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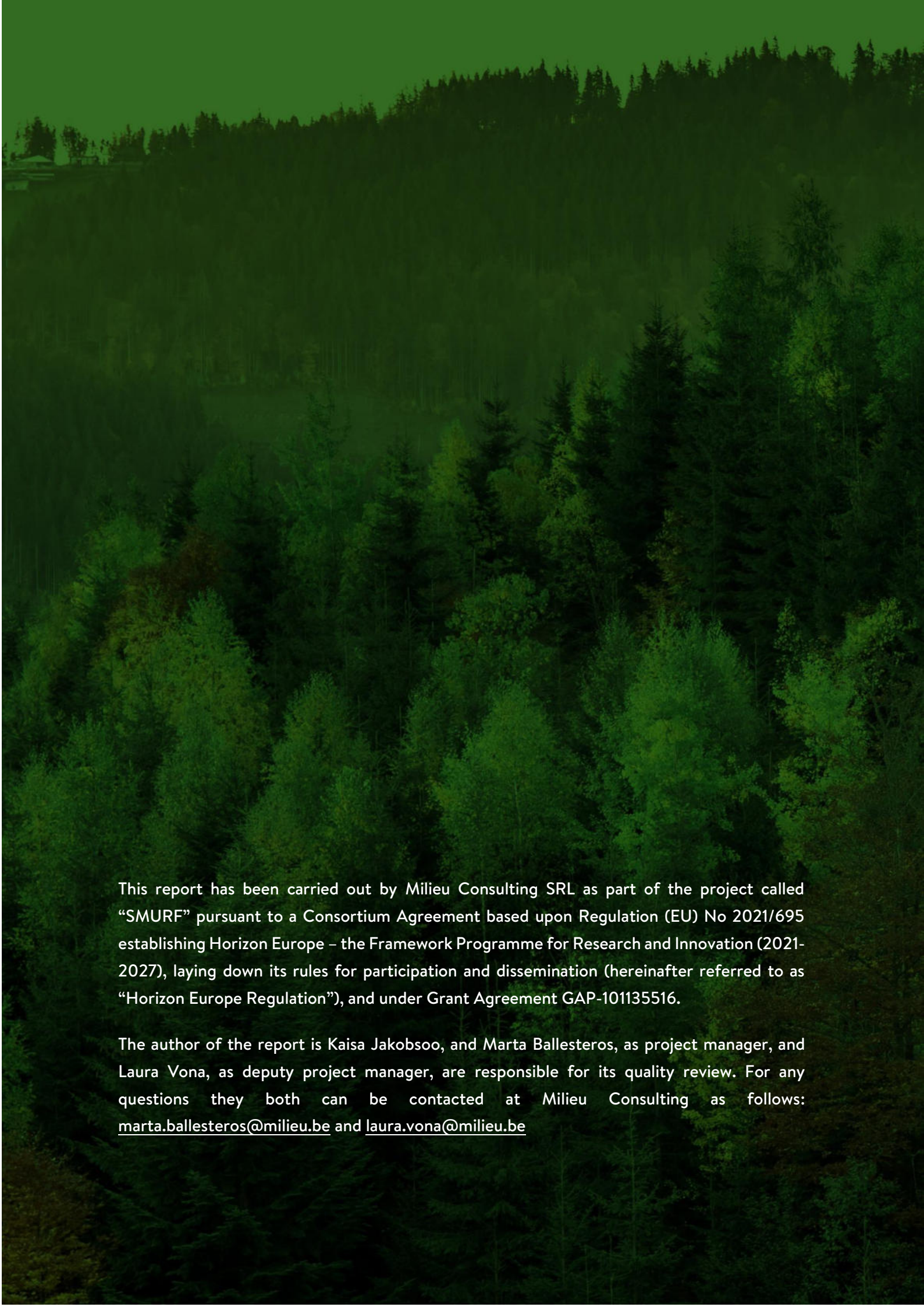
Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management

Country Fact Sheet
Estonia

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THE FOREST OWNERS' PROJECT

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Legal and regulatory framework applicable to Small Forest Owners and Sustainable Forest Management (SMURF) - WP2

Executive Summary

Estonia is rich in forest lands – over half (51.4%) of the mainland is covered with forests. Estonian forests are of big natural and ecological value. The basis for forest policy in Estonia is the understanding that the forestry sector has a strong profitable potential of material and social benefits, and its use must be facilitated so that other values and benefits, including environmental, would not suffer.

Estonian forests are divided into public (state owned) forests and private forests. Around 46% of the forests are state owned and managed by the State Forest Management Centre. There are around 113 000 private forest owners in Estonia. All immovables, including forest immovables, must be registered in the public Land Register, which proves ownership. Cadastral units are also registered in the public land cadastre, where information can be retrieved concerning specific forest land plots.

The private forest owners have the right to join forest cooperatives, who in turn are members of the Estonian Private Forest Union. These cooperatives and the union can help private forest owners with consultations, forest management, subsidies etc.

Both public and private forest ownership and management is sufficiently regulated in Estonia, with the regulations also stating the main principle of sustainable forest management to be taken into account in forest management plans and, therefore, forest management activities. The Estonian Private Forest Union also manages the forest certification process.

The obligations in the Estonian regulations are generally not personified and differentiated between forest owners, managers and contractors, but are more general or directed at forest owners, who can in turn transfer their obligations to another person with an agreement. Private forest owners are not obligated to inventory their forests and prepare forest management plans, however, generally many forest management activities require inventory data to be submitted. In contrast, state-owned forests must always be inventoried and have a management plan, with oversight by the State Forest Management Centre

There are conditions and restrictions to forest management and different cutting techniques arising mainly from the Forest Act, the Rules of Forest Management and the Nature Conservation Act. Additionally, limitations to forest management and cutting can arise from planning documents.

There are subsidies in place for different forest management activities to help private forest owners and to compensate for restrictions arising from nature conservation and specific subsidies to promote sustainable forest management. There are also tax exemptions for private forest owners for land tax and income tax.

As per the forest land market, the acquisition of forest land in Estonia is regulated by the Restrictions on Acquisition of Immovables Act, with different requirements for citizens, legal entities, and foreign buyers. While there are no restrictions on inheritance, land division through sale may be subject to planning regulations. The Land and Spatial Board provides market data, while the State Forest Management Centre tracks state-owned forest transactions. Forest land leasing follows general agricultural lease rules, with specific provisions for cutting rights. There are no mandatory insurance requirements or special regulations for financial credit or mortgages on forest land.

A forest reform is in the works in relation and in addition to the new climate regulation and amendments have been planned in the forest regulations to ensure that more emphasis is put on biodiversity, forest conservation and sustainable management. The Ministry of Climate is responsible for the strategic directions and regulations in forestry. There are no specific thresholds or limitations set out in the regulations as of now, but the main principles of sustainable forest management can and must still be followed and considered. As generally all cutting is subject to a forest notice that must be approved by the Environmental Board, the board can ensure sustainable practices in forestry through this approval process and supervisory activities.

The rights and obligations of private forest owners have been clearly stipulated in the regulations described in this report. There are also supporting mechanisms in place for private forest owners, such as forest cooperatives and the Estonian Private Forest Union, but the relevant authorities can also counsel private forest owners if necessary. The Environmental Board and the Ministry of Climate are responsible for promoting sustainable forest management practices in Estonia. As mentioned above, the forest reform is underway and will most probably bring new regulations and guidelines on how to implement sustainable forest management principles and activities more efficiently.

Introduction

This is a Horizon project with a strong research approach. The name of the project is 'Sustainable Management models and value chains for small Forests' known as SMURF with the reference HORIZON-CL6-2023-CIRCBIO-01.

The general objective is to provide an analysis of the legal and regulatory framework in EU Member States applicable to small forest owners (SFO) in their practices aiming to Sustainable Forest Management.

The specific project objectives are:

1. Prepare a report on the legal framework on SFO for most EU Member State.
2. Identify the basic legislation regulating SFO and the specific articles setting rights and obligations and *provide the links* to those basic and articles.
3. Define the rights and obligations for SFO in EU Member States.
4. Define the legal framework for the economic activity of SFO in EU Member States.
5. Identify the **main legal limitations or barriers** for SFO in EU Member States.
6. Identify **needs for legal reforms and propose specific legal improvements**, when considered necessary.
7. Prepare a comparative analysis of the legal framework SFO in the EU Member States.

These guidelines provide the basic information for the elaboration of the report on legal framework applicable to Small Forest owners/holders. It is complemented by a pilot report showing as a model to show the level of depth of the analysis.

When using the term "legal framework" we consider:

- The organizational model of forestry and the forest value chain.
- The institutional framework, identifying the distribution of competences among the different administration levels (European, national, regional and local) and administration sectors (agriculture and rural development, environment, industry, interior, economics and others).
- The regulatory framework, identifying laws and regulations that affect forestry and the forest value chain. The key articles that set basic rules for forestry will be explicitly referred and translated into English.

The analysis will be focused on factors that affect the participation of forest holdings in the market. There is a particular interest in identifying barriers, obstacles and measures or instruments that have had a significant positive impact in the present functioning of the forest markets.

The analysis will describe the nowadays situation of the framework, although a contextual and short reference of the origin and evolution of the framework when needed for a good understanding will be included.

The analysis will consider the national legislation and will only refer to the regional legislation as a way of example to confirm the national legal framework or to show that in some regions the situation may be rather different.

The analysis will take into consideration the forest sector legislation, but not only, because the main barriers and legal limitations might be derived from the inadequacy of other sectoral laws (societal, fiscal, real state and ownership, cadastral, insurances) or requirements in some pieces of national environmental legislation. It will refer to Nature or Biodiversity Conservation law and to the Environmental Impact Assessment legislation while it might also refer to relevant agriculture legislation.

1. Basic legal and regulatory framework applicable to small forest owners

1.1. Context to the legislation

Estonia is rich in forest lands – over half (51.4%) of the mainland is covered with mostly semi-natural forests. Estonian forests are of big natural and ecological value. The basis for forest policy in Estonia is the understanding that the forestry sector has a strong profitable potential of material and social benefits, and its use must be facilitated so that other values and benefits, including environmental, would not suffer.

Estonian forests are divided into state owned forests and private forests.

Around 46% of the forests are state owned and managed by the State Forest Management Centre[1] (RMK). RMK is the keeper, protector and manager of all forests and other diverse nature biomes belonging to the Republic of Estonia. RMK grows forests, maintains the values associated with nature, earns income for the government by managing its forests, creates opportunities for physical activity in nature and spreads knowledge about nature.

There are around 113 000 private forest owners in Estonia. Estonian Private Forest Union[2] (founded in 1992) is an organisation representing private forest owners, with its members being local forest owner organisations (cooperatives, societies, unions). Its primary function is to represent the interests of private forest owners in forest policy and contribute to the nationwide organisation and co-operation of private forest owners.

Both the state- and privately-owned forests are generally regulated through the same basic legal instruments, the Forest Act being the key legal act.

1.2. Basic legal instruments

The basic legal instruments[3] regulating the forest sector in Estonia are:

- Forest Act[4];
- General Part of the Environmental Code Act[5];
- Nature Conservation Act[6];
- Law of Obligations Act[7].

[1] https://www.rmk.ee/en

[2] https://erametsaliit.ee/estonian-private-forest-union/

[3] All legal instruments (laws and regulations) of the forest sector in Estonia are listed on the web page of the Ministry of Climate: https://kliimaministeerium.ee/elurikkus-keskkonnakaitse/metsandus/metsandusvaldkonna-oigusaktid

[4] Forest Act (*metsaseadus*, RT I 2006, 30, 232) passed on 07.06.2006, available in English: https://www.riigiteataja.ee/en/eli/503012025001/consolide

[5] General Part of the Environmental Code Act (keskkonnaseadustiku üldosa seadus, RT I, 28.02.2011, 1) passed on 16.02.2011, available in English: https://www.riigiteataja.ee/en/eli/523122024010/consolide

[6] Nature Conservation Act (looduskaitseseadus, RT I 2004, 38, 258) passed on 21.04.2004, available in English: https://www.riigiteataja.ee/en/eli/516122024003/consolide

[7] Law of Obligations Act (võlaõigusseadus, RT I 2001, 81, 487) passed on 26.09.2001, available in English: https://www.riigiteataja.ee/en/eli/512112024001/consolide

Legal acts related to the forest sector, also containing relevant regulations are, among others:

- Act on the General Part of the Civil Code[8];
- Planning Act[9],
- Hunting Act[10],
- Fire Safety Act[11],
- Land Improvement Act[12],
- Water Act[13],
- Building Code[14],
- Law of Property Act[15],
- Land Cadastre Act[16],
- Land Tax Act[17];
- Income Tax Act[18];
- Taxation Act[19];
- Environmental Charges Act[20];
- Restrictions on Acquisition of Immovables Act[21].

[8] Act on the General Part of the Civil Code (*tsiviilseadustiku üldosa seadus*, RT I 2002, 35, 216) passed on 27.03.2002, available in English https://www.riigiteataja.ee/en/eli/518122023003/consolide

[9] Planning Act (*planeerimisseadus* , RT I, 26.02.2015, 3) passed on 28.01.2015, available in English: https://www.riigiteataja.ee/en/eli/529122024006/consolide

[10] Hunting Act (jahiseadus, RT I, 16.05.2013, 2) passed on 25.04.2013, available in English: https://www.riigiteataja.ee/en/eli/503102023004/consolide

[11] Fire Safety Act (tuleohutuse seadus, RT I 2010, 24, 116) passed on 05.05.2010, available in English: https://www.riigiteataja.ee/en/eli/529122024004/consolide

[12] Land Improvement Act (maaparandusseadus, RT I, 31.05.2018, 3) passed on 16.05.2018, available in English: https://www.riigiteataja.ee/en/eli/529122024012/consolide

[13] Water Act (veeseadus, RT I, 22.02.2019, 1) passed on 30.01.2019, available in English: https://www.riigiteataja.ee/en/eli/501102024003/consolide

[14] Building Code (ehitusseadustik, RT I, 05.03.2015, 1) passed on 11.02.2015, available in English: https://www.riigiteataja.ee/en/eli/516122024005/consolide

[15] Law of Property Act (asjaõigusseadus, RT I 1993, 39, 590) passed on 09.06.1993, available in English: https://www.riigiteataja.ee/en/eli/519122023005/consolide

[16] Land Cadastre Act (maakatastriseadus, RT I 1994, 74, 1324) passed on 12.10.1994, available in English: https://www.riigiteataja.ee/en/eli/530122024004/consolide

[17] Land Tax Act (maamaksuseadus, RT I 1993, 24, 428) passed on 06.05.1993, available in English: https://www.riigiteataja.ee/en/eli/530122024007/consolide

[18] Income Tax Act (tulumaksuseadus, RT I 1999, 101, 903) passed on 15.12.1999, available in English: https://www.riigiteataja.ee/en/eli/510012025005/consolide

[19] Taxation Act (maksukorralduse seadus, RT I 2002, 26, 150) passed on 20.02.2002, available in English: https://www.riigiteataja.ee/en/eli/530122024009/consolide

[20] Environmental Charges Act (keskkonnatasude seadus, RT I 2005, 67, 512) passed on 07.12.2005, available in English: https://www.riigiteataja.ee/en/eli/519082024016/consolide

[21] Restrictions on Acquisition of Immovables Act (kinnisasja avalikes huvides omandamise seadus, RT I, 29.06.2018, 1) passed on 06.05.2018, available in English: https://www.riigiteataja.ee/en/eli/523122024011/consolide

Additionally, there are different regulations issued on the basis of the Forest Act that set out rules and requirements for forest management, subsidies etc. The key regulations are:

- Forest Management Guidelines (Metsa korraldamise juhend)
- Rules of Forest Management (Metsa majandamise eeskiri)
- Regulation regarding subsidies (Erametsanduse toetuse andmise alused, taotluse kohta esitatavad nõuded, toetuse taotlemise ja taotluse menetlemise kord, taotluse hindamise alused ning toetuse tagasinõudmise kord)
- Regulation regarding key habitats (Väääriselupaiga klassifikaator, valiku juhend, kaitse korraldamine ning väääriselupaiga kaitseks lepingu sõlmimine ja kasutusõiguse tasu arvutamise täpsustatud alused)
- Regulation regarding the forest notice (Metsateatisel esitatavate andmete loetelu ning metsateatise esitamise, menetlemise ja registreerimise kord ning tähtajad)

1.3. Basic Regulatory framework

In addition to the key laws and regulations listed above, a national forestry development plan[22] is prepared for the directing of forestry for every ten years. The purpose of the development plan is to achieve a social agreement to guide the sustainable management of forests with the help of a forestry development plan, considering social, economic, environmental protection and cultural aspects. Sustainable forest management means the use of forests in such a way and to such an extent that ensures the diversity, productivity, renewability, vitality and potential of their biota and enables forests to perform ecological, economic and social functions at the local, national and global level in the future without harming other ecosystems (pursuant to the Helsinki resolution H1 of Forest Europe ministers of 1993). The forestry development plan sets out the objectives of forestry development and describes the measures and means necessary for the achievement of the objectives. The development plan is approved by the Parliament of the Republic of Estonia.

Questions related to forestry are also regulated in the planning documents, mainly comprehensive spatial plans prepared for the territories of local municipalities and more generally county-wide spatial plans. The county-wide spatial plans state the general conditions of use for ensuring the functioning of the green network and thereby might set some general conditions for forest management as well. The comprehensive spatial plans aim to define the principles and spatial development directions of the entire municipal territory, including stipulating conditions in relation to forestry, nature conservation and green network in that specific municipality.

Forest statistics can be found through the environmental portal.

Proposed changes

The Ministry of Climate is preparing a forest and nature conservation reform in relation to the development of climate regulations. An amendment to the Forest Act is being prepared by the ministry together with amendments to the Nature Conservation Act and Hunting Act. The planned changes include a change in the assessment of impacts on Natura 2000 areas.

[22] https://kliimaministeerium.ee/MAK2030

The draft law on the amendment of the Forest Act aims to update the legal principles of forestry on how to maintain biodiversity, in the treatment of tree and shrub plantations, to create an obligation to inform about the cuttings etc. On a general scale, changes are also being considered to reorganise the national law in the forestry area. For the time being, there is no information available on the timeframe of these changes.

2. Governance and institutional framework

2.1. Distribution of competences between the State and Regional authorities.

- **According to the legal framework, what are the relevant competences and responsibilities regarding decisions on forest management and forest management practices at the different State level (national, regional, municipal) in your country?** Please describe the situation stating the legislation and relevant provisions.

Legal background

The key legal act in forestry is the Forest Act and the regulations issued on the basis of the Forest Act, the key regulations being the Forest Management Guidelines and the Rules of Forest Management. These acts regulate forestry on a national level in Estonia, regulating both state- and privately-owned forests (Please see also the answer to question 1.).

The forestry development plan also sets out the objectives of forestry development and describes the measures and means necessary for the achievement of the objectives on a national level.

As per competences, the Forest Act assigns forestry policy and oversight to the Ministry of Climate, with the Forest Department of the Environmental Board handling compliance, permits, and forest health monitoring. Local governments issue cutting licences for non-forest lands and regulate forestry through spatial planning, setting conditions for conservation, land use, and fire prevention.

National competences

The Forest Act[23] stipulates the functions of the state in forestry as follows:

1) directing of the forest sector and drafting the development plan and legislation regulating forestry;
2) ensuring the good state of the forests;
3) accounting of forest resources;
4) supporting private forestry;
5) administrating and managing the state forests;
6) organising of state supervision;
7) ensuring the protection of biological diversity of the forests.

The general responsibility of coordinating the field of forestry and determining the development directions and preparing new legislation lies with the Forest Department of the Ministry of Climate.

The executive competences and powers lie with the Forest Department of the Environmental Board, a government agency which operates within the area of the Ministry of Climate, who organises forestry policy, the implementation of development plans in the field and the

[23] § 6 of the Forest Act

corresponding programs. In addition, the Environmental Board checks the compliance of forest owners' planned forestry activities with the applicable legislation. This includes:

- processing submitted forest notifications, preparing forest protection and reforestation expertise;
- assessing forest management, issuing precepts in the field of forest protection and reforestation and applying penalties in case of non-compliance with the precepts;
- recognising the source material of forest cultivation material and controlling its production, packaging and marketing;
- keeping records of the import and export of forest reproductive material and informing the country of destination of the export of forest reproductive material;
- monitoring pests of cultivated materials;
- issuing activity licenses for micropropagation of forest trees and basic certificates for cultivating materials;
- assessing the quality of forest seeds and planting materials;
- organising the selection and assessment of valuable habitats, making proposals for the assumption of the obligation to ensure the protection of valuable habitats and controlling the conservation of valuable habitats.

Regional competences

N/A[24]

Local/municipal competences:

The local governments in municipalities and cities are responsible for issuing cutting licences on non-forest lands within their territories[25].

The local governments also exercise their powers through the planning documents. As described above, questions related to forestry are regulated in comprehensive spatial plans prepared for the territories of local municipalities and county-wide spatial plans prepared for the territories of counties.

The county-wide spatial plans state the general conditions of use for ensuring the functioning of the green network[26] and thereby might set some general conditions for forest management as well.

The comprehensive spatial plans aim to define the principles and spatial development directions of the entire municipal territory, including stipulating conditions in relation to forestry, nature

[24] Although Estonia is divided into 15 counties, county governments (*maavalitsus*) were abolished at the end of 2017. Their duties were redistributed between state authorities and local governments. As a result, counties no longer have any significant independent competences, including in forestry.

[25] These are regulated in the orders and regulations of each local municipality.

[26] §§ 55 – 56 of the Planning Act

conservation and green network in that specific municipality. Some of the functions of a comprehensive plan are[27]:

- to establish restrictions concerning the size of the cutting area and the rotation age in the event of forest clearcutting operations performed in order to protect settlements or construction works against air pollution, noise, strong wind or snowstorm or in order to reduce the risk of fire outbreak or to prevent the spread of a forest fire;
- to designate valuable agricultural land, green areas, landscapes, individual features of landscapes and natural biotic communities and to state the conditions for their protection and use;
- to specify the location and the conditions that ensure the functioning of a green network and to determine the restrictions resulting from such a network;
- to determine the location of leisure and recreation areas and the restrictions resulting from such areas.

Forest coordination and advisory bodies

Environmental Board[28] - the executive competences and powers lie with the Forest Department of the Environmental Board, who organises forestry policy, the implementation of development plans in the field and the corresponding programs. In addition, the Environmental Board checks the compliance of forest owners' planned forestry activities with the applicable legislation.

Ministry of Climate[29] - the general responsibility of coordinating the field of forestry and determining the development directions and preparing new legislation lies with the Forest Department of the Ministry of Climate.

Local municipalities – the local governments in municipalities and cities are responsible for issuing cutting licences on non-forest lands within their territories. The local governments also exercise their powers through the planning documents. See further above.

Environmental Agency[30] - the main function of the Environmental Agency in the field of forestry is to collect, store and process information on the size, condition and use of forest resources and to make this information public. The agency also keeps records of the carbon stock in the forest and its changes.

Environmental Investment Center[31] - the Environmental Investment Center is responsible for allocating and managing forestry subsidies.

Estonian Private Forest Union[32] - the Estonian Private Forest Union is a representative organisation of private forest owners whose members are local organisations (cooperatives). The

[27] §§ 74 – 75 of the Planning Act

[28] https://keskkonnaamet.ee/en

[29] https://kliimaministeerium.ee/en

[30] https://www.keskkonnaagentuur.ee/en

[31] https://www.kik.ee/en, https://www.erametsee/en/about-us/

[32] https://erametsaliit.ee/estonian-private-forest-union/

main function of the union is to represent the interests of forest owners in forest policy. The union is also working with the representatives of the state and the third sector.

2.2. Key representation organisations of the forest sector

1. **Forest owners**: State Forest Management Center[33] (state-owned forests), Estonian Private Forest Union (private forest owners through forest cooperatives)[34], forest cooperatives (incorporating private forest owners)[35].
2. **Forest municipalities**: N/A – All cities and local municipalities in Estonia have their own jurisdiction within their territory and there is no representative organisation for municipalities.
3. **Forest industry**: The Estonian Forest and Wood Industries Association[36] is a non-profit association that serves to unite companies that are predominantly active in the wood and forest industry.
4. **Forest clusters**: N/A
5. **Forest contractors**: The Estonian Forest and Wood Industries Association unites companies that are active in the wood and forest industry, including forest contractors[37].
6. **Forest Professionals**: agricultural advisers[38] – persons, who have been awarded professional qualifications as an agricultural adviser in the field of forest management based on the Professions Act[39] and in accordance with the procedure provided for therein; forest surveyors[40] – persons who have passed an examination and a test work in the theory and practice of forest survey activities in accordance with the procedure established on the basis of the Forest Act and who hold a valid forest surveyor certificate in proof thereof.
7. **Forest Agents or rangers**: N/A
8. **Forest Sciences**: Estonian University of Life Sciences[41] - the university is a centre for research and development in the field of forestry in Estonia. It is also the only university in Estonia that is in the top 100 universities in the world in forestry.
9. **Forest certification:** In Estonia, the FSC and PEFC certification systems are widely used[42].

[33] https://www.rmk.ee/en

[34] https://erametsaliit.ee/estonian-private-forest-union/

[35] A list of forest cooperatives can be found here: https://www.eramets.ee/metsauhistute-kontaktid/

[36] https://empl.ee/en/

[37] https://empl.ee/en/union-and-members/

[38] A list of certified advisers can be found here: https://www.eramets.ee/konsulentide_nimekiri/

[39] Professions Act (kutseseadus, RT I 2008, 24, 156) passed on 22.05.2008, available in English: https://www.riigiteataja.ee/en/eli/521032019015/consolide

[40] A list of certified forest management work companies can be found here: https://keskkonnaagentuur.ee/metsakorraldus#tegevusloaga-metsako

[41] https://www.emu.ee/en

[42] Information on certification can be found here: https://www.rmk.ee/sale-o/sale-of-t/sertificate-fsc-pefc

10. **Public enterprises**: State Forest Management Centre – the Centre manages the state-owned forests, maintains the values of state forests, organises nature conservation work, creates opportunities for the most versatile use of the state forest and performs other tasks assigned to it. Since its formation, one of the main activities of the centre has been to generate revenue from forest management.
11. **Forest cooperatives:**[43] cooperatives are organisations of private forest owners whose members receive comprehensive and professional assistance in solving any questions and problems related to forestry. The functioning of the cooperative system is also supported by the state. There are several dozen forest societies in Estonia, and the number of their members is growing. As of the beginning of 2024, 17 469 forest owners have joined forest associations[44].
12. Other **Forest organisations**: N/A

[43] Estonian forest cooperatives can be found here: https://www.eramets.ee/metsauhistute-kontaktid/

[44] https://www.eramets.ee/metsauhistute-kontaktid/

3. Forest land ownership structure

- **According to State statistics, what is the ownership structure of the forest in your country (at State level)?** Please include relative and absolute data of forest ownership types, including average size of public and private forests and the number of area of forests in each size category)

3.1. Data on national forests ownership structure

Over a half (51.4%) of Estonia's mainland is covered with mostly semi-natural forests. In Estonia, forest grows on approximately 2.3 million hectares, of which approximately 75%, that is, 1.7 million hectares is manageable forest. The total growing stock of stands is 480 million m^3.

The forests are divided into state- and privately-owned forests. According to the latest statistics (for the year 2023)[45] the state (managed by RMK) owned 45,9%, making up 1 070 700 hectares of forest land and the privately-owned forests divided into natural persons owning 27,1%, making up 633 500 hectares of forest land and legal persons owning 22,4%, making up 521 900 hectares of the forest land in Estonia.[46] There are around 113 000 private forest owners in Estonia.

3.2. Definitions of forest ownership in your country

Please provide the definitions identified in the legislation applicable in your country following the guidelines shared with you.

- **Forest owner**

For the purposes of the Forest Act, a private forest owner is a natural person or a legal person in private law who owns forest land[47]. Forests are divided into state- and privately-owned forests. Limited number of forest lands also belong to the municipalities.

- **Forest holder**

N/A – There is no such term in use in Estonia. The described activities are divided between the owner and the party with whom the owner has entered into an agreement for forest management (see right below under 'Forest manager').

- **Forest manager**

N/A

There is no definition for "forest manager" in the Estonian legislation. However, this is a concept which is known in practice. A private forest owner can transfer their rights regarding forest management to another person by concluding an agreement but is not obligated to do so.

For state-owned forests, an administrator of state assets, to whom state forest as a state asset has been transferred for administration in accordance with the State Assets Act, organises the

45

https://tableau.envir.ee/views/SMI/3Maakategooriaomandaegrida?%3Aembed=y&%3Aiid=1&%3AisGuestRedirectFromVizportal=y

46 The remaining 4,6% of the land is deemed to be other land owned by the state.

47 § 10 (4)

management of the state forest and of the financing of the management thereof. The state forest is managed by a person or state agency designated by the administrator of state assets[48]. As a rule, state-owned forests are managed by the State Forest Management Center (RMK).

- **Forest contractor**

N/A

There is no definition of "forest contractor" in the Estonian legislation.

As stated above, the forest owner has the right to transfer their rights regarding forest management to another person by concluding an agreement. The general rights and obligations stipulated in the regulations are not personified and apply uniformly to all parties.

- **Forest**

Pursuant to the Forest Act[49], "forest (*mets*)" is an ecosystem consisting of forest land and the flora and fauna thereof.

"Forest land" means land that meets at least one of the following requirements:

1) is entered in the land cadastre as a forest land parcel;
2) is a plot of land with an area of at least 0.1 hectares and woody plants with the height of at least 1.3 metres and with the canopy density of at least 30 per cent grow there.

The land of yards, residential land, parks, cemeteries, green areas, berry gardens, orchards, forest nurseries, gardening centres, arboreta, and plantations of trees and shrubs is not deemed forest land for the purposes of the Forest Act.

"Tree and shrub plantation" means a site of habitat established for intensive growing of trees and shrubs on non-forest land where trees and shrubs are grown with regular planting spacing and managed uniformly by age.

Growing forest is an integral part of an immovable as it is permanently connected to the immovable. This means that growing forest is inextricably linked to the immovable and cannot be owned by anyone other than the owner of the immovable[50].

3.3. Forest ownership types in your country

☐ Please provide a **description of the types of forest ownership** (e.g. public forest, private forest) identified in the legislation applicable in your country. **Are there specific laws** for certain types of collective, communal, vicinal or neighbourhood forests?
There are public (state-owned) and private (privately-owned) forests in Estonia.

[48] § 43 of the Forest Act
[49] § 3 (1) of the Forest Act
[50] §§ 53 – 54 of the Act on the General Part of the Civil Code

There are general rules and regulations stipulated in the Forest Act and in the regulations established based on the Forest Act, the Nature Conservation Act and also in the planning documents that apply uniformly to all forest owners.

As explained above, comprehensive spatial plans may have an impact on the management of public and private forests, since they entail regulations to establish restrictions on forest clearcutting operations in order to protect settlements or construction works against air pollution, noise, strong wind or snowstorm or in order to reduce the risk of fire outbreak or to prevent the spread of a forest fire. Comprehensive spatial plans also designate valuable agricultural land, green areas, landscapes, individual features of landscapes and natural biotic communities and stipulate conditions for their protection and use; ensure the functioning of the green network and determine the restrictions resulting from it and determine the location of leisure and recreation areas and the restrictions resulting from such areas. All conditions and restrictions arising from the comprehensive plans must be taken into account when managing the forest. Upon managing a forest designated by a spatial planning document for the protection of a settlement or residential building against air pollution, noise, strong wind or snowstorm or for reducing the fire risk or prevention of the spread of forest fire, the local authority may, by agreement with the landowner, establish restrictions to the type of cutting in the event of regeneration cutting and to the size of the cutting area and the rotation age in the event of clear cutting.

There are also specific rules to managing public forests set out in the Forest Act[51]. There are areas located in state-owned forest, the management of which involves increased public interest. These forest areas of high public interest that are important to local communities and residents are agreed upon with the local government during the preparation of the municipality's general plan. There are different requirements and limitations to forest management in these areas with increased public interest.

The Forest Act also states that in order to ensure the stable state of the environment and multiple uses of forest, the area of state forest land must be at least 20 per cent of the area of the mainland of the Republic of Estonia.

☐ Are there well-established programs for forest land consolidation? Are there public bodies promoting or responsible for these programs?

Yes, the forest cooperatives together with the Estonian Private Forest Union (which consists of these cooperatives) help with the consolidation of forest land. The private forest owners may join the forest cooperatives and also manage their forests jointly, but there is no obligation to do so.

The Estonian Private Forest Union also administers forest subsidies and certification.

3.4. Proof of ownership: Land registry and Cadastre

- How is ownership proved?

[51] Section 6 (§ 43 etc) of the Forest Act

All immovables are registered in the Land Register[52] and ownership can be verified through the public register. Anyone can make a paid enquiry to the register.

- Is there a legal obligation to register **ownership/property**?

Yes, as a rule, all immovables must be registered in the Land Register with the following data:

- cadastral unit;
- intended purpose;
- address/location;
- limited property rights established in favour of the immovable;
- area of the immovable;
- information on merging and dividing of the immovable, as well as the joining of part of the immovable and the separation of part of the immovable.

The correctness of the data entered in the Land Register is assumed[53].

The cadastral units must also be registered in the land cadastre[54]. There may be state-owned forest lands which are registered in the land cadastre only. The purpose of keeping the cadastre is to register the border of the immovable and the spatial extent, value, natural state and information reflecting the use of the land and water area in the cadastre and to ensure the quality, preservation and availability of this information to the public.

In summary, the Land Register is the main tool used as proof of ownership, while the land cadastre generally provides an overview of land parcels, geographical locations, and other relevant details.

- Is there a registration fee?

Yes, the Statutory Fees Act[55] stipulates fees for different registration procedures in the Land Register. The amount of the fee depends on the value of the transaction and may differ from 3 to 1030 euros.

- **Is there an official register of forest owners and of forest holdings? Is it shared with agricultural registers? Is it harmonized with the general property/ownership register?**

There is no specific register for forest owners and forest holdings. As stated above, all immovables are registered in the Land Register, where forest land ownership can be verified. The general category of ownership (state, municipal, private) in respect of a particular forest land can also be checked from the land cadastre. While searches can be conducted for specific plots in the Land Register and land cadastre or specific owners in the Land Register, there is no option to search specifically for forest land.

There is also a Forest Register, where the forests, forest notices and forest expert assessments are registered.

[52] https://kinnistusraamat.rik.ee/Avaleht.aspx?lang=Eng

[53] § 56 of the Law of Property Act

[54] https://xgis.maaamet.ee/xgis2/page/app/maainfo

[55] §§ 74 etc, Annex 2

Forest subsidies are issued through the Agricultural Registers and Information Board systems.

- Is the **Cadaster/register** well updated and reflecting real forest owners/holders?

Yes, both the cadastre and Land Register are regularly updated and correctness of the information in the Land Register is assumed and can be relied upon.

4. Rights and obligations: forest owner/holder and forest contractor

4.1. Overview

- **According to the legal and regulatory framework what are the rights and obligations of forest owners/holders and forest managers in your country?**

The Estonian Forest Act does not stipulate different rights and obligations regarding forest owners and forest managers. The regulation mainly focuses on the forest owner and the forest owner in turn has the right to transfer their obligations to another person (e.g. forest manager) with an agreement.

Pursuant to the Forest Act[56] the forest owner must:

1) monitor the condition of the forest, protect the forest against pests and diseases, littering or fires;
2) manage and permit their 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, and the conditions for forest regeneration and reforestation to an extent larger than permitted by legislation, which does not allow wind damages or the spread of fungus diseases or pests and which is in accordance with the principles of the sustainable use of forest, and protect the forest against the deterioration of site conditions;
3) in the gathering of forest by-products, apply and permit the application of only such gathering methods that do not damage the productivity of such by-products as berries, mushrooms and herbs;
4) in the event of regeneration cutting, place information on the performer of cutting in a visible place at the cutting site throughout the period of cutting.

The requirements provided for in clause 2 above do not extend to forests used for national defence purposes.

The forest owner's rights and obligations regarding forest inventory and forest management plan have been described in more detail in section 5 of this report. As a rule, the private forest owner does not have the obligation to prepare a forest management plan and/or manage the forest. However, it must be noted that in order to manage the forest, a forest inventory must be done. Generally, preparing the forest management plan is voluntary, but in practice, necessary and reasonable.

As an exception, in order to manage a forest growing on an immovable encumbered for the benefit of the Republic of Estonia on the basis of the Land Reform Act, the forest owner must order a forest management plan which is mandatory upon the planning of forest management activities.

[56] § 42 of the Forest Act

Rights and obligations related to regeneration and cutting of the forest have been described in section 6.1 of this report.

The forest owner must also comply with the restrictions arising from the Nature Conservation Act (taking into account the Habitats Directive and the Birds Directive) and protection rules of specific protection areas.

The Nature Conservation Act stipulates different limitations and conditions to the management of forests. As a rule, it is not allowed to perform regeneration cutting in the limited management zones of protected areas and the protection rules for specific protected areas may establish different limitations as well as time limits to cutting with regard to the size and form of cutting areas and the age composition of a forest within a limited management zone, provided that the restrictions and limits are necessary for the preservation of a biotic community or a protected species within the community and for the improvement of the living conditions.

Cutting activities are prohibited within a limited-conservation area if such activities are likely to harm the structure and functions of the protected habitats or endanger the preservation of species typical to the habitats.

Clear cutting in the limited management zone of the shore is prohibited. In the limited management zone of the bank, the size of the cutting area may not exceed two hectares, except upon management of land improvement systems in the water protection zone of the artificial recipient of the land improvement system. Upon selective cutting and shelterwood cutting in the shore and bank limited management zone, the conditions provided for in this Annex to the Act must be taken into account.

In order to protect a key habitat on forest land, a notarised agreement may be concluded with the owner of the privately owned forest land, on the basis of which the immovable property is encumbered with a personal right of use in favour of the state through the Ministry of Climate for a term of 20 years. The contract can be concluded for the protection of a key habitat located outside a protected natural object and entered in the Estonian Nature Information System. The personal right of use means the right of the state to use the immovable for the protection of a key habitat. The state has the right to prohibit or restrict economic activities in a key habitat arising from the objective of the protection of the key habitat and the forest owner must ensure preservation of the key habitat. Compensation for the damage caused by the restrictions on forest use in a key habitat and for the costs of maintenance of a key habitat (hereinafter *fee for the right to use a key habitat*) is paid to the owner of the immovable in equal yearly instalments during the period of encumbrance with a personal right of use for the benefit of the state.

As explained, the owner of the immovable must consider the restrictions arising from the Nature Conservation Act and the specific protection rules (including for Natura 2000 areas). It must also be noted, that although there is no specific regulation to that effect, forest management activities must also take into account the birds nesting period. The State Forest Management Center has deemed this period to last from 15 of April to 15 of June. The Environmental Board

also stipulates limitations for the protection of birds in forest notices and carries out supervision throughout this nesting period.

Single trees growing within a densely populated area, except for forests as defined by the Forest Act, will only be cut based on a permission of the local authority. The conditions and procedure for granting permission will be established by the local authority.

Additionally, the forest owner must comply with the conditions and requirements arising from the comprehensive plans of the municipalities (see section 1.3, 2.1 of this report).

4.2. Legal rights of the forest owner/holder

- **Right to financial support/tax exemptions/subsidies? What are the requirements?**

There are multiple different forest subsidies in Estonia. All of the described subsidies are granted by the Estonian Environmental Investment Center[57].

The Forest Act stipulates that the state supports the following activities:

1) the advising and training of private forest owners;
2) the training of agricultural advisers, the awarding of professional qualifications to agricultural advisers and the evaluation of agricultural advisers in the field of forest management;
3) the investments aimed at increasing the economic, ecological, social and cultural value of the forest and the silviculture work performed by private forest owners, including the preservation of cultural heritage and key habitats, and the work aimed at forest improvement;
4) forestry-related joint activities of private forest owners;
5) measures to avoid forest damages in a private forest, which may occur independently of the forest owner and to prevent the spread thereof;
6) inventory of the forests of private forest owners;
7) afforestation that meets biodiversity and climate objectives; restoration of degraded and carbon-sensitive ecosystems; implementation of more nature-friendly forest management practices to develop structurally and species diverse, carbon-rich and climate-resilient commercial forests; implementation of drainage mitigation techniques; and activities to reduce emissions from peat soils.

Support may be granted to private forest owners, forest cooperatives or agricultural advisers (depending on the support scheme (see below)). Upon granting support, preference is given to private forest owners whose forest property is smaller.

[57] https://www.kik.ee/en

The aforementioned subsidies are granted on the basis of the regulation[58] of the Minister of the Environment that sets out the conditions and requirements of the support schemes. The subsidies provided on the basis of this regulation are:

1) **Subsidy for consulting private forest owners**: The purpose of consulting support for private forest owners is to ensure forest management based on the best knowledge and more efficient use of forest resources. Consulting support can be applied for and received by forest cooperatives for consulting services provided to a private forest owner.
2) **Support for forest renewal**: The purpose of forest renewal support is to ensure the improvement of the quality of forest resource and the more effective use of production potential of forest land after cutting or forest destruction. Forest renewal support can be applied for by forest cooperatives for the forest land that is owned by a member of the forest cooperative on the deadline for submitting the application.
3) **Support for preserving and exhibiting heritage culture**: The purpose of providing support for the preservation and display of heritage culture is to ensure the preservation of the heritage culture object located on private forest land and to present it to the public and ensure access to it. The support for heritage culture can be applied for by forest cooperatives and private forest owners.
4) **Support for forest inventory of private forest owners**: The purpose of forest inventory support is to promote the collection of data on forest resources and the sustainable use of forest resources. Only forest cooperatives can apply for and receive support for forest inventory.
5) **Forest cooperative support**: The purpose of the forest cooperative grant is to support the organisation of joint forestry activities and forestry works. This support is for forest cooperatives.
6) **Support for forest land improvement works**: The purpose of providing support for forest land improvement works is to improve the water regime of forest land, the conditions of access to forest land, and the economic use of the forest. The support for forest land improvement works can be applied for by forest cooperatives and private forest owners.
7) **Support for forest certification**: Forest certification support is given for the certification of sustainable forest management. The purpose of the grant is to contribute to the implementation of the principles of sustainable forestry in private forests through joint forestry activities. The support may be granted to forest cooperatives that fulfil the conditions set out in the regulation.
8) **Support for the prevention of bark beetle damages:** The purpose of the support is to prevent damage caused by bark beetles in private forests. The support may be applied for and received by forest cooperatives by submitting information on the prevention of bark beetle damages. For the purchase and installation of pheromone

[58] Regulation no. 10 of 14.04.2014 of the Minister of the Environment "*Erametsanduse toetuse andmise alused, taotluse kohta esitatavad nõuded, toetuse taotlemise ja taotluse menetlemise kord, taotluse hindamise alused ning toetuse tagasinõudmise kord*"

traps and for the repair of storm damage, a private forest owner may also apply for and receive the support.

9) **Support for compensation for nature conservation restrictions in private forest areas outside the Natura 2000 network area**: The purpose of the support for compensation for nature conservation restrictions on private forest areas located outside the Natura 2000 network areas is to preserve and improve the ecological condition and to compensate private forest owners for the loss of income due to compliance with the restrictions.

The support may be applied for and received by private forest owners.

The support can be applied for as a forest area on the basis of the eligible map layer entered in the Estonian nature information system for a forest area of at least 0,3 ha that meets the following conditions:

- is located outside the Natura 2000 network areas approved by the government;
- is located in the restricted zone of a protected natural object specified in § 4 (1) point 1 or point 4 of the Nature Conservation Act or in the special protection zone area specified in § 4 (1) point 2 or in an area for which the procedure for taking under protection has been initiated within the meaning of § 9 (1) of the Nature Conservation Act;
- is located outside a park and an arboretum referred to in § 28 subsection 2 of the Nature Conservation Act;
- meets the requirements for the height of woody plants and the union of tree crowns set forth in § 3 (2) point 2 of the Forest Act or the trees have been cut as specified in § 28 (4) point 1, 2, 3 or 6 of the Forest Act or have died as a result of a natural disaster.

The subsidy rate is up to 60 euros per hectare in the obligation year.

In addition to the aforementioned subsidies, there is also support for promoting biodiversity in private Natura 2000 forests that is granted on the basis of regulation no. 78 of the Minister of Rural Affairs[59] and investment support for private forests for adapting to climate change that is granted on the basis of regulation no. 82 of the Regional Minister[60].

Natura 2000 subsidy

Support is granted for compliance with nature conservation restrictions on private forest land located in the area of the Natura 2000 network or located in the conservation zone of a protected natural object specified in § 4 (1) point 1 or 4 of the Nature Conservation Act or located in planned protection area within one calendar year.

Support is granted to a natural person, self-employed person or legal entity under private law, who owns or uses forest land.

[59] Regulation no. 78 of 23.12.2022 of the Minister of Rural Affairs "Perioodi 2023–2027 Natura 2000 erametsades elurikkuse soodustamise toetus"

[60] Regulation no. 82 of 22.11.2023 of the Regional Minister "Perioodi 2023–2027 erametsade kliimamuutustega kohanemise investeeringutoetus"

Requirements for the land entitled to this support are stipulated in the regulation no. 78. The land must meet the following requirements[61]:

1) The data must be entered into the Estonian nature information system.
2) The forest land must be located in the Natura 2000 area or in the special protection zone of the protected natural object specified in § 4 (1) point 1 or 4 of the Nature Conservation Act or in a planned protection area.
3) Forest land must be at least 0,3 ha in size.
4) Eligible forest land may include a road up to four meters wide, a ditch, a fire prevention zone and land in the protection zone of an electrical installation, as well as an open space up to 0,10 ha in size.

The subsidy rate is 134 euros per hectare in a Natura 2000 area special protection zone, in a forest habitat located in a Natura 2000 limited management zone or in a conservation area, in an area projected as a Natura 2000 special protection zone or in a special protection zone area outside the Natura 2000 area and up to 60 euros per hectare in a Natura 2000 area special protection zone or conservation area where there is no forest habitat and in an area planned for a limited management zone or conservation area.

Climate change subsidy

The purpose of the grant is to help private forests mitigate climate change and adapt to its effects by accelerating carbon sequestration by promoting the growth of young stands, preventing damage to forest trees, and regenerating damaged forests.

Support is granted for the implementation of the following activities:

1) maintenance cutting of stands up to 30 years old;
2) prevention of plant diseases and damage to forest trees and game damage and preventing their spread;
3) elimination of damage to the forest damaged by a natural disaster or fire and renewal of the damaged forest.

Support is granted to a forest cooperative, a micro-entrepreneur or a natural person.

The budget for maintenance felling is 1 200 000 euros, the budget for damaged forest renewal is 160 000 euros, and the budget for forest damage prevention is 40 000 euros. The subsidy is paid out after the works have been completed and documents have been submitted.

Income tax exemption

A sole proprietor may deduct up to 5000 euros during a tax period from their income derived from the transfer of timber cut from an immovable belonging to the sole proprietor and from the transfer of the right to cut the standing crop growing there as well as Natura 2000 support

[61] The forest eligible for support can be found in the Land Board map application: https://xgis.maaamet.ee/xgis2/page/app/erametsakeskus

for private forest land after other deductions for certified business-related expenses incurred by a taxpayer have been made.

Upon transfer of the right to cut standing crop and cut timber, certified expenses related to forest management are also deemed to be expenses related to the transfer and the taxpayer has the right to deduct the expenses from the income derived from the transfer of the right to cut standing crop and cut timber during the same tax period or three subsequent tax periods if the conditions stated in § 37 (8) of the Income Tax Act have been met.

A natural person may additionally deduct up to 5000 euros during a tax period from their income derived from the transfer of timber cut from an immovable belonging to the natural person and from the transfer of the right to cut the standing crop growing there as well as Natura 2000 support for private forest land after the deductions specified above have been made.

Land tax exemption

Land tax is not imposed on land (including forest land) of strict nature reserves and special management zones of protected areas and land of special management zones of species protection sites.

Land tax in the amount of 50 per cent of the rate of land tax is paid on land of limited management zones specified in § 31 of the Nature Conservation Act, land of special conservation areas specified in Chapter 5 of the Nature Conservation Act, land of limited management zones of species protection sites established pursuant to § 50 (1) of the Nature Conservation Act and land of limited management zones of individual natural objects provided for pursuant to § 68 of the Nature Conservation Act and on the land of water protection zone of shores provided for pursuant to § 118 of the Water Act.

- **Is there a right to decide about the forest management practices in their forest land?**

Yes, the forest owner has the right to decide if and how to manage the forest as long as it is in line with the regulations (including the Forest Act, the Rules of Forest Management, the Nature Conservation Act) and planning documents.

- **Is there a right to harvest?**

Yes, subject to limitations from the Forest Act, the Rules of Forest Management and the Nature Conservation Act and a notice that must be approved by the Environmental Board.

The following cuttings are permitted:

1) renewal cutting, which includes clearing and shelterwood cutting;
2) maintenance cutting, which includes cleaning of a stand with an average breast diameter of up to 8 centimetres, thinning of a stand with an average breast diameter of 8 centimetres and larger, and sanitary cutting;
3) selective cutting;

4) route cutting, which includes the cutting of a quarter or boundary line up to four meters wide, or the clearing of an existing line or road edge, ditch bank and ditch edge from trees with an average chest diameter exceeding eight centimetres;
5) deforestation;
6) design cutting, which is carried out on a protected natural object in order to achieve a conservation goal in accordance with the conservation management plan, the action plan for the protection and management of a species, or to maintain and improve the condition of an individual object of protected nature or a valuable habitat.

4.3. Limitations to the rights of forest owner/holder

- **Is there a limitation to change the land use of the land (from forestry to agriculture and/or urbanization)?**

Land use can be changed but there are limitations since it requires deforestation and different restrictions arise (see specific requirements in section 6.1).

When the owner present its application to change the land use, pursuant to the Land Cadastre Act, a city or rural municipality government shall determine the intended purpose of the cadastral unit based on the actual use of the land for cadastral units with no construction works or based on a comprehensive plan, in the case where preparation of a detailed plan is not mandatory. In cases where construction works are planned that require a detailed plan, the intended purpose of cadastral unit will be determined based on the detailed plan.

There may be limitations to changing the intended use of the land arising from the comprehensive plan of the municipality.

- **Is there a legal limitation to the right to harvest? Is there a ban on clear cutting?**

Yes, there are requirements for cutting arising from the Forest Act, the Rules of Forest Management and the Nature Conservation Act.

Firstly, forest management requires forest inventory (and a voluntary forest management plan). This has been described in more detail in section 5 of this report.

Secondly, generally all cutting is subject to a forest notice that must be approved by the Environmental Board. The forest owner is allowed to cut up to 20 cubic meters of wood per immovable property per year without submitting a forest notice. The Environmental Board assesses each forest notice and verifies the compliance of the planned cutting with the legal requirements and valid inventory data or actual data about the condition, age, basal area and resources of the forest if the inventory data does not reflect the actual situation. In this process the Environmental Board also verifies if there are any Natura 2000 related restrictions or restrictions arising from the comprehensive plan (e.g. green areas) in the forest and assesses, whether the planned cutting is in line with these restrictions or not.

Thirdly, the allowed cutting techniques have been described in section 4.2 of this report and the requirements for cutting (including clear-cutting, which is permitted under certain conditions) have been brought out in section 6.1 of this report.

- **Are there limitations to carry out non-forest activities in forest land (like mining, energy plants, etc.)?**

Yes, if the activities require cutting or deforestation, the conditions described above and in section 6.1 must be met. In addition and depending on the specific activity (for example mining), the necessary environmental permits for the activity (mining permit) must be obtained (which may also involve environmental impact assessment).

- **Are there specific limitations to carry out agricultural activities, like extensive grazing or temporary cultivation, on forest land?**

There is no specific limitation to carry out agricultural activities. The general requirements to changing the land use described above must be followed.

However, there may be some limitations arising from the agricultural regulations' side (e.g. requirements for subsidies, livestock farming etc).

- **Is hunting right linked to ownership right? Is it considered a forest activity or does it have specific regulations?**

Hunting is linked to ownership right and regulated specifically in the Hunting Act.

A landowner has the right, to the extent and in accordance with the rules provided by the Hunting Act[62]:

1) to organise small game hunt on their land;
2) to enter into an agreement for organisation of hunting activities on their immovable;
3) to impose conditions for hunting on their land or prohibit hunting there;
4) to initiate replacement of a user of a hunting district;
5) to make proposals to the hunting council to change to boundaries of a hunting district.

The landowner has thus the right to decide whether hunting is permitted on their land. Pursuant to the Hunting Act, an agreement must be concluded with the landowner to allow hunting and to determine the associated rights and obligations. However, if no agreement has been made, hunting is permitted from sunrise to sunset on an unfenced and unmarked immovable property, provided it is at least 200 metres away from any building and the landowner has not explicitly prohibited hunting on their land.

Hunting is not allowed[63]:

[62] § 6 of the Hunting Act
[63] § 3 (2) of the Hunting Act

1) in areas within cities, towns and small towns and clearly defined built up areas of villages, as well as recreation and leisure areas designated by planning documents where safe hunting is impossible;
2) in zones in protected areas where hunting is prohibited by law or regulations established under the law.

- **Are there citizens' rights to collect wild products in forest land? Are they linked to the ownership right or not?**

Pursuant to the Forest Act[64] if a forest (public and private) is not fenced or marked, it is allowed to stay in the forest and pick berries, mushrooms and nuts and gather ornamental branches, herbs and ornamental plants and parts thereof without unduly harming the interests of the forest owner, without disturbing the game and protected animals during their reproduction period and other persons who are in the forest, without leaving permanent traces in the forest, and provided that the fire safety requirements and the requirements of the forest owner are adhered to.

- **Are there rights to access (walking) on forest land? Are there specific regulations for public use of forest land, hiking, riding, biking, etc.?**

In addition to the previous answer that is also relevant here, pursuant to the General Part of the Environmental Code Act[65] it is allowed to stay on a plot of land belonging to another person only with the permission of the owner. However, the permission to stay on a plot of land belonging to another person, except in the yard, is deemed to be granted where the owner has not fenced the plot of land or marked it in a manner that demonstrates the intent to restrict strangers' stay on the plot or where the intent to restrict the stay cannot be derived from other circumstances. This presumption does not cover entering another person's land plot with a with a power-driven or off-road vehicle.

4.4. Forest owner/holder obligations and requirements.

- **Which requirements or obligations regarding forest management are imposed on owners?**

The forest owner has the right to manage their forest or to transfer their obligations to another person (e.g. forest manager) with an agreement. As a rule, the private forest owner does not have the obligation to prepare a forest management plan and/or manage the forest. However, it must be noted that in order to manage the forest, a forest inventory must be done. See in more detail in sections above (especially 4.1, and also 4.2 of this report).

- **Is there a tax** imposed on forest ownership?

There is no specific tax for forest ownership. The general land tax is applicable for the owner of an immovable.

[64] § 35 of the Forest Act
[65] § 32 of the General Part of the Environmental Code Act

- **What type of permits the forest owner needs** to manage their land?

The forest owner or the representative of the owner must submit a forest notice to the Environmental Board concerning planned cutting, except cleaning, and concerning serious forest damage not entered in the forest register.

- **How is the control of forest harvest determined? Is there an obligation to mark every tree to be cut or retained?**

There is no obligation to mark every tree. The control is determined through the forest notice, where the relevant conditions are stipulated for the cutting.

The Environmental Board can also exercise supervision regarding compliance with the conditions of the regulations and the forest notice.

- **Are there technical, administrative or economic specifications on the forest products market? Are forest harvest contracts legally defined for public or private forests or for some specific types?**

Transferring cutting rights is regulated in the Forest Act[66]. Upon transfer of the cutting right, the transferor and the acquirer conclude a transfer deed (i.e. forest harvest contract) for the cutting right in writing or in a form reproducible in writing or prepare a written instrument on the conclusion of an oral agreement, which sets out at least the following:

1) the name, personal identification code or registry code of the transferor and acquirer of cutting right;
2) in the event of representation, the name and personal identification code of the representative and the basis for representation;
3) the number of the immovable and the number of the cadastral unit where the forest whose cutting right is to be transferred is located number; in the case of the state forest, the number of the quarter and the stand compartment;
4) the type of cutting to be carried out;
5) the size of the area and the estimated volume in solid cubic metres of the forest affected by cutting.
6) the signatures of the transferor and the acquirer of the cutting right;

Cutting right grants the right to cut trees to the extent, at the place, time and on the conditions prescribed by a contract, to acquire the cut trees, to produce timber assortments of these trees and to take the assortments obtained out of the forest. A transfer deed for the cutting right must be accompanied by the right to use the land in accordance with the content of the cutting right. A transfer deed for the cutting right is not terminated upon the transfer of immovable if the transferor of the cutting right has transferred the possession of the part of the immovable on which the forest which is the object of cutting right grows to the acquirer of the cutting right

[66] § 37 of the Forest Act

before the transfer of the right of ownership in an immovable. The rights and obligations arising from the transfer deed for the cutting right transfer to the acquirer of the immovable.

Upon transfer of timber and giving of timber for processing or storage, the transferor or the person who gives timber for processing or storage and the acquirer of timber or the person who receives timber for processing or storage conclude a timber transfer contract in writing or in a form reproducible in writing or prepare a written instrument on the conclusion of an oral agreement. The contract and the instrument must set out at least the following:

1) the name, personal identification code or registry code of the transferor and acquirer of timber and that of the person who gives and the person who receives timber for processing or storage;
2) in the event of representation, the name and personal identification code of the representative and the basis for representation;
3) the location of timber;
4) the volume of timber by assortments (log, pulpwood, technological wood, fire wood, post, pole, etc.) and tree species;
5) the signatures of the transferor and the acquirer of timber, unless the document is authenticated in another manner ensuring the identification of the person;
6) the number of the cadastral unit where the timber has been cut; in the case of the state forest, the number of the quarter and stand compartment.

A deed of delivery and receipt of timber must be annexed to the agreement described above. Annexing the deed of delivery and receipt is not required if the written agreement or another document certifying delivery sets out the basis for the possession of timber in accordance with the requirements applicable to the deed of delivery and receipt.

A seller of the cutting right or timber and a purchaser of the cutting right or timber are required to submit a notice concerning the cutting right or timber sold or purchased to the Tax and Customs Board. A notice does not have to be submitted if the volume of timber sold or purchased is up to twenty solid cubic metres per year.

- **Is there an obligation to prevent forest fires or other risks?**

Yes, the forest owner must protect the forest against fires and other risks. More specifically, according to § 42 of the Forest Act the forest owner must monitor the condition of the forest, protect the forest against pests and diseases, littering or fires.

In addition, pursuant to the Forest Act[67] camping and making a campfire is permitted only in the places which the forest owner has prepared and designated therefor or with the permission of the forest owner.

[67] § 35 (1) 2) of the Forest Act

- **Is fencing or the use of forest roads regulated?**

Fencing

There is no obligation nor restriction on fencing in the Forest Act or other regulations. However, there may be restrictions to fencing arising from the regime of nature protection areas or from the comprehensive spatial plans for example to ensure the functioning of the green network. These restrictions must be verified on a case-by-case basis depending on the municipality and exact location.

Forest roads

Pursuant to the Forest Act[68] if a forest (public and private) is not fenced or marked, it is allowed to drive a vehicle on the roads located on forest land and, with the permission of the forest owner, outside of roads.

The General Part of the Environmental Code Act[69] allows for roads that are not civil engineering works (paths) to be used on foot, by bicycle or for moving in another similar way, unless otherwise provided by law. The owner cannot prohibit the use of a private road or path on foot, by bicycle or for moving in another similar manner where the use is based on a common custom and is not burdensome on the owner. The use of a private road or path located on yard land is deemed excessively burdensome, unless otherwise provided by law.

Forest roads within the meaning of the Building Code are roads that are situated on land retained in the ownership of the state and that are used predominantly for the management of public forests. A forest road may be used by anyone, unless the person or government agency who arranges the management of public forests has closed the forest road or a part of the road or restricted traffic on the road.

- **Is there an obligation for forest owners and/or forest managers to be associated?**

There is no such obligation arising from the regulation. However, in practice there are benefits in joining a forest cooperative and the Estonian Private Forest Union (through the cooperative). For example, some subsidies are only granted to the forest cooperatives (see section 4.2 on subsidies).

4.5. Forest manager/contractor obligations

- **Which requirements or obligations on forest management are legally imposed on forest managers/contractors**?

There are no specific requirements or obligations imposed on forest managers/contractors. The obligations and requirements of forest management are not personally differentiated in the Forest Act and the regulations imposed based on the Forest Act.

The requirements and rights/obligations of the parties can and should be determined in the agreements concluded between forest owners and forest managers/contractors for the

[68] § 35 of the Forest Act

[69] § 33 of the General Part of the Environmental Code Act

management of the forest on a case-by-case basis. The general requirements for forest management deriving from the regulations are imposed uniformly to all parties involved.

- **What legal rights does the forest manager/contractor have in your country**?

The forest manager/contractor has the rights and obligations granted to them by the agreement concluded with the forest owner.

- Is **there a requirement of a forest management plan**? Are there detailed prescriptions on that?

Private forest owners are not required to prepare a forest management plan, but it is typically created alongside the mandatory forest inventory, unless the owner opts out. In contrast, state-owned forests must always be inventoried and have a management plan, with oversight by the State Forest Management Centre (see section 5 of this report for more information).

- Is there an **obligation to register the responsibility** of forest manager/contractor?
    i. Is registration based on product income?
    ii. Is there a registration fee?

There is no registration and therefore no registration fee.

However, all natural and legal persons who have sold and bought cutting rights and/or timber must submit a notification of cutting rights and timber sales and purchases to the Tax and Customs Board once a year.

There is no obligation to submit the notification if less than 20 cubic meters of forest material is bought or sold per year. If less than 20 cubic meters of forest material have been sold per year, the income from the sale of forest material must still be declared in the tax return of a natural person.

- Is there a **tax imposed on the forest manager**? Is it based on income or hectares?

No, there is no special tax imposed on the forest manager. The general income tax applies.

Depending on the circumstances and conditions of forest transfer and receiving Natura 2000 support, the income received is taxed either as business income or as profit from the transfer of property.

5. Forest Management plans

- Are forest management plans required in the legislation of your country?
  - ☐ Yes
  - ☒ **No**

  Specify where and the conditions as well as the amount of forest land with plans

Private forest owners are not legally required to prepare a forest management plan. However, under the Forest Act, such a plan is typically created alongside a forest inventory unless the owner opts out. While the plan itself is optional, a forest inventory is mandatory for owners who wish to carry out regeneration, thinning, or selective cutting on land plots exceeding 5 hectares. As a general rule, inventory data is incorporated into a forest management plan unless the owner explicitly refuses. Generally, the forest surveyor inventories the forest, makes their own management recommendations and these are presented to the forest owner together with the inventory data. The inventory data is essentially a description of the forest, in which the species composition of the stand, age, height, reserves, etc. are highlighted. Without this knowledge, it is not possible to take any reasonable management decisions regarding the forest.

The steps to prepare a forest inventory (and its connected management plan) are the following. Pursuant to the Forest Act, a forest survey is carried out with an aim to receive data on the condition of forest and the volume of growing stock, advise forest owners and plan long-term forest management activities.

The forest survey consists of forest inventory and planning of forest management activities.

The forest is inventoried by total surface mensuration by cadastral or management units or by a statistical inventory method. The forest inventory data, except the data obtained by the statistical inventory method, will be valid for ten years as of entry in the state register of forest resource along with the data of the forest map. The inventory data to be entered in the register must be not older than one year.

As mentioned above, the inventory data in force is mandatory for regeneration, thinning and selective cutting. This does not apply to regeneration cutting based on a forest protection expert assessment or to an immovable where the area of the forest belonging to a legal person is below two hectares or, to a natural person, below five hectares.

The forest inventory and management plan must be prepared by a professional that has been attested and holds a licence for forest management works. A list of attested companies holding the necessary licence can be found on the web site of the Environmental Agency.

As an exception, in order to manage a forest growing on an immovable encumbered for the benefit of the Republic of Estonia on the basis of the Land Reform Act[70], the forest owner must

[70] Land Reform Act (*maareformi seadus*, RT 1991, 34, 426) passed on 17.01.1991, available in English: https://www.riigiteataja.ee/en/eli/529122024016/consolide

order a forest management plan, following of which is mandatory upon the planning of forest management activities on that immovable.

The **state forest** is managed by a person or state agency designated by the administrator of state assets. As stated above in this report, the State Forest Management Centre is a profit-making state agency who operates as the manager of state forest within the area of government of the Ministry of Climate. The manager of the state forest must prepare a forest management plan for the forests managed by forest districts or other management units at least once every ten years. So, different to the privately owned forests, the state-owned forests must be inventoried and have an existing forest management plan.

- Are there other type of plans required such as:
  - ☐ Technical Plan
  - ☐ Financial Plan
  - ☐ Exploitation Plan
  - ☐ Fire prevention Plan
  - ☐ Hunting Plan

Please see the previous answer explaining the inventory process and the aim of the forest management plan. There are no other specific plans.

- Please indicate the **minimum size of forest requiring a forest management plan**?

The Forest Act does not apply to detached plots of forest land with an area of less than 0.5 hectares and plots of land with an area of at least 0.1 ha and woody plants with the height of at least 1.3 metres and with the canopy density of at least 30 per cent, but where the average age of trees does not exceed ten years and the land is not entered in the land cadastre as forest land.

Additionally, as stated above, forest inventory is required for managing a forest with an area of more than 5 ha on one land plot.

- On **which legal basis are they required? Are they legally binding or only guidelines**?

See the answers above. Pursuant to the Forest Act, the forest inventory is required for the management of private forests. The forest management plan is recommended to gather important information on the forest and its management, but it is not mandatory for private owners. The forest management plans are thus guidelines on how to best manage a specific forest. As an exception, a forest management plan is mandatory for forest management on immovables encumbered for the benefit of the Republic of Estonia and for state forests.

Forest management must follow the Forest Management Regulation[71] stipulates the basic requirements for forest cutting, forest renewal and forest protection, as well as the procedure for ordering and performing forest renewal and forest protection expertise, to ensure the sustainability of forest management and compliance with good forest management practices.

[71] Regulation no. 88 of 27.12.2006 of the Minister of the Environment "Rules of Forest Management" (*Metsa majandamise eeskiri)*

- **Who has the responsibility for the implementation of forest management plans**? Please include national, regional, and local levels as appropriate. Please distinguish between state and private ownership. Please distinguish between different protection status.

The implementation of forest management plans is the responsibility of the forest owner, irrespective of whether it is a private owner or the state.

- Are forest **management plans being enforced**?

As explained above, forest management plans are not mandatory and are more so guidelines for the forest owner on how to best manage the forest. A forest management plan gives the owner an overview of the forest and the possible planned management works and volumes. The plan offers the opportunity to manage the forest but does not set a responsibility to do so.

However, forest owners have the general obligation to monitor the condition of the forest, protect the forest against pests and diseases, littering or fires. Therefore, enforcing the forest management plan might be required to fulfil these obligations.

- Is there an obligation to maintain a **Forest Book** (linked or related to the Farm Book of the Common Agricultural Policy (CAP)?

No, there is no such obligation.

- **How often do forest management plans need to be updated**? Who is responsible for the update?

The forest inventory data, except the data obtained by the statistical inventory method, will be valid for ten years as of entry in the state register of forest resource along with the data of the forest map. The inventory data to be entered in the register must be not older than one year.

The forest owner is responsible for the update.

- Are specific mechanisms put in place to guarantee that national legislation is in line with European guidelines and **criteria on forest management plans** (i.e. Natura 2000 Forest Management Plans)?

Pursuant to the forest management guidelines forest management plans are based on the condition of the forest site and the limitations/restrictions of forest management. Through this general obligation, the restrictions regarding Natura 2000 forests must also be taken into account when preparing the forest management plans.

Also, generally, all cutting is subject to a forest notice that must be approved by the Environmental Board. The Environmental Board assesses each forest notice and verifies the compliance of the planned cutting with the legal requirements and valid inventory data or actual data about the condition, age, basal area and resources of the forest if the inventory data does not reflect the actual situation. In this process the Environmental Board also verifies if there are any Natura 2000 related restrictions in the forest and assesses, whether the planned cutting is in line with these restrictions or not.

If the planned cutting does not comply with the regulations and legal requirements arising thereof (including regarding Natura 2000), the Environmental Board refuses registration of the forest notice.

- Are there any specific requirements for the **forest management plans** in terms of content, structure or criteria? If yes, please elaborate.

The forests are managed on the basis of forest management guidelines established by the regulation of the minister responsible for the field[72]. The forest management guidelines also provide the requirements for the preparation of forest management plans.

Pursuant to the requirements the forest management plan is prepared based on forest inventory data that is valid or submitted to the national register of forest resource. For privately owned forests, the management plan is prepared either by immovables, by management units consisting of immovables owned by one owner or by management units consisting of immovables owned by owners submitting a joint request for a plan.

The forest owner has the right to participate in preparing the forest management plan.

The person who prepared the forest management plan and who holds the forest management works license is responsible for the correctness of the information contained in the forest management plan.

The forest management plan must contain at least the following:

1) title page or description of the forest management object;
2) thematic maps on which the agreement symbols presented in Annex 1 of the regulation are used;
3) assessment description of the forest, which is prepared at least on the basis of the assessment characteristics described in §§ 7–12 of the regulation;
4) summary tables characterizing the forest;
5) lists and volumes of planned forest management works.

The forest management plan may also contain additional information in addition to what is described above, if it helps to better highlight the content of the plan and promotes the protection and sustainable management of the forest as an ecosystem.

Forest management techniques must be based on the condition of the site and the limitations/restrictions to forest management. Methods of forest renewal and cultivation, forest protection recommendations and measures to preserve the diversity of life are planned in accordance with the purpose of forest management.

- Are there any **supporting mechanism for the management plans**? If yes, please elaborate.

[72] Regulation no. 2 of 16.01.2009 of the Minister of the Environment "Forest Management Guidelines" (*Metsa korraldamise juhend*)

The state supports forest inventory of private forest owners. The objective of forest inventory support is to promote the collection of data on forest resources and the sustainable use of forest resources.

Forest inventory support is granted on the basis of a regulation[73] of the Minister of the Environment that sets out the conditions and requirements of the support scheme.

Only forest cooperatives can apply for and receive support for forest inventory. A forest cooperative may apply for and receive support for forest land in the ownership of private forest owners who are members of the forest cooperative or joint forestry activities of private forest owners if it has at least 200 members as of the first day of the month immediately preceding the month of submission of the application.

The support can be applied for to cover the costs of forest inventory, if the inventory data that has been entered in the forest register before the application is submitted, is valid and the inventoried forest land is owned by a member of the forest cooperative on the due date of the application. The support is paid to cover the inventory costs of the forest land once within seven years of entering the inventory data into the register.

The support rate for forest inventory is up to 10 euros per hectare of forest land inventoried.

- Are **there impact assessment required** in your country in relation to the adoption of the forest management plans? What mechanisms are in place in your country to ensure that forest management plans are developed to ensure sustainable forest management practices? If yes, please elaborate.

Environmental impact assessment is not required for forest management plans. However, there are general principles and procedures in place to ensure sustainable forest management practices.

Firstly, the purpose of the Forest Act is to ensure the protection and sustainable management of the forest as an ecosystem. Pursuant to the Forest Act, forest management is sustainable if it ensures biological diversity, the productivity, regeneration capacity and vitality of forests, and the possibility of multiple uses of forest in a way that satisfies ecological, economic, social, and cultural needs. These general principles must be taken into account when preparing forest management plans and planning forest management works.

Secondly, the requirements for forest management plans have been described above. The Forest Management Guidelines state that methods of forest renewal and cultivation, forest protection recommendations and measures to preserve the diversity of life are planned in accordance with the purpose of forest management. The forest management plans are prepared with the aim to promote the protection and sustainable management of the forest as an ecosystem.

[73] Regulation no. 10 of 14.04.2014 of the Minister of the Environment ("*Erametsanduse toetuse andmise alused, taotluse kohta esitatavad nõuded, toetuse taotlemise ja taotluse menetlemise kord, taotluse hindamise alused ning toetuse tagasinõudmise kord*")

The Rules of Forest Management that stipulate the basic requirements for forest cutting, forest renewal and forest protection, as well as the procedure for ordering and conducting forest renewal and forest protection expertise also aims to ensure the sustainability of forest management and compliance with good forest management practices.

Thirdly, forest inventory data is verified before it is entered into the register. Forest inventory data is presented to the Environment Agency, who then checks the compliance of submitted data with the regulations and verifies the integrity and correctness of the data. If the Environment Agency discovers discrepancies in the data, the inventory data will not be registered.

Finally, as explained above, generally all cutting is subject to a forest notice that must be approved by the Environmental Board, who also verifies that the planned cutting is in compliance with the regulations.

- Are the **Natura 2000 sites plans already implemented and well-coordinated or integrated** with forest management plans? Are traditional forest activities recognized in those plans? Are there guidelines for small forest owners and managers on what they can and can't do?

Pursuant to the forest management guidelines forest management plans are based on the condition of the forest site and the limitations/restrictions of forest management. Through this general obligation, the restrictions regarding Natura 2000 forests must also be taken into account when preparing the forest management plans.

Natura 2000 sites have their own protection management plans and protection regulations for every protected area that include limitations to forest management and conditions that must be met regarding cutting and general forest management.

6. Sustainable forest management

6.1. Sustainable forest management definition and forestry practices

- Is sustainable forest **management (SFM) defined in your country**?

  ☒ **Yes**

  ☐ No

The Forest Act[74] states that the purpose of the Forest Act is to ensure the protection and sustainable management of the forest as an ecosystem and defines that forest management is sustainable if it ensures biological diversity, the productivity, regeneration capacity and vitality of forests, and the possibility of multiple uses of forest in a way that satisfies ecological, economic, social, and cultural needs.

- Does the definition of **SFM include specific objectives**?

  ☐ Yes

  ☒ **No**

There are no specific objectives, the general objective is described above.

- Does your country have specific guidelines **on Sustainable Forest Management**? If yes, are those mentioned in the legislation?

  ☐ Yes, they can be found here:

  ☒ **No**

  ☐ Other sources defining or implementing Sustainable Forest Management

There are no specific guidelines on sustainable forest management. As stated above, SFM is defined in the Forest Act and it is also mentioned in the Forest Management Guidelines[75] as a principle that should be followed in forest management plans.

- Does your country have a **Forest Strategy and/or Forest Management Policy** setting policy priorities that implement a SFM approach?

  ☒ **Yes, they can be found here:** the forestry development plan describes the SFM general principles[76].

  ☐ No

  ☐ Other sources setting the Forest strategy/policy

- **Which requirements/obligations** result from the legally binding requirement for SFM?

  1. For forest owners
  2. For forest managers

There are no specific SFM requirements/obligations for the forest owners or managers, besides the general principles described above that must be followed by all parties (see in particular first question under Section 4.1). Sustainable forest management is enforced through the rules and

[74] § 2 of the Forest Act

[75] § 21 of the Forest Management Guidelines

[76] https://kliimaministeerium.ee/MAK2030

regulations for forest management stipulated in the Forest Act and more specifically in the Rules of Forest Management.

- Are **specific criteria and/or indicators** to determine whether SFM is being achieved? Where are they described (see table below)?

No, there are not.

However, the Environmental Agency organises the compilation, analysis and completion of the annual inventory data of the LULUCF sector. GHG inventory estimates are presented from 1990 to the year before last. In addition, every two years an overview of GHG emission reduction measures, policy directions and forecasts of the LULUCF sector is prepared. According to the IPCC 2006 (Intergovernmental Panel on Climate Change) methodology, estimates of anthropogenic GHG emissions and sequestration are prepared annually in the LULUCF sector for six land categories: forest land, arable land, grassland, wetlands, settlements and other land. Under each land category, the annual carbon stock change in the following carbon sources is reported: living biomass (above-ground and below-ground biomass), dead organic matter (dead wood and litter), and soils (mineral and peat soils). In addition, an assessment is also given for wood products (HWP - Harvested wood products) in the following subcategories: lumber and wood boards, chemical-thermo-mechanical wood pulp and paper and cardboard. In addition to the changes in the carbon stock, the N2O and CH4 fluxes resulting from the drainage of peat soils, fires, and nitrogen mineralization and leaching in the soils are also recorded. Overviews of the GHG inventory of the LULUCF sector and information on policy directions, measures and forecasts can be found on the web page of the Ministry of Climate[77].

- Are some **forest managers implementing sustainable forest management practices voluntarily**? If yes, how are these voluntary management practices taking place? Through citizen initiatives, local initiatives, or other ways? Please explain how forest managers ensure that forest management practices are sustainable.

It should be noted that the concept of SFM is embedded within the Forest Act, which is the key legislation governing forests, including their management. As a result, SFM practices are automatically applied in certain instances to ensure compliance with the Forest Act itself.

The Estonian Private Forest Union has held the PEFC group certificate since 2010, which can be joined by any private forest owner who manages their forests in an environmentally sustainable manner. This is a voluntary way to implement SFM.

On top of this, sustainable forest management practices are taken into account when preparing forest management plans. Therefore, enforcing these forest management plans ensures that the forests are managed sustainably.

The state also grants support for the certification of sustainable forest management. The purpose of the grant is to contribute to the implementation of the principles of sustainable forestry in private forests through joint forestry activities.

[77] https://kliimaministeerium.ee/rohereform-kliima/kliimapoliitika/kasvuhoonegaaside-heitkogused

- Which mechanisms are put in place to support the implementation of SFM? Which measures are in place to monitor implementation of the SFM?

There are no specific mechanisms in place. As described above, is embedded within the Forest Act and sustainable forest management practices are taken into account when preparing forest management plans. Therefore, enforcing these forest management plans and more generally the Forest Act ensures that the forests are managed sustainably.

Additionally, generally all cutting must be notified to the Environmental Board, and the board must approve the notice. As the Environmental Board must also verify that the notice is in compliance with the regulations and valid inventory data or the actual data about the condition, age, basal are and resources of the forest if the inventory data does not reflect the actual situation.

The state also grants support for the certification of sustainable forest management. The purpose of the grant is to contribute to the implementation of the principles of sustainable forestry in private forests through joint forestry activities. Compliance with the grant requirements help monitor and implement SFM principles.

The Environmental Board also exercises supervision over the adherence to the requirements of the Forest Act and legislation established on the basis thereof, including the principles of sustainable forest management.

- Which forest management practices are required or prohibited by law in your forest/country? Please check below the proposed forest management practices and add supplementary ones if missing (Please include explanation of the legal requirements of the relevant techniques).
    - **Closer to nature silviculture practices**
    - **Clear-cutting**
    - **Shelterwood system**
    - **Selective logging**
    - **Afforestation and reforestation to enlarge forest areas**
    - Controlled burn
    - Mandatory salvage logging
    - Other: **improvement cutting (cleaning, thinning, sanitary cutting); path clearance; deforestation; formative cutting**

Silviculture[78]

For silviculture, improvement cutting and regulation of the water and nutrition regime of forest soil are permitted. The fertilisation of forests, except forest nurseries, with mineral fertilisers is prohibited.

[78] § 27 of the Forest Act

Clear-cutting[79]

Clear cutting is permitted in a stand that meets at least one of the following conditions:

1) the average age of the upper layer weighed on the basis of the composition of the stand is equal to or exceeds the rotation age of the upper layer weighed on the basis of the composition of the stand;
2) the stand has reached the average breast height diameter established in the Rules of Forest Management;
3) the basal area or the crop density of the stand is less than the rate established in the Rules of Forest Management.

In the event 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) 20–70 pines, white birches, ashes, oaks, black alders, European white elms or Scots elms per hectare, dispersed or situated in small groups, which are left as seed trees, and viable undergrowth;
2) old crop trees, i.e. trees that 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 five solid cubic metres per hectare or, in the case of a cutting area sized over five hectares, at least ten solid cubic metres per hectare.

Seed trees will not be left if the forest to be cut does not contain trees suitable for seed trees or if viable undergrowth of the tree species suitable for the forest site type exists on the cutting area for reforestation and it is preserved in the course of cutting. Also, it is not mandatory to leave seed trees on a part of the cutting area which is located less than 30 metres from the edge of a conifer stand of the seed-bearing age or less than 50 metres from the edge of a white birch stand of the seed-bearing age.

The requirements for seed trees and old crop trees and for their preservation and the bases for the assessment of the seed-bearing age of a stand are established in the Rules of Forest Management.

In the event of clear cutting:

1) the area of a cutting area must not exceed two hectares on dunes, in areas sensitive to erosion or deflation and in areas of infiltration or with pressured groundwater;
2) the cutting area must not exceed two hectares in marsh site types and in lichen site types;
3) if the site type is that of a mesotrophic mire, Vaccinium myrtillus drained peatland, Oxalis drained peatland, marsh and bog, the cutting area must not exceed five hectares, unless the area remains within the boundaries of one stand compartment;
4) in site types not specified above, the cutting area must not exceed seven hectares, unless the area remains within the boundaries of one stand compartment;

[79] § 29 of the Forest Act, § 3 of the Rules of Forest Management

5) the cutting area located in various site types must not exceed seven hectares, taking into account the restrictions established above.

Shelterwood cutting[80]

Shelterwood cutting may be done in a stand where the average age of the first front weighted based on its composition is equal to or greater than the cutting age of the first front weighted based on the composition of the stand provided in § 3 (1^2) of the Rules of Forest Management, or which has reached the average breast diameter provided in § 3 (3) of the Rules of Forest Management.

Shelterwood cutting is divided into shelterwood compartment cutting, group selective cutting and shelterwood strip cutting.

In case of shelterwood compartment cutting, dispersed trees are cut in the forest subject to reforestation in two or more cutting stages.

In case of group selective cutting, the forest subject to reforestation will be cut by groups in several cutting stages. The number and size of the gaps to be cut are established in the Rules of Forest Management.

In case of shelterwood strip cutting, trees will be cut from the edges of the cutting area by way of clear cutting at a width that does not exceed the height of the stand. Single trees or groups will be cut at the width corresponding to the height of the stand next to a clearcut strip if there is undergrowth. A clearcut area may be expanded after the regeneration of the part of the forest that was clearcut at the previous cutting stage.

In the event of shelterwood cutting:

1) there must be at least five years between the cutting stages, not including the cutting years;
2) the next cutting stage may be commenced when there are trees of the type suitable for the forest site type in the cutting area with the measurements and in the quantity established in the Rules of Forest Management;
3) the cutting area must not exceed ten hectares, unless it is within the boundaries of one stand compartment;
4) new cutting must not be commenced in a stand compartment bordered by a shelterwood cutting area that has not been regenerated, unless the total size of the areas does not exceed the maximum size of the cutting area provided for in clause 3;
5) the basal area and crop density of the upper layer of the stand must not be reduced below the minimum rate established in the Rules of Forest Management;
6) old crop trees are preserved as explained regarding clear-cutting.

[80] § 30 of the Forest Act, § 5 of the Rules of Forest Management

Selective cutting[81]

Selective cutting is carried out for the purpose of management as a permanent forest in a stand that has reached the felling age by cutting individual trees and small stands. Small drifts can be up to 20 meters in diameter. Preserved trees are preserved in the permanent forest.

Selective cutting may be carried out in a stand where the average age of the first front, weighted based on its composition, is equal to or greater than the cutting age of the first front, weighted based on the composition of the stand given in provided in § 3 (1^2) of the Rules of Forest Management. These requirements apply to selective cutting outside of the target protection zones of protected areas.

Afforestation and reforestation

Afforestation, within the meaning of the Forest Act, is the establishment of new forest on non-forested land, taking into account biodiversity and climate objectives, in order to partially compensate for the loss of carbon stock and sequestration due to deforestation.

There are no specific rules set out in the Forest Act or the Rules of Forest Management. Please see conditions and requirements for forest restoration below[82].

Controlled burn

Controlled burn is not a forest management technique regulated by the Forest Act or the Rules of Forest Management. However, there is a specific regulation[83] stipulating rules and requirements for controlled burning of the landscape on the protected natural object and on the training ground of the Defence Forces or the Defence League.

Improvement cutting (cleaning, thinning, sanitary cutting)[84]

Cleaning may be carried out in all stands with an average chest diameter of up to 8 centimetres, where the light conditions of the main tree species need to be regulated.

Thinning may be carried out in all stands with an average chest diameter of more than 8 centimetres, the chest area of which is larger than specified in Annex 1 of the Rules of Forest Management. After thinning, the chest area of the first front of the stand must not be less than that indicated in Appendix 1 of the Rules of Forest Management.

Sanitary cutting may be carried out in stands of any age. During sanitary cutting, the fullness of the stand must not fall below 30%. Sanitary cutting is carried out for the removal of trees that are a source of infection or promote the reproduction of pests from a forest, as well as the dying or dead trees that are not a source of danger and the seed trees that have fulfilled their function.

[81] § 7^1 of the Rules of Forest Management

[82] Under question “Are there forest owner obligations related to forest restoration after harvest?”.

[83] Regulation no. 4 of 08.02.2021 of the Minister if Interior “Maastiku kontrollitud põletamise nõuded ja kord”

[84] § 31 of the Forest Act, § 6 of the Rules of Forest Management

Path clearance[85]

Path clearance means the cutting of a quarter or boundary line up to four meters wide, or clearing the existing line or road edge, ditch bank and ditch edge of trees with an average breast diameter exceeding eight centimetres.

Deforestation

Deforestation means the cutting that is carried out in order to enable the use of land for purposes other than silviculture.

Deforestation is carried out:

1) in case of a building with a protection zone, to fulfil the requirements established for the maintenance of the building and its protection zone on the basis of the construction project or electrical installation operating plan, if there is no detailed planning obligation;
2) on the basis of other valid design documentation, maintenance schedule or document arising from legislation that serves as the basis for the use of land for purposes other than forest management.

Deforestation charge must be paid for deforestation described in clause 2 above in accordance with the Environmental Charges Act and the legislation enacted thereunder.

Formative cutting

Formative cutting is carried out in a protected natural object in order to achieve a conservation goal in accordance with the conservation management plan, the action plan for the protection and management of the species, or to maintain and improve the condition of an individual object of protected nature or a valuable habitat.

- Are there limitations on the management models to be applied, like clearcuttings or their sizes? **Is there a ban on clear cutting linked to SFM?**

Clear-cutting is permitted under certain limitations. However, there is no ban or restriction directly linked to SFM (although the limitations may indirectly support SFM). See answer to the previous question for more details.

- Is there a **defined/legal target for forest land to be managed for conservation and species protection objectives in your country or region**?

Pursuant to the Forest Act, the area of state forest land must be at least 20 per cent of the area of the mainland of the Republic of Estonia in order to ensure the stable state of the environment and multiple uses of forest.

There is a goal to ensure that protected areas make up 30% of the land area (currently Estonia is at 28%) with the forest reform. This target is currently not established in any legal act.

[85] § 28 (4) 4) of the Forest Act

- Are there **forest owner obligations** related to **forest restoration** after harvest?

Yes, reforestation requirements are stipulated in the Forest Act[86] and in the Rules of Forest Management[87].

A forest owner must apply reforestation methods in perished parts of forest or clear-cut areas with an area of at least 0.5 hectares within two years after the cutting or perishing thereof.

The application of reforestation methods is not required if:

1) according to the reforestation expert assessment conducted by the Environmental Board, there is a natural regeneration with suitable species composition and sufficient number of plants on the whole area of a perished part of a forest or a clear cutting;
2) the perished part of forest or the cutting area belongs to the site type for which the application of reforestation methods is not required in accordance with the rules of forest management established on the basis of this Act;
3) the perished part of forest or the cutting area is located in the special management zone of a protected natural object.

The procedure for the commissioning and conducting reforestation expert assessments has been established in the Rules of Forest Management.

An expert assessment of reforestation must be carried out on the basis of a reasoned order placed by a forest owner or based on other information received by the Environmental Board, at the expense of the state for the purpose of verifying the performance or extension of the reforestation obligation or of release from the reforestation obligation.

Approved reforestation methods are:

1) soil scarification with a view to enabling tree seeding and planting of trees or fostering of natural regeneration;
2) tree seeding;
3) the planting of trees;
4) the improvement of a forest culture;
5) the promotion of the generation and development of natural regeneration in any other manner.

A forest owner must apply the reforestation methods specified above to an extent that ensures the regeneration of the forest not later than five years or, in the event of a marsh, mesotrophic mire, Vaccinium myrtillus drained peatland, bog, marsh, Equisetum, Carex and marshland site type, ten years after the cutting or the perishing of the forest.

A forest is deemed to be regenerated if tree species suitable for the forest site type with the dimensions and in the quantity which guarantee the generation of a new forest generation grow

[86] §§ 24 – 25 of the Forest Act
[87] § 14 of the Rules of Forest Management

on the whole area where the forest perished or was cut. The existence of trees is not required in natural kettle holes located on clear cut areas or in perished parts of forest, on branch piles and drag roads strengthened with slash.

A forest in which the canopy density as determined on the basis of live trees is less than 30 per cent or crop density has fallen below 0.3 due to wind, fungus diseases, damage caused by insects or wild animals, flood(ing)s, fire, pollution or other biotic or abiotic damages is deemed to be perished.

A forest may be reforested only with tree species suitable for the forest site type[88]. The Rules of Forest Management shall also determine the required minimum number of trees per hectare and the minimum height of the trees to be taken into account for each forest site type or type group.

The basic material of the cultivating material used for reforestation must originate from a permitted region of origin. The regions of origin of the basic material of the cultivating material permitted for forest cultivation in Estonia have been established in a regulation of the Minister of the Environment[89]. The list of non-native tree species permitted to use in reforestation has also been established by a regulation of the Minister of the Environment[90].

The requirements for reforestation, including in site types where the application of reforestation methods is not mandatory or where the forest is reforested by sowing or planting, the minimum original density of places of sowing and planting, the requirements for the reforestation of stands cut due to the preparation of the soil or root rot have been established in the Rules of Forest Management.

If the application of reforestation methods is obligatory but the forest owner fails to apply the methods within two years after the perishing or cutting of the part of the forest and the term for application of reforestation methods has not been extended or the perished part of the forest or the clear cut area has not been regenerated with tree species suitable for the forest site type within five years or, in the event of a marsh, mesotrophic mire, Vaccinium myrtillus drained peatland, bog, marsh, Equisetum, Carex and marshland site type, ten years and the term for forest regeneration has not been extended, the Environmental Board will, on the basis of an expert assessment of reforestation, issue a precept to the forest owner for the application of reforestation methods. The precept is delivered to the forest owner against signature or by registered mail with advice of delivery. If the precept is not complied with within the time-limit specified therein, the Environmental Board will take a coercive measure. If the Environmental Board applies a non-compliance levy as a coercive measure, the upper limit for the fine will be 1300 euros per hectare.

[88] The list of the types is established in the Rules of Forest Management.

[89] Regulation no. 20 of 01.07.2016 of the Minister of the Environment ("Metsa uuendamisel kasutada lubatud kultiveerimismaterjali algmaterjali päritolu, kultiveerimismaterjali tarnimise ja turustamise nõuded")

[90] Regulation no. 69 of 04.12.2006 of the Minister of the Environment ("Metsa uuendamisel kasutada lubatud võõrpuuliikide loetelu")

6.2. "Closer-to-nature" guidelines and practices

(This section relates to the Commission Guidelines on Closer to nature forest management but also Commission guidance on payment schemes for forest ecosystem services both aiming to provide information and guidance for sustainable forest management)

- Has your country incorporated the **newly published Commission guidelines** in their legal or regulatory framework?

Not specifically. Some of the existing principles overlap with the closer to nature forest management principles and for example, there are two regulations that regulate which non-native tree species are allowed to be used in forest renewal[91] and the origin of the source material of the cultivation material allowed to be used in forest renewal[92] and reforestation principles have been updated in the Rules of Forest Management[93].

As explained in the report, a forest reform is underway in Estonia and the closer to nature approach may be included in the new amendments.

- Has your country **recognized under law/regulatory measure a closer-to-nature approach** in forest management? If yes, please provide the source where this is explained and elaborate below.
  - ☐ Yes: in the Strategy that can be found here:
  - ☒ **No**
- Does your country have legislation/measures setting specific biodiversity targets/management objectives for sustainable forest management at a national or regional level?
  - ☐ Yes, at national level – they can be found here:
  - ☐ Yes, at regional level – they can be found here:
  - ☒ **No**

6.3. Climate change and Forest carbon absorption

- Does your country have legislation/measures setting specific climate change targets or objectives for sustainable forest management at a national or regional level?

The Ministry of Climate has prepared a draft law of the Climate-Resilient Economy Act.

The draft law aims to create the basis for a climate-proof economy by setting targets for greenhouse gas emissions, encouraging the introduction of clean technologies and greater valorisation of resources. This should reduce the negative impact on the environment and climate and improve people's living environment. By encouraging clean technologies and developing the infrastructure that supports it, the competitiveness of companies should increase, i.e. the long-term fixed costs of both people and companies decrease through the increase of energy

[91] Regulation no. 69 of 04.12.2006 of the Minister of the Environment ("Metsa uuendamisel kasutada lubatud võõrpuuliikide loetelu")

[92] Regulation no. 20 of 01.07.2016 of the Minister of the Environment ("Metsa uuendamisel kasutada lubatud kultiveerimismaterjali algmaterjali päritolu, kultiveerimismaterjali tarnimise ja turustamise nõuded")

[93] § 15 of the Rules of Forest Management

efficiency and the introduction of renewable energy sources into the market. In addition, new industries and competitive industries are emerging. Areas where Estonia has a competitive advantage in a more climate-proof economy are: digital solutions in the climate and environment field, coastal management, fuels produced in Estonia (e.g. biomethane), introduction of new mineral resources and recycling of materials and more efficient and higher valorisation of resources (wood, waste, etc.) and large-scale renewable energy, which brings lower energy prices and enables the development of new industries even if Estonia as a country fulfils its climate goals.

The main objectives of the LULUCF sector are:

- to uniform cutting volumes, within which the cutting does not exceed the net growth of economic forests, i.e. the reserve of the economic forest does not decrease as a result of cutting
- to create opportunities to establish separate forest plantations, which ensures better resource availability for durable wood products and wood chemistry;
- to ensure that protected areas make up 30% of the land area. Protection and restoration of damaged habitats ensures a good condition of the habitats, improvement of carbon sequestration, increase of the carbon stock related to the land use sector, and preservation of biodiversity and the benefits of nature. Protected areas balance the effects of more intensively used areas and ensure the long-term resistance of Estonian nature to the effects of climate change.
- to ensure afforestation in areas suitable for climate and biodiversity goals, restoration of carbon-rich ecosystems, establishment of faster-growing wood plantations, reduction of emissions from areas with peat and peat soils to compensate for deforestation.

Public consultations have been held, the draft law has been coordinated with the other ministries and the Ministry of Climate has amended the draft law according to the results of these consultations. The draft law should now be discussed by the Government of the Republic of Estonia.

7. Forest land market

- Are there specific legal requirements or limitations when selling and buying forest land?

Yes, the specific legal requirements arise from the Restrictions on Acquisition of Immovables Act (RAIA)[94].

Forest land for the purposes of the RAIA is a land parcel in the land use type category of forest land of an immovable used as profit yielding land or a part thereof.

Acquisition of immovables containing agricultural or forest land by persons of contracting states

A citizen of Estonia or another country which is a contracting state of the European Economic Area or a member state of the Organisation for Economic Cooperation and Development (hereinafter together "contracting state") has the right to acquire an immovable that contains forest land without restrictions.

A legal person the seat of which is in a contracting state has the right to acquire an immovable that contains less than ten hectares of agricultural land, forest land or agricultural and forest land in total without restrictions.

A legal person of a contracting state has the right to acquire an immovable that contains ten hectares or more of forest land if the legal person has been engaged in forest management within the meaning of the Forest Act or production of agricultural products for three years immediately preceding the year of the transaction.

A legal person of a contracting state has the right to acquire an immovable that contains less than ten hectares of agricultural land and less than ten hectares of forest land, but ten hectares or more of agricultural and forest land in total, if the legal person has been engaged in production of agricultural products or forest management for three years immediately preceding the year of the transaction.

If a legal person of a contracting state does not meet the requirements provided for above, the legal person may acquire an immovable that contains ten hectares or more of agricultural land, forest land or agricultural and forest land in total only with the authorisation of the council of the local government of the location of the immovable to be acquired.

Acquisition of immovables containing agricultural or forest land by persons of third countries

A citizen of a third country[95] has the right to acquire an immovable that contains agricultural or forest land only with the authorisation of the local government council if the citizen has resided in Estonia permanently for a period of at least six months immediately before applying for the authorisation or if the citizen has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, as a sole proprietor in forest management or production of agricultural products if the immovable to be acquired contains forest land or both agricultural and forest land.

A legal person of a third country has the right to acquire an immovable that contains forest land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year

[94] Restrictions on Acquisition of Immovables Act (*kinnisasja omandamise kitsendamise seadus*, RT I, 23.02.2012, 11) passed on 08.02.2012, available in English: https://www.riigiteataja.ee/en/eli/527122023007/consolide

[95] A citizen of a third country is a natural person who is not a citizen of a contracting state.

immediately preceding the year of applying for the authorisation, in forest management or production of agricultural products and if a branch of the legal person is entered in the Estonian commercial register.

A legal person of a third country has the right to acquire an immovable that contains both agricultural and forest land only with the authorisation of the council if the legal person has been engaged in Estonia, for one year immediately preceding the year of applying for the authorisation, in production of agricultural products or forest management and if a branch of the legal person is entered in the Estonian commercial register.

- Are there **limitations to divide** the land by selling or inheritances?

The RAIA also applies to dividing the land by selling. There might also be some restrictions to dividing the land arising from planning documents. These are specific to each municipality and each land plot and must be assessed individually.

The RAIA does not apply in cases of acquisition of immovables by succession. There are no limitations to divide the land through inheritances specific to forestry. The general Law of Succession Act[96] would apply.

- Are there institutions/**bodies providing information** related to the forest land market?

The Land and Spatial Board collects and provides general market information and statistics[97] and more specific price statistics[98] on land transactions in Estonia, including forest land transactions.

- Are there institutions/**bodies contributing to dynamize that market,** like forest land banks or advisory bodies (similar to the CAP advisory bodies) and others? Is there regular information on the amount of forest land transferred and the prices of transmissions? (Information on this market is usually missing)

There are no specific institutions or bodies. As mentioned in the previous answer, the Land and Spatial Board collects statistics on all land transactions, including forest land transactions.

The State Forest Management Centre also has information on the transfer and use of state-owned forest land. The centre publishes information[99] on immovables, prices and buyers/sellers/lessees of the transfer and lease transactions.

- Are there **regulations of forest land leasing**? Are they common with agricultural land or independent and with specific requirements?

Forest land leasing is subject to the general commercial lease contract regulations and more specifically agricultural lease contracts regulated in chapter 16 of the Law of Obligations Act. The provisions concerning agricultural lease contracts apply to commercial lease contracts regarding immovables intended for forest management if such immovables are part of the assets of the

[96] Law of Succession Act (*pärimisseadus*, RT I 2008, 7, 52) passed on 17.01.2008, available in English: https://www.riigiteataja.ee/en/eli/522122023009/consolide

[97] https://maaruum.ee/maakataster-ja-maa-hindamine/kinnisvaratehingud/kinnisvaraturu-ulevaated

[98] https://www.maaamet.ee/kinnisvara/htraru/

[99] https://www.rmk.ee/organisatsioon/kinnisvarategevus/vara-muuk

leased agricultural enterprise. Upon the lease of an agricultural (forest) immovable, the lease contract is presumed to include the accessories and rights relating to the immovable.

The provisions concerning agricultural lease contracts do not apply to commercial lease contracts the object of which is a plot of land with an area of less than 2 hectares.

There are specific rules for transferring cutting rights, and transfer and delivery of timber in the Forest Act (§ 37). Upon transfer of cutting rights or timber and transfer of timber for processing, storage or transportation, the person who transfers the rights or delivers timber must prove the existence of cutting rights or the legality of the possession of timber to the person who acquires the rights or receives timber, and the latter must verify it. Upon the transfer of a forest for cutting, the transferor must prove to the transferee the existence of the cutting rights and the transferee must verify it.

The documents that certify the existence of cutting rights and the legality of the possession of timber are:

1) a land registry entry certifying the right of ownership;
2) a transfer contract for the cutting rights or timber or an instrument proving the conclusion of an oral agreement;
3) an entry of registration of cutting or a forest protection expert assessment in the forest register;
4) personal identification document.

- Are there obligations **and or access to insurances for forest land or forest activities**?

No, there are no obligations regarding insurance. But insurance companies offer forest insurance for example for damages arising from fire, lightning strikes, explosions, or a plane crash and damages caused by storm, hail, snow, and wild animals[100]; damages occurred to the machinery etc.

- Are there specific regulations providing, **facilitating or limiting access to financial credits** for forest activities or mortgages on forest land?

No, there are no specific regulations.

[100] https://www.if.ee/en/eraklient/kindlustused/metsakindlustus, https://www.ergo.ee/corporate-clients/insurance-solutions-for-forestry-and-agricultural-companies

8. Forest companies, Forest incentives and taxation.

Forest Companies

- Is there a **register of forest industries**? Is there a **register of forest contractors**?

No, there is no special register for forest industries or forest contractors.

Companies that hold an operating licence for forest management works are registered in the register of economic activities[101].

- Is there any specific **regulation on forest ownership, forest cooperatives or other types of forest companies or are they all regulated under the** Company Law?

There is no specific regulation in Estonia. The general Commercial Code[102] regulation applies to forest companies as well.

- Do **small forest owners have access to the status of forest companies**?

There is no specific status of forest companies in Estonia. However, small forest owners have the same rights as any other forest owners to conclude agreements and transfer their rights to forest companies.

Forest incentives and taxation

No specific incentives (on top of the income tax exemption and land tax exemption described above under Section 4.2.) were identified.

- Are there **effective subsidies** for forest owners and managers to implement SFM? And/or to carry out biodiversity conservation measures? If it does exist, please compare the total amount paid at national level in the last 3 years with available information with the amount defined as necessary at the Prioritised Actions Framework.

There are different subsidies that directly or indirectly encourage SFM. Mainly, the support for forest inventory of private forest owners and support for forest certification, but indirectly also support for consulting private forest owners and support for forest renewal.

See section 4.2 for more details on the listed subsidies.

- What taxes are applicable to Forest companies and forest owners?

Forest companies and forest owners are subject to the following general taxes:

- land tax;
- income tax;
- value-added tax.

There is an additional environmental charge for deforestation stipulated in the Environmental Charges Act. The deforestation charge is paid for the right to deforest forest land by the person

[101] https://mtr.ttja.ee/

[102] Commercial Code (*äriseadustik*, RT I 1995, 26, 355) passed on 15.02.1995, available in English: https://www.riigiteataja.ee/en/eli/527022024004/consolide

who submits the forest notice. Upon establishing the rate of deforestation charge on forest land, the objective of compensating for the loss of carbon stock and carbon removal capacity in the land use sector due to deforestation is taken into account.

9. Enforcement: Forest control and penalties.

- Are there specific measures in place to enforce compliance with the legal requirements on forest management?

  Please list only the legislative measures including the responsible body that are specific to forest management requirements.

Yes, the Forest Act includes requirements for state supervision. The Environmental Board exercises state supervision over the adherence to the requirements of the Forest Act and legislation established on the basis thereof. The Environmental Board may take special measures of state supervision provided for in the Law Enforcement Act[103].

For the purpose of exercising supervision, an official of a law enforcement agency may enter and move in a land or water area using a vehicle, including an off-road vehicle or a watercraft even if legislation prohibits entry to and movement in such area for environmental protection purposes.

In the event of failure to comply with a precept issued by the Environmental Board the maximum non-compliance levy imposed in accordance with the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act[104] is 32 000 euros.

There is also a specific regulation for compensation of damages caused to the environment. Damage unlawfully caused to the environment will be compensated for by the person who caused the damage to the extent and in accordance with the procedure provided for in chapter 5 of the Forest Act.

Within the meaning of the Forest Act, damage is caused to the environment:

1) by cutting stands which are younger or with average breast height diameter smaller than permitted, if the permitted limits of the basal area and the crop density of a stand, the cutting time or type of cutting are not complied with upon logging, the minimum period of time established for the sequence of cutting stages is disregarded or forest is cut in a place where cutting is prohibited;
2) the permitted maximum size or the regeneration cutting area is exceeded, new regeneration cutting is commenced before a regeneration cutting area in the immediate proximity has been regenerated, more than permitted or larger groups are cut in the event of group selective cutting or in the event shelterwood strip cutting an area of clear cutting is cut wider than the average height of the stand;
3) if trees, shrubs, forest plantation or natural regeneration are destroyed or damaged by mechanical damaging thereof or impairing of the site conditions;
4) if soil is damaged;
5) by causing a forest fire, except in the event of controlled burning of the landscape;

[103] Law of Enforcement Act (*korrakaitseseadus*, RT I, 22.03.2011, 4) passed on 23.02.2011 (relevant §§: 30, 31, 32, 45, 46, 47, 49, 50, 51, 52 and 53), available in English: https://www.riigiteataja.ee/en/eli/528072023002/consolide

[104] Substitutional Performance and Non-Compliance Levies Act (*asendustäitmise ja sunniraha seadus*, RT I 2001, 50, 283) passed on 09.05.2001, available in English: https://www.riigiteataja.ee/en/eli/512042024001/consolide

6) by littering forests;
7) if the cutting areas or timber landings are left uncleared;
8) the term for removal of undried and unpeeled coniferous wood from forest is violated.

Compensation for environmental damages is claimed by the Environmental Board.

The Forest Act also stipulates liability for misdemeanours related to forestry as follows:

- The penalty for the unlawful cutting or destruction of forest, trees or shrubs or damaging of forest, trees or shrubs in any other manner is a fine of up to 300 fine units[105] or by detention.
- The penalty for violation of obligation to prove and verify legality of transfer of cutting right or to prove and verify legality upon transfer of timber or transfer of forest for cutting is a fine of up to 300 fine units.
- The penalty for violation of the requirements for reforestation, silviculture, forest use or forest protection, except in the events specified above, is a fine of up to 200 fine units.
- The penalty for the any of the aforementioned acts committed by a legal person is a fine of up to 3200 euros.

The Environmental Board and police authorities conduct the proceedings in misdemeanour cases provided for above.

[105] A fine unit is the base amount of a fine equal to 8 euros.

10. Conclusions

10.1. Legal or regulatory barriers for SFM

- What are the main legal and regulatory barriers and enablers affecting the implementation of SFM in your country?

No barriers were identified in the course of preparing this report.

The general sustainable forest management principle is stipulated in the Forest Act, and it must be taken into account when preparing forest management plans and therefore, carrying out forest management. The forest management activities must be based on forest inventory and are subject to approval from the Environmental Board, who oversees that the SFM principles are being followed. Therefore, the existing regulatory framework supports and enables the implementation of SFM.

There are also subsidies in place for forest inventory, reforestation and biodiversity conservation to enable and enhance the implementation of SFM principles.

There are currently no specific targets or limitations set out in the regulations; however, the forest regulations are being amended in relation to the new climate regulations and the planned forest reform may bring additional or more specific regulations to that effect.

- Are there specific legal and regulatory barriers or challenges to implement a closer-to-nature approach in forest management in your country?

No, there are no direct legal barriers, however the lack of a formalised framework or specific incentives for “closer-to-nature” forestry may limit its implementation, as at the moment the implementation depends more on the practices of the Environmental Board than actual regulations. The planned forest reform may integrate these principles into the legislation, but for now, they remain aspirational rather than enforceable.

- What are the main legal drivers for implementing a closer-to-nature approach in forest management for relevant actors?

The main legal drivers for implementing a closer-to-nature approach in forest management are influenced by several international and national frameworks, as well as specific legal requirements that aim to promote sustainable forest management, biodiversity conservation, and climate change mitigation.

Estonia is working on a new climate law and with that, a forest reform. The new forest development plan also aims to ensure biodiversity conservation and emphasize the importance of forests and the need to protect forests as a natural environment.

10.2. Legal or regulatory gaps in national forest legislation

Please provide key conclusions based on the information referred to in previous sections.

Estonian forest sector is sufficiently regulated, stating the rights and obligations regarding public and private forests, including rules on forest inventory, management, cutting techniques, regeneration of forests, nature conservation etc. The regulations also entail the main principles of sustainable forest management, that must be taken into account when planning forest management activities. However, despite general alignment with biodiversity goals, there are currently no detailed guidelines on how to operationalise closer-to-nature approaches, which may create inconsistencies in implementation.

It is apparent from the forest development plan that more emphasis is being placed on biodiversity, forest conservation and sustainable management in connection with the new climate regulations and related amendment to the forest regulations. For that, Estonia aims to establish protection over 30% of the land and ensure that the reserve of Estonian forests does not fall and cutting volumes will be in line with the net forest growth thresholds and forests will contribute to climate change mitigation.

The court practices have also started to shift towards more restrictive protection of the green network and valuable areas, calling for the Environmental Board and municipalities to consider the coherence and sufficient protection of forests areas in giving forest notices, preparing planning documents etc.

Although financial incentives exist in Estonia, they often require administrative capacity or cooperation through forest cooperatives, potentially excluding individual small forest owners who cannot meet these conditions for some of the subsidies otherwise available.

The planned forest reform and climate law represent an opportunity to address the aforementioned gaps regarding sustainable forest management by embedding specific biodiversity, climate resilience, and closer-to-nature targets into binding legislation. However, successful implementation will require stakeholder engagement and clarity on enforcement mechanisms.

National experts on forest legislation and references

▪ **Please provide the names and contacts of 3 to 5 experts in forest legislation in your country**.

Officials of the forest departments of the Environmental Board, the Ministry of Climate and the Environment Agency are competent to provide legal advice regarding forest legislation and forest management.

The department head of forest department in the Environmental Board is Olav Etverk (olav.etverk@keskkonnaamet.ee).

The department head of forest department in the Ministry of Climate is Meelis Seedre (meelis.seedre@kliimaministeerium.ee).

The department head of forest department in the Environment Agency is Taivo Denks (taivo.denks@envir.ee).

There are multiple specialists in all the aforementioned departments who specialise in different aspects of forestry. All contacts can be found: https://kliimaministeerium.ee/en/contact, https://keskkonnaamet.ee/en/contact?department=18, https://www.keskkonnaagentuur.ee/en/contact.

▪ Provide **key books or articles analysing the national and/or regional forest legislation** in your country, particularly if they compare it with other countries, if they analyse the effect in actual management of SFM.

Information on forestry in Estonia can be found through the Ministry of Climate: https://kliimaministeerium.ee/en/water-forest-resources/forestry, the Environmental Board: https://keskkonnaamet.ee/en/wildlife-nature-protection/forestry and the Environment Agency: https://www.keskkonnaagentuur.ee/en/goals-activities/goals-activities/forest.

A few articles have been written in the Estonian law journal Juridica in 2019 regarding the legal/political issues of forestry and nature protection[106] and assessing the impacts of harvesting in Natura 2000 forests with the emphasis more on nature protection issues[107].

[106] Veinla, H, "Looduskaitse metsades – konfliktsete eesmärkide ühendamise võimalikkusest", *Juridica no. 5, 2019, pp. 315 – 323.*

[107] Relve, K; Vahtrus, S, "Keskkonnamõjude hindamine omadega metsas", *Juridica no. 5, 2019, pp. 324 – 333.*

PARTNERS



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