

Hunting Act

Passed 24 April 2002

(RT¹ I 2002, 41, 252),

entered into force 1 March 2003,

amended by the following Acts:

22.01.2003 entered into force 01.03.2003 - RT I 2003, 13, 70;

19.06.2002 entered into force 01.03.2003 - RT I 2002, 63, 387.

Chapter 1

General Provisions

§ 1. Scope of application and purpose of Act

(1) This Act provides the nature of the right to hunt, regulates the use of hunting grounds, wild game resources and products of hunting, and establishes the organisation of hunting and measures for the protection of wild game.

(2) The purpose of this Act is to ensure the preservation of wild game resources as renewable resources for as large a number of persons as possible.

§ 2. Application of Act

(1) The requirements of this Act apply to hunting within the boundaries of protected natural objects, unless otherwise provided by law or rules for the protection of the protected natural object.

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 3. Right to hunt

(1) The right to hunt is the right of a land owner to establish conditions for the organisation of hunting, to hunt and to prohibit hunting on the land belonging to the land owner to the extent and pursuant to the procedure provided by law.

(2) A land owner who holds a hunting certificate may hunt, except for hunting big game, on the land owner's registered immovable provided that the area of the immovable within a circular boundary exceeds 20 hectares. The right to hunt extends to the spouse or child of the land owner provided that the spouse or child holds a hunting certificate.

§ 4. Hunting grounds survey and management planning

(1) Hunting grounds survey and management planning is carried out to obtain information on the condition and volume of wild game resources and the quality of the hunting grounds, to prepare a hunting grounds management plan, to advise users of the hunting grounds, and to assess the use of the hunting grounds, the suitability of the methods of preservation of wild game and the operation of legislation related to hunting.

(2) In the course of hunting grounds survey and management planning:

1) proposals for the creation of hunting districts or, if necessary, for the making of changes to the boundaries of existing hunting districts shall be made;

2) the quality of hunting grounds within hunting districts shall be assessed according to the quality category of habitats of big game and other wild game that cause significant damage, and the minimum and maximum number of wild game permitted per 1000 ha area suitable for a particular species shall be determined by species;

- 3) the nature and volume of wild game protection and care activities in hunting districts and the location of possible hunting facilities shall be determined;
- 4) areas for testing hunting dogs shall be determined;
- 5) fees for the right to use hunting districts shall be calculated;
- 6) an assessment of the prior usage of hunting districts shall be given;
- 7) damage caused by game in hunting districts shall be assessed;
- 8) hunting district maps and boundary descriptions shall be prepared.

(3) All hunting grounds are subject to survey and management planning, by hunting district, in accordance with the hunting grounds survey and management planning guidelines at least once every ten years. The provisions of clauses (2) 2)-7) of this section shall be formalised as a hunting grounds management plan approved by the Minister of the Environment.

(4) If international obligations assumed by the state prescribe that the use and protection of wild game populations are to be organised according to an action plan, action plans for the use and protection of a population of a wild game species shall be taken into consideration in hunting grounds survey and management planning.

(5) The hunting grounds survey and management planning guidelines shall be established by a regulation of the Minister of the Environment.

(6) Hunting grounds survey and management planning shall be directed by the Ministry of the Environment.

(7) The costs of hunting grounds survey and management planning shall be covered from the state budget.

Chapter 2

Hunting Grounds

§ 5. Definition of hunting ground

(1) A hunting ground is an area which is suitable for wild game to live freely and which is used for hunting purposes.

(2) The following are not hunting grounds:

- 1) high density areas and recreation areas, as determined by county plans, where hunting activities cannot be carried out safely;
- 2) zones in protected areas where hunting is prohibited by law or protection rules.

§ 6. Division of hunting grounds

(1) Hunting grounds shall be divided into hunting districts.

(2) A hunting district is a hunting ground with an area of at least 5000 hectares within a circular boundary.

(3) Hunting districts shall be created and their areas and boundary descriptions shall be approved, in accordance with the hunting grounds management plan, by a regulation of the Minister of the Environment, taking into consideration the following:

- 1) the existence of essential habitats for big game;
- 2) the possibility of organising wild game protection and care activities with the best possible results;
- 3) identifiable natural boundaries;
- 4) the way in which the management of the hunting grounds has been planned up to that point.

(4) If the area of an island is too small for a hunting district of a size set out in this section to be created and if the island is not joined to another hunting district, a hunting district with an area less than that set out in subsection (2) of this section may be created.

(5) Those parts of the water area of the sea, Lake Peipus, Lake Lämmijärv, Lake Pskov, Lake Vörtsjärv and other water bodies not located entirely in one hunting district which are suitable for hunting activities shall be divided between hunting districts adjacent to the water area according to the principle of equal distance in the course of hunting grounds management planning.

§ 7. Right to use hunting district

(1) A user of a hunting district may, without the permission of the land owner, organise the counting of wild game on the land of the land owner and use the land in order to transport products of hunting out of the hunting district.

(2) In addition to the provisions of subsection (1) of this section, the user of a hunting district managed by the state shall:

- 1) organise hunting instruction and carry out observations of wild game populations;
- 2) develop and test wild game protection and care methods to reduce damage caused by game;
- 3) participate in the preparation of action plans for the use and protection of wild game species as specified in international agreements;
- 4) supplement wild game populations in accordance with the programmes approved by the Minister of the Environment;
- 5) permit the hunting facilities set up in the hunting district to be used for the training of hunters free of charge;
- 6) permit hunting for non-commercial purposes by hunters who do not have the right to use the hunting district.

(3) In order for the obligations specified in subsection (2) of this section to be performed, at least 9 per cent of hunting grounds shall be at the disposal of the state.

§ 8. Permit in proof of right to use hunting district

(1) The following shall be set out in a permit in proof of the right to use a hunting district:

- 1) the nature and volume of wild game protection and care activities in accordance with the hunting grounds management plan;
- 2) hunting quotas and hunting conditions for wild game based on the hunting grounds management plan and the estimated number of wild game;
- 3) the minimum and maximum permitted number of wild game based on the hunting grounds management plan;
- 4) restrictions arising from rules for the protection of a protected natural object;
- 5) obligations to avoid damage caused by game;
- 6) organisation of the observation and counting of wild game;
- 7) the procedure for the collection of scientific material from caught game and for the submission of game trophies for review.

(2) A permit in proof of the right to use a hunting district shall include a boundary description and a map of the hunting district, and the contracts entered into between the owner or possessor of the land and the person who was granted the right to use the hunting district (hereinafter user of hunting district) concerning the possibilities of using the land as a hunting ground and

concerning the hunting conditions. In the case of state land, such contracts shall not prescribe any fee for the grant of use of the land as a hunting ground.

§ 9. Grant of use of hunting grounds

(1) The use of hunting grounds shall be granted, by hunting district, by a permit in proof of the right to use a hunting district.

(2) The following have the right to obtain a permit in proof of the right to use a hunting district:

1) non-profit associations whose members are natural persons, and companies which have the organisation of hunting listed as an area of activity in their articles of association;

2) state agencies which have the organisation of hunting, the organisation of observation of wild game populations, the organisation of hunting instruction, and the implementation of good hunting practice, methods and modern experience in wild game protection and care listed as areas of activity in their statutes;

3) a person who owns land constituting at least three-quarters of the area of a hunting district.

§ 10. Application for permit in proof of right to use hunting district

(1) In order to obtain a permit in proof of the right to use a hunting district, the persons and state agencies specified in subsection 9 (2) of this Act shall submit a written application to the County Environmental Department of the location of the hunting district (hereinafter issuer of permits). An application shall contain the following:

1) the business name or name of the applicant, the registry code of the applicant if the applicant has one, the seat and contact details of the applicant or the name, personal identification code, address and contact details of the applicant;

2) the name of the hunting district applied for;

3) confirmation of the performance of the obligation to carry out wild game protection and care activities prescribed by the hunting grounds management plan for the hunting district applied for;

4) the number of natural persons who will be using the hunting district applied for;

5) the desired manner of delivery of the permit in proof of the right to use the hunting district, and the contact details necessary for delivery;

6) the date of submission of the application, and the signature of the applicant.

(2) The issuer of permits shall register an application for a permit in proof of the right to use a hunting district immediately after the receipt thereof.

(3) The issuer of permits shall verify that an application for a permit in proof of the right to use a hunting district meets the requirements within seven calendar days as of the receipt thereof.

(4) In the course of processing a correctly completed application, the issuer of permits shall verify that:

1) the applicant meets the requirements provided in subsection 9 (2) of this Act;

2) the information presented in the application is accurate.

(5) If an application for a permit in proof of the right to use a hunting district does not contain any deficiencies, the issuer of permits shall accept the application for processing and shall inform the applicant thereof by post or by electronic means within seven days as of the receipt of the application.

(6) A state fee shall be paid for the processing of an application for a permit in proof of the right to use a hunting district in accordance with the rate provided in the State Fees Act (RT I 1997, 80, 1344; 2001, 53, 310; 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 18, 97; 23, 131; 24, 135; 27, 151 and 153; 30, 178).

§ 11. Issue of permit in proof of right to use hunting district

- (1) A permit in proof of the right to use a hunting district shall be issued and permits shall be registered by the County Environmental Department of the location of the hunting district.
- (2) If a hunting district is located within the boundaries of more than one county, the issuer of permits in proof of the right of use shall be designated by a regulation of the Minister of the Environment upon the creation of the hunting district.
- (3) An issuer of permits shall issue a permit in proof of the right to use a hunting district or shall refuse to issue a permit within one month after the receipt of a correctly completed application. The applicant shall be notified of any decision to refuse to issue of a permit by post within seven days as of the decision being made.
- (4) If two or more applications are submitted for the right to use one and the same hunting district and if the applicants do not agree to their being granted joint right of use, the permit in proof of the right to use the hunting district shall be issued to the person who submitted their application earlier. If the applications are submitted at the same time, the person who will involve a greater number of natural persons holding hunting rights (hunters) in the use of the hunting district shall be preferred.

§ 12. Grounds for refusal to grant permit in proof of right to use hunting district

An issuer of permits shall refuse to grant a permit in proof of the right to use a hunting district if:

- 1) the applicant for the permit in proof of the right to use the hunting district has a punishment in force for violation of hunting legislation or the applicant does not meet the requirements provided in subsection 9 (2) of this Act;
- 2) the hunting district is already in use;
- 3) incorrect information has been submitted in the application for a permit in proof of the right to use the hunting district.

§ 13. Disclosure of application for and issue of permit in proof of right to use hunting district

- (1) An issuer of permits shall make public a correctly completed application for a permit in proof of the right to use a hunting district in the official publication *Ametlikud Teadaanded*² within one month as of the receipt of the application.
- (2) The following information shall be published in a notice specified in subsection (1) of this section:
 - 1) the name of the hunting district applied for and the name or business name of the applicant, the registry code of the applicant if the applicant has one, and the seat of the applicant;
 - 2) local governments included in the hunting district;
 - 3) the time at which and the place where the application can be consulted, and a reference to the opportunity to submit proposals and opinions;
 - 4) the number of hunters who will be involved in the use of the hunting district.
- (3) A permit in proof of the right to use a hunting district shall be made public in the official publication *Ametlikud Teadaanded* within fourteen days as of the issue of the permit.

§ 14. Validity of permit in proof of right to use hunting district

- (1) A permit in proof of the right to use a hunting district shall be issued for ten years.
- (2) A permit in proof of the right to use a hunting district shall be renewed for a further ten years provided that the user of the hunting district submits a written application to the issuer of the permit for the renewal of the permit not later than six months before the expiry of the permit.

(3) The standard format for permits in proof of the right to use a hunting district shall be established by a regulation of the Minister of the Environment.

§ 15. Suspension and restoration of validity of permit in proof of right to use hunting district

(1) The validity of a permit in proof of the right to use a hunting district shall be suspended by the issuer of the permit if the user of the hunting district:

- 1) fails to implement the measures prescribed by the hunting grounds management plan or to comply with the requirements of the permit in proof of the right to use the hunting district;
- 2) fails to pay the fee for the right to use the hunting district on time.

(2) A decision to suspend the validity of a permit in proof of the right to use a hunting district shall be communicated to the user of the hunting district against a signature or sent by post with advice of delivery.

(3) A decision specified in subsection (2) of this section shall set out:

- 1) the name of the agency in whose name the decision is made;
- 2) the given name, surname and official title of the person making the decision;
- 3) the date on and, where necessary, the time at which the decision is made;
- 4) the name of the natural person or the name or business name of the legal person with regard to whom the decision is made;
- 5) the factual and legal basis for the decision;
- 6) the content of the decision, indicating clearly and unambiguously the obligations and prohibitions arising from the decision;
- 7) an explanation of the possible consequences in the event of failure to comply with the decision;
- 8) the procedure and term for contesting the decision;
- 9) the signature of the person who makes the decision.

(4) Within three months as of the suspension of the validity of a permit in proof of the right to use a hunting district, the issuer of the permit shall make a decision concerning the restoration of validity or the revocation of the permit.

§ 16. Expiry or revocation of permit in proof of right to use hunting district

(1) The validity of a permit in proof of the right to use a hunting district terminates:

- 1) when the term indicated on the permit expires;
- 2) if the non-profit association or company to which the permit was issued is liquidated, if the non-profit association or company gives notice of its intention to relinquish the right to use the hunting district, or if the articles of association of the non-profit association or the statutes of the company are amended such that the organisation of hunting is no longer set out;
- 3) if the state agency is liquidated or reorganised and its statutes are amended such that the functions provided for in clause 9 (2) 2) of this Act are no longer set out;
- 4) if the natural person dies or gives notice of his or her intention to relinquish the right to use the hunting district.

(2) A permit in proof of the right to use a hunting district shall be revoked:

- 1) within three months as of suspension of the validity of the permit if the user of the hunting district fails to eliminate the circumstances which constituted the grounds for suspension;

- 2) within three months as of suspension of the validity of the permit if the user of the hunting district fails to pay the fee for the right to use the hunting district or to submit to the issuer of the permit a schedule of payments approved by the issuer of the permit, in cases where the validity of the permit was suspended due to failure to pay the fee for the right to use the hunting district;
- 3) if the user of the hunting district has more than one punishment in force for violation of the requirements of this Act or legislation issued on the basis thereof;
- 4) if false information was knowingly submitted upon application for the permit.

§ 17. Relationship between user of hunting district and owner of land

(1) A land owner or the authorised representative thereof may set up hunting facilities on a registered immovable within the boundaries of a hunting district only with the permission of the user of the hunting district. Such permission is not required for setting up facilities for repelling or directing game.

(2) The user of a hunting district is required to:

- 1) avoid any damage to the property of the land owner and to notify the land owner immediately of any damage caused in the course of hunting;
- 2) allow the land owner, if the land owner exercises hunting rights, to use hunting facilities set up on the registered immovable of the land owner.

§ 18. Hunting facilities

(1) For the purposes of this Act, hunting facilities are taken to be buildings, firing ranges, field firing ranges, areas for testing hunting dogs, forage fields, facilities for repelling and directing game and other facilities intended to improve the living conditions of wild game which are necessary for wild game protection and care activities or hunting and which are prescribed by the hunting grounds management plan.

(2) The user of a hunting district has the right to set up other hunting facilities not described in the hunting grounds management plan provided that such facilities are environmentally safe.

(3) In the course of their activities, land owners or the authorised representatives thereof are required to ensure that hunting facilities on their land are preserved.

Chapter 3

Wild Game Resources

§ 19. Wild game

(1) Wild game are animals which are habitually hunted, which are not protected under nature conservation and the hunting of which is not contrary to good hunting practice.

(2) Big game shall be separately distinguished among wild game. The list of wild game shall be established by a regulation of the Minister of the Environment.

§ 20. Records of wild game resources

(1) The user of a hunting district is required to count the wild game within the boundaries of the hunting district during the terms and to the extent determined by the permit in proof of the right to use the hunting district.

(2) Data on the hunting of wild game shall be submitted annually as follows:

- 1) the user of a hunting district shall submit information to the issuer of the permit;
- 2) the owner of an immovable who exercises the right to hunt by hunting shall submit information to the County Environmental Department of the location of the registered immovable.

(3) The methods of counting wild game, the required hunting data and the procedure, reporting period and terms for the submission thereof shall be approved by a regulation of the Minister of the Environment.

(4) Data regarding the counting of wild game shall be compiled, the conformity of the data to the requirements of legislation and the methodology of counting wild game shall be verified and the data shall be forwarded to the environmental register by the County Environmental Departments.

(5) Additional protection and care activities and hunting quotas shall be determined on the basis of the counting and hunting data regarding wild game.

§ 21. Permitted number of wild game

(1) The user of a hunting district is required to keep the numbers of wild game in the hunting district within the permitted limits.

(2) The size of areas with suitable habitats for species of wild game, by species, and the bases for calculation of the maximum and minimum permitted numbers of wild game shall be established by a regulation of the Minister of the Environment.

(3) The maximum permitted number of wild game is the number of wild game which, if exceeded, may result in significant damage caused by game.

(4) The minimum permitted number of wild game is the number of wild game which, if not reached, will endanger the preservation of the population of the species of wild game.

(5) The provisions of this section do not apply to game birds.

§ 22. Damage caused by game

For the purposes of this Act, damage caused by game is the causing of damage to farm animals, agricultural crops and standing crop, the causing of floods and the spreading of diseases which endanger domestic animals and humans by wild game.

§ 23. Prevention of damage caused by game

(1) The following measures shall be applied in order to prevent damage caused by game:

1) protection and care activities not specified in the hunting grounds management plan;

2) hunting outside the hunting season;

3) destruction of structures built by wild game;

4) increasing the hunting quotas for wild game prescribed by the permit in proof of the right to use the hunting district;

5) reducing the numbers of wild game which spread disease.

(2) The volume of additional protection and care activities arising from the numbers or location of wild game, such as the creation of supplementary feeding points or the moving of hunting facilities to another location, shall be determined by the issuer of the permit in proof of the right to use the hunting district when damage caused by game becomes evident. Additional protection and care activities to the extent specified in the permit constitute an integral part of a permit in proof of the right to use a hunting district.

(3) A County Environmental Department shall:

1) where damage caused by game is evident, organise hunting outside the hunting season and organise the use of wild game resources to an extent in excess of the quota prescribed by a permit in proof of the right to use a hunting district;

2) organise a reduction in the numbers of wild game which spread diseases endangering humans and domestic animals.

(4) The user of a hunting district shall destroy beaver dams within the term and in the manner specified by the County Environmental Department if the dams result in damage caused by game.

(5) Any game animals that show obvious signs of rabies may be killed without a permit. A veterinary supervision office shall be notified of a killed game animal immediately and written notice shall be given to the office within twenty-four hours.

§ 24. Rectification of damage caused by game

(1) At the request of the land owner or the authorised representative thereof, the user of a hunting district is required to rectify any damage caused by game if:

1) the number of wild game exceeds the maximum permitted number as a result of the user's actions or failure to act;

2) the user has failed to carry out protection and care activities to the extent specified in the permit in proof of the right to use the hunting district;

3) the user has failed to perform the obligations to prevent damage caused by game as specified in the permit in proof of the right to use the hunting district.

(2) If the land owner or the authorised representative thereof and the user of a hunting district so agree, any damage caused by game shall be rectified by way of a payment of money or in another manner.

§ 25. Taking game animals from the wild and keeping them in artificial environment

(1) Game animals may be taken from the wild:

1) in order to treat an injury or illness or to raise a young animal that has been abandoned;

2) in order to establish or add to an animal collection for scientific, educational or commercial purposes;

3) in order to increase the local population;

4) in order to establish or add to animal farms for commercial purposes.

(2) The taking of game animals into an artificial environment shall be approved by the Veterinary and Food Board.

(3) In the cases specified in clause (1) 1) of this section, a game animal may be taken from the wild without authorisation by a person performing official functions. If the manner of taking game animals from the wild differs from permitted hunting methods, permission therefor shall be given by the Minister of the Environment.

(4) Game animals may be taken from the wild for the purposes specified in clauses (1) 3) and 4) of this section provided that the place where the animals are to be kept in an artificial environment is registered with the Ministry of the Environment.

(5) The procedure for the submission and review of applications for the registration of places where game animals are kept in an artificial environment and the procedure for registration thereof shall be established by a regulation of the Minister of the Environment.

(6) Registration of a place where game animals are kept in an artificial environment shall be refused if the escape of game animals into the wild or the spread of diseases cannot be prevented in the place or if the place does not meet the requirements of the Animal Protection Act (RT I 2001, 3, 4; 2002, 13, 78).

(7) A game animal that has been kept in an artificial environment may be returned to the wild if the animal was taken from the wild:

1) in order to treat an injury or illness or to raise a young animal that had been abandoned;

2) in order to increase the local population.

Chapter 4

Hunting

§ 26. Hunting

(1) Hunting is the tracking, pursuit, capture or killing of a wild animal.

(2) A person's presence in the wild with kill, a hunting weapon, a hunting dog or traps is considered equivalent to hunting.

(3) The following are not deemed to be hunting:

1) the tracking, pursuit, capture or killing of wild animals that have entered a city or a high density area;

2) the killing of a wild animal that has been injured in a traffic accident or any other accident;

3) a person's presence on hunting grounds with an unloaded hunting weapon in a rifle bag or a hunting dog on a leash;

4) acts performed by officials in the course of exercising environmental supervision.

(4) It is permitted to hunt big game in hunting districts with an area of at least 5000 hectares.

(5) The hunting of animals that belong to an alien species shall be decided by the Minister of the Environment.

§ 27. Hunting rules

(1) The Minister of the Environment shall establish the hunting rules by a regulation in order to organise hunting and ensure hunting safety.

(2) The following shall be set out in the hunting rules:

1) hunting seasons;

2) descriptions of hunting equipment;

3) the times and special requirements for the use of permitted hunting methods;

4) hunting safety requirements;

5) the times and conditions for hunting with hunting dogs;

6) issues relating to applications for shooting test certificates for big game, the taking of tests and the issue and registration of certificates;

7) other requirements for the organisation of hunting.

§ 28. Documents certifying hunting rights

The following are the documents which certify hunting rights:

1) a hunting certificate;

2) a hunting permit;

3) a list of persons participating in a hunt;

4) a shooting test certificate for big game;

5) a hunting dog's passport.

§ 29. Hunting certificate

(1) A hunting certificate is a document issued in the name of a person which grants the person hunting rights and certifies the natural person's ability to hunt independently and which the

person must have with him or her while hunting, except in the case specified in subsection 35 (1) of this Act.

(2) A hunting certificate shall be issued and records on hunting certificates shall be kept by the County Environmental Department of the residence of the applicant.

(3) A hunting certificate may be issued to a person who is at least 16 years of age, who has undergone training in the field of hunting and who has successfully passed a hunting theory examination and a shooting test. A state fee shall be paid for the issue of a hunting certificate according to the rates provided in the State Fees Act.

(4) A hunting certificate shall be issued for five years, except in the case specified in subsection (9) of this section.

(5) A hunting certificate shall not be issued to a person who has a punishment in force in the form of being deprived of hunting rights or who does not meet the requirements provided in subsection (3) of this section.

(6) Upon expiry of the five-year term and after the person has undergone the training specified in subsection (3) of this section, a hunting certificate shall be renewed within ten days as of the last the day of training.

(7) If a hunting certificate is lost or becomes unusable, a new hunting certificate shall be issued or the hunting certificate shall be replaced, as appropriate, within ten days after the submission of an application and payment of the state fee.

(8) The standard format of hunting certificates and the procedure for application for hunting certificates, for the training of applicants, for the taking of hunting theory examinations and shooting tests and for the issue of certificates shall be established by a regulation of the Minister of the Environment.

(9) At the request of a person to whom a valid hunting certificate has been issued in a foreign country, a hunting certificate with a period of validity of up to one year shall be issued to the person on the basis of the foreign certificate without the person having to undergo training in the field of hunting or pass a hunting theory examination or a shooting test.

§ 30. Revocation of hunting certificate

(1) A hunting certificate shall be revoked if the person obtained the certificate by fraudulent means or if the hunting certificate was issued to the person on the basis of a document containing falsified or false information.

(2) A decision on the revocation of a hunting certificate shall be made by the County Environmental Department which issued the hunting certificate.

(3) A County Environmental Department shall give notice of a decision to revoke a hunting certificate to the person concerned by registered letter within ten days.

(4) Upon the revocation of a hunting certificate, the person is required to hand over the hunting certificate to the authority which made the decision.

§ 31. Suspension of validity of hunting certificate

(1) The County Environmental Department which issued a hunting certificate shall suspend the validity of the certificate for up to three years if a decision to deprive the person who obtained the certificate of hunting rights enters into force.

(2) The validity of a hunting certificate shall be suspended by a decision of the County Environmental Department which issued the hunting certificate and the decision shall be communicated to the holder of the certificate immediately by post with advice of delivery.

§ 32. Consequences of suspension of validity of hunting certificate

(1) After suspension of the validity of a hunting certificate, the person who holds the certificate is required to hand over the hunting certificate to the County Environmental Department which issued the certificate on the working day following receipt of the decision to suspend the validity of the certificate. The term of the suspension of validity shall commence as of the handing over of the hunting certificate.

(2) If a complaint against a decision to suspend the validity of a hunting certificate is filed with a court and the court declares the suspension of the validity of the hunting certificate to be contrary to law, the County Environmental Department where the hunting certificate is kept is required to return the hunting certificate immediately after the entry into force of the court judgment.

§ 33. Restoration and renewal of validity of hunting certificate

(1) If the validity of the hunting certificate of a person is suspended for longer than three months but not for longer than twelve months, the person may restore the validity of the hunting certificate if he or she successfully passes a hunting theory examination and pays the state fee for the issue of a hunting certificate.

(2) If the validity of the hunting certificate of a person is suspended for longer than twelve months, the person may restore the validity of the hunting certificate if he or she undergoes training in the field of hunting, successfully passes a hunting theory examination and a shooting test, and pays the state fee for the issue of a hunting certificate.

(3) If a person fails to renew a hunting certificate within twelve months as of the expiry of the term of validity thereof, the person may renew the hunting certificate if he or she undergoes training in the field of hunting and successfully passes a hunting theory examination and a shooting test.

§ 34. Hunting permit

(1) A hunting permit is a document which certifies the right to hunt game and which a person must have with him or her while hunting game. A hunting permit shall be issued to a person who holds a hunting certificate.

(2) Big game hunting permits shall be distinguished from hunting permits.

(3) A hunting permit shall be issued and its price and term of validity within the permitted hunting season shall be determined by the user of a hunting district or an authorised representative thereof, except in the cases specified in subsection (4) of this section.

(4) A County Environmental Department shall issue a hunting permit:

1) to a land owner who hunts within the boundaries of his or her immovable or to his or her spouse or child, with a period of validity of up to one year;

2) for hunting game belonging to species the use of which is subject to international regulation.

(5) The standard format of hunting certificates, and the price of hunting permits and the hunting quotas for animals belonging to species the use of which is subject to international regulation shall be established by a regulation of the Minister of the Environment.

(6) The issuer of hunting permits shall keep records of the issue and return of hunting permits and of the information entered on hunting permits.

(7) The following information shall be entered on a hunting permit:

1) the name and official address of the issuer of the permit;

2) the given name and surname of the recipient of the permit;

3) the date of issue and period of validity of the permit;

4) the territory in which hunting is permitted;

5) if the permit is a big game hunting permit, the species and, if necessary, the age and sex of the big game the hunting of which is permitted, or the species in the case of other wild game;

6) the signature of the person who issued the permit.

(8) The period of validity of a hunting permit shall not be extended.

(9) A hunting permit shall not be valid in respect of a third party.

(10) Up to three users may be entered on a big game hunting permit upon the issue thereof.

(11) Persons participating in a collective hunt are not required to hold a hunting permit in the case specified in subsection 35 (1) of this Act.

§ 35. List of participants in hunt

(1) A person who is entered in the list of participants in a hunt is not required to hold a big game hunting permit or other documents certifying his or her right to hunt provided that he or she does not use hunting equipment which requires such a document.

(2) The provisions of subsection (1) of this section do not apply to a person whose big game hunting permit has been appended to the list of participants in a hunt.

§ 36. Shooting test certificate for big game

(1) A shooting test certificate for big game is a document which is issued to a person who holds a hunting certificate and which certifies the person's right to participate in a big game hunt as a hunter and to use a cartridge loaded with a hunting weapon bullet to shoot game. A hunter must have his or her shooting test certificate for big game with him or her when taking part in a big game hunt.

(2) The standard format for shooting test certificates for big game shall be established by a regulation of the Minister of the Environment. Shooting test certificates for big game shall be issued by a person authorised by the Ministry of the Environment.

(3) A shooting test certificate for big game shall be issued for two years.

(4) At the request of a person to whom a valid shooting test certificate for big game has been issued in a foreign country, a shooting test certificate for big game with a period of validity of up to one year shall be issued to the person on the basis of the foreign certificate without the person having to pass a shooting test.

(5) Upon expiry of the period of validity of a shooting test certificate for big game and after the person has passed a shooting test, the certificate shall be renewed.

(6) If a shooting test certificate for big game is lost or becomes unusable, a new shooting test certificate for big game shall be issued or the certificate shall be replaced, as appropriate, within ten days after the submission of an application without the person having to pass a shooting test.

§ 37. Hunting dog's passport

(1) A hunting dog's passport is a document issued to the owner of a dog certifying that the dog belonging to him or her is suitable for hunting.

(2) Hunting dogs' passports shall be issued and records of hunting dogs' passports shall be kept by a person authorised by the Minister of the Environment.

(3) The requirements for obtaining a hunting dog's passport, the procedure for the application for and issue of hunting dogs' passports and the standard format for the passports shall be established by a regulation of the Minister of the Environment.

(4) A hunting dog's passport is only required when hunting with a hunting dog.

§ 38. Weapons permit

(1) If the hunting method requires the use of a hunting weapon, a hunting permit for such hunting method shall not be issued to a person who does not hold a weapons permit.

(2) A weapons permit need only be carried at a hunt when hunting with a hunting weapon.

§ 39. Hunting equipment

(1) The following is a list of permitted hunting equipment:

1) firearms with a smoothbore barrel or rifled barrel or combination rifle-shotguns, except fully automatic firearms;

2) semi-automatic firearms with a magazine capable of holding up to two cartridges;

3) traps, except leghold traps;

4) decoys;

5) hunting dogs;

6) bounding flag lines.

(2) A firearm must have been declared to be a hunting weapon pursuant to the procedure provided for in the Weapons Act (RT I 2001, 65, 377; 88, 531; 102, 673; 2002, 29, 175).

(3) Live animals shall not be decoys.

§ 40. Hunting methods

(1) The following is a list of permitted hunting methods:

1) stalking;

2) hunting from hides;

3) calling hunt;

4) driven hunt;

5) search hunt;

6) burrow hunt;

7) pursuit of game.

(2) It is prohibited to hunt:

1) in a manner which damages or destroys the natural habitat of the animal, unless otherwise provided by law or legislation established on the basis thereof;

2) in a manner which endangers humans;

3) using self-shooting devices, explosives, electrical devices, birdlime, poison, snares or any other traps not specified in the hunting rules;

4) by chasing game animals with a motor vehicle, shooting animals from a motor vehicle or using a motor vehicle for shooting animals in any other manner;

5) using artificial light sources or mirrors;

6) using an aircraft:

7) using bows, crossbows, air rifles, pistols, revolvers, or firearms with a silencer, laser sight or sighting devices for night shooting;

8) game animals fleeing from a natural disaster;

9) animals in a helpless situation, unless otherwise provided by law or the hunting rules;

10) by means of falconry.

(3) The prohibition specified in clause (2) 4) of this section does not apply to hunting waterfowl from a motor boat with an engine which is not running.

(4) Where a person uses a trap specified in the hunting rules established pursuant to subsection 27 (1) of this Act and a protected animal is caught and dies in the trap, the user of the trap shall notify the County Environmental Department of the location of the caught animal immediately and written notice shall be given to the Department within twenty-four hours. The user of the trap may keep the protected animal in his or her possession with the written permission of the County Environmental Department. If permission is not given for the user of the trap to keep the protected animal in his or her possession, the County Environmental Department shall, at the expense of the state, deliver the protected animal to the possessor of the animal collection designated by the Minister of the Environment.

§ 41. Use of hunting dogs for hunting

(1) Only a hunting dog that has a hunting dog's passport and is wearing a red collar may be used for hunting. The requirement to wear a collar does not apply to hunting dogs used for burrow hunting.

(2) A foreign citizen may use a hunting dog that the person has brought with him or her and that does not have a hunting dog's passport for hunting provided that the hunting dog was lawfully brought across the state border.

(3) A hunting dog may be tested during the period when hunting is permitted and in the presence of the owner of the hunting permit or at a big game hunt and under the conditions determined by the hunt leader. Outside the period when hunting is permitted, a hunting dog may be tested on the proposal of the user of a hunting district at the time and place prescribed in the written permit issued by the County Environmental Department.

(4) The testing of hunting dogs is prohibited during the reproduction period of wild animals. County Environmental Departments have the right to grant exceptions to the prohibition by granting a written permit on the condition that the testing will cause only minimal disturbance to wild animals.

(5) Hunting dogs may be tested throughout the year in fenced areas for testing hunting dogs prescribed in the hunting grounds management plan without removing a game animal from the wild and under the conditions determined by the user of a hunting district.

(6) Guidelines for the testing of hunting dogs shall be approved by the authorised person specified in § 37 of this Act.

§ 42. Hunting seasons

(1) Hunting outside the hunting season is prohibited, unless otherwise provided by law or legislation established on the basis thereof.

(2) In the event of damage caused by game and for the purposes of scientific research, a County Environmental Department has the right to permit hunting outside the hunting season under the conditions provided for in the Protection and Use of Fauna Act (RT I 1998, 107, 1763; 1999, 54, 583; 95, 843; 2001, 3, 4; 97, 602).

(3) The following have the right to prohibit hunting during the hunting season:

1) the user of a hunting district within the boundaries of the hunting district the use of which has been granted thereto;

2) the Minister of the Environment if the living conditions of game animals are disturbed due to extraordinary circumstances or if the habitats of game animals are endangered.

(4) The duration and extent of the prohibition specified in clause (3) 2) of this section shall be decided by the Minister of the Environment.

§ 43. Hunting safety

- (1) Any person who uses hunting equipment while hunting is responsible for safety when handling the equipment.
- (2) At a collective hunt, the hunt leader shall ensure that the safety requirements are complied with.
- (3) When organising a driven hunt, the hunt leader has the right to prohibit persons who are not entered in the list of participants in the hunt from going to the hunting line.

§ 44. Requirements for organisation of hunts

- (1) In the course of organising a hunt, the rights of other persons shall not be violated and the land owner or an authorised representative thereof shall not be prevented from using the immovable.
- (2) Hunting on an immovable which belongs to a person in private law, which is neither fenced nor marked and where the owner has not prohibited hunting is permitted from sunrise until sunset, unless the user of the hunting district and the owner of the immovable agree otherwise.
- (3) Hunting on an immovable which belongs to a person in private law and is fenced or marked or on a part thereof is permitted with the permission of the owner of the immovable, unless the objective of the hunt is to contain a disease spread by animals.
- (4) The person responsible for compliance with the requirements for the organisation of a hunt is, in the case of an individual hunt, the person who obtained the hunting permit or, in the case of a collective hunt, the hunt leader.

§ 45. Requirements for organisation of collective hunts

(1) In addition to the requirements specified in § 44 of this Act, collective hunts shall be organised:

- 1) under the leadership of an evaluated hunt leader;
- 2) on the basis of a list of participants in a big game hunt to which at least one big game hunting permit is appended which the hunt leader shall have with him or her during the hunt;
- 3) on the basis of the hunting permits of persons participating in a hunt for other game, to which a list of participants is appended which the hunt leader shall have with him or her during the hunt.

(2) The procedure for the training and evaluation of hunt leaders shall be established by a regulation of the Minister of the Environment. The evaluation of hunt leaders shall be organised by County Environmental Departments.

(3) A hunt leader is required to:

- 1) prepare a list of participants in the hunt and confirm it by his or her signature;
- 2) open and close a hunting permit;
- 3) inform participants in the hunt of the hunting safety requirements, wild game that may be hunted and special requirements indicated on the permit;
- 4) verify whether persons participating in the hunt hold documents certifying their right to hunt and whether the hunting equipment meets the requirements;
- 5) remove a person from the hunt if the person exhibits signs of suffering from a mental or behavioural disorder caused by the use of alcohol, narcotic drugs or psychotropic substances or if the person exhibits obvious signs of illness ;
- 6) take the necessary measures in the event of an accident;

7) submit the list of participants in the hunt to the user of the hunting district within ten days after the hunt.

(4) Participants in a collective hunt are required to:

1) comply with the lawful orders of the hunt leader;

2) sign the list of participants in the hunt as confirmation of having been informed of the hunting safety requirements and other hunting requirements.

§ 46. Opening of hunting permit

Hunting begins with the opening of a hunting permit at the beginning of each day of the hunt. A hunting permit shall be opened by indicating the date on which the hunt is organised on the permit. The date shall be confirmed by the signature of:

1) the hunt leader in the case of a collective hunt;

2) the person who obtained the hunting permit in the case of an individual hunt.

§ 47. Closure of hunting permit

(1) A hunting permit shall be closed by recording the captured game animal on the hunting permit. A hunting permit shall be closed:

1) by the leader of a collective hunt immediately after a big game animal is killed or at the end of the hunting day in the event of hunting other game;

2) in the case of an individual hunt, by the owner of the hunting permit immediately after a big game animal is killed or at the end of the hunting day in the event of hunting other game.

(2) If a big game animal was injured in the course of a hunt, the hunting permit shall not be closed. If a big game animal is injured, the date and time of the injury shall be recorded on the hunting permit immediately. If the injured big game animal is not captured within twenty-four hours, the validity of the big game hunting permit shall be terminated with a notation stating that the injured animal was not found.

(3) When tracking of an injured big game animal, hunters may leave the hunting district and the land owner and the user of the hunting district do not have the right to prohibit the injured big game animal from being tracked. If the injured big game animal is found, the hunting district where the animal is found shall be recorded on the big game hunting permit together with the time of capturing the animal.

(4) A big game animal shall not be removed from the place of its capture until a notation concerning the capture is made on the big game hunting permit.

(5) A hunting permit shall be returned to the issuer of the permit within ten days as of a big game animal being killed or injured or, in other cases, within ten days as of the expiry of the hunting permit. Issuers of permits shall keep returned hunting permits and lists of participants in hunts that have been sent thereto for three years.

(22.01.2003 entered into force 01.03.2003 - RT I 2003, 13, 70)

Chapter 5

Fee for Hunting Rights

§ 48. Fee for right to use hunting district

(1) The user of a hunting district shall pay a fee into the state budget for the right to use the hunting district.

(2) The size of the fee for the right to use a hunting district shall be established by a regulation of the Minister of the Environment for each quality category of habitats suitable for wild game.

(3) A fee for the right to use a hunting district shall be calculated based on the area and quality of the habitats suitable for wild game.

(4) The size of the fee for the right to use a hunting district for one year shall be entered on the permit in proof of the right to use the hunting district. If the Minister of the Environment amends the bases for calculation of the fee, issuers of permits shall notify persons who have obtained a permit of the new fee in writing.

(5) Compliance with the due dates for payment of the fee payable for the use of a hunting district shall be monitored by the issuer of the permit in proof of the right to use the hunting district.

(6) The fee for the right to use a hunting district as determined for a given year shall be paid into the state budget by 25 April of that year.

(7) Fees for the right to use a hunting district which are not paid during the term for payment thereof shall be collected pursuant to the procedure provided for in the Code of Civil Procedure (RT I 1998, 43–45, 666; 108/109, 1783; 1999, 16, 271; 31, 425; 2000, 51, 319; 55, 365; 2001, 21, 113; 34, 186; 53, 313; 93, 565; 2002, 29, 174).

§ 49. Right of land owner to hunt free of charge on registered immovable belonging to land owner

The owner of a registered immovable which is located within a hunting district or his or her spouse or children may hunt on the registered immovable free of charge.

§ 50. Use of fees for right to use hunting districts

(1) Fees charged for the right to use hunting districts shall be used for the restocking and monitoring of the condition of wild game resources, training in the field of hunting, the exchange of information, research in the field of hunting and hunting grounds survey and management planning.

(2) Fees charged for the right to use hunting districts shall be used pursuant to the procedure provided for in the Use of Proceeds from Exploitation of Environment Act (RT I 1999, 54, 583; 101, 905) and legislation established on the basis thereof.

Chapter 6

Use of Products of Hunting

§ 51. Products of hunting

(1) For the purposes of this Act, the following are products of hunting:

1) wild game that has been killed;

2) wild game that has been taken to an artificial environment;

3) the meat, skin or other raw materials of wild game that has been killed, or products manufactured therefrom.

(2) Products of hunting belong to the person who obtained the hunting permit, unless otherwise decided pursuant to good hunting practice or in agreement between the persons who participated in the hunt and the user of the hunting district.

(3) The Rescue Board shall be notified immediately of any big game that has been found dead on hunting grounds, that has been killed in a traffic accident or that had to be killed as a result of a traffic accident, or of parts of any such big game.

(4) Big game specified in subsection (3) of this section and parts thereof belong to the user of the hunting district who shall destroy or bury the dead big game on site if it has no useful value.

§ 52. Game trophy

(1) For the purposes of this Act, a game trophy is a product of hunting which is obtained in the course of hunting and which is assessed according to internationally recognised rules.

(2) The list of game trophies which are assessed according to internationally recognised rules shall be established by a regulation of the Minister of the Environment.

(3) The user of a hunting district is required to organise a review of game trophies and an assessment of medal trophies.

(4) Records of medal trophies shall be kept pursuant to the procedure provided for in the Protection and Use of Fauna Act and legislation established on the basis thereof.

§ 53. Sale of products of hunting

(1) The seller of a product of hunting is required to have a written instrument of delivery and receipt certifying the origin of the product of hunting. If a product of hunting is sold by a person in whose name a hunting permit has been issued, the origin of the product of hunting may be certified by a copy of the hunting permit.

(2) An instrument of delivery and receipt shall contain the following information certifying the origin of a product of hunting:

1) the number and date of issue of the hunting permit and the issuer of the permit;

2) the species of wild game;

3) the date and location of hunting the wild game;

4) if wild game is kept in an artificial environment, the name and registration number of the place where the wild game is kept.

(3) The sale of meat, raw hides and skins of wild game without veterinary checks having been carried out is prohibited.

(4) Instruments of delivery and receipt concerning products of hunting shall be preserved by the deliverer and the recipient for three years.

(5) The requirements set out in this section apply to the sale of raw materials of big game that have been found dead or that have been killed in a traffic accident or had to be killed as a result of a traffic accident, whereupon the date and place of finding the big game or of the traffic accident shall be recorded on the instrument of delivery and receipt instead of the date of hunting.

§ 54. Transportation of game trophies across state border

(1) A game trophy may be taken out of the country on the basis of a permit issued by the Ministry of the Environment.

(2) The Minister of the Environment shall establish by a regulation the standard format for permits for the transportation of game trophies across the state border and the list of materials required to apply for a permit.

Chapter 7

Supervision

§ 55. Supervision

(1) Supervision over compliance with the requirements of this Act and legislation established on the basis thereof shall be exercised by environmental inspectors and other officials specified in the Act.

(2) The user of a hunting district is required to monitor compliance with the hunting requirements on the part of persons to whom the user of the hunting district has granted a hunting permit.

§ 56. Damage to wild game resources

The rates of damage caused to the environment by unlawful killing of wild game or destruction of or causing damage to the natural habitats of wild game shall be established by a regulation of the Government of the Republic.

Chapter 8

Liability

§ 57. Violation of hunting requirements

(1) Hunting with prohibited equipment or in a prohibited manner or in a place where hunting is prohibited or non-compliance with the hunting safety requirements is punishable by a fine of up to 200 fine units.

(2) The organisation, by a legal person, of hunting involving violations specified in subsection (1) of this section is punishable by a fine of up to 40 000 kroons.

§ 58. Hunting without hunting certificate

Hunting without a hunting certificate is punishable by a fine of up to 300 fine units.

§ 59. Use of hunting district without permit

(1) The use of a hunting district without a permit is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 60. Violation of requirements for keeping wild game in artificial environment or returning wild game to the wild without authorisation

(1) Keeping wild game in an artificial environment or returning wild game to the wild without authorisation, if such authorisation is required, is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 61. Violation of requirements for receipt of products of hunting for sale, processing or preservation

(1) The receipt of products of hunting which have been illegally procured from the wild for sale, processing or preservation is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 62. Confiscation

The Environmental Inspectorate or a court may, pursuant to the provisions of § 83 of the Penal Code (RT I 2001, 61, 364), confiscate an item or product of hunting which was the direct object of the commission of a misdemeanour provided for in §§ 57, 58 or 61 of this Act.

(19.06.2002 entered into force 01.03.2003 - RT I 2002, 63, 387)

§ 63. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to misdemeanours provided for in §§ 57–61 of this Act.

(2) The Environmental Inspectorate is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 57-61 of this Act.

Chapter 9

Implementing Provisions

§ 64. Re-registration of right to use hunting district

(1) An application for the re-registration of a hunting rental contract which was entered into prior to the entry into force of this Act and which is the basis for the right to use a hunting district as a permit in proof of the right to use the hunting district shall be submitted within two years as of the entry into force of this Act. Until re-registration has taken place, a valid hunting rental contract shall be the basis for the right to use a hunting district.

(2) Upon the re-registration of hunting rental contracts specified in subsection (1) of this section as permits in proof of the right to use a hunting district, the prior user of the hunting district shall have a preferential right to obtain the right to use the hunting district.

(3) The right to use a private hunting district shall terminate upon expiry of the term of validity of the contract for the use of wild game resources which is the basis for such right of use.

(4) The validity of documents certifying the right to hunt which were issued prior to the entry into force of this Act shall terminate upon expiry of the term of validity of such documents.

§ 65. Specification regarding entry into force of Act

The Minister of the Environment shall create hunting districts and organise hunting grounds survey and management planning in compliance with the requirements of this Act within ten years as of the entry into force of this Act.

§ 66. Repeal of Hunting Act

The Hunting Act (RT I 1994, 30, 465; 83, 1449; 1996, 49, 953; 1997, 86, 1460; 1999, 54, 583; 95, 843) is repealed.

§ 67. Amendment of Use of Proceeds from Exploitation of Environment Act

The Use of Proceeds from Exploitation of Environment Act (RT I 1999, 54, 583; 101, 905) is amended as follows:

(1) In § 2:

1) clause 7) is repealed;

2) clause 8) is amended and worded as follows:

“8) fees charged for the right to use a hunting district;”.

(2) Clause 4 1) is amended and worded as follows:

“1) 100 per cent of that specified in clauses 1), 3)–6), 8), 9) and 12);”.

§ 68. Amendment of Protection and Use of Fauna Act

The Protection and Use of Fauna Act (RT I 1998, 107, 1763; 1999, 54, 583; 95, 843; 2001, 3, 4; 97, 602) is amended as follows:

(1) Subsection 20 (2) is amended and worded as follows:

“(2) Removal of the circumstances which cause an animal to be in a helpless situation and the return of an animal in a helpless situation to the wild shall be organised by the rescue service agencies administered by the county government and by the local government rescue service agencies. Restoration of the vitality of a sick or injured animal shall be organised by the Ministry of the Environment.”

(22.01.2003 entered into force 01.03.2003 - RT I 2003, 13, 70)

(2) In § 23:

1) subsection (5) is amended and worded as follows:

“(5) In the event of recurring damage caused by game, except big game and game birds, a permit for the killing of an animal outside the hunting season shall be issued by a County Environmental Department to the owner or possessor of the land.”;

2) subsection (7) is amended and worded as follows:

“(7) In the event of recurring damage caused by big game, a permit for the killing of an animal outside the hunting season shall be issued by a County Environmental Department to the person who was granted the right to use the hunting district. This permit may be issued on the condition that the requirements for additional feeding and repelling of animals specified in subsection (6) of this section have been complied with.”

§ 69. Entry into force of Act

This Act enters into force on 1 March 2003.

¹ RT = *Riigi Teataja* = *State Gazette*

² *Ametlikud Teadaanded* = *Official Notices*