

Forest Act

Passed 9 December 1998
(RT I 1998, 113/114, 1872),

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

28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53;
17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594;
19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;
19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;
08.05.2001 entered into force 11.06.2001 - RT I 2001, 50, 282
12.12.2000 entered into force 01.01.2001 - RT I 2000, 102, 670
07.06.2000 entered into force 01.09.2000 - RT I 2000, 51, 319
08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843
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.

Chapter 1 - General Provisions

§ 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.

(3) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 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.

§ 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.

§ 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

§ 5. Forest survey and management planning

(1) Forest survey and management planning is carried out to obtain data on the condition of forests and the volume of growing stock, prepare forest management plans, assess the suitability of the ways and methods of forest management and the operation of legislation related to forestry.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(2) Forest survey and management planning shall consist of the following procedures:

1) forest inventory;

2) preparation of forest management plans;

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

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 Ministry of the Environment.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(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. The preparation of forest management plans may also be ordered and paid for by owners of private forests.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 51. Activity licence for forest survey and management planning

(1) Persons who hold an activity licence for forest survey and management planning (hereinafter licence) may engage in forest survey and management planning.

(2) A licence may be applied for by a person who has sufficient equipment for forest survey and management planning and who employs for such work persons who have attained special education in forestry and who have passed the practical tests and examination in the theory and practice of forest survey and management planning. The requirements for practical tests, examinations and equipment, the procedure for the administration of practical tests and examinations and evaluation of the results thereof, and the procedure for conformity assessment of equipment shall be established by a regulation of the Minister of the Environment.

(3) Licences shall be issued by the Centre of Forest Protection and Silviculture (hereinafter the issuer of licences) with the consent of the expert committee. The composition of the expert committee shall be approved by the Minister of the Environment at the proposal of the issuer of licences.

(4) In addition to the functions provided for in subsections (3) and (6) of this section, the expert committee shall:

- 1) administer the practical tests and examinations specified in subsection (2) of this section and evaluate the results thereof;

2) assess the conformity of the equipment specified in subsection (2) of this section;
3) verify whether the circumstances specified in subsection (6) of this section exist in the case of an applicant for extension of a licence.

(5) Licences shall be issued for five years.

(6) The issuer of licences shall refuse to grant a licence if the applicant for the licence:

- 1) does not meet the requirements set out in subsection (2) of this section;
- 2) has not paid the state fee;
- 3) has submitted inaccurate information when applying for the licence;
- 4) has, during its earlier economic activities, violated requirements established by legislation;
- 5) has, during its earlier activities, repeatedly or materially violated the requirements for forest survey and management planning.

(7) A licence cannot be transferred to another person.

(8) At the request of the holder of a licence and with the consent of the expert committee, the issuer of licences may extend the validity of the licence for a further five years if the holder of the licence:

- 1) meets the requirements set out in subsection (2) of this section;
- 2) has performed forest survey and management planning in conformance with the requirements;
- 3) has paid the state fee.

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

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 52. Expiry, suspension and revocation of activity licence for forest survey and management planning

(1) An activity licence becomes invalid upon expiry of the term of the licence as specified therein, upon revocation of the licence or upon division, dissolution, termination of the activities or reorganisation of the holder of the licence.

(2) The issuer of licences shall revoke a licence if the holder of the licence:

- 1) has submitted inaccurate information when applying for the licence;
- 2) no longer meets the requirements provided for in subsection 51 (2) of this Act;
- 3) has repeatedly or materially violated the requirements for forest survey and management planning;
- 4) so requests.

(3) Before revoking a licence, the issuer of licences may issue a precept to the holder of the licence for the elimination of deficiencies and may suspend the licence until the

deficiencies are eliminated. In the event of failure to comply with the precept, the issuer of licences shall revoke the licence.

(4) In the event of revocation of a licence, the issuer of licences may grant the holder of the licence a term to complete any unfinished work. If the holder of the licence fails to complete the unfinished work within the set term, the issuer of licences shall issue a precept to the person and, in the event of failure to comply with that precept, impose a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580). If the issuer of licences applies penalty payment as a coercive measure, the size of the penalty payment shall be up to 10 000 kroons.

(5) A decision to revoke a licence shall be delivered to the holder of the licence within three days as of the decision being made.

(6) The holder of a licence is required to inform the issuer of licences immediately of any change to the circumstances which constituted the basis for issue of the licence.

(7) The procedure for the suspension and revocation of licences shall be established by a regulation of the Minister of the Environment.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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.

§ 7. Forest management plans

(1) For the management of forest, a forest management plan shall be prepared for each registered immovable in forests which do not belong to the state and for each forest district or other management unit in forests which do belong to the state.

(2) A forest management plan shall contain at least:

- 1) the plan of forest land together with a description of the forest and the connection between the parts of the forest and the surrounding situation;
- 2) the restrictions on forest management arising from legislation or a plan, the purposes of use and forest categories corresponding thereto, the ways of forest use and the methods of forest management which promote them;
- 3) the maximum permitted extent of regeneration cutting and thinning in forests under protection and commercial forests and a list of the parts of forests suitable for cutting;
- 4) a list of the parts of forest suitable for management as selection forests, and the maximum permitted extent of selection cutting in such forests;
- 5) recommendations for reforestation, regulation of the water and nutrition regime of forest soil, forest protection, construction of forest roads, cleaning and sanitary cutting;
- 6) a description of the elements of biological diversity and measures for their preservation;
- 7) an assessment of current forest management.

(3) The owner of a forest has the right to make additional proposals concerning the content of the forest management plan, provided that the owner compensates the costs of any additional work performed for that purpose.

(4) A person who wishes to perform forest survey and management planning in a forest situated in a protected area shall obtain approval for the corresponding forest management plan from the administrator of the protected area.

(5) Forest management plans shall be prepared at least once every ten years.

(6) The forest inventory data used for preparation of a forest management plan shall not be more than ten years old.

(7) The Minister of the Environment or an authority authorised by the Minister shall establish a forest management plan prepared by a holder of an activity licence specified in § 51 of this Act within one month as of receipt thereof from the person who prepared the plan or, if the plan does not meet the requirements provided for in subsections (2)-(6) of this section, the Minister or authority shall refuse to establish the forest management plan.

(8) The issuer of licences shall immediately inform the person who prepared a plan of its refusal to establish the plan and shall issue a precept for elimination of the deficiencies. In the event of failure to comply with the precept, the provisions concerning unfinished forest survey and management planning set out in § 52 of this Act shall be applied by the issuer of licences.

(9) The procedure for the establishment of forest management plans shall be provided by a regulation of the Minister of the Environment.

(10) The decision to establish a forest management plan shall set out the maximum permitted extent of cutting for each type of cutting.

(11) The obligation to prepare forest management plans does not extend to immovables where the area of forest is up to two hectares.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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 with the requirements of legislation.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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, the implementation of supplementary environmental measures and the assessment of forest management plans.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

Chapter 3 - Forest management

§ 9. Forest management

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

§ 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 fast. 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) (Repealed – 28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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 origin of parent material permitted for forest cultivation in Estonia
(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)
- 4) the list of alien tree species the cultivation of which as forest trees is permitted.

§ 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 Ministry of the Environment shall organise its reforestation at the owner's expense.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(3) The Minister of the Environment may extend the term prescribed in subsection (2) of this section in the following circumstances:

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

- 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.

(4) 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.

(5) 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.

§ 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 Centre of Forest Protection and Silviculture 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.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(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.

§ 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) (Repealed – 28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

- 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 Centre of Forest Protection and Silviculture in accordance with subsection 12 (3) of this Act;

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

- 3) (Repealed – 28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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.

(4.1) Shelterwood cutting of pine or valuable broadleaved tree stands which are younger than ninety years, spruce stands which are younger than seventy years and birch stands which are younger than sixty years is prohibited.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

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

(6) In the case of shelterwood cutting, there shall be at least five years between the cutting stages, not including the cutting years.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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.

§ 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.

§ 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.

§ 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. Trees subject to sanitary cutting shall be in compliance with the forest protection rules established by a regulation of the Minister of the Environment.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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 Ministry of the Environment 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 Ministry of the Environment 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.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

§ 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.

§ 20. Permitted types of cutting

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

(2) Pursuant to §§ 12-14, 17 and 19 of this Act, a forest management plan shall set out the maximum permitted extent of regeneration cutting, thinning and selection cutting by allocation and type of cutting for a period of ten years.

(3) The maximum permitted extent of cutting set out in §§ 12-14, 17 and 19 of this Act may be reduced with good reason in a forest management plan on the basis of restrictions on forest management arising from legislation and plans.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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; 2002, 53, 336) 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.

§ 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 Minister of the Environment 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 Minister of the Environment shall proceed from the scope of the forest fire protection measures determined by legislation.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

§ 23. Forest notification

(1) The owner of a forest may perform cutting with the permission of the environmental authority of the location of the immovable.

(2) The owner of a forest who is a natural person may perform the following work without the permission of the environmental authority of the location of the immovable:

- 1) cut windfallen wood, windbreakage and snowbreakage if such timber constitutes less than 5 per cent of the volume of the allocation;
- 2) cut 3 solid cubic metres of timber per year per hectare provided that the total volume does not exceed 15 solid cubic metres per year for the immovable.

(3) In order to obtain permission for cutting, a forest notification shall be submitted by the owner of a forest or the representative of the owner (hereinafter submitter) to the environmental authority of the location of the immovable.

(4) A forest notification is deemed to have been delivered if it is handed over to the environmental authority of the location of the immovable by the submitter against a signature or if the forest notification is submitted by registered mail and is delivered by a postal operator against a signature to the environmental authority of the location of the immovable.

(5) A forest notification shall include details of the immovable, its owner or the representative of the owner, information on the cutting, and information which enables the environmental service to assess the conformity of the cutting to the requirements of legislation, including administrative acts. If a forest notification is submitted by the representative of the owner, a document certifying that person's right of representation shall be annexed to the forest notification.

(6) The environmental service shall verify the following in a forest notification prepared according to the requirements:

- 1) the compliance of planned regeneration cutting, thinning and selection cutting with the maximum permitted extent of regeneration cutting, thinning and selection cutting as established by the forest management plan, and shall enter a notation "lubatud"

[permitted] concerning planned cutting which is in compliance with the requirements of the forest management plan on the forest notification;

2) compliance of planned cleaning and sanitary cutting with the requirements of legislation, and shall enter a notation “lubatud” concerning planned cutting which is in compliance with those requirements on the forest notification.

(7) The environmental service shall enter a notation “ei ole lubatud” [not permitted] concerning planned cutting specified in clauses (6) 1) and 2) of this section which is not in compliance with the requirements of the forest management plan or legislation on the forest notification, and provide written justification for the refusal to grant permission.

(8) A forest notification prepared according to the requirements which has been verified by the environmental service and bears the notation specified in subsection (6) or (7) of this section shall be returned by the environmental service to the submitter thereof against a signature or by registered mail within fifteen working days as of its receipt.

(9) The owner of the forest may commence cutting pursuant to the forest notification after the forest notification has been returned by the environmental service. Cutting permitted by the forest notification may be performed within one year as of delivery of the forest notification to the submitter thereof.

(10) By a forest notification, the owner of a forest shall inform the environmental service of the location of the immovable of:

1) reforestation works, construction and renewal of forest draining systems and forest roads within fifteen working days before the commencement of such work;

2) forest damages immediately after the owner of the forest becomes or should have become aware of the forest damage.

(11) The format and procedure for communication of forest notifications shall be established by a regulation of the Minister of the Environment.

(12) On the basis of a contract under public law, the Minister of the Environment may transfer the performance of the obligations of the environmental service specified in subsections (6)-(8) of this section in part to a forest association operating in the corresponding region. The extent of the obligations transferred to a forest association, the liability of the forest association and compensation of the costs related to the performance of the obligations shall be provided by a contract under public law.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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; 2000, 47, 289; 2002, 63, 387), and forest notifications;
- 6) refrain from exceeding the prescribed cut determined by the forest management plan upon regeneration cutting, thinning and selection cutting.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(3) The requirements of clause (2) 3) of this section do not apply to forests which are used for national defence.

Chapter 4 - 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.

§ 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; 1999, 27, 380; 29, 398; 399; 95, 843; 2000, 54, 348; 2001, 42, 234; 50, 283; 65, 377; 2002, 47, 297; 53, 336; 63, 387).

(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.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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 which shall constitute the basis for planning forest management activities by forest survey and management planning officials.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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; 2002, 6, 21; 53, 336; 61, 375; 63, 387) 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.

§ 29. Protection forests

(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.

§ 30. Commercial forests

(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.

§ 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 Minister of the Environment 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 Minister of the Environment.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(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.

§ 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.

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

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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;
- 6) a forest notification on which the environmental service of the location of the immovable has entered the notation "lubatud".

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(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 environmental authority of the location of the forest of:

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

- 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.

(9) Timber shall not be marketed as wood in the rough unless it has been classified and, should the need arise, marked according to the procedure for classification of wood in the rough.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(10) The Minister of the Environment shall establish the procedure for the classification of wood in the rough by a regulation based on the Council Directive 68/89/EEC of 23 January 1968 on the approximation of the laws of the Member States concerning the classification of wood in the rough.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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

§ 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 Riigikogu² for approval.

(5) Appropriate non-governmental organisations shall be involved in the preparation of a forestry development plan.

§ 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.

§ 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.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(4) The Ministry of the Environment shall organise the clerical support to county forestry councils.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

§ 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 in reforestation, and marketed nursery stock or nursery stock used in state forests;
- 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 Ministry of the Environment.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

§ 381. Centre of Forest Protection and Silviculture

(1) The Centre of Forest Protection and Silviculture is a government agency which operates in the area of government of the Minister of the Environment.

(2) The Centre of Forest Protection and Silviculture shall control the quality of forest seeds used in reforestation, and marketed nursery stock or nursery stock used in state forests, shall organise the creation of forest seed stock, shall monitor and forecast the condition of forest, shall perform state supervision to the extent and pursuant to the procedure provided by law, shall apply measures to avoid or decrease extensive and especially dangerous forest damage, shall collect and analyse information concerning forest protection and reforestation, and shall maintain corresponding forestry databases.

(3) The statutes of the Centre of Forest Protection and Silviculture shall be approved by the Minister of the Environment.

(4) The Director of the Centre of Forest Protection and Silviculture shall be appointed to or released from the office by the Minister of the Environment.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

§ 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 Ministry of the Environment shall organise the collection, processing and dissemination of information related to forestry.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

§ 40. Support to private forestry

(1) For the purposes of this Act, the owner of a private forest is a natural person or legal person in public law who owns forest land or land to which the provisions of § 2 of this Act are applicable.

(2) The state supports private forestry by partly compensating for expenses which help to increase the economic, ecological, social and cultural value of forests, improve the performance of forestry tasks and promote one or more of the following areas of activity pursuant to the procedure established by the Minister of the Environment:

- 1) sustainable management of forests and development of forest management;
- 2) conservation of forest resources and improvement of their condition;
- 3) expansion of forest lands.

(3) By partly financing the operation of the Private Forest Centre, which is a foundation established by the state, the state organises the following activities:

- 1) advising and training of owners of private forests;
- 2) training and evaluation of advisers;
- 3) partial compensation to owners of private forests for the expenses for growing forest crops .

(4) Natural persons and forest associations who own forest land may apply for support.

(5) A forest association is a non-profit or commercial association whose activities as specified in the articles of association include forest management and whose members are natural persons or legal persons in private law who own forest land or land to which the provisions of § 2 of this Act are applicable.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

Chapter 6 - 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 Teataja3 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.

§ 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, 10, 155; 16, 271; 2000, 39, 239; 49, 306; 51, 319; 2001, 7, 17; 24, 133; 93, 565; 2002, 53, 336; 64, 393; 2003, 13, 69; 2004, 24, 166).

§ 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.

§ 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.

§ 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

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.

§ 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) (Repealed - 08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)
- 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.

§ 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) (Repealed - 07.06.2000 entered into force 01.09.2000 - RT I 2000, 51, 319)

(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; 52/54, 993; 1998, 59, 941; 91/93, 1500; 96, 1515; 1999, 55, 584; 101, 903; 2001, 11, 49; 87, 527; 2002, 23, 131; 53, 336; 57, 355) apply in organisation of the accounting of the Centre;

(8) The Centre has the right to provide tourism services. When organising activities in the field of tourism, the requirements established with regard to undertakings in the Tourism Act (RT I 2000, 95, 607; 2002, 63, 387; 2003, 88, 594; 2004, 18, 131) apply to the Centre.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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 and Communications;

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

- 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 Communications and Minister of Finance may withdraw a member appointed by them before the termination of the authority if:

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

- 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 budget of the Centre and the report on the implementation of the annual budget, and submission thereof to the Minister of the Environment;

(08.05.2001 entered into force 11.06.2001 - RT I 2001, 50, 282)

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

4.1) the approval and, where necessary, amendment of the statutes, annual plan, budget and staff of the internal audit division, the procedure for internal audits and the standard job description of and evaluation requirements for the head of the internal audit division; (28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

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.

§ 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.

(16.06.1999 entered into force 23.06.1999 - 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.

§ 51. Budget and financing of Centre

(1) The council of the Centre shall approve the budget of the Centre on the basis of the revenue from forests provided for in the state budget and the part of the revenue from forests which is retained for the management of state forests.

(08.05.2001 entered into force 11.06.2001 - RT I 2001, 50, 282)

(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.

§ 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.

§ 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.

§ 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 Communications 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.

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

(2) The Ministry of the Environment and the State Audit Office shall monitor the performance of the duties of the owner of forest by managers of state forest. The Ministry of the Environment shall exercise the supervision pursuant to the procedure established by the Minister of the Environment.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

Chapter 7 - State Supervision

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 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; 2002, 61, 375; 99, 579; 110, 653; 2003, 88, 591).

§ 56. Damage caused to environment by violation of provisions of forestry law

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

(1) (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

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

(08.05.2001 entered into force 11.06.2001 - RT I 2001, 50, 282)

1) if forest is cut such that it is more sparse than permitted by the minimum limits of the basal area and the crop density, if the permitted rotation age, closing time, type of cutting or cutting time are not complied with upon logging, or if forest is cut in a place where cutting is prohibited;

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

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) (Repealed - 07.06.2000 entered into force 01.09.2000 - RT I 2000, 51, 319)

§ 561. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 562. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 563. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 564. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 565. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 566. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 567. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 568. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Chapter 7 – Liability

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 569. Unlawful cutting, damaging or destruction of forest, trees or shrubs

(1) Unlawful cutting or destruction of forest, trees or shrubs or damaging of forest, trees or shrubs in any other manner is punishable by a fine of up to 200 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 5610. Violation of requirements for reforestation, tending of forest, forest use or forest protection

(1) Violation of the requirements for reforestation, tending of forest, forest use or forest protection 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 20 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 5611. Failure to submit forest notification

(1) Failure to submit a forest notification 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 20 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 5612. Violation of obligation to prove and verify legality of transfer of right to cut standing crop or to prove and verify legality upon transfer of timber or transfer of crop for cutting, and violation of rules for transactions with right to cut standing crop or with timber

(1) Violation of the obligation to prove and verify the legality of the transfer of the right to cut standing crop or to prove and verify legality upon the transfer timber or the transfer of crop for cutting, or violation of the rules for transactions with the right to cut standing crop or with timber 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.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 5613. Application of confiscation

A body conducting extra-judicial proceedings or a court may apply confiscation of the direct object of commission of a misdemeanour provided for in § 569 or 5612, pursuant

to § 83 of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40).

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 5614. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 593) apply to the misdemeanours provided for in §§ 569–5612 of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 569–5612 of this Act shall be conducted by:

- 1) the Environmental Inspectorate;
- 2) police prefectures.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

Chapter 8 - Final Provisions

§ 57. Management of forest subject to privatization

(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.

§ 58. Entry into force of Act

(1) 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.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(2) Clause 23 (6) 1) of this Act enters into force on 1 January 2005.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(3) Clause 24 (2) 6) of this Act enters into force on 1 January 2005.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(4) Until 1 May 2004, forest survey and management planning may also be performed by persons who do not hold an activity licence for forest survey and management planning.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(5) Any forest management plan and forest management recommendations prepared prior to the entry into force of §§ 51 and 52 of this Act and any forest management plan and forest management recommendation prepared before 1 May 2004 by a person who does not hold an activity licence for forest survey and management planning shall be submitted by the owner of the private forest or the person who prepared the forest management plan or forest management recommendation to the Minister of the Environment or an authority authorised by the Minister for establishment. The Minister of the Environment or the authority authorised by the Minister shall verify the compliance of the forest management plan or forest management recommendation with the established requirements and shall, within one month as of the submission of the forest management plan or forest management recommendation, inform the submitter of the establishment of or refusal to establish the plan or recommendation. A forest management recommendation which has been established is deemed to be a forest management plan which has been established within the meaning of subsection 7 (7) of this Act.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

(6) Until 31 December 2004, the owner of a forest has the right to perform cutting planned in a forest notification submitted before the entry into force of the wording of § 7 of this Act as amended on 28 January 2004 provided that such cutting has not been prohibited by the environmental service of the location of the immovable.

(28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

§ 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).

§ 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, Räpina 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.

(5) (Repealed – 28.01.2004 entered into force 07.03.2004 - RT I 2004, 9, 53)

1 RT = Riigi Teataja = State Gazette

2 Riigikogu = the parliament of Estonia

3 ENSV Teataja = ESSR Gazette