

## Chapter 1

### General Provisions

#### Scope of application of Act

##### Forest Act

Passed 9 December 1998

(RT\* I 1998, 113/114, 1872),

entered into force 9 January 1999, amended by the following Acts:

14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750

16.06.99 entered into force 23.06.99 - RT I 1999, 54, 583.

#### § 1. Scope of application of Act

1. This Act regulates the management of forest as a renewable natural resource to ensure human environment which satisfies the population and the resources necessary for economic activity without unduly damaging the natural environment.
2. This Act provides the legal bases for forest survey, forest management planning and forest management, regulates the directing of forestry and organisation of forest management.

### Forest

#### § 2. Forest

Forest means a site of woody vegetation with an area of at least 0.5 ha, which meets at least one of the following requirements:

1. trees with the height of at least 1.3 m and with the canopy density of at least 30 per cent grow there;
2. it is managed for obtaining timber or other forest produce, or woody vegetation is maintained there for the use in the ways specified in this Act.

### Application of Act

#### § 3. Application of Act

1. This Act applies to land and the flora and fauna thereof if the land is entered in the cadastral register as forest land or meets the requirements of at least one of the clauses of § 2 of this Act.
2. By a decision of the council of a local government, §§ 10-24, 27-34 and 55-56 of this Act may also be applied to plots of land which meet the requirements specified in clause 2 1) but are smaller than 0.5 ha.
3. This Act does not apply to:

1. parks, green areas, berry gardens, orchards, forest nurseries, arboreta, railway, highway and field shelterbelts and protective belts with a width of up to 20 m, plantations of trees and shrubs and protective belts of water conduits;
2. plots of land where the design criteria or a detailed plan provides other type of land use than forest management;
3. privately owned land which is not entered in the cadastral register as forest land and where the average age of woody vegetation does not exceed twenty years.

### **State forest**

#### **§ 4. State forest**

1. In order to ensure the stable state of the environment and multiple uses of forest, the area of state owned forest shall be at least 20 per cent of the area of the mainland of the Republic of Estonia.
2. The area of state forest in every county shall be determined by the Government of the Republic on the basis of a forestry development plan.

## **Chapter 2**

### **Forest Survey and Management Planning**

#### **Forest survey and management planning**

##### **§ 5. Forest survey and management planning**

1. Forest survey and management planning is carried out to receive data on the condition of forest and the volume of growing stock, prepare forest management plans or advise forest owners, assess the suitability of the ways and methods of forest management and the operation of legislation related to forestry.
2. Forest survey and management planning shall consist of the following procedures:
  1. forest inventory;
  2. preparation of forest management plans or forest management recommendations;
  3. assessment of forest management.
3. All forests to which this Act applies according to subsection 3 (1) are subject to forest survey and management planning.
4. Forest survey and management planning shall be carried out in accordance with the forest survey and management planning guidelines.
5. The forest survey and management planning guidelines shall be established by a regulation of the Minister of the Environment. The forest survey and management planning guidelines provide:
  1. the object of forest survey and management planning;
  2. the requirements for forest mapping;

3. the methods of forest inventory;
  4. the planning of ways and methods of forest management;
  5. the methods of calculating the prescribed cut;
  6. the procedure for the assessment of forest management.
6. Forest survey and management planning shall be directed by the Forestry Board.
  7. The costs of forest survey and management planning shall be covered from the state budget, except in the case set out in clause 45 (1) 3) of this Act.

### **Forest inventory**

#### **§ 6. Forest inventory**

1. Forest inventory shall be made for at least one of the following purposes:
  1. the accounting of growing stock;
  2. the assessment of the condition of forest;
  3. the long-term planning of forestry;
  4. the assessment of the results of forest management and suitability of the ways of forest use;
  5. the collection of data for the preparation of forest management plans or forest management recommendations.
2. Forest inventory shall be made by:
  1. the generalisation of the results of specific surveys conducted on small areas on the state or county level (statistical selection method);
  2. the total area forest survey on the cadastral or management unit level.
  3. The purpose of inventory shall be approved by the Minister of the Environment.

### **Forest management plans and forest management recommendations**

#### **§ 7. Forest management plans and forest management recommendations**

1. For the management of state forest, a forest management plan shall be prepared for each forest district or other management unit.
2. For the consultation of the owners of forests which do not belong to the state, forest management recommendations shall be prepared for each registered immovable.
3. A forest management plan shall contain:
  1. the plan of forest land together with the description of the forest;
  2. the purpose of forest use and the division of the forest into forest categories arising on the basis thereof;

3. a list of the parts of protection and commercial forests which require reforestation or improvement, and the maximum amount of timber to be cut in the course of reforestation or improvement;
  4. a list of the parts of forests suitable for management as selection forests and the maximum amount of timber cut in such forests by selection cutting;
  5. recommendations for reforestation, regulation of water and nutrition regime of forest soil, forest protection and construction of forest roads;
  6. the parameters of the object of forest survey and management planning which must be achieved by forest management.
4. Forest management recommendations shall contain:
1. the plan of forest land together with the description of the forest;
  2. the restrictions on forest management arising from legislation or planning, purposes of use and forest categories corresponding thereto, ways of forest use and the methods of forest management which promote them;
  3. the purposes and ways of use of commercial forests arising from the will of the owner and the methods of forest management which promote them;
  4. a list of such parts of forests where cutting is expedient for the purpose of reforestation or forest improvement, the methods and volumes of afforestation of land and reforestation, the measures for the maintenance of biological diversity;
  5. the parameters of the forest which must be achieved by forest management.
5. Forest management plans and forest management recommendations shall be prepared at least once every ten years.
6. The owner of a private forest has the right to participate in the preparation of forest management recommendations and has the obligation to make proposals arising from his or her will to the person who prepares the recommendations.

### **Assessment of forest management**

#### **§ 8. Assessment of forest management**

1. Forest management shall be assessed:
  1. with regard to the compliance with the requirements of legislation in reforestation, tending and use of forest, and forest protection;
  2. with regard to the compliance of forest management plans and forest management recommendations with the requirements of legislation.
2. The assessment of forest management shall be used for the specification of legislation and national forest policy, the preparation of a long-term forestry development plan and implementation of supplementary environmental measures, the assessment of forest management plans and forest management recommendations.

### **Chapter 3**

## **Forest Management**

### **Forest management**

#### **§ 9. Forest management**

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

### **Reforestation**

#### **§ 10. Reforestation**

1. Reforestation is used in protection and commercial forests. In protected forests man shall not interfere with the natural regeneration of forest.
2. Reforestation means sowing of forest seed, forest planting, fostering of natural regeneration by soil scarification or using other methods which promote the generation and development of young growth to the extent which ensures the fulfilment of the requirements specified in subsection (3) of this section.
3. A clear cut area or a part of a perished forest is deemed to be reforested if more than 1 200 specimens of the principal tree species with a height of at least 0.8 m and of evenly distribution on the total area grow there per hectare.
4. For the purposes of this Act, the principal tree species mean the tree species which most conform to the ways of forest use in the given site conditions.
5. For reforestation, soil shall be scarified so that the scarification does not hinder the further forest management or cause erosion, deflation, paludification or deterioration of the site in any other manner.
6. For reforestation, passages and gaps may be cut into a young growth with a height of up to 8 m.
7. In reforestation and cultivation of nursery stock, forest seed which conforms to at least one of the following requirements shall be used:
  1. the suitability of its hereditary properties has been tested;
  2. it originates from trees the site and external features of which suggest that the progeny of trees will be valuable and suitable for the site to be reforested.
8. The marketing of forest seed of unknown origin and nursery stock cultivated therefrom is prohibited.
9. Twenty to seventy pines, white birches, ashes or oaks per one hectare shall be left on clearcuts as the seed trees. Seed trees are the trees which have attained the seed-bearing age, have a relatively well-shaped stem, a narrow and short crown and grow. The minimum number of seed trees is not applied if, in the cutting area:
  1. there are no seed trees with corresponding features;
  2. there is a viable natural regeneration;
  3. there is a potential for natural regeneration from the parts of forest surrounding the cutting area.
10. Importation of forest seed and nursery stock into Estonia is permitted only from the regions which are close to Estonia in terms of climate and soil and have economically valuable forest.
11. Estonia shall be divided into forest seed regions.

12. A regulation of the Minister of the Environment shall approve:

1. the requirements for forest seed and nursery stock marketed or used in state forests, and the procedure for the certification thereof;
2. the division of Estonia into forest seed regions, the conditions for the use of forest seed gathered from one forest seed region, and of nursery stock cultivated therefrom, in other forest seed regions;
3. the geographical regions from which the importation of forest seed and nursery stock is permitted;
4. the list of alien tree species the cultivation of which as forest trees is permitted.

### **Obligation of reforestation**

#### **§ 11. Obligation of reforestation**

1. The owner of a forest is required to reforest all clear cut areas and perished parts of protection and commercial forests with an area of more than 1 ha within three years after the cutting or perishing thereof.
2. If an area specified in subsection (1) of this section has not regenerated within seven years after the cutting or perishing, the Forestry Board shall organise its reforestation at the owner's expense.
3. The Forestry Board may extend the term prescribed in subsection (2) of this section in the following circumstances:
  1. due to the specific site conditions, regeneration is not possible within seven years;
  2. the reasons for the perishing of the forest which are independent of the owner of the forest have not been eliminated.
  3. The Minister of the Environment shall establish the procedure for the submission of applications for the extension of the terms for reforestation and the processing thereof.
  4. The obligation of reforestation of a clear cut area which has not been reforested or of a perished forest shall transfer to the new owner upon transfer of a registered movable.

### **Regeneration cutting**

#### **§ 12. Regeneration cutting**

1. Regeneration cutting is permitted for reforestation.
2. Regeneration cutting is permitted in forest stands of any age which due to low volume increment, poor state of health, low crop density, unsuitable composition or poor hereditary properties do not conform to the purpose of use.
3. Regeneration cutting due to the poor state of health or poor hereditary properties of the forest is permitted on the basis of an expert analysis by the Forestry Board or its regional office if it is impossible to improve the condition of the forest by other forest management measures. The procedure for the ordering and conduct of expert analysis shall be provided by the forest protection rules.

4. Regeneration cutting due to an unsuitable composition of the forest is permitted in weedtree stands on the condition that the areas which are cut will regenerate or be reforested with economically more valuable tree species.
5. Regeneration cutting due to low volume increment and low crop density of the forest is permitted in a forest only in the cases provided for in this Act.
6. Regeneration cutting is divided into clear cutting and shelterwood cutting.

### **Clear cutting**

#### **§ 13. Clear cutting**

1. In the case of clear cutting, all trees are cut from the cutting area within one year after the beginning of the cutting, with the exception of:
  1. seed trees and undergrowth;
  2. old crop trees and trees which are necessary to ensure the biological diversity, or the preserved standing parts of such trees, with the total volume of stem wood of at least 5 solid cubic metres per hectare.
2. A new area by the side of a clear cut area may be cut clear after the regeneration of the previous clear cut area and after the minimum closing time has elapsed.
3. Upon natural regeneration or reforestation, the minimum closing time for pines and valuable broadleaved trees shall be four years, for spruces three years, in other cases two years. Cutting years shall not be included in the closing time.
4. Clear cutting of pine or valuable broadleaved tree stands which are younger than a hundred years, spruce stands which are younger than eighty years and birch stands which are younger than seventy years is prohibited, except if:
  1. they have reached the average breast height diameter established by a regulation of the Minister of the Environment on the basis of the site conditions;
  2. the cutting is carried out pursuant to the procedure provided by forest protection rules on the basis of an expert analysis conducted by the Forestry Board or its regional office in accordance with subsection 12 (3) of this Act;
  3. their crop density is lower than established by a regulation of the Minister of the Environment due to reasons independent of the owner.

### **Shelterwood cutting**

#### **§ 14. Shelterwood cutting**

1. Shelterwood cutting is divided into uniform shelterwood cutting, group selection cutting and shelterwood strip cutting.
2. In the case of uniform shelterwood cutting, the forest subject to reforestation shall be cut by dispersed single trees in several cutting stages within a period of ten to twenty years.
3. In the case of group selection cutting, the forest subject to reforestation shall be cut by groups in several cutting stages within a period of twenty to forty years.

4. In the case of shelterwood strip cutting, the forest subject to reforestation shall be cut by clear cutting from the edges, from other places by dispersed single trees or by gaps in several cutting stages within a period of twenty to forty years. Clear cutting is prohibited in an area which is wider than half of the average height of the forest. A new area by the side of a clearcut area may be cut clear after the regeneration of the previous clear cut area.

A new shelterwood cutting by the side of a shelterwood cutting area may commence after its regeneration.

## **Tending of forest**

### **§ 15. Tending of forest**

1. For the tending of forest, improvement cutting, selection cutting and regulation of the water and nutrition regime of forest soil are permitted.
2. Improvement cutting is divided into cleaning, thinning and sanitary cutting.

## **Cleaning**

### **§ 16. Cleaning**

1. Cleaning of a stand is permitted for the improvement of the daylight and nutrition conditions of the principal tree species and shaping of the composition of the forest.
2. Cleaning is permitted in forests the average breast height diameter of which is less than 6 cm.

## **Thinning**

### **§ 17. Thinning**

1. Thinning is permitted for the raising of the value of a forest by the regulation of forest density and composition, and for enabling the use of the timber of dead trees which will fall out in the immediate future.
2. Thinning is permitted in forests the average breast height diameter of which is at least 6 cm, and the crop density and basal area of which exceeds the permitted minimum limit.
3. The permitted minimum limits of the basal area and the crop density specified in subsection (2) of this section shall be established by a regulation of the Minister of the Environment on the basis of the age, tree species, site type, quality class and way of use of the forest.

## **Sanitary cutting**

### **§ 18. Sanitary cutting**

1. Sanitary cutting is permitted for the removal of trees which are a source of infection or promote the reproduction of pests from a forest, and in order to use the timber of dying or dead trees which are not a source of danger, if it does not endanger the biological diversity.
2. Sanitary cutting is permitted in forests of any age if the trees subject to sanitary cutting cannot be removed by any other cutting permitted in this Act.

3. The Forestry Board or its regional office or the owner of a neighbouring immovable may, on the basis of an expert analysis related to forest protection, require that trees which are a source of infection or promote the reproduction of pests be removed from a forest. The Forestry Board may subsidise the specified cutting or establish favourable conditions for the cutting if the dangerous situation has arisen due to reasons independent of the owner of the forest.

### **Selection cutting**

#### **§ 19. Selection cutting**

1. Selection cutting is permitted in mixed stands of uneven age, pure pine stands and pure spruce stands of uneven age, multistorey stands and grey alder stands managed as selection forests.
2. For the purposes of this Act, management as selection forest means the continuous regeneration or replacement of cut or dead trees with new ones.
3. Up to 20 per cent of the volume of live trees may be cut by the first selection cutting on the condition that the density of upper crop is not less than 0.6.
4. Upon repeated selection cutting, the volume of the stand shall not be less than it was after the first selection cutting, except if it is caused by the cutting of dead trees.
5. Improvement cutting and regeneration cutting is prohibited in forests managed as selection forests.

### **Permitted types of cutting**

#### **§ 20. Permitted types of cutting**

Only the types of cutting specified in §§ 12-14, 16-19 and 34 of this Act are permitted.

### **Regulation of water and nutrition regime of forest soil**

#### **§ 21. Regulation of water and nutrition regime of forest soil**

1. Regulation of water and nutrition regime of forest soil shall be carried out in compliance with the environmental protection requirements.
2. The Land Improvement Act (RT I 1994, 34, 534) provides the conditions for the construction of the land improvement system of forests, the procedure for the approval of land improvement projects and issue of building permits of land improvement systems.
3. The fertilisation of forests with direct effective mineral fertilisers is prohibited, except the fertilisation of forest nurseries.

### **Forest protection**

#### **§ 22. Forest protection**

1. Forest protection rules shall be established by a regulation of the Minister of the Environment to prevent deterioration of the state of health of forests and the fire risk. Forest protection rules provide:
  1. the forest protection requirements in reforestation, tending and use of forests;

2. the methods and procedure for the cleaning of cutting areas;
  3. the bases for the ordering of regeneration cutting in forests due to poor state of health or poor hereditary properties;
  4. a list of permitted hormone and bacterial preparations and toxic chemical agents and the procedure for the use thereof;
  5. the measures which allow to keep undried and unbarked coniferous wood in forests within the period from 1 May to 31 August;
  6. the procedure and conditions for the ordering and conduct of expert analyses related to forest protection.
2. The precepts and decisions of environmental supervision agencies which are based on legislation and the precepts of environmental inspectors of such agencies on prevention and decrease of forest damage and fire risk or liquidation of the consequences thereof are mandatory to the owner of a forest and the person who causes the risk, irrespective of the fact whether the activity which causes the risk is performed on the forest land or outside the forest land.
  3. If forest management is in conflict with the requirements of clauses 24 (2) 3) and 4) of this Act, an environmental supervision agency has the right to suspend or terminate the forest management activity by its decision.
  4. Hormone and bacterial preparations and toxic chemical agents shall be used for forest protection, except in forest nurseries, only if the use thereof is unavoidable according to an expert analysis related to forest protection.
  5. The undried and unbarked coniferous wood cut from 1 September to 31 March shall be transported out of forests by 1 May. The undried and unbarked coniferous wood cut from 1 April to 31 August shall not be kept in forests for more than one month.
  6. The requirement specified in subsection (5) of this section does not apply if the owner of the timber has applied the measures for the protection of timber prescribed by the forest protection rules.
  7. The Forestry Board is entitled to order the establishment of real encumbrance on an immovable for the benefit of the state, which consists in the application of forest fire protection measures. Upon ordering the establishment of real encumbrance, the Forestry Board shall proceed from the scope of the forest fire protection measures determined by legislation.

### **Forest notification**

#### **§ 23. Forest notification**

1. The owner of a forest is required to submit a forest notification to the regional office of the Forestry Board which contains information on:
  1. the types of cutting planned pursuant to §§ 13-14, 16-19 and 34 of this Act, reforestation works, construction and renewal of forest draining systems and forest roads, and measures to fulfil nature and heritage conservation requirements (including the maintenance of key biotopes) in the course of this work;
  2. forest damages.
2. The information specified in clause (1) 1) of this section shall be submitted to the regional office of the Forestry Board at least two weeks before commencing work, and the information specified in clause 2) of this Act immediately after the owner becomes or should have become aware of the forest damage. A forest notification is deemed to be submitted as of the date of its registration in the regional office of the Forestry Board, or the date of posting on the postage frank.

3. The owner of forest who is a natural person shall not submit a forest notification:
  1. with regard to windfallen wood, windbreakage and snowbreakage cut in his or her forest;
  2. with regard to 1 solid cubic metre of other timber cut per every hectare of forest land per year if the total volume does not exceed 50 solid cubic metres per year.
4. Within two weeks as of the receipt of a notification, the regional office of the Forestry Board shall:
  1. prohibit the planned activity if it is contrary to legislation;
  2. draw the attention of the person submitting the report to the fact that the planned activity does not comply with a forest management plan or forest management recommendations;
  3. make a proposal to the person submitting the notification to bring the planned activity into conformity with legislation, the forest management plan or forest management recommendations and to submit a new notification.
5. The person submitting a forest notification has the right to commence works planned in the forest notification if the regional office of the Forestry Board has not prohibited the activity planned in the notification within two weeks after the submission of the notification.
6. The Minister of the Environment shall establish the form and procedure for submission and review of forest notifications.

## **Chapter 4**

### **Forest Use**

#### **Rights and obligations of owner in forest management**

##### **§ 24. Rights and obligations of owner in forest management**

1. The owner of a forest has the right to suspend or prohibit the use of his or her forest, rides, roads and other constructions for the purpose of fire protection, the protection of the ecosystem of the forest or the protection of the rides, roads and other constructions, if the meteorological conditions do not allow to use the forest or the specified constructions without damaging or endangering the forest or the constructions.
2. The owner of a forest is required to:
  1. ensure the conditions for the regeneration of the forest, and reforestation;
  2. monitor the condition of the forest, protect the forest against the deterioration of site conditions, pests, diseases, littering or fires;
  3. manage and permit his or her forest to be managed only in such a way which does not endanger the forest as an ecosystem or damage the gene pool, forest soil or water regime, the conditions for forest regeneration and reforestation, does not allow wind damages, the spread of fungus diseases or pests and is in accordance with the principles of the sustainable use of forest;
  4. in the gathering of forest by-products, apply and permit the application of only such gathering methods which do not damage the productivity of such by-products as berries, mushrooms and herbs;

5. submit statistical returns pursuant to the Official Statistics Act ( RT I 1997, 51, 822), and forest notifications.
3. The requirements of clause (2) 3) of this section do not apply to forests which are used for national defence.

### **Regulation of forest use**

#### **§ 25. Regulation of forest use**

The regulation of forest use is based on the purposes of forest use, the forest category arising therefrom and ways of forest use in conformity therewith.

### **Purposes of forest use**

#### **§ 26. Purposes of forest use**

1. The purposes of forest use are:
  1. the maintenance of natural objects;
  2. the protection of the state of the environment;
  3. the receipt of economic income.
2. The owner of a forest shall determine the purpose of forest use if the purpose is not determined by legislation or a plan established pursuant to the Planning and Building Act (RT I 1995, 59, 1006; 1996, 36, 738; 49, 953).
3. If legislation does not restrict the extent of forest use, the use of forest shall simultaneously ensure the satisfaction of ecological, economic, cultural and social needs.
4. The purpose of forest use shall be fixed in a forest management plan or forest management recommendations.

### **Forest categories and ways of forest use**

#### **§ 27. Forest categories and ways of forest use**

1. Forest categories are:
  1. protected forest;
  2. protection forest;
  3. commercial forest.
2. The ways of forest use are:
  1. maintenance of protected natural objects (nature conservation);
  2. protection of a landscape or landscape variety, soil or water (environmental protection);
  3. protection of people against the pollution spreading from industrial production sites and transport facilities, and against the harmful effects of weather (sanitary protection);

4. creation of opportunities for people for resting, health improvement and sports activities (recreation);
  5. gathering of tree seeds, forest berries, mushrooms, herbs and ornamental plants and parts thereof, moss, lichen, nuts, hay, branches, ornamental trees, bark and tree roots, resin and birch sap, the location of beehives and grazing of animals (use of by-products);
  6. research and education;
  7. obtaining of timber;
  8. hunting;
  9. national defence.
3. The forest category and way of forest use shall be fixed in a forest management plan or forest management recommendations which shall constitute the basis for planning and recommendation of forest management activities by forest survey and management planning officials.

### **Protected forest**

#### **§ 28. Protected forest**

1. Forests which are designated for the maintenance of natural objects shall be categorised as protected forests:
  1. in strict nature reserves of protected areas;
  2. in special management zones of protected areas where the economic activities are prohibited by the protection rules of the protected area (hereinafter the protection rules of a protected area) established pursuant to the Protected Natural Objects Act (RT I 1994, 46, 773; 1998, 36/37, 555) and in areas equal thereto.
2. The permitted ways of forest use in protected forests are:
  1. nature conservation;
  2. environmental protection;
  3. research and education;
  4. other ways of forest use specified in § 27 of this Act if such ways are permitted by the protection rules of the protected area.
3. The restrictions on the management of protected forests arise from the Protected Natural Objects Act and the protection rules of protected areas.

### **Protection forest**

#### **§ 29. Protection forest**

1. Forests which are designated for the protection of the state of the environment shall be categorised as protection forests. Protection forests are situated:
  1. in special management zones of protected areas where the economic activities are permitted by the protection rules of the protected area, and in the limited management zone of protected areas;

2. on shores and banks;
  3. near springs and in areas with pressured ground-water;
  4. in infiltration areas;
  5. at drinking water intakes;
  6. in areas sensitive to erosion and wind damage;
  7. on alvars;
  8. on objects protected under heritage conservation;
  9. in other areas determined by a plan.
2. The permitted ways of forest use in protection forests are:
    1. nature conservation;
    2. environmental protection;
    3. sanitary protection;
    4. research and education;
    5. other ways of forest use specified in § 27 of this Act if such ways are not contrary to the plan established pursuant to the Planning and Building Act or prohibited by legislation.
  3. In the management of protected forests:
    1. the width of a clearcut shall not exceed 30 m and the area shall not exceed 2 ha;
    2. the area of a shelterwood cutting area shall not exceed 10 ha.

## **Commercial forest**

### **§ 30. Commercial forest**

1. Forests which are not designated as protected or protection forests are commercial forests.
2. All the ways of forest use specified in § 27 of this Act are permitted in commercial forests.
3. The owner of a forest shall choose the way of forest use in a commercial forest.
4. A commercial forest shall be used for nature conservation if the owner of the forest so wishes.
5. In the management of commercial forests:
  1. the width of a clearcut in coniferous or valuable broadleaved tree stands, regardless of the way of regeneration, and in such weedtree stands where the clear cut areas will be reforested by sowing or planting coniferous or broadleaved trees are, shall not exceed 100 m and the area shall not exceed 5 ha;
  2. the width of a clearcut in weedtree stands which are subject to natural regeneration, or where the clear cut areas shall be reforested by sowing or planting weedtrees shall not exceed 150 m and the area shall not exceed 7 ha;
  3. the area of a shelterwood cutting area shall not exceed 10 ha.

## **Key biotope**

### **§ 31. Key biotope**

1. For the purposes of this Act, a key biotope is an area which needs protection in a commercial forest and where the probability of the occurrence of endangered, vulnerable or rare species is great; such areas include the vicinity of small bodies of water and springs, small marshes, burnt woodlands and bog islands, species-rich forest glades, overgrown former gardens, forest skirts, terraces and parts of virgin forests.
2. In the course of forest management, the key elements which are the prerequisites for the formation of a key biotope such as old trees, shrubs, stone fences and springs shall be maintained.
3. The Minister of the Environment shall approve the classifications of key biotopes and the guidelines for the selection of key biotopes.
4. The protection of a key biotope in a forest which belongs to a person in private law or a local government shall be performed on the basis of a contract entered into between the Forestry Board and the owner of the forest. In a state forest, the manager of state forest shall organise the protection of a key biotope in accordance with the precept of the Forestry Board.
5. The contract shall specify the obligations of the owner of a forest in protecting a key biotope and the obligations of the state in fostering the protection of the key biotope, and obligations upon compensation for damage or payment of additional costs caused by the maintenance of biological diversity and by the restrictions on forest use arising from the contract.

## **Restrictions on right to use forest**

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

1. In forests owned by persons in public law and in private forests which are not fenced or marked, the following restrictions shall apply to the user of a forest of another person:
  1. it is permitted to stay in the forest, to gather berries, mushrooms, nuts, ornamental branches, herbs and ornamental plants or parts thereof without unduly harming the interests of the owner of the forest or disturbing the ecosystem, game and protected animals during their breeding season, without disturbing other persons who are in the forest or without leaving permanent traces, and provided that the fire safety requirements and the requirements of the owner of the forest or the manager of state forest are adhered to;
  2. camping and making a campfire is permitted only at designated places or with the permission of the owner of the forest or the manager of state forest;
  3. it is permitted to be in a forest with dogs if the dogs are on the lead, with the exception of service dogs who are performing their service functions or hunting-dogs while hunting.
2. If the owner of a forest has incurred expenses for increasing the productivity of forest berries, mushrooms, nuts, ornamental branches, herbs and ornamental plants or parts thereof, or if the income received from other uses of forest has decreased due to the measures for increasing productivity, he or she has the right to charge a fee for the gathering of forest berries, mushrooms, nuts, ornamental branches, herbs and ornamental plants or parts thereof.
3. In order to prevent a natural disaster in the case of an especially high fire risk, the executive body of a local government has the right to prohibit:
  1. the use of forest for obtaining timber, use of by-products, hunting, research and education, and recreation;
  2. the staying in the forest of another person.

4. Forests shall be used for national defence:
  1. for permanent training in state forests or for training which causes forest damage, with the permission of the Government of the Republic;
  2. in other cases, with the permission of the owner of the forest or the manager of state forest.
5. Within the period prescribed for exercising the right of pre-emption, thinning, sanitary cutting, selection cutting, clear cutting and shelterwood cutting shall be prohibited.

**Obligation to prove legality of right to cut standing crop and delivery and transportation of timber, transactions performed with right to cut standing crop or with timber, and transportation of timber**

**§ 33. Obligation to prove legality of right to cut standing crop and delivery and transportation of timber, transactions performed with right to cut standing crop or with timber, and transportation of timber**

1. A person who transfers the right to cut standing crop or delivers timber shall prove the legality of the right to cut standing crop or the legality of the possession of timber to the person who obtains the right or receives timber, and the latter shall verify it if:
  1. the right to cut standing crop or timber is transferred;
  2. the timber is transferred for processing, storage or transportation.
2. Upon the transfer of a standing crop for cutting, the transferor shall prove to the transferee the legality of the possession of the right to cut standing crop and the transferee shall verify it.
3. The documents which certify the legality of the right to cut standing crop and the legality of the possession of timber are:
  1. an extract from the land register;
  2. an extract from the cadastral register in the case of a state forest;
  3. a transfer deed for the right to cut standing crop;
  4. a transfer deed for timber, or a legal instrument of delivery and receipt of timber;
  5. an identification of the person who transfers the right to cut or delivers timber and the person who transfers a standing crop for cutting, or a copy of the registry card of the commercial register.
4. For the purposes of this Act, a transaction performed with the right to cut standing crop or with timber means the transfer of the right to cut standing crop or transfer of timber, and transfer of timber for processing or storage.
5. Upon transportation of timber, the transporter of timber shall have a conveyance document certifying the volume and ownership of timber issued by the owner of timber.
6. The Minister of the Environment shall establish the rules for the transactions performed with the right to cut standing crop or with timber, the rules for the transportation of timber and the legal instrument of delivery and receipt of timber, and the form of the conveyance document.
7. Within two weeks after the sale of the cutting right or timber, the owner of the forest is required to notify, in accordance with the form established by the Minister of the Environment, the regional office of the Forestry Board of the location of the forest of:

1. the name of the buyer of the cutting right or timber;
  2. the scope of the sold cutting right;
  3. the volume of timber sold.
8. For the purposes of this Act, timber means a cut tree and the timber assortment produced thereof. The definition of timber does not include the by-products of forest.

## **Deforestation**

### **§ 34. Deforestation**

1. For the purposes of this Act, deforestation means the cutting which is done in order to allow the use of land for purposes other than the tending of forest.
2. Deforestation may be performed by an order of the executive body of a local government if a person authorised by the Minister of the Environment has previously granted his or her consent thereto.

## **Chapter 5**

### **Directing of Forestry**

#### **Forestry development plan**

##### **§ 35. Forestry development plan**

1. Forestry shall be directed through forestry development plans prepared at the state level.
2. A forestry development plan shall integrate the issues of forest management, timber industry, timber trade, environmental protection and socio-economic issues, determine forestry programmes which need state financing and delimit state forest.
3. Forestry development plans shall be prepared at least every ten years. The Ministry of the Environment shall organise the preparation of a development plan and the preparation costs shall be covered from the state budget.
4. The Government of the Republic shall submit a development plan as an essential national issue to the Riigikogu for approval.
5. Appropriate non-governmental organisations shall be involved in the preparation of a forestry development plan.

### **Duties of state in forestry**

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

1. The duties of the state in forestry shall be:
  1. development of forest policy and legislation;
  2. administration of state forest;

3. management of state forest;
  4. ensuring the good state of forest;
  5. support to private forestry;
  6. forest survey and management planning and accounting of forest;
  7. state supervision;
  8. organisation of basic education in forestry and forest science;
  9. directing of hunting.
2. Appropriate non-governmental organisations shall be involved in the development of forest policy and legislation.

### **County forestry council**

#### **§ 37. County forestry council**

1. County forestry councils shall be formed with the purpose of co-ordinating the forest management activities in the counties.
2. The duties of a county forestry council shall be:
  1. to organise the exchange of information on forest management and protection of natural objects;
  2. to propose amendments to legislation which regulate forest management and protection of natural objects;
  3. to make proposals to combine the activity plans of appropriate government and self-governing agencies and non-governmental organisations.
3. The county governor shall form a county forestry council, determine the number of its members and appoint a chairman. A county forestry council shall comprise:
  1. representatives of the structural units of the county government engaged in environmental protection and land issues;
  2. representatives of the regional office of the Forestry Board situated in the county;
  3. representatives of the government agencies which exercise state supervision;
  4. representatives of the associations of owners of land;
  5. representatives of other appropriate non-governmental organisations;
  6. representatives of the associations of local governments.
4. The Forestry Board shall organise the clerical support to county forestry councils.

### **Ensuring good state of forest**

#### **§ 38. Ensuring good state of forest**

1. To ensure the good state of forest, the state shall:

1. control the quality of forest seeds used upon reforestation, and nursery stock marketed or used in a state forest;
  2. monitor the situation of fire protection and apply measures to prevent and extinguish extensive and especially dangerous fires;
  3. monitor and forecast the condition of forest, apply measures to avoid or decrease extensive and especially dangerous forest damage;
  4. apply measures to maintain biological diversity;
  5. monitor the sustainable management of forest.
2. The state shall apply the measures specified in subsection (1) of this section for ensuring the good state of forest through the Forestry Board.

### **State accounting of forest resource and information related to forestry**

#### **§ 39. State accounting of forest resource and information related to forestry**

1. The state shall maintain a state register on the area, growing stock, location and state of forests on the basis of the information obtained from an inventory made in accordance with § 6 of this Act.
2. The accounting of forest resources with regard to productive and nonproductive forests shall be separate in the state register.
3. Productive forest means a forest the annual timber production capacity of which is at least 1 solid cubic metre of stem wood per 1 ha as an average of a longer period. Nonproductive forest means a forest the annual timber production capacity of which is less than 1 solid cubic metre of stem wood per 1 ha as an average of a longer period.
4. The Government of the Republic shall establish the state register for the accounting of forest resource and approve the statutes of the register.
5. The Forestry Board shall organise the collection, processing and dissemination of information related to forestry.

### **Support to private forestry**

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

1. Private forestry shall be supported by:
  1. preparation of forest management recommendations;
  2. consultation;
  3. promotion of joint activity.
2. The state may support private forestry on the basis of a forestry development plan also by land improvement operations, construction of roads and afforestation of wasteland.
3. The activities listed in subsection (1) of this section shall be financed from the state budget.
4. The costs for the founding of a foundation which supports the development of private forestry and the costs for participation in the activities thereof shall be covered from the state budget.

## Chapter 6

### Organisation of Forest Management

#### Organisation of forest management

#### § 41. Organisation of forest management

Reforestation, tending of forest, use of forest and forest protection shall be organised by:

1. the owner of the forest in a forest which belongs to a person in private law, to local government or to other legal person in public law, except the state;
2. a person who has obtained the right of use of land on the land granted by law for perpetual use pursuant to the Estonian SSR Farm Act (ENSV Teataja 1989, 39, 611; RT I 1993, 72/73, 1021; 1994, 30, 465; 66, 1159) and on other legal basis equal thereto and who, for the purposes of this Act, is deemed equal to the owner of forest;
3. an administrator of state assets within the meaning of the State Assets Act in a state forest, except the state forest administered by the Ministry of the Environment;
4. the State Forest Management Centre (hereinafter Centre) established by this Act in a state forest administered by the Ministry of the Environment, or a manager of the protected area in a protected forest of a protected area.

#### Right to use state forest

#### § 42. Right to use state forest

1. A person or state agency who organises the management of a state forest (hereinafter manager of state forest) has the right to use the state forest. The Government of the Republic shall determine the volume of timber permitted to cut from state forests by regeneration cutting, selection cutting or thinning for each manager of state forest on the basis of forest management plans.
2. The manager of a state forest shall use the state forest by himself or herself, or transfer the rights of use specified in subsection (3) of this section without charge or for a charge.
3. The manager of a state forest may transfer the right to use the state forest for recreation, use of by-products, hunting, research and education and national defence without charge or for a charge, taking into account the provisions of subsections 32 (1) and (2) of this Act.
4. The manager of a state forest may transfer the right to cut standing crop only by sale pursuant to the procedure provided for in this Act.
5. The right to cut standing crop means the right to cut trees to the extent, at the place, time and on the conditions prescribed by a contract of purchase and sale, to produce timber assortments of these trees and to take the assortments obtained out of the forest. The right to cut standing crop shall be accompanied by the right to use the land pursuant to the content of the cutting right.
6. The manager of a state forest shall use the cutting right necessary for the tending of forest and reforestation in compliance with the requirements of this Act by himself or herself, or shall transfer

the possession thereof pursuant to clause 24 (1) 6) of the State Assets Act (RT I 1995, 22, 327; 1996, 36, 738; 40, 773; 48, 942; 81, 1446; 1997, 45, 724; 1998, 30, 409; 1999, 16, 271).

### **Sale of right to cut standing crop and sale of timber in state forests**

#### **§ 43. Sale of right to cut standing crop and sale of timber in state forests**

1. The sale of the right to cut standing crop or of timber in a state forest shall take place:
  1. by a public auction;
  2. by tender with preliminary negotiations;
  3. at negotiated price.
2. The administrator of state assets shall appoint the organiser of the sale of the right to cut standing crop or of timber.
3. The Government of the Republic shall establish the procedure for the sale of the right to cut standing crop or of timber. The specified procedure shall determine:
  1. the methods for the determination of the base price of the right to cut standing crop or of timber;
  2. the rules of procedure for the sale of the right to cut standing crop or of timber;
  3. the procedure for the settlement of protests;
  4. the supervision of sale;
  5. the choice of the type of sale.
4. A negotiated price may be applied in the case of small quantities, firewood, rapidly perishable timber, trial consignments and long-term contracts.
5. The selling price of the right to cut standing crop or of timber by public auction or tender with preliminary negotiations shall not be lower than the base price determined in accordance with clause (3) 1) of this section.
6. A negotiated price of the right to cut standing crop or of timber shall not be lower than the usual value of the standing crop or timber.

### **Permitted commercial activities in management of state forests**

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

1. In the management of state forests, the administrator of state assets may permit the following commercial activities:
  1. sale of the right to use forest;
  2. sale of timber and other forest produce;
  3. processing of forest produce and sale of the products of processing;
  4. sale of services.

2. An administrator of state assets shall establish the list of services specified in clause (1) 4) of this section.

### **Mandatory works upon management of state forest**

#### **§ 45. Mandatory works upon management of state forest**

1. The manager of a state forest is required to:
  1. perform all work which is necessary for a widest possible use of state forest for the purposes of nature conservation, environmental and sanitary protection, for obtaining timber and for recreation;
  2. perform all the duties imposed on the owner of forest by this Act and by legislation based on this Act;
  3. order state forest management plans and finance the preparation thereof.
2. The Government of the Republic may assign special duties to the manager of a state forest, the performance of which shall be covered from the state budget.
3. The manager of a state forest shall be responsible for the maintenance and lawful use of the state forest, timber obtained from the state forest and property left at the disposal of the manager.

#### **§ 46. Financing of reforestation, tending of forest, use and protection of state forests**

#### **§ 46. Financing of reforestation, tending of forest, use and protection of state forests**

An administrator of state assets, to whom state forest as a state asset has been transferred for administration, shall organise the financing of reforestation, tending of forest, use and protection of state forests, with the exception of state forests managed by the Centre.

### **Centre**

#### **§ 47. Centre**

1. The Centre is a profit-making state agency whose permitted scope of economic activities, forest management obligations and organisation of activities are provided for in this Act.
2. The Centre shall receive an income from its economic activities which ensures:
  1. the preparation of state forest management plans;
  2. the reforestation, tending of forest, protection, use and transfer for use of state forests in compliance with the requirements of law;
  3. transfers to the state budget revenue in the amounts provided by law;
  4. transfers to the Environmental Fund in the amounts provided by law;
  5. the sale of standing crop or timber to timber industries to the extent which ensures the balanced income of state budget revenue from this branch of economy;
  6. if necessary, the application of mechanisms which stabilise the timber market;
  7. the performance of public functions imposed on state forests.

3. The Government of the Republic shall approve the statutes of the Centre on the proposal of the Minister of the Environment.

### **Organisation of activities of Centre**

#### **§ 48. Organisation of activities of Centre**

1. The highest directing body of the Centre shall be the council which organises the strategic management of the Centre.
2. The Centre shall have a director general who represents the Centre without special authorisation, organises the operational management and accounting of the Centre.
3. The chairman of the council shall enter into an employment contract with the director general of the Centre for up to five years on the basis of a decision of the council of the Centre. The director general or a person authorised by the director general shall enter into employment contracts with the employees of the Centre.
4. The director general of the Centre shall report on his or her activities to the council, the Minister of the Environment and a person authorised by the Minister of the Environment.
5. The director general of the Centre or a person authorised by him or her shall enter into contracts on the right to use state forest, contracts on the transfer of the right to cut standing crop or of timber and shall monitor the performance of these contracts.
6. The director general of the Centre or a person authorised by him or her has the right to represent the state without special authorisation in courts and arbitral tribunals in disputes relating to the activities of the Centre.
7. The requirements for legal persons established by the Accounting Act (RT I 1994, 48, 790; 1995, 26-28, 355; 92, 1604; 1996, 40, 773; 42, 811; 49, 953; 1998, 59, 941) apply in organisation of the accounting of the Centre.

### **Council of Centre**

#### **§ 49. Council of Centre**

1. The council shall be formed for a term of three years.
2. The council shall be comprised of nine members. The Government of the Republic shall approve the composition of the council. The council shall comprise:
  1. two members appointed by a resolution of the Riigikogu;
  2. two representatives of the Ministry of the Environment;
  3. one representative of the Ministry of Economic Affairs;
  4. one representative of the Ministry of Finance;
  5. three experts on the proposal of the Minister of the Environment.
3. A member of the council may resign before the end of the term with a good reason and he or she shall be replaced by a new member.
4. The Riigikogu shall appoint the members of the council of the Centre by a resolution on the proposal of the standing Environmental Committee of the Riigikogu. The authority of a member of the

council appointed by the Riigikogu shall terminate upon the termination of the authority of the person as a member of the Riigikogu. The Riigikogu, Minister of the Environment, Minister of Economic Affairs and Minister of Finance may withdraw a member appointed by them before the termination of the authority if:

1. he or she has failed to perform his or her duties to a material extent;
  2. he or she is not able to participate in the work of the council;
  3. his or her service relationship has terminated.
5. The members of the council shall elect a chairman from among themselves who shall organise the activities of the council, and a deputy chairman who shall perform the duties of the chairman during the chairman's absence.
6. The competence of the council shall include:
1. the approval of the objectives of the economic activities of the Centre and monitoring the observance thereof;
  2. the appointment to and release from office of a director general of the Centre, and approval of his or her job description;
  3. the approval of the draft budget of the Centre and the report on the implementation of the annual budget, and submission thereof to the Minister of the Environment;
  4. the election of an auditor, review of auditing results and submission thereof to the Minister of the Environment;
  5. the approval of the salary scale and salary rates of the employees of the Centre;
  6. the grant of approval to the taking of loans.
7. Meetings of the council shall be held when necessary but not less frequently than once every three months. The meeting of the council shall be called by the chairman of the council or, during the absence of the chairman, by the deputy chairman.
8. The council shall have a quorum if at least half of the members participate in the meeting, including the chairman or, during his or her absence, the deputy chairman.
9. The meeting of the council shall also be called if a member of the council, the director general of the Centre, the auditor or the Minister of the Environment so requests.
10. The decisions of the council shall be recorded in the minutes. The chairman and the secretary shall sign the minutes. The dissenting opinion recorded in the minutes shall be confirmed by the signature of the member of the council.
11. A decision of the council shall be adopted if over one-half of the members of the council who participate in the meeting vote in favour of the decision.
12. Each member of the council shall have one vote. Members of the council do not have the right to abstain from voting or to remain undecided.
13. Members of the council shall be solidarily liable for any damage wrongfully caused to the Centre by violation of the requirements of law or by failure to perform their duties. A member of the council shall be relieved from liability if he or she maintained a dissenting opinion in the adoption of the resolution which was the basis for the illegal activity, and the dissenting opinion has been recorded in the minutes. The limitation period for a claim against a member of the council shall be five years from the commencement of the violation or from the occurrence of the violation.

14. The members of the council shall be remunerated pursuant to the procedure established by the Government of the Republic.

### **Use of revenue received from state forest managed by Centre**

#### **§ 50. Use of revenue received from state forest managed by Centre**

1. The revenue which is received from a state forest managed by the Centre by the management thereof (hereinafter revenue from forests) shall be the income from:
  1. the sale of the right to cut standing crop;
  2. the sale of timber and other forest produce;
  3. the sale of services;
  4. the use and transfer of state assets which are at the disposal of the Centre;
  5. from the fulfilment of the terms and conditions of a contract entered into between the Centre and the user of a state forest.
2. 26 per cent of the charge for the sale of the right to cut standing crop sold for regeneration cutting and the income from the sale of timber received from regeneration cutting by the Centre shall be transferred to the state budget.  
  
(16.06.99 entered into force 23.06.99 - RT I 1999, 54, 583)
3. The revenue from forests not specified in subsection (2) of this section shall remain at the disposal of the Centre and shall be used for reforestation, tending of forest, use of forest and forest protection, and for the organisation of these activities.

### **Budget and financing of Centre**

#### **§ 51. Budget and financing of Centre**

1. The Government of the Republic shall, on the proposal of the Minister of the Environment, approve the budget of the Centre on the basis of the revenue from forests provided for in the State Budget Act, the part of the revenue from forests which is retained for the management of state forests, and the residual revenue from forests of the previous accounting year.
2. The expenditure of the Centre shall be covered:
  1. from the revenue from forests pursuant to subsection 50 (3) of this Act;
  2. from the state budget for the performance of the duties assigned by the Government of the Republic;
  3. from local budgets for the performance of the duties agreed with the local governments;
  4. from subsidies and donations;
  5. from loans taken on the basis of a decision of the council of the Centre.
3. The amount of a loan shall not exceed 10 per cent of the annual budget expenditure.
4. The Centre shall be liable to pay value added tax.

## **Property in possession of Centre**

### **§ 52. Property in possession of Centre**

1. The property in the possession of the Centre shall be formed from the property granted for use by the state and the property created or procured as a result of the activities of the Centre, with the exception of standing crop.
2. The Centre shall use the property in its possession for the management of state forests and for generating income.
3. If the movable property in the possession of the Centre is not necessary for the management of state forests and for generating income, the Centre may:
  1. grant the property for use without charge to another state agency if the property is necessary for the exercise of state authority;
  2. grant the property for use for a charge by public auction or tender with preliminary negotiations;
  3. transfer the property without charge to another state agency if the property is necessary for exercising state authority;
  4. transfer the property for a charge by public auction or tender with preliminary negotiations.
4. The Government of the Republic shall establish the procedure for the grant of use, transfer and delivery of property.
5. The use, grant of use, and transfer of state assets in the possession of the Centre in the cases not specified in this section shall be performed pursuant to the procedure provided for in the State Assets Act and legislation established on the basis thereof.
6. The director general of the Centre or a person authorised by him or her shall enter into contracts on the grant of use, transfer and delivery of property in the possession of the Centre and shall monitor the performance thereof.

### **Exceptions for disposal of income received from use, grant of use and transfer of property in possession of Centre**

#### **§ 53. Exceptions for disposal of income received from use, grant of use and transfer of property in possession of Centre**

The provisions of subsections 16 (4), 17 (2) and 24 (2) of the State Assets Act do not apply to the revenue received from the use, grant of use and transfer of property in the possession of the Centre.

### **Supervision and monitoring of management of state forests**

#### **§ 54. Supervision and monitoring of management of state forests**

1. The State Audit Office shall monitor the activities of the Centre. The State Audit Office has the right to propose to the Riigikogu, the Minister of the Environment, Minister of Economic Affairs and Minister of Finance to remove a member or members of the council on the basis of the results of the monitoring pursuant to subsection 49 (4) of this Act.

2. The Forestry Board together with its regional offices and the State Audit Office shall monitor the performance of the duties of the owner of forest by managers of state forest. The Forestry Board and its regional offices shall exercise the supervision to the extent and pursuant to the procedure established by the Minister of the Environment.

## **Chapter 7**

### **State Supervision and Liability for Violation of this Act and Legislation Based on this Act**

#### **State supervision of reforestation, tending of forest, forest use and forest protection**

##### **§ 55. State supervision of reforestation, tending of forest, forest use and forest protection**

The environmental supervision agencies shall exercise state supervision over the legality of reforestation, tending of forest, use of forest and forest protection pursuant to the procedure provided for in the Environmental Supervision Act ( RT I 1997, 86, 1460).

#### **Liability for violation of this Act and legislation based on this Act**

##### **§ 56. Liability for violation of this Act and legislation based on this Act**

1. For the violation of this Act or legislation based on this Act, and pursuant to the procedure provided by law, the following liability applies:
  1. to natural persons - administrative, civil or criminal liability;
  2. to legal persons - administrative or civil liability.
2. The Government of the Republic shall establish the rates for the calculation of damage caused to the environment by the violation of the provisions of forestry law.
3. Damage to the environment is caused by the violation of the provisions of forestry law:
  1. if forest is cut without the right to cut or in a place where cutting is prohibited, or in a manner prohibited by this Act;
  2. if trees, shrubs, forest plantation or natural regeneration are destroyed or damaged by mechanical damaging thereof or impairing of the site conditions;
  3. if soil is damaged;
  4. by causing forest fire;
  5. by littering forests;
  6. if the cutting areas or timber landings are left uncleared.
4. The Forestry Board, the regional office of the Forestry Board and the Environmental Inspectorate are authorised, within their competence, to file civil actions for the compensation for damage caused to the state and the environment by the violation of this Act and legislation based on this Act, and to represent the state in an action in court.

**Administrative liability of legal persons for violation of requirements for reforestation, tending and use of forest, and forest protection**

**§ 56.1. Administrative liability of legal persons for violation of requirements for reforestation, tending and use of forest, and forest protection**

Violation of the requirements for reforestation, tending and use of forest and for forest protection is punishable by a fine of up to 50 000 kroons.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

**Administrative liability of legal persons for illegal cutting or damaging of trees and shrubs in any other manner, and for damaging of forest management constructions**

**§ 56.2. Administrative liability of legal persons for illegal cutting or damaging of trees and shrubs in any other manner, and for damaging of forest management constructions**

The illegal cutting or damaging of trees and shrubs in any other manner, and the destruction or damaging of forest plantation, natural regeneration, forest management constructions or markers is punishable by a fine of up to 50 000 kroons.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

**Administrative liability of legal persons for violation of requirements for transactions performed with right to cut standing crop or with timber, and of requirements for transportation of timber**

**§ 56.3. Administrative liability of legal persons for violation of requirements for transactions performed with right to cut standing crop or with timber, and of requirements for transportation of timber**

1. Violation of the requirements for transactions performed with the right to cut standing crop or with timber, and of the requirements for transportation of timber is punishable by a fine of up to 50 000 kroons.
2. Permission to use a motor vehicle which is in the possession of a legal person for the transportation of timber without a conveyance document or for the transportation of stolen timber is punishable by a fine of up to 30 000 kroons.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

**Proceedings of matters concerning administrative offences of legal persons**

**§ 56.4. Proceedings of matters concerning administrative offences of legal persons**

Proceedings of matters concerning administrative offences of legal persons shall be conducted pursuant to the procedure prescribed in the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496), taking account of the exceptions provided for in this Act.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

**Preparation of administrative offence reports on legal persons**

### **§ 56.5. Preparation of administrative offence reports on legal persons**

1. Environmental inspectors and police officers have the right to prepare reports of administrative offences specified in §§ 561 and 562 of this Act on legal persons.
2. An administrative offence report provided for in subsection (1) of this section shall set out:
  1. the date and place of preparation of the report and the name and address of the supervisory agency in whose name the report is prepared;
  2. the official title, given name and surname of the person who prepares the report;
  3. the name and address of the legal person who is the administrative offender and the position, given name and surname of the competent representative of the legal person;
  4. the place, time and description of the administrative offence and the extent of material damage caused thereby;
  5. a reference to the provision of law which is violated;
  6. a reference to the provision of law which prescribes liability;
  7. materials which prove the commission of the administrative offence such as statements by witnesses, results of expert assessments or analyses, and other materials necessary for the adjudication of the matter;
  8. a notation that the rights and duties of the administrative offender have been explained to him or her;
  9. other information necessary for the adjudication of the matter concerning administrative offence.
3. The person who prepares the report and the competent representative of the offender shall sign the report. If the representative of the administrative offender refuses to sign the report or provide explanations, the person who prepares the report shall make a corresponding entry in the report. If the representative of the administrative offender so requires, his or her notations concerning the report shall be annexed to the report.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

### **Hearing of matters concerning administrative offences of legal persons**

#### **§ 56.6. Hearing of matters concerning administrative offences of legal persons**

Administrative court judges have the right to hear matters concerning administrative offences of legal persons and impose punishments in such matters.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

### **Liability of natural persons in matters concerning administrative offences of legal persons**

#### **§ 56.7. Liability of natural persons in matters concerning administrative offences of legal persons**

If a natural person, acting on behalf of or in the interests of a legal person, commits an act specified in this Act, punishment for the violation may be applied simultaneously to the natural person and to the legal person.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

## **Limitation period for imposition of administrative punishment on legal persons**

### **§ 56.8. Limitation period for imposition of administrative punishment on legal persons**

Administrative punishment may be imposed on a legal person within six months after the date of detection of the administrative offence, but not later than one year after the date of commission of the offence.

(14.10.99 entered into force 14.11.99 - RT I 1999, 82, 750)

## **Chapter 8**

### **Final Provisions**

#### **Management of forest subject to privatisation**

##### **§ 57. Management of forest subject to privatisation**

1. The Minister of the Environment or an agency designated by him or her shall organise the management of forests subject to privatisation until the transfer thereof.
2. Areas which belonged to the state until 23 July 1940 and are now covered with forest shall not be subject to privatisation.

#### **Entry into force of Act**

##### **§ 58. Entry into force of Act**

Legislation concerning reforestation, tending of forest, use of forest, forest protection and the use of standing crop or timber shall be brought into conformity with this Act within three months. Until then, they are valid in so far as they are not contrary to this Act.

#### **Repeal of earlier legislation**

##### **§ 59. Repeal of earlier legislation**

The following are repealed:

1. the Forest Act (RT I 1993, 69, 990; 1995, 53, 845; 57, 977; 1996, 49, 953; 1997, 42, 677);
2. the Forest Foundations Act (RT I 1995, 57, 977; 1996, 6, 102; 1997, 86, 1463).

#### **Formation of Centre**

##### **§ 60. Formation of Centre**

1. The Centre shall be formed by the merger of the Forest Economics and Information Centre, forest districts administered by the Ministry of Environment, Sagadi Training Centre, Rāpina Forestry

School, Marana Forest Nursery and Kullenga Forest Nursery, as the legal successor thereof as at 1 January 1999.

2. The Minister of the Environment shall organise the transfer of the property, liabilities and operations of state agencies specified in subsection (1) of this section to the Centre, and termination of their activities, and transfer of the funds of the Forest Foundation which are on the special account of the Forestry Board to the Centre.
3. The Centre shall bring its activities into accordance with the requirements of this Act within three months after the entry into force of this Act.
4. Until the first meeting of the council of the Centre, the Minister of the Environment shall organise the activities of the Centre or designate a person to do so, prepare and call the first meeting of the council of the Centre and approve all the documents necessary for the activities of the Centre.