Environmental Inspectorate. Compensation for damage shall be transferred to the state budget.

## **Chapter 6 LIABILITY**

### **§ 68. Unlawful cutting, damaging and destruction of forest, trees and shrubs**

(1) Unlawful cutting or destruction of forest, trees or shrubs or damaging of forest, trees or shrubs in any other manner is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

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

### **§ 69. Violation of obligation to prove and verify legality of transfer of cutting right or to prove and verify legality upon transfer of timber or transfer of forest for cutting**

(1) Violation of obligation to prove and verify legality of transfer of cutting right or to prove and verify legality upon transfer of timber or transfer of forest for cutting is punishable by a fine of up to 300 fine units.

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

### **§ 70. Violation of requirements for forest management**

(1) Violation of the requirements for reforestation, silviculture, forest use or forest protection, except in the events specified in §§ 68 and 69 of this Act, is punishable by a fine of up to 200 fine units.

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

### **§ 71. Application of confiscation**

A body conducting extra-judicial proceedings or a court may, pursuant to § 83 of the Penal Code, apply confiscation of the direct object of commission of a misdemeanour provided for in §§ 68 and 69 of this Act.

### **§ 72. Procedure**

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to misdemeanours provided for in §§ 68-70 of this Act.

(2) The following extra-judicial bodies conduct proceedings in misdemeanour cases provided for in §§ 68-70 of this Act:

- 1) the Environmental Inspectorate;
- 2) a police authority.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

## **Chapter 7 FINAL PROVISIONS**

§ 73.–§ 79.[Omitted from this text.]

### **§ 80. Implementation of Act**

(1) The restrictions on forest management in areas sensitive to erosion or deflation, alvars, or areas with pressured groundwater which were categorised as protection forests on the basis of the Forest Act in force before the entry into force of this Act, and in forests within the boundaries of objects protected under heritage conservation apply until 1 January 2008.

(2) [Repealed – RT I 2008, 56, 314 – entry into force 01.01.2009]

(3) If the obligation of reforestation arises for a forest owner before 1 January 2007, the forest owner shall reforest the forest pursuant to the Forest Act in force prior to entry into force of this Act. If the area to be reforested has not been regenerated in compliance with subsection 24 (4) of this Act within seven years after the obligation of reforestation has arisen, the Environmental Board shall issue a precept provided for in subsection 25 (8) of this Act to the forest owner. In the event of failure to comply with the precept within the term set out in the precept, a coercive measure is applied with regard to the forest owner pursuant to subsection 25 (8) of this Act.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

(4) The authority of the members of the supervisory board of the State Forest Management Centre established prior to the entry into force of this Act continues until the membership of the supervisory board established on the basis of this Act is approved.

(5) The authority of the Director General of the State Forest Management Centre appointed to office prior to the entry into force of this Act continues until the entry into force of a decision of the supervisory board on the election of members of the management board.

(6) The decisions on the adoption of forest management plans made prior to the entry into force of this section are not legally binding to the environmental authority upon processing of forest notifications submitted after the entry into force of this section.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

### **§ 81. Management and deforestation of forest growing on land that has not been reformed**

(1) Until the re-registration of the right of ownership in land on the basis of the Land Reform Act the management of the forests growing on land subject to privatisation and restitution shall be organised by the environmental authority of the location of the land.

(2) Areas that belonged to the state until 23 July 1940 and are now covered with forest shall not be subject to privatisation.

(3) In the event of a forest growing on the land specified in subsection 31 (2) of the Land Reform Act, the management and deforestation of the forest shall be organised by the State Forest Management Centre until the re-registration of the right of ownership in land on the basis of the Land Reform Act.

[RT I 2008, 56, 314 - entry into force 01.01.2009]

### **§ 82. Entry into force of Act**

(1) This Act shall enter into force on 1 January 2007.

(2) Section 26, subsection 41 (5), clauses 41 (7) 2) and 9) and 10) shall enter into force on 1 July 2007.

<sup>1</sup>Council Directive 1999/105/EC on the marketing of forest reproductive material (OJ L 11, 15.1.2000, pp. 17–40)

[Annex 1-3](#)