

Law on the Protection and Use of Wild Fauna

Approved by Riigikogu on 18 November 1998

Chapter 1

GENERAL PROVISIONS

Article 1. Scope of the Law

(1) This Law regulates the protection and use of wild fauna, and control of animals living freely in the wild for the purpose of protecting human health and properties.

(2) This Law does not apply:

1) to protection and use of wild fauna in cases where stricter protection requirements have been established by other legal acts;

2) to hunting and fishing;

(3) The Law applies within the economic zone and on the continental plateau of the Republic of Estonia.

Article 2. Wild Fauna

(1) Wild fauna is a renewable natural resource protected in public interest.

(2) For the purpose of this Law, wild fauna shall not include domestic animals, animals that are kept in captivity or have escaped from captivity against the will of the owner, and animals that have been released into the wild by breach of law.

(3) Animals living freely in the wild can be taken possession of, and owned, in accordance with the procedure established by law or by statutory legal acts.

Article 3. Objectives of Protection and Use of Wild Fauna

The objectives of protection and use of wild fauna are:

1) to preserve and restore species diversity and gene pool of species;

2) to protect and restore habitats and migration routes of wild animals;

- 3) to preserve the integrity of natural communities;
- 4) to use wild fauna in a scientifically justified scope and ensuring its regeneration capacity.

Chapter 2

USE OF WILD FAUNA

Article 4. Fundamentals of the Use of Wild Fauna

(1) Animals living freely in the wild shall be used on the basis of open access right:

- 1) for hunting and fishing purposes, in accordance with the procedure established by this Law;
- 2) for collecting, on conditions established by this Law;
- 3) for scientific and educational purposes;
- 4) for consuming the attributes and products of biological functions of animals, in accordance with the procedure established by this Law;
- 5) for cultural and aesthetic purposes, on condition that it does not involve taking of animals from the wild and does not cause disturbance that endangers animals.

(2) Animals living freely in the wild shall be used for scientific purposes upon approval of the county governor in case the use has the attributes of hunting or fishing, or upon approval of the Ministry of Environment in case protected animal species are concerned.

Article 5. Taking of Animals into Captivity

(1) For the purpose of this Law, an animal is in captivity if it does not have the possibility to live freely in the wild.

(2) If the method of taking game, fish or crayfish into captivity differs from the permitted methods of hunting or fishing, permits for such taking into captivity shall be issued by the Minister of the Environment.

Article 6. Animal Collections

(1) Any collected and preserved live or dead animals in any stage of development, or any parts of animals, are regarded as an animal collection, where part of animal means the

part of an animal for the obtaining of which the animal is killed or injured. For the purpose of this Law, a single animal or a part thereof is equalised with an animal collection.

(2) For the purpose of this Law, keeping of an animal collection means the acquisition, keeping, supplementing or liquidation of an animal collection, as well as making any transactions with an animal collection.

(3) Collections containing animals protected by national laws or under international treaties, or containing medal-worthy hunting trophies, and any transactions with such collections, shall be registered in accordance with the procedure established by the Minister of the Environment.

Article 7. Collection of Live Animals

(1) Animals in any stage of development and captive-bred offspring of animals may be collected in captivity if:

- 1) the animals have been brought into Estonia in a legal way;
- 2) the requirements of this Law, of the Law on Animal Protection (RT 1992, 50, 617; RT I 1996, 49, 953; 1998, 13, 163) and of international treaties are followed in keeping the animals;
- 3) the animals are not listed as protected species;
- 4) the keeping conditions exclude the possibility of the animals escaping into the wild.

(2) Animals listed as game or fishing objects shall be taken from the wild for the purpose of captive collecting in accordance with procedures established by the Law on Hunting Management (RT I 1994, 30, 464; 83, 1449; 1996, 49, 953; 1997, 86, 1460) and by the Law on Fishing (RT I 1995, 80, 1384; 1996, 27, 567).

(3) Collection of animals for a service charge is permitted upon approval of the Minister of the Environment and of the municipality of the collecting site.

(4) Acquisition of live protected animals for the purpose of collection is permitted only upon approval of the Minister of the Environment.

Article 8. Collection of Stuffed Animals and Animal Preparations

(1) Possession of live protected animals for the purpose of stuffing and making preparations is allowed upon approval of the Minister of the Environment.

(2) Animals listed as game or fishing objects can be acquired for stuffing or making preparations in accordance with procedures established by the Law on Hunting Management and the Law on Fishing.

(3) The person who has found a dead animal of Protection Category I or II must notify the government of the county in which the animal was found of his/her finding. The finder may take the animal into his/her possession upon written approval of the county government. If the finder is not granted an approval for taking the animal into his/her possession, the county government shall forward the finding, at the expense of the state, to a holder of animal collection appointed by the Minister of the Environment.

(4) Possession, making and collection of stuffed animals and preparations of animals not referred to in this Article is allowed provided that the provisions of other laws and international treaties are followed.

Article 9. Use of the Attributes and Products of Biological Functions of Animals

(1) For the purpose of this Law:

1) an attribute of biological functions of an animal means a change in the quality of the surrounding environment of an animal as a result of its life and activity, such as pollination, soil formation, natural improvement of the environment;

2) a product of biological functions of an animal means a thing or a substance formed in the course of the life and activity of an animal, such as honey, feathers, cast horns.

(2) Use of the attributes and products of biological functions of animals without taking the animals from the wild and without causing damage to their living environment is permitted, unless otherwise provided by this Law.

(3) A local government can permit the gathering of bird eggs for the purpose of regulating the numbers of a species (with the exception of gathering the eggs of protected birds and birds that are listed as game), if this is necessary:

1) for protecting human health;

2) for ensuring safety of air traffic;

3) for preventing damage to crops, livestock, forest, fish stock and water quality;

4) for protecting flora and fauna.

(4) Gathering of down from the nests of anserines is permitted after the young have abandoned the nest.

(5) The products of biological functions of an animal acquired by taking the animal from the wild can be used:

1) in case the animal is killed or taken into captivity, in accordance with the procedure established by legal acts regulating hunting, fishing and the protection of fauna;

2) in case the animal is not killed or taken into captivity, with the permit of county governor.

(6) Bird eggs can be gathered for scientific purposes with the permit of the Minister of the Environment.

Article 10. Use of Animals for Aesthetic Purposes

(1) Use of animals, except for animals of Protection Category I, for aesthetic purposes is permitted. In using animals for aesthetic purposes it is prohibited:

1) to take the animals from the wild

2) to cause endangering disturbance to the animals;

3) to destroy or damage the habitats of the animals;

4) to prejudice the rights of other users.

(2) Animals of Protection Category I can be used for aesthetic purposes in accordance with the procedure established by the Law on Protected Natural Objects (RT I 1994, 46, 773; 1998, 36/37, 555).

Article 11. Tagging of Animals

Animals can be captured for the purpose of ringing, tagging and supplying with radio transmitters in accordance with the procedure established by the Minister of the Environment.

Article 12. Restrictions on the Use of Animals for Commercial Purposes

(1) The use of animals of Protection Category I and animals listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES, RT II 1993, 27/28, 83) for any commercial purposes is prohibited.

(2) Animals not listed as protected species, game or hunting objects can be used for commercial purposes with the permit of the Minister of the Environment.

Chapter 3

PROTECTION OF WILD FAUNA

Article 13. Protection of Permanent Habitats of Animals

(1) For the purpose of this Law, a permanent habitat of animals means a permanent or main living area of the animals, such as a breeding area and other site of periodical gathering of the animals.

(2) Measures for the preservation and restoration of, and ensuring the intactness of, permanent habitats of special value shall be set out:

- 1) for protected areas, in Protection Rules;
- 2) in Management Plans;
- 3) in designing the way of use for an area, in a spatial plan;
- 4) in amelioration works, in the design document of construction or works;
- 5) in forestry works, in forest management plans;
- 6) in construction of roads, transmission lines and other communications, in the design document of the works;
- 7) in extraction of mineral resources and surface materials, in the design document of mining works or a document replacing the design.

(3) Conformity of activities or documents referred to in sub-paragraphs 2(3)-2(7) of this Article to the requirements of animal protection shall be assessed by means of Environmental Impact Assessment carried out at the expense of the initiator of the activities or documents.

(4) If the documents referred to in paragraph 2 of this Article do not contain requirements for the protection of habitats of special value, an environmental inspector shall suspend, in accordance with the procedure and for the period established by law, the activities carried out on the basis of the documents.

(5) Protection of habitats of special value must ensure the preservation and evolution of animals living freely in the wild in Estonia. The list of such habitats shall be approved by the Minister of the Environment.

(6) Restrictions and obligations aimed at ensuring protection of habitats of special value on private lands shall be established by a contract concluded between the land owner and the Minister of the Environment.

Article 14. Protection of Migration Routes of Animals

(1) In the planning, design, construction, renewal and use of railways, air lines, roads, pipelines and other transportation mains, electric and communication lines, as well as canals, dams and other hydrotechnical facilities, the planner of the activities must design and implement measures to ensure the preservation of animal migration routes. The effectiveness of the measures shall be assessed by means of Environmental Impact Assessment carried out at the expense of the planner.

(2) In bird areas of special value located on migration routes of birds, construction of facilities taller than the height of woody plants shall be permitted upon approval of the Minister of the Environment. The list of bird areas of special value shall be approved by the Minister of the Environment.

(3) Temporary resting or feeding sites of migratory birds must be preserved, or restored on the basis of a national programme, in a state that ensures normal feeding and resting conditions for birds.

(4) Designs and plans referred to in paragraph (1) shall not be approved if they do not contain measures to ensure the preservation of migration routes of animals.

Article 15. Restrictions on the Use of Wild Fauna

(1) If the life conditions of animals are disturbed due to extraordinary circumstances, such as a natural disaster, environmental pollution or a flood, the Minister of the Environment has the right to restrict or prohibit the use of wild fauna until the normal life conditions of animals are restored.

(2) If the user of an animal has been delivered an injunction, in accordance with the procedure established by law, to suspend an activity that is endangering the animal or its habitat and he/she does not obey the instruction, the Minister of the Environment can prohibit the use of the endangered animal(s) in the area of danger for up to five years.

Article 16. Protection of Animals in Carrying out Works

(1) In order to prevent animals being killed, an environmental inspector has a statutory right to:

- 1) suspend mining and forestry works during the reproduction period of animals also when the need for the suspension was unforeseen;
- 2) require that technological methods and devices for repelling animals be applied in agricultural works;
- 3) require that technological schemes for the implementation of works be altered, informing the person who has approved the schemes thereof.

(2) An injunction to suspend activities referred to in paragraph 1 of this Article, or to implement protection measures, shall enter into force from the moment of its delivery, or the moment of notification of the subject thereof. The costs related to implementation of the injunction shall be borne by the client of the works.

(3) In treatment of chemicals, raw materials and wastes that pose danger to animals, the owner must preclude access of animals to the chemicals, raw materials or wastes.

Article 17. Restrictions on the Use of Chemicals

(1) Where possible, the use of agrotechnical or biological methods and means should be preferred to the use of chemicals.

(2) In using chemicals it is necessary to:

- 1) observe the specified purpose of the chemical;
- 2) ensure that chemicals are used at a time that is most appropriate from the point of view of their use purpose;
- 3) bring to the minimum the possibility of the chemical spreading in the nature;
- 4) take measures to preclude other animals being exposed to, and thereby endangered by, chemicals intended for the control of one particular animal species or group of species.

(3) The use of hazardous chemicals for pest control in closed rooms is allowed if it is carried out in accordance with the established health protection requirements.

(4) The established standards concerning the use of hazardous chemicals in the nature must ensure the protection of animals and their habitats.

Article 18. Restrictions on Traffic

(1) In order to protect habitats of special value, the Government of Estonia has the right to establish by its regulations:

- 1) the lowest permitted flight altitude of aircraft above permanent habitats;
- 2) prohibited time periods and areas for air traffic.

(2) In order to protect habitats of special value, the Minister of the Environment has the right to establish by its regulation:

- 1) prohibited time periods and areas; and
- 2) speed limits

for water vehicles on the sea, Lake Peipsi, Lake Lämmijärv, Lake Pihkva and other navigable bodies of water.

(3) In order to protect habitats of special value in public waterbodies, or parts thereof, not referred to in paragraph 2 of this Article, county governors have the right, upon the proposal of municipal governments or environmental protection authorities, to prohibit the traffic of water vehicles or to establish speed limits for water vehicles.

(4) The Minister of Transport and Communications has the right to establish by his regulation, and upon the proposal of the Minister of the Environment, temporary speed limits for road traffic for the purpose of protecting migration routes of animals.

(5) Tracking of animals by motor vehicles is prohibited.

Article 19. Re-inhabiting of Animals

(1) Release of non-native animals into the wild is prohibited, except in cases specified in paragraph 5 of this Article.

(2) The list of animal species that can be imported into Estonia only with import permits, and the procedure for issuing the permits, shall be established by the Minister of the Environment based on the Law on Protected Natural Objects and the Convention on International Trade in Endangered Species of Wild Flora and Fauna. In order to ensure compliance with veterinary requirements, the procedure for issuing import permits shall be coordinated with the Minister of Agriculture.

(3) The Government of Estonia shall determine the list of customs stations through which live animals can be imported into and exported from Estonia.

(4) Re-inhabiting of native animals within the borders of Estonia is permitted if it is carried out in accordance with veterinary requirements and approved by the county governors of the site of taking and the site of release.

(5) Re-inhabiting of specimens of alien populations of native species, or re-introduction animals that have become extinct in the territory of Estonia, is permitted with a permit issued by the Minister of the Environment on the basis of an expert analysis, and in concordance with veterinary requirements. For the purpose of this Law, a population means a group of animals that belong to one species and inhabit the same place at the same time.

(6) Release into the wild of captive-bred animals of a native species, except for release of animals that have been kept in captivity with the purpose of curing their injuries or restoring their vitality, shall be carried out only on the basis of special programmes approved by the Minister of the Environment.

(7) Regulation of numbers of non-native animal species that have escaped into the wild shall be subject to the decision of the Minister of the Environment.

Article 20. Protection of an Animal Fallen into a Helpless Situation

(1) An animal fallen into a helpless situation due to human activities or extraordinary circumstances can be killed by any person if it is not possible to take the animal back into the wild or to restore its vitality.

(2) Taking of an animal that has fallen into a helpless situation back into the wild, or restoration of its vitality, shall be organised by the Minister of the Environment in case the owner or holder of the real estate where the animal was found is not able to organise this.

(3) Circumstances that have caused the helpless situation shall be eliminated in accordance with the procedure established by the Law on Rescue (RT I 1994, 28, 424; 1998, 39, 598) and the Law on Extraordinary Situations (RT I 1996, 8, 164).

(4) Animals of Protection Categories I and II killed under circumstances referred to in paragraph 1 of this Article must be notified of in accordance with the procedure established in Article 8 of this Law.

Chapter 4

CONTROL OF ANIMALS FOR THE PURPOSE OF PROTECTING

HUMAN HEALTH AND PROPERTY

Article 21. Attacks of Animals on Humans

(1) An animal can be killed if its attack is endangering human life or health and if it is not possible to avoid or repel the attack in any other way.

(2) Animals with clear symptoms of rabies can be killed without a permit. The killed animal must be immediately presented to the veterinary inspection officer or veterinarian serving the relevant region.

Article 22. Diseases and Parasites Spread by Animals

(1) If a disease spread by an animal is endangering human health, domestic animals or the preservation of native populations of wild animals, the numbers of the animals spreading the disease must be regulated.

(2) Permits for regulating the numbers of animals shall be issued on the basis of the diagnosis made by a veterinarian:

1) in cases where protected animals are concerned, the Minister of the Environment;

2) in the case of animals listed as game or fishing objects, the governor of the relevant county;

3) in any other cases, by the municipal government.

(3) If an animal carrying an infection can be dangerous to humans or domestic animals, health protection officials or veterinary inspection officials have, within the limits of their competence, the right to deliver injunctions for hindering the spreading of the infection.

Article 23. Protection of Human Property from Animals

(1) Any measures to protect human property from animals are permitted if they are safe for humans and do not cause injury or killing of the animals.

(2) If the owner has not taken measures to protect his/her property against an expected attack of an animal, with the exception of cases referred to in paragraph 3 of this Article and in Article 22, he/she does not have the right to kill the animal or obtain a permit for killing the animal, and to receive compensation for property damages caused by the animal.

(3) The owner of a property has the right to kill animals not listed as game or fishing objects and causing property damages, such as rodents, pest insects, snails, mites, etc., for the purpose of protecting his/her property.

(4) Game, except big game, can be killed by a real estate owner in possession of a hunting certificate, within the borders of his/her estate, for the purpose of protecting his/her property during the hunting seasons.

(5) In the event of recurring damages caused by game, excluding big game and birds listed as game, permits for killing the animals outside hunting seasons shall be issued to the real estate owner or holder by the county governor.

(6) In order to prevent damages by big game, requirements set by real estate owner in regard to additional feeding and repelling of, and hunting for, large game shall be stipulated in an annex to a tenant hunting contract. If the hunting tenant does not fulfil these requirements, the owner may claim for compensation from the hunting tenant. If the owner has prohibited hunting on his/her land, he/she has no right to compensation.

(7) In the event of recurring damage by big game, a permit for killing an animal outside the hunting season shall be issued to the hunting tenant by county governor. This permit can be issued on condition that the requirements of additional feeding and repelling of animals, referred to in paragraph 6 of this Article, are fulfilled.

Article 24. Disturbance Caused by the Activity of Animals, or Other Danger

(1) If the effect of bird flocks is causing disturbance to normal life schedule in hospitals, schools or residential areas, the local government may take measures for dispelling the flocks, excluding the use of firearms.

(2) If bird flocks are causing danger to the landing or take-off of aircraft, the owner or manager of the airport has the right to take measures for dispelling or liquidating the flocks.

(3) If the exploitation of a building, communication line or water distribution system is placed in danger as a result of animal activities, elimination of the danger shall be organised by the county governor. Protected animals may not be killed in the course of eliminating the causes of such danger.

(4) If an animal is causing floods or danger to facilities, the danger shall be eliminated by the statutory user of hunting grounds by the deadline set by the county governor. The method of eliminating the danger must not be dangerous to human health and cause even bigger damage to the environment.

Article 25. Compensation for Damage Caused by Animals, and Method of Paying the Compensation

Compensation for damage caused by animals shall be paid by the state from the budget of the Environmental Fund in case the damage is caused by protected animals or by birds during their spring migration. Methodology and procedure for the assessment of damages caused by protected animals or by birds during their spring migration shall be established by the Minister of the Environment by his regulation.

Chapter 5

FINAL PROVISIONS

Article 26. Supervision and Liability

(1) Supervision of compliance with the requirements of this Law and the legal acts established pursuant to this Law shall be carried out by environmental inspectors in accordance with the procedure established by law.

(2) In the event of breach of this Law or the legal acts established pursuant to this Law, the rules of administrative, criminal or civil liability shall be applied in accordance with procedures established by law.

Article 27. Registration of Animal Collections

Animal collections that are subject to registration must be registered within one year from the date of effect of this Law.

Article 28. Issuing of Permits

(1) Prior to the issuing of permits referred to in Articles 5, 7, 8, 9, 19 and 23 of this Law, the Minister of the Environment and county governors may require that an expert opinion be provided. Expert opinions are mandatory in the case of animals of Protection Categories I and II.

(2) The procedure for issuing permits referred to in paragraph 1 of this Article shall be established by the Minister of the Environment by his regulation.

Article 29. Invalidation of the Law of the Estonian SSR “On the Protection and Use of the Animal Kingdom”

The Law of the Estonian SSR “On the Protection and Use of the Animal Kingdom” (ENSV Teataja 1981, 21, 293) shall be invalidated.

Chairman of Riigikogu Toomas Savi