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Nature Protection Act ¹

Adopted 21.04.2004
 RT I 2004, 38, 258
 entry into force 10.05.2004

Amended by the following acts

Reception	Publication	Enforcement
17.06.2004	RT I 2004, 53, 373	18.07.2004
22.02.2005	RT I 2005, 15, 87	03.04.2005
21.04.2005	RT I 2005, 22, 152	29.04.2005
07.06.2006	RT I 2006, 30, 232	01.01.2007
21.02.2007	RT I 2007, 25, 131	01.04.2007
14.11.2007	RT I 2007, 62, 396	16.12.2007
19.06.2008	RT I 2008, 34, 211	01.08.2008
10.12.2008	RT I 2008, 56, 314	01.01.2009
18.12.2008	RT I 2009, 3, 15	01.02.2009
20.05.2009	RT I 2009, 28, 170	01.07.2009
18.06.2009	RT I 2009, 35, 232	01.07.2009
15.10.2009	RT I 2009, 50, 336	09.11.2009
27.10.2009	RT I 2009, 53, 359	21.11.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011 shall enter into force on the day specified in the decision of the Council of the European Union on the annulment of the exception established for the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council of the European Union 13.07.2010. a decision no. 2010/416/EU (OJ L 196, 28.07.2010, pp. 24–26).
20.05.2010	RT I 2010, 29, 151	20.06.2010
17.06.2010	RT I 2010, 38, 231	01.07.2010
16.06.2010	RT I 2010, 43, 255	17.07.2010
22.02.2011	RT I, 10.03.2011, 2	20.03.2011
31.05.2011	RT I, 10.06.2011, 3	On 31.05.2011, the decision of the general assembly of the Supreme Court recognizes the text part of § 10 subsection 1 of the Nature Conservation Act "regulation" as inconsistent with the Constitution and invalid.
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
23.01.2013	RT I, 14.02.2013, 2	01.03.2013
20.03.2013	RT I, 05.04.2013, 2	15.04.2013
27.03.2013	RT I, 18.04.2013, 1	01.05.2013
25/04/2013	RT I, 16.05.2013, 2	01.06.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
20.06.2014	RT I, 08.07.2014, 3	01.08.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 ³ subsection 4 of the Government of the Republic Act.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
19.02.2015	RT I, 23.03.2015, 6	01.07.2015
16.03.2016	RT I, 05.04.2016, 2	15.04.2016
27.10.2016	RT I, 10.11.2016, 1	01.01.2017
06.04.2017	RT I, 18.04.2017, 2	28/04/2017
19.06.2017	RT I, 05.07.2017, 2	15.07.2017
14.06.2017	RT I, 06.07.2017, 1	01.09.2017
16.01.2018	RT I, 26.01.2018, 5	05.02.2018
07.11.2018	RT I, 14.11.2018, 4	24.11.2018
30.01.2019	RT I, 22.02.2019, 1	01.10.2019
20.04.2020	RT I, 06.05.2020, 1	07.05.2020
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Reception	Publication	Enforcement
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
15.12.2020	RT I, 30.12.2020, 2	01.03.2021
02.06.2021	RT I, 16.06.2021, 1	01.07.2021, partially 01.01.2026
11.05.2022	RT I, 27.05.2022, 1	06.06.2022
08.06.2022	RT I, 29.06.2022, 1	07/09/2022
15.02.2023	RT I, 07.03.2023, 21	17.03.2023
14.06.2023	RT I, 17.06.2023, 1	14.06.2023 - The decision of the Constitutional Review Board of the Supreme Court recognizes § 20 subsection 1 ¹ point 3 of the Nature Protection Act as unconstitutional and invalid in that it does not allow the state to acquire real estate containing a protected natural object that was acquired from a spouse, a relative of the subject, a parent or a relative or grandparent of the subject, or from a relative of his decedent, and the person from whom the immovable property was acquired became its owner after it was taken under protection or the protection order became stricter, but in such a way that the transfer transaction did not contain information about the protected natural object.

Chapter 1 general settings

§ 1. Purpose of the Act

The purpose of this law is to:

- 1) protect nature by preserving its diversity, ensuring the favorable condition of natural habitats and species of natural fauna, flora and fungi;
- 2) preservation of the culturally-historically and aesthetically valuable natural environment or its elements;
- 3) contributing to the economic use of natural resources.

§ 2. Principles of nature conservation

(1) Nature is protected by limiting the use of areas that are important for nature conservation, by regulating the activities performed with protected natural fauna, flora and fungi specimens, and with fossils, and by encouraging nature education and research.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(2) Nature protection is based on the principles of balanced and sustainable development, each time considering the possibilities of implementing alternative, more effective solutions from the point of view of nature protection.

§ 3. Favorable condition of habitat and species

(1) The status of a natural habitat is considered favorable if its natural range and the areas covered by the habitat within its range are unchanged in size or are expanding and the special structure and functions necessary for its long-term survival are functioning and are likely to function in the foreseeable future and the status of species typical of the habitat is a discount in accordance with paragraph 2 of this section.

(2) The status of a species is considered favorable if the abundance of its population shows that the species will be preserved in the distant future as a viable component of its natural habitats or habitats, if the natural range of the species is not shrinking, and for the long-term preservation of populations of the species there is currently and probably in the future a large enough habitat.

§ 4. Protected natural objects

(1) Protected natural objects are:

- 1) protected areas;
 - 2) storage areas;
 - 3) protected species and fossils;
- [RT I, 08.07.2014, 3 - enters into force. 01.08.2014]
- 4) permanent residences;
 - 5) protected individual objects of nature;
 - 6) natural objects protected at the local government level.

(2) A protected area is an area kept untouched by human activity or used according to special requirements, where nature is preserved, protected, restored, studied or introduced. Protected areas are:

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

(3) Conservation area is an area designated for the protection of habitats and habitats, the impact of planned activities is assessed to ensure its preservation and activities that harm the favorable condition of the area are prohibited.

(4) A protected species is a taxonomic unit of an animal, plant or mushroom species, the individuals, habitats, habitats or sites of which are protected on the basis of this Act or which are specified in EU Council Regulation 338/97 on the protection of wild animal and plant species by regulating trade in them (OJ L 061, 03.03.1997, p. 1) in appendices A–D. A protected fossil is a fossil included in the protection category, specimens or sites of which are protected on the basis of this law.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(5) A permanent place within the meaning of this Act is a demarcated place located outside a protected area or within its restricted zone and used in accordance with special requirements:

- 1) a breeding area or other place of periodic gathering of a protected animal;

- 2) the natural growth site of the protected plant or mushroom;
- 3) the spawning ground of salmon or brook trout;
- 4) brown bear wintering place;
- 5) crayfish natural habitat;
- 6) a cave town with more than ten badger mouths.

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

(6) A protected natural object is a living or inanimate natural object of scientific, aesthetic or historical-cultural value, such as a tree, spring, boulder, waterfall, rapid, bank, escarpment, outcrop, cave, karst or a group thereof, which is protected on the basis of this Act.

(7) At the local government level, a landscape, valuable agricultural land, valuable natural community, individual landscape element, park, green area or an individual element of landscaping can be a protected natural object, which is not protected as an individual object of protected nature and is not located in a protected area.

§ 5. Beach and shore

(1) A bank is a land zone bordering the upstream of a sea, lake, river, artificial lake, stream, spring or land improvement system and used according to special requirements, which is protected by this Act.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(2) The shores of the Baltic Sea, Lake Peipsi, Lake Lämmijärvi, Lake Pihkva and Lake Võrtsjärv are called beaches.

(3) A beach or bank protected by this Act is not a protected natural object within the meaning of this Act.

§ 6. Application of the Administrative Procedure Act

Administrative proceedings organized on the basis of this Act shall be subject to the provisions of the Administrative Procedures Act, taking into account the specifics of this Act.

Chapter 2 TAKING OFF PROTECTION

§ 7. Prerequisites for taking a natural object under protection

(1) The prerequisite for taking a natural object under protection on the basis of this Act is its danger, rarity, typicality, scientific, historical-cultural or aesthetic value or an obligation arising from an international agreement.

(2) On the basis of this Act, the natural object is also taken under protection in cases where it is necessary in accordance with Council Directive 92/43/EEC on the protection of natural habitats and natural fauna and flora (OJ L 206, 22.07.1992, pages 7–50) or the European Parliament and for the implementation of Council Directive 2009/147/EC on the protection of wild birds (OJ L 20, 26.01.2010, pp. 7–25).

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

§ 8. Proposal to place a natural object under protection

(1) Everyone has the right to submit a proposal for the protection of a natural object to the initiator of protection.

(2) The proposal for placing a natural object under protection must include the following:

- 1) justification for placing the natural object under protection;
- 2) the purpose of taking under protection;
- 3) a map on which the location or boundary of the natural object and the natural values, for the purpose of protection of which the proposal to take the natural object under protection is submitted;

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

- 4) a description of the restrictions planned for protection;
- 5) an estimate of expenses related to taking under protection and organizing protection.

(3) The initiator of taking under protection organizes an expert examination of the justification and expediency of taking under protection the natural object specified in the proposal and the expediency of the proposed restrictions, involving for this purpose a person with special knowledge in the relevant field (hereinafter *expert*).

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(4) If the result of the expert examination shows that the natural object does not meet the prerequisites for protection provided by this Act or that it is not practical, the initiator of the protection may refuse to initiate the procedure of protection by forwarding to the proposer the decision of refusal to initiate the protection together with the expert's opinion .

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(5) If a natural object has the prerequisites for protection provided by this Act and protection is expedient, the procedure for protection shall be initiated in accordance with the provisions of § 9 of this Act.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(6) If a proposal to place a natural object under protection has been submitted or a procedure for placing under protection has been initiated within the meaning of § 9 (1) of this Act, the administrative body to which a request for the issuance of another administrative act, which may affect the state of the natural object specified in the proposal, has been submitted, has the right to suspend the procedure for issuing an administrative act . The procedure for issuing an administrative act is suspended until a decision is made to take the natural object under protection or to refuse to take it under protection, but not longer than 28 months from the decision to suspend the procedure for issuing an administrative act.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

§ 9. Procedure for placing a natural object under protection

(1) The procedure for taking a natural object under protection is initiated and the person conducting the procedure is appointed by the Ministry of the Environment, except in the case provided for in subsection 2 of this section, taking into account the prerequisites for taking a natural object under protection provided by this Act.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(2) The procedure for placing a natural object under local protection is initiated and carried out by the local government.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(3) The person conducting the procedure for taking under protection publishes a notice about the initiation of the procedure for taking under protection of a natural object in the official publication Ametlikud Teadaanded and in at least one newspaper with national circulation and a local newspaper. The notice of the initiation of the procedure for taking the natural object under protection at the local government level is published in the local newspaper.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(4) The notice must contain information on:

- 1) the natural object that is planned to be protected;
- 2) about the possibilities of getting acquainted with the proposal or draft decision to place a natural object under protection;
- 3) about the place and time of the public hearing or the proposal to discuss the matter without a public hearing;
- 4) on the deadline for submission of objections and proposals;
- 5) about the person conducting the procedure for taking under protection;

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

6) about the further course of the procedure for taking the natural object under protection and the probable procedural deadlines and the probable end time of the procedure.

[RT I, 18.04.2013, 1 - by force. 01.05.2013]

(5) The person conducting the procedure for taking under protection sends a notice with the data specified in subsection 4 of this section to the local government of the location of the natural object and the owner of the immovable property by registered letter or electronically, if the person conducting the procedure knows the e-mail address. In the case of electronic delivery, the person is obliged to confirm receipt of the notice by electronic mail without delay. If the person has not confirmed the receipt of the notice, it will be delivered to him by registered letter.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(6) If the party to the proceedings has not submitted an objection to the proposal of the person in charge of the proceedings not to organize a public hearing in the case of taking protection, the party to the proceedings shall be deemed to have waived the consideration of the matter at the public hearing.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

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(6) In the sense of this Act, the party to the proceedings is the owner of the immovable property within or containing the natural object to be taken under protection and the local government and any other person who has participated in the procedure of taking under protection.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(7) The draft decision to place a natural object under protection, together with the documents obtained or prepared in the course of the procedure so far, the disclosure of which is not prohibited by law, shall be displayed for perusal at the Environmental Board and municipal or city government where the natural object is located. The public exhibition must not last less than two weeks.

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

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(7) When submitting a proposal or objection in the procedure for taking a natural object under protection, a clearly expressed proposal or objection must be indicated and the reasons:

- 1) about the presence or absence of natural values;
- 2) on the justification of the protective order;
- 3) information about valid administrative acts or ongoing procedures for issuing an administrative act, which may affect the acceptance of the natural object under protection;
- 4) other important circumstances that may affect the acceptance of the natural object under protection.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(8) Proposals and objections submitted in writing during the public exhibition shall be answered by the person in charge of the procedure within 30 days after the end of the exhibition, but if a public hearing is held, before the public hearing.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(9) After processing the proposals and objections and updating the draft decision on protection, a public hearing shall be held, unless no proposals or objections were submitted within the time limit and in accordance with clause 4, point 3 of this section, a proposal was made not to hold a public hearing of the matter.

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

(10) If, as a result of a public display or a public discussion, the basic positions of the decision to place a natural object under protection change, a new notice will be published and a new public display will be organized in accordance with the procedure provided for in subsections 7–9 of this section.

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(10) If the natural object that is planned to be taken under local protection is located on a deposit, the draft decision to take the natural object under protection must be coordinated with the Ministry of the Environment.

[RT I, 10.11.2016, 1 - enters into force. 01.01.2017]

(11) The requirements set forth in subsections 3–10 of this section do not apply to the protection of species, permanent habitats and fossils.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(12) The requirements set forth in this section do not apply if the natural object is taken under protection at the local government level on the basis of planning.

§ 10. Taking a natural object under protection

(1) The area is taken under protection by the Government of the Republic as a conservation area or storage area .
[RT I, 10.06.2011, 3 - enters into force. On 31.05.2011, the decision of the plenary assembly of the Supreme Court recognizes the text part of § 10 (1) of the Nature Conservation Act as inconsistent with the Constitution and invalid.]

(2) The area is taken under protection as a permanent habitat by the minister responsible for the area .
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(3) Species of protection category I or II are taken under the protection of the Government of the Republic by a regulation containing their list. Those species whose permanent habitats are automatically protected in accordance with § 50 (2) of this Act belong to protection category I.

(4) Species of protection category III are taken under protection by the minister responsible for the field with a regulation containing their list.

(5) Rare or endangered fossils occurring in Estonian nature shall be protected by a regulation of the minister responsible for the field .
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(6) The individual object of nature is taken under protection by the minister responsible for the field .
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(7) At the level of the local government, the council takes the protected natural object under protection:

- 1) on the basis of the established general plan or detailed plan;
- 2) without making a plan.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(8) If a natural object is taken under protection without drawing up a plan, a boundary description of the protected land area or a map of the location of an individual element of the landscape must be drawn up and the rules for the protection of the land area or an individual element of the landscape must be approved.

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

§ 11. Decision to place a natural object under protection

(1) When taking a surface natural object under protection :

- 1) the purpose of taking the area under protection is determined;
- 2) in the case provided for in § 12 subsection 1 of this Act, the protection order of the area (protection rule) is established;
- 3) the boundary of the area is determined;
- 4) the ruler of the area to be protected is appointed;

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

5) a map of the location of the natural object is added to the decision.

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(1) In the case provided for in subsection 2 of § 7 of this Act, the ecological needs of the habitat or species that are the target of protection must be taken into account when determining the order of protection of a surface natural object.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(2) When a species is taken under protection, the list of species of this protection category is presented in Estonian and Latin.

(3) When taking an individual object of nature under protection, the following shall be determined :

- 1) the purpose of taking under protection;
- 2) extent of the protection zone;
- 3) the ruler of an individual object of protected nature;

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

4) protection order.

(4) In the explanatory letter of the decision to place a natural object under protection, the following shall be presented:

- 1) reasons for the compliance of the purposes of placing under protection with the prerequisites for placing under protection;
- 2) reasons for the expediency of taking the natural object under protection;
- 3) reasons for choosing the type of natural object to be protected;
- 4) justifications regarding the course of the outer and zone boundaries of the protected natural object;
- 5) reasons for the protection order;

6) a description of the procedure for taking under protection, including a chronological list of the stages of the procedure, the results of the hearing and the changes made as a result of the proposals made during the procedure, with justifications.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(5) The explanatory letter specified in subsection 4 of this section, with the exception of the explanatory letter of the decision to place protected natural objects at the local government level under protection, is published on the website of the Ministry of the Environment. The explanatory letter of the decision to place protected natural objects under protection at the level of local government is published on the website of the municipality or city government.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(6) The decision to place a natural object under protection takes effect on the tenth day after publication in the Riigi Teataja or at the time specified in the decision.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

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§ 11 . Denial of protection

(1) If, during the procedure, it becomes clear that the natural object, the protection of which was initiated, is not expedient or possible to protect, the protection shall be refused. The minister responsible for the field decides to refuse to place a natural object under protection by means of a directive, and the initiator of the protection procedure decides to refuse to place a natural object under local protection.

(2) The decision to refuse to be taken under protection takes effect upon its signing.
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

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§ 11 . Delivery of the decision to take protection and to refuse it

(1) The person conducting the protection proceedings delivers the protection decision and its explanatory letter to the participant within ten days after the decision is published in the Riigi Teataja, and the decision to refuse protection within ten days after the decision is signed.

(2) The documents specified in subsection 1 of this section shall be delivered electronically to the party to the proceedings, if the person has consented to this in the course of the procedure for taking the natural object under protection. In case of electronic delivery, the person is obliged to confirm the receipt of the documents by electronic mail without delay.

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

(4) If electronic service is not possible and sending a registered letter with a delivery notice is not practical or possible, the person conducting the procedure shall serve the documents specified in subsection 1 of this section in accordance with the procedure established in §§ 28–32 of the Administrative Procedure Act.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

§ 12. Protection rule

(1) The protection procedure of the protected area, permanent habitat and individual object of protected nature is determined by the protection regulations .

(2) The scope of one or more protection zones with different degrees of strictness is defined by the protection regulations and the partial or full, permanent or temporary validity of the restrictions provided by this Act is determined by zone .

§ 13. Changing and revoking the decision to take under protection and protection rules

(1) The provisions of §§ 8 and 9 of this Act shall apply to changing the type, purpose of protection, or outer boundary of a protected natural object, or to significantly changing or revoking the scope of restrictions or obligations related to a natural object specified in the protection regulations .

(2) If a natural object protected at the local government level is taken under protection as a protected area or as an individual object of protected nature, the natural object also remains under protection at the local level, but in case of conflict of protection regulations, the protection order of the protected area or individual object of protected nature shall apply.

Chapter 3 ORGANIZATION OF PROTECTION

§ 14. General restrictions

(1) In a protected area, storage area, permanent habitat and in the protection zone of an individual object of protected nature, the following may not be done without the consent of the administrator of the protected natural object:

- 1) change the boundaries of the cadastral unit's cadastral units or the intended purpose of the cadastral unit;
- 2) prepare a land management plan and perform land management operations;
- 3) [invalidated - RT I, 18.04.2013, 1 - entered into force. 01.05.2013] 4) [invalidated - RT I 2007, 25, 131 - entry into force. 01.04.2007]
- 5) establish a detailed plan and a general plan; 6) to permit the construction of a building subject to a construction notification obligation or a construction permit obligation, including permitting the erection or expansion of a pier or a boat bridge; [RT I, 23.03.2015, 3

- by force. 01.07.2015]

7) provide design conditions;

8) issue a building permit;

9) to build a new body of water, the area of which is larger than five square meters, if it is not necessary to issue a water permit, construction permit or submit a construction notification;

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

10) additional feed for hunting game.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(2) The administrator of a protected natural object shall not coordinate the activities specified in subsection 1 of this section and other activities that require the consent of the administrator of the protected natural object according to the conservation regulations, if this may harm the achievement of the protection goal of the protected natural object or the condition of the protected natural object.

(3) When coordinating the activities specified in subsection 1 of this section and other activities that, according to the conservation regulations, require the consent of the manager of the protected natural object, the administrator of a protected natural object may set conditions in writing, the fulfillment of which does not harm the achievement of the protection goal of the protected natural object or the state of the protected natural object.

(4) If the activities specified in subsection 1 of this section were not submitted to the administrator of the protected natural object for approval, or the activities did not take into account the conditions set on the basis of subsection 3 of this section, the person in whose interest the said activity is based does not have a legitimate expectation regarding the legality of such activity in accordance with the Administrative Procedure Act.

(5) [Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(6) When selective and security felling is carried out on a protected natural object, the conditions set out in the annex to this Act must be taken into account, unless the conservation regulations stipulate otherwise.

[RT I, 06.07.2017, 1 - enters into force. 01.09.2017]

§ 15. Movement on a protected natural object

(1) Roads and trails in the target protection and restriction zone or storage area of the protected area or leading to individual objects of protected nature are for public use from sunrise to sunset, and if they exist, the owner of the immovable property must ensure people's access to the protected natural object during the said time.

(2) Other persons may stay in the yard where a protected single object of nature is located with the consent of the owner of the immovable property.

(3) The possessor of an immovable within or containing a protected natural object does not have the right to prohibit the presence of:

1) a representative of the administrator of a protected natural object in connection with the management of the natural object;

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

2) a research worker who, at the request of the owner, submits an extract in accordance with the form established by the minister responsible for the field and under the conditions established by the minister responsible for the field.

§ 16. Transfer of immovable property containing a natural object

(1) In case of alienation or encumbrance of immovable property or its part located in a protected area or storage area or containing a protected individual object of nature or a permanent habitat, the relevant contract must contain the following information related to the natural object:

[RT I, 18.04.2013, 1 - in force. 01.05.2013]

1) type and name of the natural object;

2) the name of the ruler of the natural object;

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

3) reference to the decision to place a natural object under protection.

(2) If the immovable property is wholly or partially located in the construction ban zone of the beach, in the permanent habitat of a species of protection category I, in the restricted zone of an individual object of protected nature, in a protected area or in a storage area, the state has the right of first refusal when the immovable property is transferred.

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

(3) The right of first refusal is not applied if the immovable property is transferred to the owner's spouse, dependent relatives, parents or their dependent relatives, and grandparents or their dependent relatives.

(4) The notary is obliged to submit a certified copy of the transaction document to the Ministry of the Environment within three days after the transfer transaction of the immovable property or its part has been certified, at the transferor's expense.

(5) On the basis of the application of the manager of a protected area, permanent habitat, storage area or individual object of protected nature, a note is entered in the land register that the property is encumbered with the state's right of pre-emption. The validity of the right of pre-emption does not depend on the entry of a corresponding note in the land register.

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

(6) The right of pre-emption is exercised on behalf of the state by the minister responsible for the field or his authorized person. The state bears the costs of transferring ownership of immovable property acquired with the right of first refusal.

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

§ 17. Necessary activity on a protected natural object

(1) In the areas where semi-natural communities of a protected natural object occur, activities that ensure their appearance and species composition are necessary, such as mowing, animal grazing, shaping and thinning or clearing tree and shrub fronts, the extent of which is determined by the conservation management plan in conservation areas, and by conservation regulations in other protected natural objects.

(2) Areas where semi-natural communities occur are areas with communities of natural life formed under the influence of long-term human activity, where hay has been cut or animals have been grazed, such as wooded meadows, alluvial meadows, marshy meadows, swamp, coastal, floodplain and arun meadows and wooded pastures.

(3) Activities necessary for the restoration of the natural forest and swamp community, such as closing ditches, building levees and mineralizing the ground, may be determined in the protected area by the protection regulations.

(4) In the protected area, felling may be designated as an activity necessary to open up views by the protection regulations.

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

(6) For the necessary activities resulting from the protection order or the protection management plan, the administrator may give the owner of the immovable property located on the protected natural object or the possessor of the immovable property free of charge the movable property belonging to the state necessary to perform this work.

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

(7) In the case of free use of movable property belonging to the state, the provisions of the State Property Act on the use of state property shall not be applied. In order to put it into use, a contract is concluded between the administrator of the protected natural object

and the user of the movable property, which states at least:

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

- 1) names of movable property to be put to use, registration numbers of the state property register and the number of things by name;
- 2) name and place of residence of the user;
- 3) term of the contract;
- 4) the time of handing over the items and the deadline and procedure for returning them;
- 5) insurance obligation and its scope;
- 6) obligation to maintain, update and repair the thing put into use;
- 7) grounds for early termination of the contract;
- 8) conditions, description and technical requirements of the necessary activity resulting from the protection order;
- 9) purpose of use of the thing to be put to use.

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

(8) If the owner of the immovable object does not agree to carry out the necessary work specified by the protection regulations or the conservation management plan, or does not reach an agreement with the manager of the protected natural object regarding the execution of the work, he does not have the right to prevent the manager of the protected natural object from organizing this work.

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

(9) In the case specified in subsection 8 of this section, the administrator of the protected natural object organizes the necessary works at the expense of the state, except for the protected natural object at the local level.

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

(10) Doing the work necessary to preserve the semi-natural communities of a protected area, storage area or permanent habitat is not considered an economic activity or business.

§ 18. Nature conservation subsidy

(1) In order to preserve the semi-natural communities of a protected area, conservation area or permanent habitat, a nature conservation grant is paid for carrying out the necessary work determined by the conservation regulations, the conservation management plan and the species protection or habitat action plan.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

1

(1) A nature conservation grant can be applied for in order to ensure the preservation of semi-natural communities entered in the Estonian nature information system.

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

(2) The holder of an immovable property has the right to apply for a nature conservation allowance.

(3) The procedure for applying for a nature conservation grant, reviewing the application and paying the grant, the requirements for paying the grant, the rates of the grant and the procedure for reclaiming the grant shall be established by a regulation of the minister responsible for the field.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(4) The nature conservation grant is not paid:

- 1) if the contractor does not fulfill the contract signed to receive the grant, or the result of the nature conservation works does not meet the requirements established by the contract or legislation,
- 2) if the contractor submitted false information when applying for the nature conservation grant,
- 3) if, according to the priority order of the applications, the land unit has no less priority for the payment of the nature conservation allowance, the state budget of the current year provides funds for this purpose, or
- 4) if the activity takes place on a plot of land for which compensation for damage caused by migrating birds is requested in the current year on the basis of § 61 (1) of this Act.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

1

(4) The Environmental Board makes the decision to grant the application for the nature conservation grant, to reject the application, to pay the grant and to repay the grant.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(5) The basis for the payment of the nature conservation subsidy is the contract concluded between the administrator of the protected natural object and the contractor and the handover-acceptance deed of the works carried out in accordance with the requirements specified therein.

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

(6) If, after the payment of the nature conservation grant, it becomes clear that the grant was not used as intended, or circumstances emerge that would have led to the rejection of the application, or after the payment of the nature conservation grant, the beneficiary has not ensured the maintenance of the area within five years, the Environmental Board may demand from the grantee the money paid to him as a grant back up to 100 percent.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

§ 19. Exchange of immovable property containing a protected natural object

[Repealed - RT I 2008, 34, 211 - entry into force. 01.08.2008]

§ 20. Acquisition of immovable property containing a protected natural object

(1) Immovable property containing a single object of nature to be protected or located entirely in a protected area, storage area or permanent habitat, the purposeful use of which is significantly restricted by the area protection regulations, shall be acquired by the state in agreement with the owner of the immovable property for a fee corresponding to the value of the immovable property.

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

1

(1) The state does not acquire immovable property in accordance with the procedure provided for in this section, if a person has acquired the immovable property after taking it under protection, and the transfer transaction contained information about a protected natural object, unless: 1) the protection procedure applicable to the immovable property becomes

stricter ;

2) the immovable property was acquired by inheritance;

3) the immovable property was acquired from the spouse, a relative of the decedent, a parent or a relative of the decedent, or a grandparent or a relative of the decedent, and the person from whom the immovable property was acquired was its owner before it was taken under protection or the protection order became stricter;

[RT I, 17.06.2023, 1- by force. 14.06.2023 - The decision of the Constitutional Review Board of the Supreme Court recognizes § 20 subsection 1¹ point 3 of the Nature Protection Act as unconstitutional and invalid in that it does not allow the state to acquire immovable property containing a protected natural object that was acquired from a spouse, a relative of the subject, a parent or a relative or grandparent of the subject, or from a relative of the subject, and the person from whom the immovable property was acquired became its owner after it was taken under protection or the protection order became stricter, but in such a way that the transfer transaction did not contain information about the protected natural object.] 4) the immovable property was acquired through the return of illegally expropriated property and the order of the local

government unit on the return of the land has been given before June 7, 1996.

[RT I, 05.04.2013, 2 - enters into force. 15.04.2013]

2

(1) If the immovable property is not entirely located in a protected area, storage area or permanent habitat or is larger than the restricted zone of an individual object of protected nature, the state may, in agreement with the owner of the immovable property, acquire the part of the immovable property that extends to the protected area, storage area or permanent habitat. The division of the real estate is organized by the owner of the real estate, the expenses related to the division are borne by the person who proposed the acquisition of the real estate.

[RT I 2009, 35, 232 - entry into force. 01.07.2009]

(1³) Kogus kinnisasja võib riik kokkuleppel kinnisasja omanikuga omandada juhul, kui:

1) kinnisasja kaitsealale või hoiualale ulatuv osa on suurem kui kaks kolmandikku kinnisasja kogupindalast või

2) kinnisasja hõlmab osaliselt I kaitsekategooria liigi püsielupaik või kaitstava looduse üksikobjekti piiranguvöönd.

[RT I 2008, 34, 211 - jõust. 01.08.2008]

(2) Kinnisasja omandamise ettepaneku tegemise õigus on kinnisasja omanikul, kaitstava loodusobjekti valitsejal või valdkonna eest vastutaval ministril. Kinnisasja omandamise algatamise ning omandamise otsustab valdkonna eest vastutav minister. Kinnisasja omandamisega seotud kulud kannab riik ja omandamist finantseeritakse riigieelarvest igaks eelarveaastaks määratud summa piires või riigitulundusametuse eelarvest.

[RT I, 26.01.2018, 5 - jõust. 05.02.2018]

(2¹) Kinnisasja väärtus, välja arvatud metsaga kinnisasja väärtus, määratakse tehingute võrdlemise meetodil. Kinnisasja väärtuse määramisel arvestatakse asjaõigustega, mida nende olemuse tõttu ei ole võimalik kinnistusraamatust kustutada (näiteks servituudid, naabruseõigused), samuti seadustest, välja arvatud kinnisasja omandamise aluseks olevast kaitsekorrast tulenevate kinnisomandi kitsendustega.

[RT I 2008, 34, 211 - jõust. 01.08.2008]

2

(2) The value of real estate with a forest is determined as the sum of the values of the plot of land and the forest growing on it. If the value of the growing forest does not play a significant role in determining the value of real estate with forests, and based on the market situation of the region, the taxation price of the land does not reflect the market price of that region, the representative of the state may order an extraordinary assessment to determine the value of real estate with forests.

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

(3) The procedure for the acquisition by the state of an immovable property containing a protected natural object and the processing of proposals, as well as the criteria on the basis of which the protection order of the area is deemed to significantly limit the intended use of the immovable property, as well as the procedure and basis for determining the value of the immovable property, shall be established by a regulation of the Government of the Republic .

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

(4) Acquisition of immovable property is decided in the order of receipt of applications for acquisition, unless there are compelling reasons to extend the procedure. If there is a valid reason, the application will be resolved after the valid reason has disappeared. Data on the order of receipt of acquisition applications is published on the website of the Ministry of the Environment.

[RT I, 05.04.2013, 2 - enters into force. 15.04.2013]

(5) If the immovable property, for which the Minister of the Environment has made a decision to initiate acquisition, is encumbered with a mortgage in favor of the Republic of Estonia, the owner of the immovable property has the right to request the mortgagor to suspend the payment of payments according to the payment schedule. If the owner of the real estate has incurred arrears in the payment of mortgage payments, the suspension of payments is permitted if a payment schedule has been concluded for the payment of the debt incurred before the suspension of payments, and the debt is paid on the basis of this payment schedule.

[RT I, 18.04.2017, 2 - enters into force. 28/04/2017]

(6) The suspension of the payment of payments according to the payment schedule specified in subsection 5 of this section ends with the conclusion of an agreement to acquire the immovable property for the state, a decision to refuse acquisition or the transfer of the immovable property to a third party.

[RT I, 18.04.2017, 2 - enters into force. 28/04/2017]

(7) Interest is not calculated in case of suspension of payment of payments according to the payment schedule specified in subsection 5 of this section. If the real estate is not acquired by the state, the payment schedule will be extended by the suspended time.

[RT I, 18.04.2017, 2 - enters into force. 28/04/2017]

1

§ 20 . Set-off of the values of state-owned immovable property at auction and immovable property containing a protected natural object

[Repealed - RT I, 05.04.2013, 2 - entered into force. 15.04.2013]

2

§ 20 . Offsetting by the Minister of the Environment

[Repealed - RT I, 05.04.2013, 2 - entered into force. 15.04.2013]

§ 21. Ruler of a protected natural object

(1) The administrator of a protected area, conservation area, permanent habitat and individual object of protected nature is the Environmental Board (hereinafter the *administrator*).

(2) The administrator of the natural object specified in § 4 subsection 7 of this Act is the local government that has decided to place the natural object under protection or a municipality or city authority authorized by it to govern.

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

§ 22. Management of a protected natural object

The management of a protected natural object is:

1) deciding on the granting of an environmental use permit and setting conditions for the use of the environment as determined by this Act and the protection regulations;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

2) participating in the procedure of strategic assessment of the environmental impact of the plan affecting the protected natural object and environmental impact assessment of the planned activity and setting conditions for the planned activity or plan affecting the protected natural object;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

3) organization of activities resulting from the protection regulations and the protection management plan;

4) monitoring the fulfillment of the requirements set forth in this Act and the Protection Regulations.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

§ 23. Designation of a protected natural object

(1) A protected area, conservation area, individual protected natural object and protected natural object at the local government level are marked in such a way that the location of the protected natural object in nature can be understood in a reasonable way.

(2) The celebration of a protected natural object is organized by the ruler of the protected natural object.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(3) The minister responsible for the area shall establish the procedure and signs for marking protected natural objects by regulation.

§ 24. Notification of defense obligation

(1) The notice of protection obligation is an information document issued to the owner of the immovable property, the holder entered in the land register, the administrator of state property or an authorized institution (hereinafter referred to as the holder) of the immovable property that contains or falls within the boundaries of the wintering place of the brown bear or the breeding place or habitat of individuals of the I protection category species .

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(2) The notification of the obligation to protect includes:

1) data on the natural object to be protected, the person taking it under protection and the time of taking it under protection;

2) the purpose of taking the natural object under protection;

3) data on the administrator of the protected natural object;

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

4) the list of restrictions provided by this Act and legislation adopted on its basis.

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

(3) The Environmental Board shall issue a notification of the obligation to protect immediately after receiving a notification of the discovery of a brown bear wintering place or a growth site or habitat of a species of protection category I.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(4) The notification of the obligation to protect shall be handed over against a signature, sent by registered letter or electronically, if the e-mail address is known to the issuer of the notification. In the case of electronic delivery, the person is obliged to confirm receipt of the notification by email without delay. If the person has not confirmed receipt of the notification, it will be delivered to him by registered letter.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

1

(4) The notification of the protection obligation is not delivered to the State Forest Management Center.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(5) [Repealed - RT I, 18.04.2013, 1 - entered into force. 01.05.2013]

(6) [Repealed - RT I, 18.04.2013, 1 - entered into force. 01.05.2013]

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

(8) The owner of the immovable property is obliged to immediately inform third parties who, on the order of the owner of the immovable property, are entitled to stay on the immovable property or to carry out work ordered by the owner of the immovable property or to provide a service there, about the restrictions in force on the natural object to be protected.
[RT I 2010, 43, 255 - entry into force. 17.07.2010]

§ 25. Defense organization plan

(1) A protection management plan may be drawn up to organize the protection of a natural object to be protected.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(2) The procedure for preparing and approving the defense management plan is established and the approver of the defense management plan is appointed by the minister responsible for the field . Information on the approval of the conservation management plan is published on the website of the Environmental Board.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

1

§ 25 . Habitat Action Plan

(1) The habitat action plan is drawn up to ensure a favorable condition of the habitat, if the results of the scientific inventory or other data show that the measures implemented so far do not guarantee it, or if it is required by an international obligation.

(2) The approver of the habitat action plan is appointed by the minister responsible for the area.
[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(3) The action plan is published on the website of the Ministry of the Environment.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

Chapter 4 PROTECTED AREAS

§ 26. National park

(1) A national park is a protected area for preserving, protecting, restoring, researching and introducing nature, landscapes, cultural heritage and balanced environmental use.

(2) Estonian national parks are:

- 1) Lahemaa – for the protection of the nature and cultural heritage of the coastal landscapes of Northern Estonia;
- 2) Karula – for the protection of nature and cultural heritage of the dome landscapes of Southern Estonia;
- 3) Soomaa – for the protection of the natural and cultural heritage of the swamp and floodplain landscapes of Central Estonia;
- 4) Vilsandi - for the protection of the nature and cultural heritage of the coastal landscapes of the Western Estonian archipelago;
- 5) Matsalu – for the protection of the characteristic communities of Western Estonia and the natural and cultural heritage of the Väinamere;
- 6) Alutaguse – for the protection of the nature and cultural heritage of the typical and rare swamp, forest and coastal landscapes of Eastern Estonia.

[RT I, 14.11.2018, 4 - enters into force. 24.11.2018]

(3) Rahvusparkis võimalikud võõndid on loodusreservaat, sihtkaitsevöönd ja piiranguvöönd.

§ 27. Looduskaitseala

(1) Looduskaitseala on kaitseala looduse säilitamiseks, kaitsmiseks, taastamiseks, uurimiseks ja tutvustamiseks.

(2) Looduskaitseala võimalikud võõndid on loodusreservaat, sihtkaitsevöönd ja piiranguvöönd.

§ 28. Maastikukaitseala (looduspark)

(1) Maastikukaitseala on kaitseala maastiku säilitamiseks, kaitsmiseks, uurimiseks, tutvustamiseks ja kasutamise reguleerimiseks.

(2) Maastikukaitseala eritüübid on park, arboreetum ja puistu.

(3) Maastikukaitseala võimalikud võõndid on sihtkaitsevöönd ja piiranguvöönd.

§ 29. Loodusreservaat

(1) A nature reserve is a land or water area with nature untouched by direct human activity, where the preservation and formation of natural communities is ensured only as a result of natural processes.

(2) Any kind of human activity, including the presence of people, is prohibited in the nature reserve, except for the cases provided for in subsections 3 and 4 of this section.

(3) The presence of people in the nature reserve is permitted for the purpose of supervision and rescue operations, as well as management and protection of the natural object.

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

(4) For the purpose of monitoring and assessing the condition of scientific activities and natural objects, it is allowed to stay in the nature reserve with the consent of the manager of the protected area.

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

§ 30. Target protection zone

(1) A target protection zone is a land or water area of a protected area for the preservation of natural and semi-natural communities that have developed or are being developed there. Natural resources located in the target protection zone are not considered as consumption resources.

(2) Unless otherwise stipulated by the protection regulations, the following are prohibited in the target protection zone:

- 1) economic activity;
- 2) use of natural resources;
- 3) erecting new buildings;
- 4) the presence of people in the habitat of protected species, in the breeding place and in the gathering place of migratory birds;
- 5) driving a vehicle, all-terrain vehicle or floating device;
- 6) camping, making a fire and organizing a public event.

(3) The prohibition established by points 4 and 5 of subsection 2 of this section does not extend to supervision and rescue work, activities related to the organization and management of the protection of a natural object, and research activities carried out with the consent of the administrator of a protected natural object.

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

(4) As activities necessary for the preservation of a protected natural object or as activities that do not damage this object, the following may be permitted in the target protection zone by the protection rule:

- 1) conservation works of existing land improvement systems and restoration of the water regime;
- 2) shaping the community according to the purpose of protection;
- 3) storage of berries, mushrooms and other forest by-products;
- 4) hunting;
- 5) fishing;

6) construction of a road, a utility network facility or a non-production building for the use of a property located in a protected area, a protected area or national defense and maintenance work on existing buildings;

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

7) activities necessary to ensure the appearance and species composition of semi-natural communities and to preserve the living conditions of protected species;

- 8) storage of reeds and plow.

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

§ 31. Restricted zone

(1) A restricted zone is a land or water area of a protected area where economic activity is permitted, taking into account the restrictions set forth in this Act.

(2) Unless otherwise stipulated by the conservation regulations, the following are prohibited in the restricted zone:

- 1) the establishment of a new land improvement system;
- 2) changing the water level and shoreline of water bodies;

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

- 3) mining of mineral resources;

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

- 4) design of clean stands and construction of energy stands;
- 5) renewal felling;

6) in parks, arboretums and stands protected as a special type of landscape protection area and in the restricted zone of the protected area, the protection purpose of which is to protect the park, arboretum and stand, shaping of tree crowns and bushes, planting and felling of woody vegetation without the consent of the manager of the protected area;

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

- 7) use of biocide, plant protection agent and fertilizer;

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

- 8) erecting a building, including a temporary building, and changing the external structures of the building in the national park;
- 9) hunting and fishing;

10) driving a vehicle, an all-terrain vehicle or a floating vehicle, except for work necessary for the maintenance of line facilities and forest management work or agricultural work on land-use land;

11) camping, making bonfires and organizing a public event in a place not prepared for this and not marked by the administrator of the protected area;

- 12) storage of cane on unfrozen soil.

(3) In the restricted zone, conditions for maintaining the natural balance, diversity of species and age of the landscape and the community may be set by the protection rule, and the collection and removal of wood from unfrozen soil may be prohibited. If the conservation regulations prohibit the collection and removal of wood from unfrozen soil, the administrator of the protected area may allow it if the soil allows it.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(4) In the restricted zone, the protection regulations may set different restrictions on the size and shape of the felling line and the age composition of the forest than those stipulated in the Forest Act, as well as time limits for felling, which are necessary to preserve the community or the protected species belonging to it and to improve living conditions.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

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

Chapter 5 STORAGE AREAS

§ 32. Storage area

(1) The conservation area is established to ensure the favorable condition of natural fauna, flora and fungi, if it is not ensured in other ways provided by this Act.

(2) It is prohibited to destroy and damage the habitats and habitats for the protection of which the conservation area was formed, as well as significant disturbance of protected species, as well as activities that endanger the favorable condition of habitats, habitats and protected species.

(3) Deforestation is prohibited in the conservation area if it may damage the structure and functions of the protected habitat and threaten the preservation of species typical of the habitat.

(4) When processing a forest notification in accordance with the Forest Act, the purpose of establishing a storage area must be taken into account. The manager of the conservation area may oblige:

- 1) to carry out the planned logging at a specified time;
- 2) use the specified technology in case of planned felling.

1

(4) If the planned renewal felling is in accordance with subsections 2 and 3 of this section, the size of the clear-cut felling in the storage area is up to two hectares and the width is up to 30 meters, and the size of the fallow felling is up to five hectares.
[RT I 2009, 53, 359 - entry into force. 21.11.2009]

(5) The impact of activities planned in the conservation area on the condition of habitats and species is assessed during the environmental impact assessment or in accordance with the procedure provided for in § 33 of this Act.

§ 33. Storage area notification

(1) The possessor of an immovable located within the storage area must submit a notification to the manager of the storage area in case of planning the following activities:

- 1) construction of a road;
- 2) moving natural rock or soil;
- 3) changing the water level and shoreline of water bodies;
[RT I 2007, 25, 131 - entry into force. 01.04.2007]
- 4) use of biocide and plant protection agent;
- 5) cultivation and fertilization of natural and semi-natural grassland and polder;
[RT I 2007, 25, 131 - entry into force. 01.04.2007]
- 6) felling of trees in the wooded meadow-like area;
- 7) establishment and reconstruction of the land improvement system;
- 8) reed storage.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(2) The notice must contain a description of the planned works, the scope and time, and a diagram of the place where they will be carried out.

(3) The notice must be submitted to the manager of the storage area at least one month before the start of the work:

- 1) by delivery,
- 2) by registered mail or
- 3) by e-mail with a digital signature.

(4) The notice is deemed to have been submitted on the day of posting according to the postmark or time stamp or on the day when the administrator of the storage area has registered it.

(5) Within one month from the submission of the notification, the administrator of the storage area shall assess the compliance of the proposed activity with the requirements set forth in § 32 of this Act. The manager of the conservation area:

- 1) approves the notification and returns it to the submitter, if the proposed work is permitted,
- 2) informs the submitter of the conditions under which the proposed works can be carried out, or
- 3) prohibits work that threatens the preservation of the favorable condition of the protected species or habitats of the conservation area, in order to ensure the storage area has been formed.

(6) The form of notification of the storage area and the procedure for confirmation, review and return of the notification shall be established by a regulation of the minister responsible for the area .

(7) The obligation to submit the notification provided for in subsection 1 of this section does not apply to the storage area regarding the work carried out in the outdoor area of the existing residential building.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

Chapter 6 BEACH AND SHORE

§ 34. Purpose of beach and shore protection

The purpose of beach or shore protection is to preserve the natural communities located on the beach or shore, to limit the harmful effects of human activities, to guide the settlement that takes into account the characteristics of the beach or shore, and to ensure free movement and access there.

§ 35. Restrictions on beach and shore use

- (1) The beach or shore has:
- 1) a beach or shore restriction zone;
 - 2) beach or shore construction prohibition zone;
 - 3) beach or shore water protection zone.

(2) The starting line for calculating the width of the zones specified in points 1 and 2 of subsection 1 of this section is the water boundary of the body of water entered on the main map of the Estonian topography database in accordance with the Spatial Data Act.
[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

1

(2) If the ditch upstream of the land reclamation system is entered as a line object on the main map of the Estonian topography database, the starting line for calculating the width of the zones specified in points 1 and 2 of paragraph 1 of this section is the edge of the pit.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

2

(2) The starting line for calculating the width of the water protection zone is calculated according to the procedure provided in the Water Act.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(3) In inland water bodies with large flood areas, the high water limit is determined in accordance with the procedure established by a regulation of the minister responsible for the area . The list of inland water bodies with large flood areas is established by a regulation of the minister responsible for the field.

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

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(3) The border of the area with repeated flooding on the seashore is determined by the general plan. If the boundary of the repeatedly flooded area is not specified, one meter of the height value of the shoreline is considered the boundary of the repeatedly flooded area.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(4) The beach or shore restriction zone, water protection zone and construction prohibition zone of water bodies with repeated flooding consist of the flooded area and the width of the zone provided for in §§ 37–39 of this Act.

(5) On a coastal escarpment higher than five meters and closer than 200 meters to the water line of a body of water recorded on the main map of the Estonian topography database, the beach or shore restriction zone, water protection zone and construction prohibition zone consist of the area below the coastal escarpment up to the water line and the width of the zone provided for in §§ 37–39 of this Act.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

§ 36. Ensuring passage and access

[Repealed - RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

§ 37. Beach and shore restriction zone

(1) The width of the beach or shore restriction zone is:

1) 200 meters on the beach of the Baltic Sea, Lake Peipsi, Lake Lämmijärvi, Lake Pihkva and Lake Võrtsjärv;

2) 100 meters on a lake and artificial lake of more than ten hectares and a river, stream, land reclamation system with a catchment area of more than 25 square kilometers;

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

3) 50 meters at the source and on lakes and reservoirs of up to ten hectares in size and on rivers and streams with a catchment area of up to 25 square kilometers;

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

4) 50 meters on the open headwaters of the land reclamation system with a catchment area of 10–25 square kilometers.

[RT I, 22.02.2019, 1- by force. 01.10.2019]

(2) The purpose of the protection of forests located in the restricted zone of the beach and shore is to protect water and soil and maintain recreational conditions. Clear-cutting is prohibited in the restricted zone of the beach. In the restricted zone of the bank, the surface area of the clear-cut line may not be larger than two hectares, except in the water protection zone upstream of the land reclamation system when land reclamation conservation works are carried out. When selective and security logging is carried out in the restricted zone of the beach and shore, the conditions set out in the appendix to this law must be taken into account.

[RT I, 06.07.2017, 1 - enters into force. 01.09.2017]

(3) The following are prohibited in the restricted zone of the beach or shore:

1) spreading sewage sludge;

2) establishment of a burial ground;

3) construction and expansion of a building designated for the processing or storage of waste, except in the port;

4) [invalidated - RT I 2007, 25, 131 - entry into force. 01.04.2007] 5) mining of mineral resources; [RT I 2007, 25, 131 - entry into force. 01.04.2007] 6)

driving a motor vehicle outside the designated roads and driving an all-terrain vehicle, except for state monitoring, work related to the management of a protected natural object or green area maintenance work in a densely populated area, for a person with a professional or recreational fishing right to take a watercraft necessary for fishing into a water body, stock reeds and collect a plow, and for forest management and agricultural work on land for commercial use.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(4) The restrictions set forth in clauses 5 and 6 of subsection 3 of this section do not extend to the artificial body of water created as a result of the mining of mineral resources or subsoil, which is located on a deposit, mountain allotment or its service land, until the obligation to clean up the mined land is recognized as fulfilled in accordance with the procedure provided for in the Subsoil Act.

[RT I, 10.11.2016, 1 - enters into force. 01.01.2017]

(5) Extraction of mineral resources and mineral matter and carrying out a geological survey are allowed in the restricted zone of the beach and shore of an artificial water body created as a result of the mining of mineral resources or mineral matter after the obligation to clean up the mined land has been recognized as fulfilled, if the permit grantor has given consent, which is a permit for the mining of

mineral resources or geological survey permission part.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(6) The consent specified in subsection 5 of this section may be refused if the requested activity conflicts with the objectives specified in § 34 of this Act.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

§ 38. Beach and shore construction prohibition zone

(1) The width of the construction ban zone on the beach or shore is:

1) 200 meters on the beach within the city limits of Narva-Jõesuu and on the sea islands;

2) 100 meters on the seashore, Lake Peipsi, Lake Lämmijärvi, Lake Pihkva and Lake Võrtsjärv;

3) 50 meters in a clearly demarcated compactly populated area of a city and a town and a hamlet and a village (hereinafter *densely populated area*), except in the case provided for in point 5 of this subsection;

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

4) 50 meters on a lake and artificial lake of more than ten hectares and a river, stream, land reclamation system with a catchment area of more than 25 square kilometers;

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

5) 25 meters at the source and on lakes and reservoirs of up to ten hectares and on rivers and streams with a catchment area of up to 25 square kilometers;

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

6) 25 meters on the open headwaters of the land reclamation system with a catchment area of 10–25 square kilometers.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(2) On the beach and on the shore of a lake or river in forest land, within the meaning of § 3 subsection 2 of the Forest Act, the construction prohibition zone extends to the limit of the beach or shore restriction zone.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(3) The construction of new buildings and facilities is prohibited in the construction prohibition zone of the beach or shore.

(4) The construction ban does not extend to:

1) a new building built on the outdoor land of an existing residential building in a sparsely populated area, which does not fall within the water protection zone;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

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1) the construction of a new building between the existing buildings in the landward direction of the previously established construction line in the construction ban zone of the densely populated area;

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

2) shore insurance facility;

3) to the facility needed to service the bathing beach;

4) to the land improvement system, except for the polder;

5) to the first addition to an existing building, if the volume of the addition is less than one third of the cubic capacity of the existing building;

6) for fences;

7) to the border guard facility;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

8) to land cable line;

9) to the utility network and facility to be built for the use of the existing residential building;

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

10) With the consent of the Environmental Board, to a national defense building.

[RT I, 29.06.2022, 1 - enters into force. 07/09/2022]

(5) The construction ban does not extend to the established detailed plan, the established general plan or the established special plan of the local government planning the wind farm:

[RT I, 07.03.2023, 21 - entry into force. 17.03.2023]

1) for surface water catchment buildings;

2) to the port building and water traffic facility;

3) to the beach insurance facility;

4) to the building of the hydrographic service and monitoring station;

5) to the fish farming building;

6) to the building of the state defense, border guard and rescue agency;

[RT I 2010, 29, 151 - entry into force. 20.06.2010]

7) [invalidated - RT I 2007, 25, 131 - entry into force. 01.04.2007]

8) utility network and facility;

9) to the bridge;

10) to a publicly used road;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

11) to the railway;

12) upstream of the land reclamation system, which does not overlap with the natural body of water, on the base surface of the rotor blades in the construction ban zone.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

1

(5) The construction ban does not extend to the building constructed on the basis of the established state special plan.

[RT I, 23.03.2015, 3 - enters into force. 01.07.2015]

(6) A jetty and a boat bridge may be built on a beach or shore if it does not conflict with the objectives of beach and shore protection.
[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(7) The provisions of this chapter apply to construction in a protected area, unless otherwise stipulated by the protection regulations.
[RT I 2007, 25, 131 - entry into force. 01.04.2007]

(8) Construction in the storage area is regulated by this chapter in addition to what is stipulated in this Act regarding the storage area.

(9) If the local government permits construction in the construction prohibition zone of the beach or shore contrary to the provisions of this section, the person to whom the construction permit was issued or in whose interest the construction is, shall not have a legitimate expectation regarding the legality of the construction in accordance with the Administrative Procedure Act.

§ 39. Beach and shore water protection zone

The scope and restrictions of the water protection zone of the beach or shore are stipulated in the Water Act.

§ 40. Increasing and decreasing the construction prohibition zone of the beach and shore

(1) The construction prohibition zone of the beach and shore may be increased or decreased, taking into account the objectives of the protection of the beach or shore and based on the vegetation, relief, the boundaries of land and real estate, the existing road and utility network, and the established settlement.

(2) The construction prohibition zone of the beach and shore can be increased by the local government with a general plan.

(3) Reduction of the construction prohibition zone of the beach and shore may be done with the consent of the Environmental Board.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

(4) In order to reduce the construction ban zone, the local government submits an application to the Environmental Agency and in accordance with the Planning Act:

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

- 1) adopted general plan;
- 2) the adopted detailed plan containing a proposal to change the established general plan;
- 3) the adopted detailed plan, if there is no established general plan;
- 4) the adopted special plan for the wind park of the local government.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

(5) The Environmental Board assesses the compliance of the reduction of the construction prohibition zone with the purpose of beach or shore protection and with the provisions of subsection 1 of this section.

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

(6) Increasing and reducing the width of the construction prohibition zone shall come into effect upon the entry into force of the established general plan, detailed plan or special plan planning the local government wind farm.

[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

§ 41. Formation of a new densely populated area and expansion of an existing one

(1) The formation of a new densely populated area in the restricted zone of the beach or shore is prohibited. An exception may be made by the Government of the Republic at the proposal of the local government.

(2) The expansion of the existing densely populated area on the beach or shore is carried out on the basis of the established general plan.

(3) Luba uue tiheasustusala moodustamiseks antakse kohalikule omavalitsusele taotluse ja planeerimisseaduse kohaselt pärast vastuvõtmist avaliku väljapaneku läbinud üldplaneeringu alusel, millele on lisatud planeeringu järelevalve teostaja arvamus. Kohaliku omavalitsuse taotluse edastab Vabariigi Valitsusele Keskkonnaministeerium koos oma asjakohase seisukohaga.

(4) Loa andmisel või sellest keeldumisel tuleb arvestada ranna ja kalda kaitse eesmärke.

(5) Aleviku või küla tiheasustusala laiendamine ranna ja kalda piiranguvööndis võib toimuda ainult kehtestatud üldplaneeringu alusel.

§ 42. Ranna ja kalda kasutamine supelrannana

(1) Supelrand on selleks üldplaneeringuga määratud ala veekogu ääres, mille põhiülesanne on inimestele puhkuse võimaldamine.

(2) Supelrannas viibimine on tasuta.

(3) Supelranna kasutamise ja hooldamise korra kehtestab kohalik omavalitsus.

(4) Supelranda teenindavate rajatiste iseloomu ja paigutuse määrab kohalik omavalitsus detailplaneeringu koostamise kohustuse korral detailplaneeringuga või projekteerimistingimustega.

[RT I, 23.03.2015, 3 - jõust. 01.07.2015]

(5) Supelrannal ei ole veekaitsevööndit.

7. peatükk LOODUSKAITSE KOHALIKU OMAVALITSUSE TASANDIL

§ 43. Looduskaitse eesmärk kohaliku omavalitsuse tasandil

Looduskaitse eesmärk kohaliku omavalitsuse tasandil on piirkonna looduse eripära, kultuuri, asustust ja maakasutust esindavate väärtuslike maastike või nende üksikelementide kaitse ja kasutamise tingimuste määramine kohaliku omavalitsuse poolt.

§ 44. Kaitsekord

(1) Kohaliku kaitse alla võetud maa-alal rakendatakse käesoleva seaduse §-s 31 sätestatud kaitsekorda, mida võib kaitse-eeskirjaga või planeeringuga leevendada.

(2) Maastiku üksikelemendi ümber moodustatakse 50 meetri kaugusele ulatuv kaitsevöönd, kui kaitse alla võtmisel ei sätestata selle väiksemat ulatust. Kaitsevööndis rakendatakse käesoleva seaduse §-s 31 sätestatud kaitsekorda, mida võib kaitse-eeskirjaga või planeeringuga leevendada.

§ 45. Puude raie tiheasustusalal

Tiheasustusalal asuvaid üksikpuid, välja arvatud kasvav mets metsaseaduse tähenduses ja viljapuud, tohib raiuda kohaliku omavalitsuse loa alusel. Loa andmise tingimused ja korra kehtestab kohalik omavalitsus.

8. peatükk LIIGID

§ 46. Liikide kaitsekategooriad

(1) I kaitsekategooriasse arvatakse:

- 1) liigid, mis on Eestis haruldased, esinevad väga piiratud alal, vähestes elupaikades, isoleeritult või väga hajusate asurkondadena;
- 2) liigid, mis on hävimisohus, mille arvukus on inimtegevuse mõjul vähenenud, elupaigad ja kasvukohad rikutud kriitilise piirini ja väljasuremine Eesti looduses on ohutegurite toime jätkumisel väga tõenäoline.

(2) II kaitsekategooriasse arvatakse:

- 1) liigid, mis on ohustatud, kuna nende arvukus on väike või väheneb ning levik Eestis väheneb ülekasutamise, elupaikade hävimise või rikkumise tagajärjel;
- 2) liigid, mis võivad olemasolevate keskkonnategurite toime jätkumisel sattuda hävimisohtu.

(3) Protection category III includes:

- 1) species whose abundance is threatened by the destruction or destruction of habitats and habitats and whose abundance has decreased to such an extent that if the effects of the threat factors continue, they may become endangered species;
- 2) species that belonged to protection category I or II, but are out of danger of destruction due to the implementation of the necessary protection measures.

§ 47. Definition of individual

(1) A specimen within the meaning of this Act is an animal, plant or fungus or a recognizable part of an animal, plant or fungus at any stage of development.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(2) Specimen within the meaning of § 59 of this Act is an animal, plant or fungus at any stage of development or its recognizable part or a product or other goods made from it, which, according to the accompanying document, packaging or labeling or under other circumstances, appears to be a part of an animal, plant or fungus belonging to a species of the protection category or a product made from it.

§ 48. Ensuring the favorable condition of species

(1) The protection of all known habitats or habitats of species of protection category I is ensured by establishing protected areas or storage areas or determining permanent habitats.

(2) The protection of at least 50 percent of habitats or habitats registered in the Estonian nature information system of species of protection category II is ensured by establishing protected areas or storage areas or determining permanent habitats based on the representativeness of the areas.

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

(3) The protection of at least 10 percent of habitats or growth sites of the species of protection category III known and registered in the Estonian nature information system is ensured by establishing protected areas or storage areas or determining permanent habitats based on the representativeness of the areas.

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

(4) In the habitats of non-delimited category II and III protected species, the protection of the individual is applied.

§ 49. Species protection and management action plan

(1) An action plan is drawn up:

- 1) to organize the protection of species of protection category I;
- 2) to ensure the favorable status of the species, if the results of the scientific inventory of the species show that the measures implemented so far do not guarantee it, or if it is required by an international obligation;

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

3) to manage the species, if the results of the scientific inventory of the species show a significant negative impact on the environment or a threat to human health or property due to the increase in the abundance of the species.

(2) The action plan must contain:

- 1) data on the biology, abundance and distribution of the species;
- 2) conditions for ensuring the favorable status of an endangered species;
- 3) species' risk factors;
- 4) the purpose of protection or control;
- 5) the priority order of the measures necessary to achieve or control the favorable status of the species and the schedule for their implementation;
- 6) the budget for the organization of protection or control.

(3) The approver of the action plan for the protection and management of the species is appointed by the minister responsible for the field.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

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

§ 50. Protection of permanent habitats

(1) The protection procedure provided for in § 30 or 31 of this Act, which is determined in accordance with § 10 (2) of this Act, applies in the place of permanent residence.

(2) If the permanent habitat of the species specified in this section, with the exception of an uninhabited artificial nest, is not determined in accordance with subsection 2 of § 10, it is:

- 1) the flying squirrel's nest tree and the area surrounding it within a radius of 25 meters;
- 2) the nesting tree of the sea eagle, snake eagle and osprey and the area surrounding it within a radius of 200 meters;
- 3) the nest tree of the great toad and the black stork and the area surrounding it within a radius of 250 meters;
- 4) the nest tree of the little golden eagle and the area surrounding it within a radius of 100 meters;
- 5) the bald eagle's nest tree and the area surrounding it within a radius of 500 meters;
- 6) the nesting tree of a mixed pair of little golden eagle and great golden eagle and the area surrounding it within a radius of 250 meters.

(3) A person who discovers a nest tree is obliged to inform the Environmental Board about it within three days.

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

(4) If the protection procedure for the permanent habitat of the species specified in this section is not determined in accordance with § 10 (2) of this Act, from the moment the nest tree is found in the permanent habitat of flying squirrel, bald eagle, white-tailed eagle, snake eagle, osprey, great and little frog eagle and black stork, §- of this Act shall apply s 30 protection order.

(5) If the permanent habitat of the species specified in this section has not been determined in accordance with § 10 (2) of this Act, a person is prohibited from staying in the permanent habitat of the bald eagle and white-tailed eagle from February 15 to July 31, snake eagle, osprey, large and small frog eagle and black- in the permanent habitat of the stork from March 15 to August 31.

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(5) If the permanent habitat of the species specified in this section has not been taken under protection in accordance with subsection 2 of § 10 of this Act, in contrast to the restrictions provided for in subsection 4 of this section and during the time not specified in subsection 5, the following are permitted in the permanent habitat: 1) storage of berries, mushrooms and other forest by-products ;

2) hunting;

3) fishing;

4) with the consent of the administrator of the permanent habitat, shaping the community in accordance with the purpose of protection, activities necessary to maintain the living conditions of the species and maintenance work of the existing building.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(6) Regarding permanent residence, the restrictions provided in subsections 4 and 5 of this section do not apply to the cultivated land of the immovable property, the outdoor area of an existing residential building and a road in public use, as well as to the maintenance of natural grassland.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(7) During the curfew in the permanent habitat, it is possible to stay in the permanent habitat for educational or scientific purposes for filming, taking pictures and recording voices based on the permission of the Environmental Board, if the activity does not threaten the specimen of a protected species.

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

(8) The administrator of the permanent site has the right to organize works in accordance with the protection order or action plan on the basis of a contract concluded with the local government, land owner or any other person.

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

(9) Additional feeding of wild boar is prohibited in the permanent wild habitat.

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

§ 51. Conservation area protection

(1) The reconstruction of existing dams to the extent that raises the water level, the construction of new dams and the alteration of the natural bed and water regime of the water body are prohibited on the water body or its section approved as spawning and habitat for salmon, river trout, sea trout and grayling.

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

1

(1) In the body of water specified in subsection 1 of this section or its section, changing the natural bed, water regime and water level during the reconstruction of dams is permitted only if it improves the spawning opportunities of fish.

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

(2) The list of spawning and habitats for salmon, river trout, sea trout and grayling shall be established by regulation of the minister responsible for the field .

1

§ 51 . Protection of brown bear wintering grounds

(1) The wintering place of a brown bear is the place where the bear hibernates and its surroundings within a radius of 300 meters.

(2) The person who has discovered the wintering place is obliged to inform the Environmental Board about it within three days, which will as soon as possible stop the activities permitted by the forest notice in the brown bear wintering place and the activities determined by the right of use permit of the hunting area until the end of the wintering period.

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

(3) In the wintering place of the brown bear, the activities specified by the permit for the right of use of the hunting area and the activities related to the management and use of the forest are prohibited.

(4) The protection order of the brown bear wintering place is valid from the finding of the wintering place until April 15 of the same wintering period.

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

2

§ 51 . European Community requirements for species protection

It is prohibited to destroy and damage the clearly visible breeding or resting places of specimens of these animal species, which Council Directive 92/43/EEC names in point a of Annex IV.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

§ 52. Protection of migration routes

(1) During construction, it is necessary to ensure the safest possible living and movement conditions for individuals of protected species.

(2) The minister responsible for the field has the right to establish temporary traffic restrictions for the protection of animal migration routes at the proposal of the minister responsible for the field.

[RT I, 29.06.2014, 109 - entered into force. 01.07.2014, on the basis of § 107³ subsection 4 of the Government of the Republic Act, the first words of the sentence "Minister of Economy and Communications" and the word "Minister of the Environment" in the middle of the sentence were replaced by the words "Minister responsible for the field" in the corresponding case.]

§ 53. Disclosure of information

(1) Disclosure of the exact habitat location of an individual of a species of protection category I and II in the mass media is prohibited.

(2) When publishing the decision to place a permanent residence under protection in the Riigi Teataja, the exact location of the permanent residence shall not be published.

§ 54. Improving the living conditions of the species

Targeted improvement of the living conditions of individuals of a protected species is permitted only on the basis of the action plan specified in § 49 of this Act or the conservation management plan specified in § 25 of this Act.

§ 55. Killing, damaging and disturbing an individual

(1) Intentional killing of an individual of a protected animal species, except for the purpose of euthanasia, is prohibited.

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

(2) Killing an individual of an animal species belonging to the mammal class of protection category I is allowed:

- 1) if the animal directly threatens the life or health of a person and the attack cannot otherwise be prevented or repelled;
- 2) for the safety of the population.

(3) Killing an animal species of protection category II or III is permitted:

- 1) if the animal directly threatens the life or health of a person and the attack cannot otherwise be avoided or repelled;
- 2) for the safety of the population;
- 3) in the interests of flight safety;
- 4) if it is necessary to prevent damage to important agricultural crops or farm animals, fish farming or other important property;
- 5) for educational or research purposes.

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(3) The minister responsible for the field establishes by regulation, on the basis of Annexes A–D of Council Regulation (EC) No. 338/97 on the protection of wild animal and plant species by regulating their trade (OJ L 61, 03.03.1997, pages 1–69) the list of animal species whose live specimens are allowed to be killed.

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

(4) In the case specified in subsection 3, point 1 of this section, the death of the animal must be notified in writing to the Environment Agency within one working day.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(5) In the cases specified in subsection 1, subsection 2, clause 2, and subsection 3, clauses 2–5 of this section, the animal is killed on the basis of a permit from the Environmental Board.

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

1

1

(5) The permit specified in subsection 5 and subsection 6 points 1 and 2 of this section may be granted if there are no alternative measures that are less harmful to fauna and poultry to solve the situation. The permit must state:

- 1) for which species and specimens the permit is granted;
- 2) means, devices or methods allowed for activities;
- 3) under what conditions of danger or risk and at what time and where the activities may be carried out;
- 4) recipient of the permit;
- 5) monitoring or other means of monitoring and controlling results.

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

(6) Catching and intentionally disturbing an individual of a protected animal species during reproduction, rearing young, wintering and migration is prohibited, except in the case provided for in subsections 4 and 5 of § 58 and § 58 2 of this Act.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

1

(6) The following are prohibited for naturally occurring birds:

1) intentional destruction and damage of nests and eggs or disposal of nests, except in the cases provided for in points 2-5 of subsection 3 of this section on the basis of a permit from the Environmental Board;
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

2) intentional disturbance, especially during nesting and raising young, except in the case provided for in point 1 of paragraph 3 of this section, when the disturbance must be reported in writing to the Environmental Board no later than one working day after the disturbance, in the case provided for in points 2–5 of paragraph 3 of this section, the Environmental Board on the basis of a permit and in the case provided for in subsection 7 of § 58 of this Act.
[RT I 2009, 3, 15- by force. 01.02.2009]

(7) Damage to plants and mushrooms of protection categories I and II, including picking and destruction, is prohibited. The implementation of action plan measures specified in § 49 of this Act is not intentional damage, and activities with the consent of the Environmental Board in underrepresented populations of plants and mushrooms of protection category II may not be considered intentional damage.
[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(8) Destruction of plants, fungi and invertebrates of protection category III and collection from nature is prohibited to the extent that threatens the preservation of the species in this habitat.

(9) The list of animal species of protection category III, the killing of an individual of which is permitted outside the area demarcated for the protection of the species, is approved by the minister responsible for the area by regulation.

(10) An individual of an animal species that is not a protected species or game and that causes property damage or health damage, such as rodents, insects, snails and mites, may be killed to protect property or health.

§ 56. Transactions with specimens of species

[RT I 2008, 34, 211 - entered into force. 01.08.2008]

(1) A transaction with a specimen of a species within the meaning of this Act is the purchase, offer to purchase, acquisition of a specimen for the purpose of obtaining income, sale, storage at the point of sale, storage and warehouse premises of the point of sale and other premises related to the point of sale, transportation for sale, offer for sale or use in any other way for the purpose of obtaining income.

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

(2) Transactions with specimens of species of protection categories I, II and III are prohibited, except for their artificially bred offspring.

1

(2) Transactions with the following individuals are prohibited, with the exception of their artificially born offspring or in cases where the individuals have been killed or removed from nature by legal means:

1) live or dead individuals of naturally occurring bird species and their clearly recognizable body parts or products made from them;
2) an animal species named in point a of Annex IV of Council Directive 92/43/EEC, or a plant species named in point b of Annex IV of this directive, with living or dead specimens and their clearly recognizable parts or products made from them.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(3) [Repealed - RT I, 27.05.2022, 1 - entered into force. 06.06.2022]

(4) [Repealed - RT I, 27.05.2022, 1 - entry into force. 06.06.2022]

(5) For specimens of the species listed in Annexes A and B of Council Regulation (EC) No. 338/97, except in the case of selling products directly to the consumer, such as foodstuffs, cosmetics and medicines, the seller must provide a document proving the origin, which contains: [RT

I, 18.04.2013, 1 - enters into force. 01.05.2013]

1) scientific name of the species;
2) information about the legal origin of the specimen (taken from nature, artificially propagated, farmed, etc.);
3) in the case of a specimen brought into the European Union, special permits according to the said regulation;
4) in the case of living specimens of animal species, data on the previous owner and information enabling identification (label, photo, description, etc.).

[RT I 2007, 25, 131- by force. 01.04.2007]

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

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

§ 57. Alien species

(1) Releasing live specimens of alien species into the wild and planting and sowing alien plant species into the wild is prohibited, except for the planting and sowing of alien tree species permitted to be grown as forest trees on the basis of the Forestry Act.

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

(2) The list of alien species threatening the natural balance, the introduction of live specimens of which are prohibited into Estonia and transactions with live specimens, shall be established by a regulation of the minister responsible for the field .

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

(3) Regulation of the number of specimens of alien species introduced into nature is organized by the Environmental Board.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

(4) Specimens of non-native species kept in artificial conditions may be resettled in artificial conditions only on the basis of a permit from the Environmental Board. The restriction does not extend to pets within the meaning of § 2 (3) of the Animal Protection Act.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

(5) Artificial breeding of specimens of alien species that threaten the natural balance and transactions with live specimens of these species are prohibited, except in scientifically justified cases based on the permission of the Environmental Board.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

(6) The entrepreneur must have an activity permit for keeping raccoons under artificial conditions (hereinafter *farm activity permit*).
[RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

(7) Mink and raccoon specimens may be brought into Estonia only with the permission of the Environmental Board for the purpose of blood renewal and not more than 20 percent of the size of the main herd per farm within two years.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

(8) The minister responsible for the field establishes the procedure for the exchange of information and consultation with the European Commission related to the release of non-native birds into the wild.
[RT I 2008, 34, 211 - entry into force. 01.08.2008]

(9) The competent authority specified in Article 5 of Council Regulation (EC) No. 708/2007 on the use of alien species and species absent from the region in aquaculture (OJ L 168, 28.06.2007, pages 1–17) is the Environmental Board.
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(10) Operations with alien species that do not meet the conditions established in Regulation (EC) No. 1143/2014 of the European Parliament and of the Council on the prevention and control of the introduction and spread of alien species that threaten the natural balance (OJ L 317, 04.11.2014, pp. 35–55), is forbidden.
[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(11) The competent authority specified in Article 8 paragraphs 2 and 5 of Regulation (EC) No. 1143/2014 of the European Parliament and of the Council is the Environmental Board.
[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

1

§ 57 . Inspection item for farm activity permit

The entrepreneur is granted a farm operating license if the following requirements are met:

- 1) the construction structures of the farm and the organization of keeping exclude any raccoon from getting into the wild on its own or with outside help;
 - 2) continuous 24-hour surveillance is ensured in the farm, which allows to keep records of the staff and visitors of the farm and to immediately detect the presence of persons who are not among the aforementioned persons in the farm;
 - 3) the farm is located in mainland Estonia.
- [RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

2

§ 57 . Requirements for keeping mink and raccoon under artificial conditions and the procedure for issuing a farm license

(1) A farm within the meaning of this section is a building or a group of buildings together with a territory where mink or raccoons are kept under artificial conditions.

(2) The Environmental Board issues a farm activity permit within 40 working days from the date of receipt of a proper application. If the Environmental Board does not resolve the application within the aforementioned term or an extended term, the farm's operating license shall not be deemed to have been granted to the entrepreneur by default upon the expiry of this term.

(3) In addition to the provisions of § 19 (2) of the General Part of the Code of Economic Activities, the applicant for a farm license shall submit the following data to the Environmental Board:

- 1) the number, sex, age and origin of animals in the main herd;
- 2) a plan for the acquisition or renewal of animals, which provides information on the number, sex and origin of animals produced to form or renew the main herd;
- 3) an action plan to be implemented in the event of an accident, e.g. animal escape.

(4) The Environmental Board determines the maximum size of the main herd and the maximum number of animals to be produced for renewal of the main herd in the farm's operating permit.

(5) The farm's operating license is granted for five years.

(6) The specified requirements for keeping mink and raccoon under artificial conditions and the specified requirements for the content of the farm's operating license shall be established by a regulation of the minister responsible for the field .
[RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

§ 58. Settlement of domestic species, removal from nature and keeping in artificial environment

[RT I, 16.05.2013, 2 - entered into force. 01.06.2013]

(1) It is prohibited to release live specimens of domestic species introduced from abroad into the wild, except for scientifically justified reintroduction based on the permission of the Environmental Board.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

(2) Animals of local species may be relocated on the basis of a permit from the Environmental Board.
[RT I 2009, 3, 15 - entry into force. 01.02.2009]

1

(2) Animals of a local species may be removed from the wild:

- 1) to treat injury and disease and to raise abandoned young animals;
- 2) for establishing and supplementing animal collections for scientific, educational and commercial purposes;
- 3) to supplement the local population;
- 4) for establishing and supplementing animal farms for economic purposes.

[RT I, 16.05.2013, 2 - enters into force. 01.06.2013]

2

1 of this section, a person performing official duties may remove an animal from

(2) In the cases specified in point 1 of subsection 2 the wild without permission.

If the method of removing the animal from the wild differs from the methods permitted by the Hunting Act, the Environmental Board gives its consent.

[RT I, 16.05.2013, 2 - enters into force. 01.06.2013]

3

(2) The transfer of hunting game to an artificial environment is coordinated with the Agriculture and Food Board.

[RT I, 01.07.2020, 1 - enters into force. 01.01.2021]

4

1 points 3 and 4 of this section, game may be removed from the wild if the place

(2) For the purposes specified in subsection 2 where game is kept in an artificial environment is registered with the Environment Agency.

[RT I, 16.05.2013, 2 - enters into force. 01.06.2013]

5

(2) The procedure for submitting, reviewing and registering an application for the registration of a place for keeping game in an artificial environment shall be established by a regulation of the minister responsible for the field .

[RT I, 16.05.2013, 2 - enters into force. 01.06.2013]

6

(2) The registration of a place where game is kept in an artificial environment is refused if it does not exclude the game from getting into the wild and the spread of disease and does not meet the requirements of the Animal Protection Act.

[RT I, 16.05.2013, 2 - enters into force. 01.06.2013]

(3) The release into the wild of an individual of a local animal species kept in an artificial environment is carried out only on the basis of the action plan specified in § 49 of this Act, with the exception of the release into the wild of an individual kept in an artificial environment for the purpose of treating an injury or restoring vitality.

(4) It is prohibited to remove from nature (including keep and grow) a specimen of a protected species, including an animal species named in point a of Annex IV of Council Directive 92/43/EEC, or an individual of a plant species named in point b of Annex IV of this directive, with the exception of injury for treatment and in the cases provided for in subsection 5 of this section.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(5) An individual of a protected species may be removed from the wild for educational, medical or scientific purposes or for the purpose of repopulation on the basis of a permit from the Environmental Board or for the purpose of resettlement only if it does not harm the favorable condition of the species.

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

(6) The resettlement of a protected species is carried out in accordance with the procedure established by the Government of the Republic .

(7) [Repealed - RT I, 16.05.2013, 2 - entered into force. 01.06.2013]

(8) For the purpose of regulating the abundance of the species, the Environment Board may permit the picking and damage of bird eggs, except for the eggs of protected birds, or the year-round shooting or catching of birds included in the game list, if it is necessary:

- 1) for the sake of the safety of the population ;
- 2) to ensure flight safety;
- 3) to prevent damage to agricultural crops, farm animals and fish farms or other significant property damage;
- 4) in the interests of the protection of natural flora and fauna and the preservation of natural habitats.

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

1

§ 58 . Bat and bird tagging permit

(1) Bats and birds may be tagged only by a person holding a tagging permit (hereafter *permit*). The tagger must have the permit with them during tagging.

(2) A person at least 16 years of age may apply for a tagging permit, who must be a certified tagger of birds and/or bats.

(3) The permit is granted for up to ten years.

(4) At least the following shall be noted on the permit:

- 1) name, personal identification number and address of the tagger;
- 2) object to be marked (species, species group, age group);
- 3) the right to use fishing gear and the type of fishing gear used;
- 4) type of tag (metal tag, colored plastic tag, radio transmitter, chip);
- 5) the beginning and end of the validity of the permit.

(5) On the basis of an application, the grantor of the permit may extend the validity of the permit for the next ten years if the tagger is:

- 1) a certified tagger of birds and/or bats;

- 2) have properly performed work on the marking of an animal species specimen and submitted reports.
- (6) The licensee issues the metal and colored plastic tags necessary for marking to the tagger free of charge.
- (7) The labeler is obliged to submit reports on labeling to the permit grantor.
- (8) The requirements for marking bats and birds and the procedure for submitting reports shall be established by the minister responsible for the field by regulation.
- (9) The permit issuer may refuse to issue a permit or extend its validity if the permit applicant:
 - 1) does not meet the requirements set forth in subsection 2 of this section or the requirements for bird and/or bat tagger certification;
 - 2) has provided false information when applying for a permit;
 - 3) has failed to submit the reports specified in subsection 8 of this section on two consecutive submission deadlines;
 - 4) has been subject to a misdemeanor or criminal penalty for committing an impermissible act against an animal and it is valid.
- (10) The procedure for applying for a permit for marking bats and birds, the procedure for attesting the applicant, as well as the procedure for granting and extending the permit and the form of the permit shall be established by a regulation of the minister responsible for the field. The examinee must:
 - 1) be able to determine the species to be marked, their age and sex;
 - 2) to know the marking techniques and required traps;
 - 3) be able to handle caught specimens without causing injury or death to them;
 - 4) be able to record data and prepare reports;
 - 5) know the safety technique when marking specimens;
 - 6) to know the current nature protection legislation.
- (11) It is forbidden to transfer the permit to another person.
- (12) The permit grantor may declare the permit invalid if the tagger:
 - 1) has provided false information when applying for the permit;
 - 2) no longer meets the requirements for bird and/or bat tagger certification;
 - 3) the labeler significantly or repeatedly violates the labeling requirements;
 - 4) submits a request to revoke the permit.
- (13) Violation of labeling requirements is considered significant if the death of an animal caused by this violation can lead to environmental damage in the amount of at least 32 euros.
[RT I 2010, 22, 108 - entry into force. 01.01.2011]
- (14) In case of invalidation of a permit on the basis of point 1 or 3 of subsection 12 of this section, a new permit may not be issued to the applicant earlier than five years have passed since the permit was revoked.
- (15) The copy of the decision to revoke the permit shall be handed over to the tagger against a signature or delivered by certified mail with a notice of issuance no later than the next working day after the decision was made.
[RT I 2008, 34, 211 - entry into force. 01.08.2008]

2

§ 58 . Stalking, killing, trapping and tagging of animals for scientific purposes

(1) Pursuing, killing, catching and tagging an animal species for scientific purposes is permitted with the permission of the Environmental Board.

(2) For the purposes of this Act, tagging an animal species is capturing and equipping an animal with a tag, including a radio transmitter or a chip, for the purpose of scientific research.

[RT I, 16.05.2013, 2 - enters into force. 01.06.2013]

§ 59. Regulation of international trade in endangered species of natural fauna and flora

(1) Transactions and operations with specimens of the species specified in Annexes A-D of the EU Council Regulation No. 338/97 (import and export, re-export and transit, acquisition for the purpose of income, display to the public, use and sale, offering for sale, keeping for sale and transportation) is permitted under the conditions stipulated by the said regulation.

(2) The regulatory authority in Estonia according to the regulation specified in subsection 1 of this section is the Ministry of the Environment.

(3) Valdkonna eest vastutav minister:

- 1) määrab käesoleva paragrahvi lõikes 1 nimetatud määruse kohase teadusüksuse;
- 2) kehtestab vajaduse korral käesoleva paragrahvi lõikes 1 nimetatud määruse punktides 3 ja 8 nimetatud valdkondades rangemad meetmed.

(4) Vabariigi Valitsus kehtestab määrusega tolliasutused, kus toimub käesoleva paragrahvi lõikes 1 nimetatud määruse lisadesse kantud liikide isendite sisse- ja väljaveo nõuetekohasuse kontrollimine, ning määrab elusisenditega tegelemiseks kohandatud tolliasutused.

[RT I, 08.07.2014, 3 - jõust. 01.08.2014]

§ 59¹. Kaaviari käitlemine

[RT I, 29.06.2014, 1 - jõust. 01.07.2014]

(1) Kaaviari käitlemine käesoleva seaduse tähenduses on kaaviari (taas)pakendamine või töötlemine ekspordi, reekspordi või ühendusesisese kaubavahetuse eesmärgil.

(2) Kaaviari käitleja peab vastama järgmistele tingimustele:

- 1) isik on tunnustatud toidukäitlemise ettevõtjana;
- 2) isik säilitab piisavad dokumendid imporditud, eksporditud, reeksporditud, kohapeal töödeldud, säilitatud või turustatud kaaviari

kohta ning esitab vastavalt kehtestatud vormile sellekohase iga-aastase aruande, mis sisaldab imporditud, eksporditud, reeksporditud, kohapeal töödeldud, säilitatud või turustatud kaaviari kogust, päritolu ja märgistust;

- 3) isik märgistab pakendatud, sealhulgas taaspakendatud ja töödeldud kaaviari pakendid kehtestatud korras;
- 4) juriidiline isik on määranud isiku, kes ettevõttes vastutab kaaviari töötlemise, pakendamise ja turustamise eest;
- 5) isik ei ole viimase kolme aasta jooksul rikkunud ohustatud liikidega kauplemise nõudeid.

(3) Kaaviari käitlemiseks peab isik esitama majandustegevusteate.

(4) Kaaviari pakendite märgistamise korra ja kaaviari käitleja esitatava aruande vormi kehtestab valdkonna eest vastutav minister määrusega.

[RT I, 29.06.2014, 1 - jõust. 01.07.2014]

§ 60. Vara kaitse looma eest

(1) Vara kaitseks looma eest on lubatud kasutada kõiki kaitseabinõusid, mis ei põhjusta looma vigastamist või hukkumist ning mis on inimesele ohutud.

(2) Kui vara valdaja ei ole rakendanud kaitseabinõusid vara kaitseks looma eeldatava ründe eest, ei ole tal õigust looma surmata, saada luba looma surmamiseks või saada looma tekitatud kahju eest hüvitist.

§ 61. Compensation for damage caused by an animal and payment of compensation

(1) Damage caused by gray seal, ringed seal, brown bear, wolf, lynx, European mink, sea eagle, osprey, migrating cranes, swans, geese and gannets, as well as expenses incurred for the implementation of measures to prevent damage are partially compensated.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(2) The damage assessment methodology specified in subsection 1 of this section, the specified scope of damage compensation and the procedure for compensation, and the specified scope and procedure for compensating expenses incurred for preventive measures shall be established by a regulation of the minister responsible for the field .

(3) The loss specified in subsection 1 of this section shall be compensated in accordance with the claimant's request to the following extent:

1) in the case of damage caused to the trap by a gray seal or ringed seal, the costs of restoring the trap shall be compensated on the basis of a cost calculation, but not more than 30 percent of the selling price of a new equivalent trap valid in the year of the loss;

2) damage caused to the gillnet by a gray seal or ringed seal is compensated up to 70 percent of the costs of restoring the trap;

3) damage caused by a seal in the amount of up to 320 euros per fishing gear indicated on the fishing permit per year;

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

4) damage caused by migrating cranes, swans, geese and gannets in the amount of up to 3,200 euros per person per harvest season;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

5) damage caused by a wolf, lynx and brown bear to the extent of 100 percent, having previously deducted the owner's deductible of

64-128 euros from the amount of damage;

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

6) damage caused to fish farming by sea eagles or ospreys is compensated according to the nesting success of eagles feeding in fish

farming based on an expert assessment;

7) 100 percent of damage caused by European mink based on expert assessment.

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

(4) Expenditures incurred for the measures taken to prevent damage specified in subsection 1 of this section shall be reimbursed to

the extent of 50 percent, whereas the amount paid to one person may not exceed 3,200 euros per financial year.

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

(5) Compensation for damage caused by an animal is organized by the Environmental Board.

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

§ 62. An animal in a helpless situation

(1) The Rescue Board or the Environmental Board organizes the elimination of the circumstances causing the animal's helpless situation and the transportation and return to the wild of a helpless or injured animal.

[RT I, 29.12.2011, 1 - enters into force. 01.01.2012]

(2) Restoring the vitality of an injured or sick animal is organized by the Environmental Board.

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

§ 63. Protected animal found dead

(1) The finder must immediately notify the Environment Agency of an animal species of protection category I or II found dead.

(2) The finder may retain the specimen of an animal species of protection category I or II found dead on the basis of a permit from the Environmental Board.

(3) The Environmental Board may refuse to grant a permit if the specimen can be used for scientific or educational purposes.

(4) If the Environmental Board does not grant permission to keep the specimen of a species of animal species of protection category I or II found dead in the possession of the finder, or if the finder does not wish to keep the specimen in his possession, the specimen is handed over to the Environmental Board, which arranges the use of the specimen for scientific or educational purposes, or the destruction of the specimen if its use is not be practical.

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

The competent authority specified in Article 9(1) of Commission Regulation (EU) No. 737/2010 is the Ministry of the Environment.
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

Chapter 9

STONES AND INDIVIDUAL OBJECTS OF NATURE

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 64. Principles of protection of fossils

[RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

(1) Rocks that are found in few locations and have great scientific or commercial value are included in protection category I.

(2) Rocks are included in protection category II, the following of which:

- 1) large-scale collection may damage their sites;
- 2) complete specimens are rarely found.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 65. Protection of fossils

[RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

(1) For the protection of the most representative of the known sites of protected fossils, protected areas are formed or sites are taken under protection as protected individual objects of nature.

(2) Activities that may destroy or damage the natural site of a protected fossil are prohibited.

(3) The Environmental Board must be notified of the discovery of protected fossil sites.

(4) Rocks of protection category I may be removed from their natural state only for scientific purposes based on the permission of the Environmental Board.

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

- 1) the permit applicant does not ensure the permanent preservation of the fossil in an Estonian national or public museum or research institution;
- 2) the applicant for the permit has violated the requirements established by this Act regarding the protection of fossils with his previous activities, and a corresponding criminal decision has entered into force against him;
- 3) the permit applicant has knowingly provided false information when applying for the permit.

(6) Transactions with protected fossils or taking them out of the country is permitted only on the basis of a permit from the Environmental Board. The basis for issuing the permit is the opinion of a paleontology expert.

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

- 1) it is an exceptional fossil necessary for Estonian science;
- 2) it is a category I mineral that is intended to be taken out of the country for a purpose other than research;
- 3) it is a category I rock, in which case the transaction is planned for a purpose other than research;
- 4) it is a hitherto undescribed species;
- 5) the applicant for a permit has violated the requirements established by this Act regarding the protection of fossils with his previous activities, and a corresponding criminal decision has entered into force against him;
- 6) the permit applicant has knowingly provided false information when applying for the permit.

(8) Disclosure of the location of a protected fossil in the mass media is prohibited if it may cause danger to the location.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 66. Protection of fossils of protection category I

[Repealed - RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

§ 67. Protection of fossils of protection category II

[Repealed - RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

§ 68. Protection of an individual object of nature

(1) Upon entry into force of the decision to place an individual object of nature under protection, a restricted zone is formed around it within a radius of 50 meters, unless a smaller scope of the restricted zone is established by the decision to place it under protection.

(2) The minister responsible for the field has the right to establish a protection rule for an individual protected nature object or group of objects, which establishes the scope of the restrictions and obligations provided for in § 31 of this Act in the area designated for the protection of the natural object.

(3) When a group of individual objects of nature is taken under protection, a 50-meter-wide restriction zone is formed around it, unless a smaller scope of the restriction zone is established by the decision to take it under protection. The inner boundary of the restriction zone surrounding the group of individual objects runs along the imaginary line connecting the outer points of the bordering objects, while the ground under the group of objects also belongs to the restriction zone.

(4) Any activity that is contrary to the protection rules of an individual object of nature under protection, or that may damage the condition or appearance of the object, is prohibited, unless it is required by measures to preserve the object or to prevent damage from the object.

IMPLEMENTATION OF THE NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES OF THE CONVENTION ON BIOLOGICAL DIVERSITY AND THE FAIR AND IMPARTIAL DISTRIBUTION OF REVENUES FROM THEIR USE

[RT I, 05.07.2017, 2 - enters into force. 15.07.2017]

1

§ 68 . Implementation of the Nagoya Protocol on Access to Genetic Resources and the Equitable and Impartial Sharing of Revenues Derived from the Convention on Biological Diversity

Biooloogilise mitmekesisuse konventsiooni geneetilistele ressurssidele juurdepääsu ja nende kasutamisest saadava tulu õiglase ja erapooletu jaotamise Nagoya protokolliga reguleerimisalasse kuuluvate geneetiliste ressursside kasutamisel tuleb juhinduda Euroopa Parlamendi ja nõukogu määrusest (EL) nr 511/2014 geneetilistele ressurssidele juurdepääsu ja nende kasutamisest saadava tulu õiglase ja erapooletu jaotamise Nagoya protokollist tulenevate kasutajate jaoks ette nähtud vastavusmeetmete kohta liidus (ELT L 150, 20.05.2014, lk 59–71).

[RT I, 05.07.2017, 2 - jõust. 15.07.2017]

§ 68². Pädevad asutused

The competent authorities specified in Article 6(1) of Regulation (EU) No. 511/2014 of the European Parliament and of the Council are the Ministry of Education and Research, the Ministry of the Environment and the Ministry of Rural Affairs.

[RT I, 05.07.2017, 2 - enters into force. 15.07.2017]

3

§ 68 . Implementation of Article 5 of Regulation (EU) No. 511/2014 of the European Parliament and of the Council

The implementation of Article 5 of Regulation (EU) No. 511/2014 of the European Parliament and of the Council, which stipulates the inclusion of collections in the register of collections within the Union, is organized by: 1) The Ministry of

Education and Science regarding research collections defined on the basis of § 14 (4) point 3 of the Act on the Organization of Research and Development Activities;

2) Ministry of the Environment regarding collections of municipally owned and public legal entities and private collections;

3) Ministry of Rural Affairs regarding agricultural collections.

[RT I, 05.07.2017, 2 - enters into force. 15.07.2017]

Chapter 10

PARTICIPATION IN THE FORMATION OF THE EUROPEAN UNION NATURA 2000 NETWORK

§ 69. Natura 2000 network of the European Union

(1) In Estonia, the European Union's Natura 2000 network consists of:

1) bird areas, about which the Estonian state has notified the European Commission in accordance with Directive 2009/147/EC of the European Parliament and of the Council;

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

2) from areas which, according to Council Directive 92/43/EEC, are of pan-European importance from the point of view of the European Commission.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(2) The area of the Natura 2000 network specified in Clause 1, Clause 2 of this section, which is a protected area, conservation area, permanent habitat or protected individual object of nature within the meaning of the Nature Conservation Act, is a special nature area within the meaning of Council Directive 92/43/EEC.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

§ 70. Purpose of Natura 2000 site protection

The purpose of the protection of the Natura 2000 area is determined based on the importance of the area for the bird species listed in Annex I of Directive 2009/147/EC of the European Parliament and of the Council or the migratory bird species not listed therein or the natural or semi-natural habitat types listed in Annex I of Council Directive 92/43/EEC or the species listed in Annex II. for the preservation or restoration of the condition, as well as based on the need to achieve the integrity of the Natura 2000 network and in view of the risk of degradation and destruction of the area.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

1

§ 70 . Implementation of compensation measures

(1) If, according to the environmental impact assessment or strategic environmental impact assessment report, the planned activity can be expected to have an adverse effect on the area of the Natura 2000 network, and the planned activity is necessary due to the lack of alternative solutions for particularly compelling reasons from the point of view of general interests, including social or economic reasons, a permit must be set when granting permission for the activity as a side condition or foresee the implementation of compensation measures prior to the implementation of the activity in the strategic planning document.

[RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) Compensation measures, the purpose of which is to ensure the overall coherence of the Natura 2000 network, are:

1) restoration of habitats;

2) creation of new habitats;

3) improving the quality of existing habitats;

4) other measures that help prevent the further reduction of the coherence of the Natura 2000 network.

- (3) Compensation measures must:
- 1) be aimed at adversely affected habitats and species and be proportional in scope to the damage caused;
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]
 - 2) operate as close as possible to the adversely affected habitat;
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]
 - 3) ensure the achievement of objectives equivalent to the objectives of selecting the adversely affected area as an area of the Natura 2000 network;
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]
 - 4) fulfill implementation and protection organizational goals, so that the coherence of the Natura 2000 network can be maintained or increased with the help of these measures.
[RT I 2007, 25, 131 - entry into force. 01.04.2007]

1
10 . chapter
STATE AND ADMINISTRATIVE SUPERVISION
[RT I, 05.07.2017, 2 - enters into force. 15.07.2017]

2
§ 70 . State and administrative supervision
[RT I, 05.07.2017, 2 - entered into force. 15.07.2017]

(1) State supervision over compliance with the requirements of this Act and legislation established on the basis thereof is carried out by the Environmental Board.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

1
(1) Administrative supervision over the fulfillment of the requirements stipulated in Regulation (EU) No. 511/2014 of the European Parliament and of the Council is carried out by the Environmental Board.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) In the cases provided for in § 6 of the Environmental Supervision Act, state supervision of the fulfillment of the requirements arising from this Act is carried out by a local government unit or institution.
[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

3
§ 70 . Special measures of state supervision

(1) The Environmental Board may apply the special measures of state supervision provided for in §§ 30, 31, 32, 45, 46, 49, 50, 51, 52 and 53 of the Law Enforcement Act on the basis and according to the procedure provided for in the Law Enforcement Act to carry out the state supervision provided for in this Act.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) A local government unit or institution may apply the special measures of state supervision provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act in order to carry out the state supervision provided for in this Act, on the basis and according to the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

4
§ 70 . Peculiarities of state supervision

(1) The Environmental Board may enter the marked immovable property without the presence of the holder or other authorized person, if:
[RT I, 10.07.2020, 2 - entry into force. 01.01.2021]

- 1) it is necessary to find out or repel a significant threat, and the involvement of the mentioned persons would result in a delay that would endanger the achievement of the purpose of applying the measure, or
- 2) the purpose of entering the property is to ensure passage to another immovable property or body of water.

(2) The Environmental Board does not have to notify the owner of the entry into the possession based on the basis provided in clause 1, point 2 of this section, if no surveillance or offense procedure actions were carried out in the possession after the entry.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(3) The Environmental Board may liquidate unauthorized buildings in a protected area, storage area, restricted zone and permanent habitat of a single object of protected nature, and in the construction prohibition zone of a beach or shore. The Environmental Board must inform the relevant local government in advance about the implementation of replacement filling for the liquidation of buildings.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(4) For the purpose of supervision, an official of the Environmental Board may stay and move with a vehicle, including an all-terrain vehicle and a floating device, in a land or water area, where stay and movement are prohibited or restricted by legislation for the purpose of environmental protection.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

5
§ 70 . Use of immediate coercion

The Environmental Board is allowed to use physical force on the basis and according to the procedure provided in the Law on Law Enforcement.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

§ 70 . Extortion rate

In the case of failure to comply with the injunction, the maximum amount of the fine to be applied in accordance with the procedure laid down in the Substitute Enforcement and Fines Act is 32,000 euros.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

Chapter 11 RESPONSIBILITY

§ 71. Violation of the protection requirements of a protected natural object

(1) Violation of the use or protection requirements of a protected natural object - shall be punished with a fine of up to 300 fine units or arrest.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 3,200 euros.

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

§ 72. Failure to report a protected natural object upon transfer of immovable property

[Repealed - RT I 2007, 25, 131 - entry into force. 01.04.2007]

§ 73. Illegal felling of trees in a densely populated area

(1) Illegal cutting of a tree growing in a densely populated area - is punishable by a fine of up to 300 fine units or arrest.

(2) For the same act, if it has been committed by a legal entity - a fine of up to 3,200 euros is imposed.

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

§ 74. Ranna ja kalda kasutamise ja kaitse nõuete rikkumine

(1) Ranna või kalda kasutamise või kaitse nõuete rikkumise eest – karistatakse rahatrahviga kuni 300 trahviühikut või arestiga.

(2) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 3200 eurot.

[RT I 2010, 22, 108 - jõust. 01.01.2011]

§ 74¹. Võõrliikide kasutamise nõuete rikkumine

[RT I 2008, 34, 211 - jõust. 01.08.2008]

(1) Võõrliikide kasutamise nõuete rikkumise eest – karistatakse rahatrahviga kuni 300 trahviühikut või arestiga.

[RT I 2008, 34, 211 - jõust. 01.08.2008]

(2) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 32 000 eurot.

[RT I, 05.04.2016, 2 - jõust. 15.04.2016]

§ 74². Kaaviari käitlemise nõuete rikkumine

[RT I, 29.06.2014, 1 - jõust. 01.07.2014]

(1) [Kehtetu - RT I, 29.06.2014, 1 - jõust. 01.07.2014]

(2) [Kehtetu - RT I, 29.06.2014, 1 - jõust. 01.07.2014]

(3) Nõuetekohase aruande esitamata jätmise, selle esitamisega viivitamise või teadlikult vale aruande esitamise eest – karistatakse rahatrahviga kuni 200 trahviühikut.

(4) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 1600 eurot.

[RT I 2010, 22, 108 - jõust. 01.01.2011]

(5) Märgistusnõuete rikkumise eest – karistatakse rahatrahviga kuni 200 trahviühikut.

(6) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 1600 eurot.

[RT I 2010, 22, 108 - jõust. 01.01.2011]

§ 74³. Looduslikult esinevate linnu- ja nahkhiireliikide kaitsenõuete rikkumine

(1) Looduslikult esinevate lindude pesade ja munade tahtliku hävitamise ja kahjustamise või pesade kõrvaldamise eest – karistatakse rahatrahviga kuni 150 trahviühikut.

(2) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 1300 eurot.

[RT I 2010, 22, 108 - jõust. 01.01.2011]

(3) Looduslikult esinevate linnuliikide isendite tahtliku häirimise ning lindude ja nahkhiirte märgistamisnõuete rikkumise eest – karistatakse rahatrahviga kuni 100 trahviühikut.

(4) Sama teo eest, kui selle on toime pannud juriidiline isik, – karistatakse rahatrahviga kuni 640 eurot.
[RT I 2010, 22, 108 - jõust. 01.01.2011]

(5) Selling, transporting for sale, keeping for sale and offering for sale live or dead specimens of naturally occurring bird species and their clearly recognizable body parts or products made from them - shall be punished by a fine of up to 150 fine units

(6) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 1300 euros.
[RT I 2010, 22, 108 - entry into force. 01.01.2011]

4

§ 74 . Violation of the protection requirements for specimens of animal and plant species, which Council Directive 92/43/EEC names in points a and b of Annex IV

[RT I, 05.04.2016, 2 - into force. 15.04.2016]

(1) Destruction and damage to clearly visible breeding or resting places of the animal species listed in point a of Annex IV of the Council Directive 92/43/EEC -

shall be punished with a fine of up to 150 fine units.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 1300 euros.

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

(3) Selling, transporting for sale, keeping for sale and offering for sale live or dead specimens of animal species listed in point a of Annex IV of Council Directive 92/43/EEC or plant species listed in point b and their clearly recognizable parts or products made from them - shall be punished by a fine of up to 150 penalty units.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(4) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 1,300 euros.

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

(5) Violation of the requirements for removing from the wild (including keeping and growing) an animal species listed in point a of Annex IV of the Council Directive 92/43/EEC or a plant species listed in point b is punishable by a fine of up to 150 fine units

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(6) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 1300 euros.

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

5

§ 74 . Violation of requirements for transactions with seal products

(1) Violation of the requirements for placing seal products on the market or importing them, which are regulated in Article 3 of Regulation (EC) No. 1007/2009 of the European Parliament and of the Council and Commission Regulation (EU) No. 737/2010, is punishable by a fine of up to 300 fine units or arrest

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 6400 euros.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

6

§ 74 . Violation of the requirements of Regulation (EU) No. 511/2014 of the European Parliament and of the Council

(1) Violation of the requirements of Articles 4 and 7 of Regulation (EU) No. 511/2014 of the European Parliament and of the Council - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 32,000 euros.

[RT I, 05.07.2017, 2 - enters into force. 15.07.2017]

§ 75. Procedure

(1) [Repealed - RT I, 05.04.2016, 2 - entered into force. 15.04.2016]

(2) The Environmental Board is the non-judicial processor of misdemeanors provided for in §§ 71, 73, 74 and 74 - 74 and 74 this Act.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(3) The municipal or city government is the non-judicial administrator of misdemeanors provided for in §§ 71, 73 and 74 of this Act.

(4) The Environmental Board or the Tax and Customs Board is the non-judicial investigator of misdemeanors provided for in §§ 74 and 74

5 of this Act.
and 74
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

1

§ 75 . Confiscation

(1) The Environmental Board and the court may apply confiscation in accordance with § 83 of the Penal Code to the means of committing the misdemeanors provided for in §§ 71 and 74 1 74 - 6 of this Act, and to the individual and object that was the direct object of the misdemeanor.

[RT I, 10.07.2020, 2 - by force. 01.01.2021]

(2) The Ministry of the Environment decides whether the confiscated specimen or object, which belongs to protected species or alien species, or the trade of which is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, is handed over free of charge to an agency designated by the Ministry of the Environment, or is alienated or destroyed in accordance with § 206 of the Code of Criminal Procedure to the established order.

[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

§ 76. Receipt of fine

If the out-of-court procedure that imposed a warning fine or a fine is a municipality or city government, the warning fine and fine imposed for the misdemeanors provided for in §§ 71, 73 and 74 of this law shall be transferred to the budget of the local government that made the decision.

§ 77. Recovery of damage caused to a natural object

(1) The procedures and rates for compensation for damage caused to the environment by destroying or damaging a protected natural object and a protected species or other animal species, except for game, and releasing an alien species into the wild, shall be established based on the limit amounts provided in subsections 4-10 1 of this section and taking into account the level of danger of the object

protected natural The Government of the Republic by regulation.

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

(2) The Environmental Board has the right to submit a lawsuit to the court to recover damage caused to a protected natural object or an individual of a species.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(3) Damage is caused to a natural object if:

- 1) woody vegetation is cut or felled within the protected natural object at a prohibited time or it is done in a place where the type of felling used or felling is prohibited, or in violation of established felling conditions;
- 2) the surface is illegally damaged within the protected natural object;
- 3) burning of woody or herbaceous vegetation is caused within the protected natural object, except in the case of controlled burning of the landscape;

[RT I, 30.12.2020, 2 - enters into force. 01.03.2021]

4) the area of the protected natural object is illegally littered or polluted;

5) destroyed or damaged a protected individual object of nature, permanent habitat of an individual of a species or a protected fossil site;

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

6) an individual of a species is illegally destroyed, an individual is injured to the point of incapacity, or an individual is illegally removed from nature;

7) EU Council Regulation No. 338/97 and the rules established on its basis are violated.

(4) In the case of an individual of a protected species of category I:

1) illegal destruction, injury to the point of incapacity or illegal removal from its permanent habitat, environmental damage is calculated in the amount of 96–1,280 euros per individual;

2) in the case of damage, environmental damage is calculated in the amount of 16–510 euros per specimen.

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

(5) In the event of illegal destruction, injury to the point of incapacity, or illegal removal from the permanent habitat of an individual of a protected species of category II:

64-960 euros per individual or 3.20-13 euros per gram of the individual's weight is considered environmental damage;

2) in case of damage, environmental damage is calculated in the amount of 6–320 euros per individual or 1.30–6.40 euros per gram of the individual's weight.

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

(6) In case of illegal destruction, injury to the point of incapacity or illegal removal from the permanent habitat of an individual of category III protected species, environmental damage is calculated in the amount of 32–640 euros per individual or 1.30–6.40 euros per gram of the individual's weight;

2) in case of damage, the environmental damage is calculated in the amount of 6–64 euros per specimen or 0.64–3.20 euros per gram of the mass of the specimen.

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

(7) The permanent habitat of an individual of a species:

1) in case of destruction, environmental damage is calculated in the amount of 128–9,600 euros;

2) in the event of damage, environmental damage is calculated in the amount of 32–3,200 euros.

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

(8) When destroying an individual object of protected nature:

1) 320–3200 euros is considered environmental damage;

2) in the event of damage, environmental damage is calculated in the amount of 192–1600 euros.

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

(9) For transactions and operations with specimens of the species specified in Annexes A-D of EU Council Regulation No. 338/97, for violation of the rules established by the said regulation and based on it, environmental damage is calculated in the amount of 13-127,820 euros, depending on the degree of endangerment of the species and the market value of the specimen.

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

(10) Of a species that is not under protection, with the exception of illegal actions performed on a game specimen - destruction, injury to the point of incapacity, removal from the wild, intentional disturbance, intentional destruction of nests and eggs, disposal of nests or specimens and their clearly recognizable body parts or products made from them environmental damage of 32–320 euros per individual is calculated for the transactions made.

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

1

(10) The damage caused to the environment by releasing alien species into the wild is estimated at 12.80–6,400 euros per specimen of alien species.

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

(11) Compensation for damage caused to a natural object is used for the purpose and procedure provided by law.

Chapter 12 FINAL PROVISIONS

§ 78. – § 90. [Omitted from this text.]

§ 91. Implementation of the Act

(1) Protection regulations and protection procedures established for the protection of protected areas and individual objects of nature established before the entry into force of this Act shall remain in force until the protection regulations established on the basis of this Act enter into force or until the protection is declared invalid, but no longer than May 1, 2023.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(2) The temporary restrictions established on the basis of § 5 (14) of the Protected Natural Objects Act are valid until the area is taken under protection or the restrictions are invalidated, but no longer than May 1, 2007.

(3) Until the approval of the protection rules provided by this Act for a protected area or an individual object of protected nature, the minister responsible for the area gives the authority to manage the protected area or an individual object of protected nature to the Environment Agency.

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

(4) In a protected area established before the entry into force of this Act, the activities provided for in subsection 2 of § 31 of this Act are permitted with the consent of the governor, unless the protection order provides otherwise.

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

(5) The conservation management plan for a species approved before the entry into force of this Act is valid until the date specified in it and is equated with the action plan specified in § 49 of this Act.

(6) The Government of the Republic approves the list of Natura 2000 network sites submitted to the European Commission by order. Natura 2000 network areas are determined in accordance with the requirements of Article 4, paragraphs 1 and 2 of Directive 2009/147/EC of the European Parliament and of the Council and Article 4, paragraph 1 of Council Directive 92/43/EEC.

[RT I, 05.04.2016, 2 - enters into force. 15.04.2016]

(7) The procedure for the establishment of a protective regulation initiated before the entry into force of this Act shall be completed in accordance with the law in force at the time of initiation, but no later than May 1, 2007. For the purposes of this subsection, publication of a notice in accordance with § 5 subsection 11 of the Protected Natural Objects Act in the official publication *Ametlikud Teadaanded*, as well as asking for the opinion of the county government, local government, land owner or affected person on the draft of the protection regulations, is considered to be an initiation.

(8) The ban on the use of fertilizer provided for in Clause 7 of Clause 2 of § 31 of this Act shall apply to protected areas, the protection rules of which have been established after the entry into force of this subsection.

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

(9) [Repealed - RT I, 05.04.2013, 2 - entered into force. 15.04.2013]

(10) Proceedings for the exchange of immovable property, for which a decision to exchange has not been made for the entry into force of this paragraph, shall be carried out to the end as a procedure for the acquisition of immovable property in accordance with § 20 of this Act, whereas the submitted applications for the exchange of immovable property shall be considered as proposals for the acquisition of immovable property.

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

(11) The procedure for taking protected natural objects under protection initiated before the entry into force of this provision shall be deemed to have been initiated within the meaning of § 8 subsection 6 of this Act:

1) in the case of protected areas, conservation areas and individual objects of nature, the publication of a notice in the official publication "*Ametlikud Teadaanded*";

2) in the case of permanent residences, from the initiation directive or from the first letter delivered to the party to the proceedings.
[RT I 2008, 34, 211 - entry into force. 01.08.2008]

1 of this Act shall be valid until the end of the term

(12) Bird and bat marking permits issued before the entry into force of § 58 indicated on them, but not longer than December 31, 2010.
[RT I 2008, 34, 211 - entry into force. 01.08.2008]

1

(12) Permits issued before July 1, 2014 for keeping mink and raccoon under artificial conditions are valid until June 30, 2019.
[RT I, 29.06.2014, 1 - enters into force. 01.07.2014]

(13) Unless the conservation order provides otherwise, in the case of conservation regulations established before January 1, 2009, the size of the clear-cut forest in the restricted zone of the protected area or permanent habitat is up to two hectares and the width is up to 30 meters, and the size of the forest forest forest is up to five hectares.
[RT I 2009, 53, 359 - entry into force. 21.11.2009]

(14) The procedures for real estate set-off, during which a set-off application has been submitted before the entry into force of this subsection, shall be carried out to the end on the basis and in the manner previously in force.
[RT I, 05.04.2013, 2 - enters into force. 15.04.2013]

(15) Prior to the entry into force of this subsection, applications made for the acquisition of such immovable property, which was acquired after it was taken under protection and whose transfer transaction contained information about the protected natural object and which does not comply with the exceptions specified in clauses 1-4 of § 20 subsection 1 1

of this Act, entered in the order of receipt the application procedures are completed in the order of their receipt after the acquisition of the immovable property by the state, which was acquired before being taken under protection or which correspond to the exceptions specified in clauses 1-4 of § 20 subsection 1 of this Act

[RT I, 05.04.2013, 2 - in force. 15.04.2013]

(16) If the procedure for issuing an administrative act has been suspended on the basis of § 8 (6) of this Act before May 1, 2013, the procedure for issuing an administrative act is considered suspended until a decision is made to place the natural object under protection or to refuse it, but for no longer than 28 months from 2013 from May 1.
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(17) The requirements valid from May 1, 2013 apply to the procedures for taking under protection initiated before May 1, 2013.
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(18) In pending protection procedures initiated on the basis of § 9 (1) of this Act, the public display of which has taken place more than two years before May 1, 2013, or if the circumstances have changed during the proceedings, a new public display shall be organized pursuant to § 9 in accordance with the procedure provided in subsections 7–9. The operator of the protection procedure shall publish a notice of the public exhibition with the information in accordance with § 9 (4) of this Act on the website of the Environmental Board, in the official publication Ametlikud Teadaanded and in at least one newspaper with national circulation and a local newspaper.
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

(19) In the national park specified in clause 26 (2) point 6 of this Act, the boundaries and protection regime of the Puhatu, Agusalu, Muraka and Selisoo nature reserves, the Kurtna, Smolnitsa, Jõuga, Struuga and Mäetagus landscape protection areas, the conservation area of the upper reaches of the Narva River and the Iisaku park forest are valid until the national park protection rules come into force. , but not longer than January 1, 2021.
[RT I, 14.11.2018, 4 - enters into force. 24.11.2018]

(20) During a special situation, if it is justified by the actual need and the usual sending options are not practical or cannot be used, the notice, document or decision specified in §§ 9, 11 2 , 24 and 58 1 of this Act may be delivered to the person by simple letter .
[RT I, 06.05.2020, 1 - enters into force. 07.05.2020]

(21) Activity permits issued before July 1, 2021 for keeping mink and raccoon under artificial conditions are valid until December 31, 2025.
[RT I, 16.06.2021, 1 - enters into force. 01.07.2021]

(22) In the decisions and protection regulations for the protection of natural objects, it is stated in the normative technical note that the map can be consulted in the environmental register. After the entry into force of this paragraph, maps of protected natural objects can be viewed on the environmental portal.
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

1

EC Council Directive 92/43/EEC on the protection of natural habitats and natural flora and fauna (OJ L 206, 22.07.1992, pp. 7–50); Directive 2009/147/EC of the European Parliament and the Council on the protection of wild birds (OJ L 20, 26.01.2010, pp. 7–25); EC Council Directive 90/313/EEC on access to environmental information (OJ L 158, 23.06.1990, pp. 56–58).
[RT I, 18.04.2013, 1 - enters into force. 01.05.2013]

Appendix Conditions for selective and security logging in the restricted zone of the protected natural object and beach and shore
[RT I, 06.07.2017, 1 - entered into force. 01.09.2017]