

**Journal of Law 02.42.372**

27 October 2002	amended	Journal of Law	Article 65
1 January 2003	amended	Journal of Law	Article 61
1 May 2004	amended	Journal of Law	Article 137
19 August 2004	amended	Journal of Law	Article 1
21 August 2004	amended	Journal of Law	Article 16

**THE ACT**

of 13 October 1995

**Law on Hunting**

(unified text)

**Chapter 1**

**General provisions**

**Article 1**

Hunting, as an element of conservation of natural environment, in the meaning of this Act shall be understood as conservation of game animals (wild game) and managing their resources in accordance with the principles of ecology and of rational agricultural, forestry and fishery management.

**Article 2**

Game animals in the wild, as a national good, are the property of the State Treasury.

**Article 3**

The objective of hunting shall be:

- 1) conservation, preservation of the diversity of and management of the populations of game animals,
- 2) conservation and shaping of the natural environment towards improvement of the living conditions of wild game,
- 3) achievement of the highest possible physical condition and the quality of trophies as well as proper size of the population of individual species of wild game while maintaining balance in the natural environment,

- 4) meeting the social needs in respect of practicing hunting, maintaining tradition and popularising the ethics and culture of hunting.

#### **Article 4**

1. Game management shall mean activities within the scope of conservation, breeding and harvest of wild game.
2. A hunt shall mean:
  - 1) tracking, shooting with the use of hunting firearms, capture of live wild game by way of authorised means,
  - 2) <sup>1</sup> hunting of wild game with the use of trained birds of prey
    - with the purpose of coming into possession of such wild game.
3. Poaching shall mean activities aimed at coming into possession of wild game in a way other than by hunt or in violation of the conditions of admissibility of hunt.

#### **Article 5. <sup>2</sup>**

The minister proper for the environment, after consulting the minister proper for agriculture as well as the National Council for Nature Protection and the Polish Hunting Association, shall lay down, by way of a decision, the list of species of game animals as divided into deer game, big game, small game and predators.

### **Chapter 2**

#### **Administrative bodies within the scope of hunting**

#### **Article 6**

The superior body of governmental administration within the scope of hunting shall be the minister proper for the environment.

#### **Article 7**

Administration within the scope of hunting shall be exercised by the voivodes where this Act does not provide otherwise.

### **Chapter 3**

#### **Principles of game management**

#### **Article 8**

1. Game management shall be performed within controlled hunting reviers by leaseholders or managers.

2. Reduction culling of wild game in national parks and reserves, performed in accordance with the regulations on the conservation of nature, shall be conducted in accordance with the provisions of this Act as well as the applicable protection seasons and selection criteria.
3. <sup>3</sup> Game management shall be performed in accordance with the principles laid down in this Act, on the basis of annual hunting plans and long-term game management.
  - 3a. <sup>4</sup> Annual hunting plans shall be developed by the leaseholders of the controlled hunting reviers after such leaseholders have obtained the opinion of the head of the municipal government (mayor of the town, president of the city) and shall be subject to approval by the proper district forester of the State Forests in agreement with the Polish Hunting Association.
  - 3b. <sup>5</sup> Annual hunting plans in controlled hunting reviers excluded from lease shall be prepared by their managers and shall be subject to approval by the director of the regional office of the State Forests.
  - 3c. <sup>6</sup> Annual hunting plans for:
    - 1) controlled hunting reviers bordering with national parks shall be additionally subject to opinion being given by the director of the national park concerned,
    - 2) controlled hunting reviers within which breeding areas are located shall be additionally subject to opinion with respect to harvest of muskrats and coots by persons authorised to perform fishery in the meaning of the Act of 18 April 1995 in Inland Fishery (Journal of Law of 1999, no. 66, item 750 as later amended).
  - 3d. <sup>7</sup> In case of a refusal to approve or agree upon, in whole or in part, of an annual hunting plan, the party concerned shall be entitled to appeal against such refusal, respectively, to the director of the regional office or the Director General of the State Forests.
  - 3e. <sup>8</sup> Long-term hunting breeding plans shall be developed by directors of regional offices of the State Forests in agreement with the voivodes and the Polish Hunting Association.
4. The minister proper for the environment, in agreement with the minister proper for agriculture, after obtaining the opinion of the Polish Hunting Association, shall lay down, by way of a decision, the detailed principles of developing annual hunting plans, taking into account the principle of optimising the management of populations of wild game as well as of protection of the forest area against damage caused by such wild game.

## **Article 9**

1. Conservation of wild game, apart from principles provided in the regulations on conservation of nature, shall include the creation of the conditions of safe existence of wild game, and in particular:

- 1) fight against poaching and all forms of damage within the scope of hunting,
  - 2) <sup>9</sup> ban, except for hunt and capture, hunting dogs and hunting birds trials as organised by the Polish Hunting Association, on starting, capture, keeping, injuring and killing wild game,
  - 3) ban on taking eggs, nestlings and fledglings as well as on damage of rearing grounds, burrows and birds' nests.
2. The ban on capture and keeping wild game referred to in paragraph 1 (2) shall not apply to special cases previously authorised by the subprefect (head of the district).
  3. For breeding purposes, including exports, as well as for research purposes, catching of live wild game shall be allowed only by way of nets and traps which do not cause injury, including traps which do not catch by limbs.

#### **Article 10**

Possession and raising of pure-bred or cross-bred greyhounds shall require subprefect's permission.

#### **Article 11**

1. Hunting shall be performed in accordance with the basic directions of agricultural, forestry and fishery lands, in the conditions of continuous improvement of the living conditions of wild game.
2. Management of populations of wild game shall require in particular:
  - 1) creation of permanent and temporary covers for wild game (forests, tree-covered areas, bush-covered areas, winter covers and covers for rearing grounds),
  - 2) enrichment of the natural feeding base for wild game in forests,
  - 3) retention of the existing natural water reservoirs, reconstruction and creation of new water reservoirs,
  - 4) rational use of chemicals in forestry and agriculture,
  - 5) application of such agro-technical terms and techniques which shall not endanger the existence of wild game in a particular area,
  - 6) maintenance of ecological corridors (pathways) for wild game,
  - 7) maintenance of such age and sex structure as well as numerical strength of the populations of wild game as shall be appropriate to ensure balance between ecosystems as well as the realisation of the main economic objectives in agriculture, forestry and fishery,

- 8) protection of wild game against dangers posed by motor vehicle traffic on country and voivodship roads.
3. <sup>10</sup> Leaseholders and managers of controlled hunting reviers as well as heads of the municipal government (mayors of towns, presidents of cities) and district foresters of the State Forests shall co-operate in respect of matters concerning the management of controlled hunting reviers, and in particular conservation and breeding of wild game.

#### **Article 12<sup>11</sup>**

Leaseholders and managers of controlled hunting reviers may, after obtaining the consent of the owner, holder or manager of the land, determine and mark with a ban on entry the areas which constitute wild game sanctuaries as well as raise facilities connected to game management.

#### **Article 13**

Leaseholders and managers of controlled hunting reviers shall be obliged to feed wild game, in particular in the periods of insufficient amounts of natural food as well as where doing so can significantly contribute to limiting damage caused by wild game to crops and produce and to forest.

#### **Article 14**

Leaseholders and managers of controlled hunting reviers as well as owners, holders and managers of lands shall be obliged to notify the competent office of State<sup>12</sup> Veterinary Inspection or the municipal government's office or the nearest veterinary institution of the observed signs of illnesses in animals living free.

#### **Article 15**

1. Wild game harvested in a controlled hunting revier in accordance with the provisions of law shall constitute the property of the leaseholder or manager of that controlled hunting revier. Game harvested in areas outside controlled hunting reviers shall constitute the property of the State Treasury.
2. Wild game harvested illegally shall constitute the property of the State Treasury.
3. Persons performing the hunt shall have the right to use the wild game sold to them freely, excluding resale.
4. <sup>13</sup> The minister proper for the environment shall lay down, by way of a regulation, the amount of equivalent for illegally harvested wild game, as well as the entities authorised to utilise illegally harvested wild game on behalf of the State Treasury, to collect the receipts from the sale of carcasses and the equivalent due, taking into account the way of harvesting of the wild game, its species, the multiplicity of the market value of the carcass, and with reference to males, also their trophy value.

#### **Article 16**

1. Breeding and closed breeding of game animals, except for pheasant and animals defined as farming animals in separate regulations, shall be prohibited.
2. The minister proper for the environment may grant consent to breeding and closed breeding of game animals other than farming animals for the purpose of scientific research, education, populating areas or exports of live game.

## **Chapter 4<sup>14</sup>**

### **Economic activity within the scope of hunting**

#### **Article 17**

1. Economic activity in the form of provisions of tourist services including:
  - 1) hunts performed by foreigners on the territory of the Republic of Poland,
  - 2) hunts abroad

shall constitute a regulated activity in the meaning of the Act of 2 July 2004 on Freedom of Economic Activity (Journal of law no. 173, item 1807) and require an entry in the hunts register, hereinafter referred to as “register”.

2. The authority managing the register shall be the voivode competent in the light of the seat or place of residence of the entrepreneur, hereinafter referred to as “registration authority”.

#### **Article 18**

1. The entrepreneur who performs the activity referred to in Article 17 (1) shall be obliged to meet the following conditions:
  - 1) provide appropriate security with respect to claims of third parties on account of the entrepreneur’s failure to perform or inappropriate performance of his obligations,
  - 2) pass an examination in respect of the knowledge of principles of the performance of hunts as well as the principles of the conservation of nature, or employ another person meeting this requirement,
  - 3) submit to the registration authority the original documents confirming the conclusion of all subsequent contracts or the freezing of the financial resources referred to in paragraph 3.
2. The right to perform the activity referred to in Article 17 (1) shall also be subject to the lack of criminal record on the part of the entrepreneur and the persons managing his economic activity in respect of crimes defined herein as well as crimes against economic relations.
3. Provision of the security referred to in paragraph 1 (1) shall consist in:

- 1) conclusion of an agreement on insurance against civil liability on account of damage caused in connection with the performance of the activity, or
- 2) conclusion of an agreement of bank or insurance guarantee, or
- 3) freezing of financial resources in a bank account to the benefit of the competent voivode in the amount of 4% of annual receipts from the performance of economic activity referred to in Article 17 (1) achieved by the entrepreneur in the financial year preceding the year of conclusion of the agreement, however no less than an equivalent in Polish new zlotys of 20,000 EURO as calculated in accordance with the average exchange rate of the National Bank of Poland from the last day of the month preceding the month in which such freezing of financial resources was effected.
4. The minister proper for financial institutions, in agreement with the minister proper for the environment, shall lay down, by way of a regulation, the minimum value of the guarantee referred to in paragraph 3 (2), taking into account the scope of activity performed by the entrepreneurs.
5. After obtaining the opinion of the Polish Insurance Chamber, the minister proper for financial institutions, in agreement with the minister proper for the environment, shall lay down, by way of a regulation, the detailed scope of the mandatory insurance referred to in paragraph 3 (1), the time of emergence of the obligation to effect such insurance and the minimum amount of the guarantee, taking into account in particular the specificity of the activity performed.

#### **Article 19**

1. The entry into the register shall be made upon a written application of the entrepreneur, which should include:
  - 1) the company name and the tax identification number (NIP), provided that the entrepreneur holds such number,
  - 2) an indication of the seat and address of the entrepreneur, and in case of a natural person, also his address of residence,
  - 3) the number in the entrepreneurs register or the economic activity register,
  - 4) definition of the scope of activity to be subject to entering into the register.
2. Along with the application referred to in paragraph 1, the entrepreneur shall submit a declaration which shall read as follows:

“I hereby declare that:

  - 1) the data provided in the application for entering into the hunters register is complete and true;

- 2) I am aware of and meet the conditions for the performance of economic activity within the scope of providing tourist services concerning hunts performed by foreigner on the territory of the Republic of Poland or hunts performed abroad, defined in the Act of 13 October 1995 – Law on Hunting.”
3. The declaration should also include:
  - 1) the company name of the entrepreneur,
  - 2) an indication of the seat and address of the entrepreneur, and in case of a natural person, also his address of residence,
  - 3) an indication of the place and date of submission of the declaration,
  - 4) the signature of a person authorised to represent the entrepreneur, indicating the first and family name and the function performed.
4. With the application, the entrepreneur shall enclose the original contract referred to in Article 18 (3) (1) or (2), or the original document confirming that the freezing of financial resources referred to in Article 18 (3) (3) has been effected.

#### **Article 20**

1. The data referred to Article 19 (1), except for the address of residence where such address is different from the address of the seat, shall be subject to entering the register.
2. The entrepreneur shall be obliged to notify the registration authority of any changes on the data referred to in Article 19 (1) within 14 days of the occurrence of such changes.

#### **Article 21**

1. The examination in respect of the knowledge of principles of the performance of hunts as well as the principles of the conservation of nature shall be conducted by an examination board summoned by the minister proper for the environment.
2. The fact of passing of the examination referred to in paragraph 1 shall be confirmed by the examination board by way of a certificate.
3. The minister proper for the environment shall lay down, by way of a decision:
  - 1) the number of members of the board referred to in paragraph 1 as well as its composition so that the board includes:
    - a) at least 3 members selected among experts on conservation of nature, game management and the principles of possession and handling of hunting firearms,
    - b) a representative of the minister proper for the environment – as the chairman of the board,

- c) a representative of the Polish Hunting Association,
- d) a representative of the State Forests,
- 2) the documents to be submitted by the person applying for the examination referred to paragraph 1, which shall enable full identification of such person,
- 3) the manner of conducting the examination referred to in paragraph 1, providing for the examination to test the knowledge of regulations on conservation of nature, game management and the principles of possession and handling of hunting firearms,
- 4) the format of the certificate referred to in paragraph 2.

### **Article 22**

- 1. An entrepreneur who performs activity with respect to trade in live game as well game carcasses and their parts, except sale effected by the leaseholders and managers of controlled hunting reviers on the territory of the Republic of Poland, shall be obliged to:
  - 1) keep a purchase record in each purchase point,
  - 2) ensure the examination of the game and the meat in accordance with the regulations on fighting infectious diseases in animals, examination of slaughter animals and meat as well as the State Veterinary Inspection.
- 2. The minister proper for the environment shall lay down, by way of a regulation, the scope of the record referred to in paragraph 1 (1) as well as its format, taking into account the type of performed economic activity within the scope of trade in live game as well game carcasses and their parts.

### **Article 22a**

- 1. The registration authority shall issue a decision banning the performance of a registered activity by the entrepreneur where:
  - 1) the declaration submitted referred to in Article 19 (2) and submitted by the entrepreneur was inconsistent with the facts,
  - 2) the entrepreneur has failed to remove violations of the condition of performance of the registered activity within the period set by the authority,
  - 3) it finds gross violation of the condition of performance of the registered activity.
- 2. Gross violation of the condition of performance of the registered activity shall be:
  - 1) failure to submit to the registration authority the original the original contract referred to in Article 18 (3) (1) or (2), or the original document confirming that the freezing of financial resources referred to in Article 18 (3) (3) has been effected,

- 2) performance of activity outside the scope defined in the application.

#### **Article 22b**

In matters not governed by the provisions of this Chapter, the provisions of the Act of 2 July 2004 on the Freedom of Economic Activity shall apply.

### **Chapter 5**

#### **Controlled hunting reviers**

##### **Article 23**

1. <sup>15</sup> A hunting revier shall be an area of land in one stretch, limited by its borders, not smaller than 3 thousand hectares, within which the conditions for the performance of hunting exist.
2. In special cases justified by the needs of rational game management and the terrain conditions, hunting reviers of a smaller can be created with the consent of the minister proper for the environment.

##### **Article 24**

1. Hunting reviers shall be divided into controlled forest and field hunting reviers.
2. A forest hunting revier shall mean an area in which forested land amounts to no less than 40% of the total area of the revier.
3. A field hunting revier shall mean an area in which forested land amounts to less than 40% of the total area of the revier.

##### **Article 25**

Hunting reviers shall be created with consideration given to:

- 1) meeting in a optimum way the needs in respect of protection, conservation and development of the preferred species of wild game,
- 2) avoiding partition of water reservoirs,
- 3) determining the border line in a manner consistent as to location with natural or visible terrain marks.

##### **Article 26**

Hunting reviers shall not cover:

- 1) <sup>16</sup> national parks and nature reserves, except reserves or parts of reserves where performance of hunting has not been prohibited in areas indicated in nature conservation plan or protective management tasks,
- 2) areas within administrative limits of towns or cities; however, should these borders cover forested or agricultural areas, a hunting revier may be created to cover such areas or such areas may be incorporated into other hunting reviers,
- 3) areas where settlements other than towns or cities are located, within the borders of household or utility premises including courtyards, yards, streets and roads within these settlements,
- 4) structures, plants and facilities, areas allocated for social purposes, religious purposes as well as industrial, trading, storage, transport and other economic purposes, as well as structures of historic and special nature, within their fencing.

#### **Article 27**

1. Division into hunting reviers as well as changes in respect of their borders shall be introduced within a voivodship by the competent voivode, by way of a regulation, after obtaining an opinion of the competent director of the regional agency of the State Forests and the Polish Hunting Association, as well as a competent chamber of agriculture.
2. Where a hunting revier is to be located within the borders of more than one voivodship, the regulation referred to in paragraph 1 shall be issued by the voivode competent in the light of the location of the prevailing part of the area concerned in agreement with the voivode competent in the light of the location of the remaining part of the area concerned.
3. Division into hunting reviers as well as changes in respect of their borders shall be introduced with respect to grounds under the management of a military authority or allocated for use by such authority shall be introduced in agreement with such authority.

#### **Article 28**

1. <sup>17</sup> Hunting reviers shall be subject to lease to hunting clubs of the Polish Hunting Association, subject to the provisions of paragraph 1a.
  - 1a. <sup>18</sup> Hunting reviers shall be subject to lease to the Polish Hunting Association only where no hunting club expresses interest in the lease of such reviers and only until the time of submission of an offer by a hunting club.
2. <sup>19</sup> The minister proper for the environment, after obtaining opinion of the Polish Hunting Association, may, by way of a regulation, exclude hunting reviers from lease and place them, for a period not shorter than 10 years under management with the purpose of wild game breeding; this provision shall apply to hunting reviers in which, apart from hunting, objectives in respect of, in particular, the following are realised:

- 1) exemplary management of a hunting ground, implementation of new developments in respect of hunting,
  - 2) conducting scientific research,
  - 3) restoration of the population of species of animals living in the wild which are becoming extinct,
  - 4) breeding of indigenous species of game animals in order to populate the hunting grounds,
  - 5) breeding of game animals which are particularly useful in forest ecosystems,
  - 6) conducting training in respect of hunting.
3. Game breeding centres can be operated with the consent of the minister proper for the environment by: the State Forests, the Polish Hunting Association, education and research institution as well as other entities which operated such centres before the coming in to force of this Act. The right to operate a game breeding centre shall be non-transferable.
4. The minister proper for the environment, after obtaining the opinion of the Polish Hunting Association, shall lay down, by way of a regulation, the detailed principles of placing of hunting reviers excluded from lease under management of entities the statutory purposes of which guarantee the realisation of the objectives referred to in paragraph 2, as well as the related procedure.

### **Article 29**

1. <sup>20</sup> Hunting reviers shall be leased out by, upon an application from the Polish Hunting Association and after obtaining the opinion of the head of the municipal government (mayor of the town, president of the city) as well as of the competent chamber of agriculture:
  - 1) in respect of forest hunting reviers – the director of the regional agency of the State Forests,
  - 2) in respect of field hunting reviers – the subprefect, who performs this task within his authority in respect of governmental administration,
  - 3) <sup>21</sup> hunting reviers located within more than one district – the subprefect of the district within which the greatest part of the given hunting reviers is located.
- 1a. A hunting revier covering the grounds under the management of a military authority or allocated for use by such authority can be leased to hunting clubs with the consent of such authority.
2. Hunting reviers shall be leased out for a period not shorter than 10 years. After the period of lease has expired, the last lessee shall have precedence in respect of conclusion of lease agreement for the next period.

3. Where a hunting revier becomes divided, the last lessee or manager shall have precedence in respect of the choice of lease or management in one of the hunting reviers which have arisen as a result of such division.
4. Where a hunting revier become divided or its borders are changed, accounts shall be settled with the last lessee or manager in respect of the effected overpayment of land rent and expenditures towards management of the land made within the two years prior to the introduction of such division or change. The amount due in respect of settling such account shall be paid to the last lessee or manager by the lessee or manager of the newly created hunting revier.
5. <sup>22</sup> The provisions of paragraph 4 shall apply also where a hunting revier becomes excluded from lease during the period of validity of the lease agreement.
6. <sup>23</sup> In the case referred to in Article 28 (1a) and transfer of the leased hunting revier by the Polish Hunting Association to a hunting club, a settlement of accounts takes place between the parties by way of return of the effected overpayment of land rent and expenditures towards management of the land made within the time of lease, but not longer than the last two years.

#### **Article 29a<sup>24</sup>**

1. A lease agreement in respect of a hunting revier should include in particular:
  - 1) the number and area of the hunting revier,
  - 2) the area of forest and field land covered by the hunting revier,
  - 3) the category of the hunting revier,
  - 4) the amount of land rent due for the lease of the hunting revier and the terms of its payment,
  - 5) the obligation of the parties to such agreement,
  - 6) the principles of application of substitution shooting,
  - 7) manner and terms of settlement of accounts between the parties in case of termination of the agreement.
2. A lease agreement in respect of a hunting revier shall be terminated where:
  - 1) the hunting revier becomes excluded from lease,
  - 2) the hunting club becomes dissolved,
  - 3) the parties declare that they agree to terminate such agreement.

3. In matters not governed by the provisions of this Act the provisions of the Civil Code in respect of lease shall apply.

### **Article 30**

1. In case of an unjustified failure to realise the annual hunting plan, the lessees of the hunting reviers shall be obliged to participate in the costs of protection of the forest against wild game.
2. <sup>25</sup> Participation in the costs referred to in paragraph 1 shall be included in the amount of the due land rent for the lease of the hunting revier, such participation being in whole the receivable of the competent forest district unit.
- 2a. The land rent due shall be determined on the basis of the category of the hunting revier, by way of multiplying the number of hectares of the leased hunting revier by the monetary equivalent of rye, where the index cannot be lower than 0.07 quintal of rye for 1 hectare.
3. The minister proper for the environment, in agreement with the minister proper for agriculture, after obtaining the opinion of the Polish Hunting Association, shall lay down by way of a regulation:
  - 1) the principles of categorisation of hunting reviers, taking into account the numerical strength of the population of individual species of wild game in given environments of its existence, the type and extent of its harvest and the intensity of anthropogenic factors,
  - 2) the detailed principles of determining the land rent due on the basis of the area and category of a hunting revier and applying the price of rye determined as provided for in the Act of 15 November 1984 on Agricultural tax (Journal of Law of 1993 no. 94, item 431; of 1994 no. 1 item 3; of 1996 no. 91, item 409; of 1997 no. 43, item 272 and no. 137, item 926, of 1998 no. 108, item 681 and of 2001 no. 81, item 875),
  - 3) the detailed principles on determining the amount of participation referred to in paragraph 1, on the basis of a failure to realise the annual hunting plans in respect of the harvest of: moose, red deer, fallow deer and roe deer, where the amount of such participation shall not exceed the value of 10% of receipts from the sale of carcasses of these species in the previous year.

### **Article 31**

1. The lessor shall be obliged to distribute the received land rent among the forest district offices and municipalities.
2. The forest district office shall receive the land rent equivalent to the area of state owned forested grounds, and the municipalities shall receive the land rent equivalent to the remaining area of the controlled hunting reviers.
3. For the hunting reviers excluded from lease, the managers of these reviers shall pay an equivalent in the amount of average land rent applied for the hunting reviers leased out

within the given municipality or the neighbouring municipalities, and the receivable shall be distributed in accordance with the provisions of paragraphs 1 and 2.

## **Chapter 6**

### **Polish Hunting Association**

#### **Article 32<sup>26</sup>**

1. The Polish Hunting Association shall be an association of natural and legal persons who perform game management by way of breeding and harvest of game as well as act towards conservation of wild game by way of regulating the numerical strength of the game population.
2. The Polish Hunting Association shall be a legal person.
3. The Polish Hunting Association and hunting clubs shall act by virtue of this Act as well as the statute adopted by the National Assembly of Representatives of the Polish Hunting Association.
4. The statute of the Polish Hunting Association shall define in particular:
  - 1) the area of operation and the seat of the Polish Hunting Association,
  - 2) the manner of obtaining and losing membership in the Polish Hunting Association and a hunting club, the principles of membership in hunting clubs, the reasons for losing membership as well as rights and obligation of the members,
  - 3) the bodies of the Polish Hunting Association and of a hunting club, their competences, the procedure for their election, changes or supplementation of their composition,
  - 4) the tasks of a hunting club and the way of their realisation as well as the principles of representation of a hunting club,
  - 5) the funds and property of the Polish Hunting Association and a hunting club as well as the manner of their creation, acquisition and transfer,
  - 6) the conditions for validity of the resolutions adopted by the bodies of the Polish Hunting Association or a hunting club,
  - 7) the manner of determining the amount of member's fees and admittance fees payable to the Polish Hunting Association and the hunting club,
  - 8) the principles applicable to adopting and amending the statute,
  - 9) the principles applicable to internal procedures,
  - 10) the format of membership declarations in the Polish Hunting Association and in hunting clubs,

- 11) disciplinary sanctions for violation of the member's obligations,
  - 12) the conditions for and manner of merger, division, dissolution and liquidation of a hunting club.
5. A natural persons has the right to become a member of the Polish Hunting Association if he:
- 1) is of age,
  - 2) enjoys all public rights,
  - 3) has not been punished for offences under the Law on Hunting,
  - 4) has obtained the authorisation to hunt,
  - 5) has submitted the declaration and paid the admittance fee.
6. Members of the Polish Hunting Association shall be subject to mandatory accident insurance and civil liability insurance in respect of the activities connected with game management and hunts.

#### **Article 32a<sup>27</sup>**

1. The bodies of the Polish Hunting Association shall be:
  - 1) the National Assembly of Representatives of the Polish Hunting Association, being the highest authority of the Polish Hunting Association, which shall consist of representatives of hunting clubs and representatives of members not belonging to hunting clubs, elected by way of indirect election,
  - 2) the Main Hunting Council, whose tasks shall include determining the directions of and plans of the development of the activity of the Polish Hunting Association in the periods between National Assemblies of Representatives as well as the realisation of other tasks provided for in the statute, and District Hunting Councils,
  - 3) the Main Board as the managing body.
2. The Main Board of the Polish Hunting Association shall represent the Association outside.
3. The Polish Hunting Association shall be obliged to have within its structure internal audit bodies.
4. The statute of the Polish Hunting Association may provide for creation of other national and district bodies which shall realise, within their scope of geographical competence, the tasks referred to in Article 34.

#### **Article 33**

1. Hunting clubs shall consist of natural persons and be the basic organisational unit within the Polish Hunting Association in respect of the realisation of the objectives and tasks of hunting.
2. Hunting clubs shall be legal persons bearing responsibility for their liabilities.
3. <sup>28</sup> Hunting clubs shall obtain or lose legal personality as of the day of obtaining or losing membership in the Polish Hunting Association.
4. <sup>29</sup> The district bodies provided for in the statute, referred to in Article 32a (4), shall coordinate and supervise the activity of hunting clubs as well as members – natural persons not belonging to hunting clubs.
5. <sup>30</sup> The bodies referred to in paragraph 4 shall, within the scope of supervision, repeal the resolutions of the Polish Hunting Association which violate the law or the statute.
6. <sup>31</sup> In matters concerning the obtaining or loss of membership in the Polish Hunting Association and the loss of membership in a hunting club, the party concerned may, having exhausted the internal procedures of the organisation, assert his rights in a court of law.

#### **Article 33a<sup>32</sup>**

1. A hunting club should consist of at least 10 natural persons who are members of the Polish Hunting Association.
2. The founders of a club shall sign and submit membership declarations.
3. The founders of a club who have signed and submitted their declarations shall become members of the club as of the day of the acceptance of its membership in the Polish Hunting Association.

#### **Article 34**

1. The tasks of the Polish Hunting Association include:
  - 1) performance of game management,
  - 2) care of the development of hunting and co-operation with the governmental and self-governmental administration, organisational units of the State Forests and national parks as well as with social organisations in respect of conservation of natural environment, preservation and development of the population of game animals and other animals living in the wild,
  - 3) care of the historical values of the material and spiritual culture of hunting,
  - 4) <sup>33</sup> determination of the directions and principles of the development of hunting, the principles of population and individual selection of game animals,

- 5) assurance of the compliance of the members' action with the law, the ethical principles and the hunting customs and traditions,
- 6) implementation of disciplinary judicial procedures,
- 7) organisation of training in respect of proper hunting and shooting,
- 8) performance and support of publishing and exhibitory activities within the scope of the theme of hunting,
- 9) co-operation with foreign counterpart organisations,
- 10) support and performance of research work within the scope of game management,
- 11) <sup>34</sup> conducting and supporting the breeding of utility hunting dogs and hunting birds,
- 12) realisation of other tasks assigned by the minister proper for the environment.

### **Article 35**

1. <sup>35</sup> The activity of the Polish Hunting Association shall be financed from its own funds, the admittance fees, membership fees, bequests and donations as well as from income received from economic activity.
2. <sup>36</sup> Income from the economic activity of the Polish Hunting Association and hunting clubs shall serve solely the purpose of the realisation of their statutory tasks and must not be allocated for distribution among the members. The property of the Polish Hunting Association and hunting clubs shall not be subject to distribution among the members.
3. The provisions regulating the financial management of associations shall apply respectively to the financial management of the Polish Hunting Association.

### **Article 35a<sup>37</sup>**

1. The activity of the Polish Hunting Association shall be supervised by the minister proper for the environment.
2. The provisions of the act of 7 April 1989 Law on Associations (Journal of Law of 2001 no. 79, item 855; of 2003 no. 96 item 874 and of 2004 no. 102, item 1055) regulating the principles of supervision of associations shall apply respectively to the supervision of the activity of the Polish Hunting Association.

## **Chapter 7**

### **Hunting guard**

### **Article 36**

1. <sup>38</sup> The State Hunting Guard is hereby created as an uniformed and armed formation, equipped with marked off-road vehicles as subject to the voivode.
- 1a. <sup>39</sup> The activity of the State Hunting Guard within the area of a voivodship shall be coordinated in respect of the tasks referred to in Article 37 (1) by the voivodship commanding officer of the State Hunting Guard appointed by the voivode.
2. <sup>40</sup> Lessees and managers of hunting reviers shall be obliged to employ or appoint at least one guard, whose task shall be to conserve the wild game and perform game management.
3. <sup>41</sup> The Hunting guard shall consist of:
  - 1) the State Hunting Guard,
  - 2) the hunting guards appointed or employed by the lessees and managers of hunting reviers.

#### **Article 37<sup>42</sup>**

1. The task of the State Hunting Guard is the supervision of the realisation of the provision of this Act, in particular in respect of:
  - 1) conservation of wild game,
  - 2) fight against poaching and all forms of damage within the scope of hunting,
  - 3) fight against crimes and misdemeanours within the scope of hunting,
  - 4) supervision of the legality of purchase of and trade in game.
2. The State Hunting Guard shall co-operate with the Head of the National Centre of Criminal Information within the scope necessary for the performance of its statutory tasks.

#### **Article 38**

1. A guard of the State Hunting Guard or a hunting guard shall be a person who:
  - 1) is a citizen of the Republic of Poland,
  - 2) is 21 years of age,
  - 3) enjoys all public rights,
  - 4) has proper professional qualifications,
  - 5) <sup>43</sup> has a positive opinion issued by the voivodship commanding officer of the Police competent in the light of the place of residence of the person concerned,
  - 6) is in a good health condition,

- 7) has no criminal record,
  - 8) has completed, and achieved a positive result in a training in accordance with a programme developed by the minister proper for the environment in agreement with the minister proper for the interior.
2. The guards of the State Hunting Guard shall be employees of the voivodship offices.

#### **Article 38a<sup>44</sup>**

A guard of the State Hunting Guard shall be entitled to free uniform along with the official marks and insignia, which he shall be obliged to wear while on duty.

#### **Article 39**

1. <sup>45</sup> Within hunting reviers, the matters within the scope of conservation of wild game and of protection of the property of the lessees and managers, fight against crime and misdemeanours in respect of damage within the scope of hunting and damage within the scope of nature committed within forest and field hunting reviers shall be dealt with by the guards of the State Hunting Guard in accordance with the provisions of the Penal Proceedings Code and the Misdemeanours Proceedings Code.
2. In the course of performance of their tasks referred to in paragraph 1, the guards of the State Hunting Guard shall have the right to:
  - 1) demand a production of a document enabling the identification of persons suspected of a crime or a misdemeanour in order to determine the identity of such persons,
  - 2) impose and collect fines by way of a penalty ticket for misdemeanours committed within hunting reviers in respect of damage within the scope of hunting,
  - 3) <sup>46</sup> stop and perform control checks of means of transport within hunting reviers and in their immediate vicinity with the purpose of verifying their cargo and checking the contents of the carried luggage where there is justified suspicion of a crime of misdemeanour being committed,
  - 4) <sup>47</sup> search of persons, premises and other places in accordance with the principles provided for in the Penal Proceedings Code where there is justified suspicion of a crime of misdemeanour being committed,
  - 5) apprehend the perpetrator of a crime or misdemeanour in the commission of an offence or in the course of the pursuit commenced directly following the commission of the offence, and to bring him to a Police station,
  - 6) <sup>48</sup> collect against a receipt objects arising from crime or misdemeanour as well as tools and means used for the commission of the offence and to secure such objects, tools and means,

- 7) conduct investigations and file and back charges in summary procedure where the object of the crime is wild game, in accordance with the procedure and principles provided for in the Penal Proceedings Code,
  - 8) conduct investigation in misdemeanour cases and participate in the trials conducted by misdemeanour boards<sup>49</sup> as the public prosecutor and to submit means of appeal<sup>50</sup> to district courts against judgements of misdemeanour boards<sup>51</sup> in matters concerning fight against damage within the scope of hunting,
  - 9) <sup>52</sup> perform control checks of entities conducting purchase, processing, and sale of game carcasses or their parts in respect of checking their origin,
  - 9a) <sup>53</sup> perform control checks of entities conducting trade in live game as well as of entities conducting breeding and husbandry of game animals in respect of checking their origin,
  - 9b) <sup>54</sup> perform control checks of entities conducting sale of services which include hunts performed by foreigners in the territory of the Republic of Poland,
  - 10) <sup>55</sup> carry combat firearms, pellet shot hunting firearms, multipurpose baton and handcuffs as well as ammunition, including non-penetrating ammunition,
  - 11) <sup>56</sup> carry an incapacitating gas thrower,
  - 12) demand that the state institutions provide the necessary help, request such help from economic entities, social organisations, and in emergency cases request immediate help provided in accordance with the provisions of the regulations on the Police, which lay down the detailed principles of requesting such help, from any citizen,
3. A guard of the State Hunting Guard may take, towards persons hindering his performance of the activities referred to in this Act, direct coercive measures in the form of:
    - 1) physical power,
    - 2) <sup>57</sup> incapacitating chemical substances in the form of an incapacitating gas thrower,
    - 3) <sup>58</sup> a multipurpose baton,
    - 4) <sup>59</sup> handcuffs,
    - 5) <sup>60</sup> non-penetrating ammunition,
  4. The act of taking by a guard of the State Hunting Guard of direct coercive measures referred to in paragraph 3 should be performed in consistency with the needs resulting from the existing situation and aimed at the person's submission to the orders given.
  5. Where taking by a guard of the State Hunting Guard of direct coercive measures referred to in paragraph 3 proves insufficient or their taking, due to the circumstances

of a given occurrence, is not possible, the guard of the State Hunting Guard shall have the right to use firearms where:

- 1) such firearms are used to repel a direct and illegal assault on his own life or the life of another person,
- 2) such firearms are used against a person who is trying to take away, illegally or by force, the firearms from the guard or another person licensed to possess firearms,
- 3) such firearms are used against a person who does not submit to the order to immediately abandon weapon or another dangerous object the use of which may endanger the life or health of the guard or another person.
6. The use of firearms should be made in a manner which shall result in the least possible harm caused to the person against whom the firearm is use, and cannot be aimed at the loss of life by such person or cause the risk of loss of life or health by other persons.
7. The regulations on the Police shall apply, respectively, to the performance by a guard of the State Hunting Guard of the activities referred to in paragraph 2 and to the application by the guard of the direct coercion means referred to in paragraphs 3 and 5.
8. A guard of the State Hunting Guard performing his duties within hunting revier shall have rights laid down in separate regulations pertaining to:
  - 1) the Nature Conservation Guard – in respect of compliance with the regulations on conservation on nature,
  - 2) the State Fishery Guard – in respect of supervision of the legality of the performance of fishing,
  - 3) forest guards – in respect of the fight against forest damage.
9. The activities referred to in paragraph 3 should be performed in a manner which shall result in the least possible violation of the personal good of the persons towards whom they have been taken.
10. The manner of performance of the activities referred to in paragraph 3 shall be subject to appeal submitted to the state prosecutor.
11. In the performance of their duties, the guards of the State Hunting Guard shall enjoy the protection provided for by the Penal Code in respect of public functionaries.

#### **Article 40**

1. <sup>61</sup> The guards referred to in Article 36 (3) (2):

- 1) while performing their tasks, shall co-act with the State Hunting Guard. In the performance of the tasks referred to in Article 39 (2) (1, 5, 6, 9 and 11); (3) (1 and 2); (9); (10); (11),

- 2) shall have the right to carry and use hunting firearms with the purpose of protecting the wild game from predators enumerated on the list of game animals in accordance with the annual hunting plan, on condition that they are members of the Polish Hunting Association.
2. In the performance of the tasks referred to in paragraph 1, a hunting guard shall be obliged to carry the official insignia and produce his official identification card at request.
3. <sup>62</sup> The hunting firearms referred to on paragraph 1 (2) may be purchased by the lessees or managers of hunting reviers and used, registered and stored in accordance with the principles laid down in the regulations on weapons and ammunition.

#### **Article 41**

1. <sup>63</sup> The minister proper for the environment, in agreement with the minister proper for the interior and the Minister of Justice, shall lay down, by way of a regulation, the detailed requirements in respect of professional qualifications, the format of the official identification card, the design of the uniform, official marks and official insignia of the guards of the State Hunting Guard, as well as details in respect of the professional qualifications, the design of the official mark and the format of the official identification card of the hunting guards.
2. The minister proper for the environment in agreement with the minister proper for the interior shall lay down, by way of a regulation, the detailed principles in respect of:
  - 1) co-acting of the State Hunting Guard and the Polish Hunting Association,
  - 2) <sup>64</sup> possession, registration and storage of combat firearms, hunting pellet shot firearms, ammunition and incapacitating gas throwers in the quarters of the guard.
  3. <sup>65</sup> The minister proper for the environment, in agreement with the minister proper for the interior shall lay down, by way of a regulation, the detailed principles of use, registration and storage in the quarters of the State Hunting Guard of combat firearms, hunting pellet shot firearms, ammunition and incapacitating gas throwers. The regulation should lay down the detailed requirements in respect of storage, use, registration in the quarters of the State Hunting Guard of combat firearms, hunting pellet shot firearms, ammunition and incapacitating gas throwers, as well as the formats of the documents necessary for registration of firearms and ammunition and of incapacitating gas throwers, their handing over and return as well as the technical conditions to be met by the weapons storage area.

### **Chapter 8**

#### **Performance of a hunt**

#### **Article 42<sup>66</sup>**

1. Hunts can be performed by members of the Polish Hunting Association or foreigners referred to in Article 42a (1) with the consent of the lessee or manager of the given hunting revier.
2. During a hunt, the person authorised to perform it shall be obliged to carry upon himself:
  - 1) the membership card of the Polish Hunting Association. This requirement shall not apply to the foreigners referred to in Article 42a (1) and Article 43 (1),
  - 2) the permit for possession of hunting firearms or another document authorising its possession where he performs the hunt with the use of firearms designed for hunting purposes,
  - 3) the permit for hunting wild game with the use of a hunting bird where he performs the hunt with the use of hunting birds.
3. Three categories shall be recognised in respect of authorisation for the performance of hunts:
  - 1) basic – authorising for the shooting of game animals, excluding males of deer game,
  - 2) selector's - authorising for the shooting of all game animals,
  - 3) falconry - authorising for the hunting of game with the use of hunting birds.
4. Obtaining of the authorisations to perform hunts referred to paragraph 3 (1) shall be subject to the following conditions:
  - 1) completion of a year's apprenticeship in a hunting club or a game breeding centre,
  - 2) completion of a training conducted by the Polish Hunting Association,
  - 3) passing of the examination in front of the examination board summoned by the Polish Hunting Association.
5. The following persons shall be exempted from the apprenticeship referred to in paragraph 4 (1):
  - 1) persons with secondary or higher education within the scope of forestry,
  - 2) persons with other higher education with hunting specialisation,
  - 3) hunting guards who have performed their tasks for a period not shorter than 2 years,
  - 4) foreigners and Polish citizens who reside, with the intention of permanent residence, abroad, where they hold a valid authorisation for performing hunts in another country,
  - 5) persons who previously lost their membership in the Polish Hunting association.

6. Obtaining of the authorisations referred to paragraph 3 (2) shall be subject to the following conditions:
  - 1) holding of the basic authorisation for a period of at least 3 years,
  - 2) completion of the training conducted by the Polish Hunting Association,
  - 3) passing of the examination in front of the examination board summoned by the Polish Hunting Association.
7. Obtaining of the authorisations referred to paragraph 3 (3) shall be subject to the following conditions:
  - 1) holding of the basic authorisation,
  - 2) completion of the training conducted by the Polish Hunting Association,
  - 3) passing of the examination in front of the examination board summoned by the Polish Hunting Association
8. The performance of an individual hunt shall be subject to, apart from obtaining the documents referred to in paragraph 2, obtaining a written authorisation issued by the lessee or manager of the given controlled hunting revier.
9. The Polish Hunting Association shall determine the amount the training and the examination fees, taking into account the costs incurred.
10. The authorisation for the performance of hunts shall expire where the interested person fails to receive the membership of the Polish Hunting Association within 5 years of their obtaining or 5 years after the termination his membership in the Polish Hunting Association.
11. The minister proper for the environment shall lay down, by way of a regulation, the terms and procedures of issue of authorisation for hunting of game with the use of hunting birds.

#### **Article 42a<sup>67</sup>**

1. Authorisation for the performance of hunts shall also be held by the citizens of the Member States of the European Union where they hold authorisation for the performance of hunts in a Member State of the European Union and pass a complementary examination in the Polish language in front of the board referred to in Article 42 (4) (3); (6) (3); (7) (3) in respect of the legal regulations laying down the principles and terms of the performance of hunts at the time in force in the Republic of Poland, as well as to the list of species of game animals and the hunting seasons for these animals, and in the case of selector's authorisation also to the principles of population and individual selection of deer game.
2. The authorisation referred to in paragraph 1 shall expire 5 years after the passing of the examination.

### **Article 42b<sup>68</sup>**

1. The time of beginning and end of an individual hunt as well as the number and species of the game harvested shall be subject to registration in the record of stay in individual hunt, which the lessees and managers of controlled hunting reviers shall be obliged to keep for each hunting revier.
2. Where game is bagged by way of individual hunt, the hunter shall be obliged to make note of this fact in the held authorisation for the performance of an individual hunt:
  - 1) with respect to big game – prior to commencing a transporting operation,
  - 2) with respect to small game – immediately after finishing the hunt.
3. The hunter performing the hunt shall be responsible for making the registration entry referred to in paragraph 1.

### **Article 42c<sup>69</sup>**

A person operating a purchase point shall be obliged to mark the carcasses of: moose, red deer, fallow deer, moufflon, roe deer and wild boars directly after their delivery by the person authorised to perform hunts in respect of the harvested game.

### **Article 42d<sup>70</sup>**

Shooting of males of moose, red deer, fallow deer, roe deer and moufflon shall be subject to evaluation in respect of its compliance with the principles of individual selection. Such evaluation shall be carried out in hunting reviers subject to lease by boards summoned by the Polish Hunting Association and consisting of the representatives of: the Polish Hunting Association and the State Forests, and in hunting reviers excluded from lease their managers in co-operation with, respectively, the representative of: the Polish Hunting Association or the State Forests, or of both of these.

### **Article 42e<sup>71</sup>**

The minister proper for the environment shall lay down, by way of a regulation, the manner of evaluation and registration of hunting trophies, taking into account the evaluation criteria of the International Council for Game and Wildlife Conservation, as well as the manner and form of the protection of record-breaking trophies and the size of trophies the exportation of which shall be prohibited.

### **Article 43**

1. <sup>72</sup> A foreigner or a Polish citizen who resides, with the intention of permanent residence, abroad, who is not a member of the Polish Hunting Association or who does not meet the conditions referred to in Article 42a may perform a hunt after purchasing the hunt from an entrepreneur entered in the register referred to in Article 17 (1) or on the basis of the consent of the minister proper for the environment. Such

consent shall be granted upon an application from the Polish Hunting Association or in case of hunts in managed hunting reviers, upon an application from their managers.

- 1a. <sup>73</sup> The foreigner referred to in paragraph 1 shall be allowed to hunt only in the presence of a representative of the lessee or manager of the hunting revier who is a member of the Polish Hunting Association, who shall indicate the game selected for shooting and shall be responsible for making the entry referred to in Article 42b (1).
2. <sup>74</sup> The minister proper for the environment in agreement with the minister proper for the interior, after obtaining the opinion of the Polish Hunting Association, shall lay down, by way of a regulation:
  - 1) the manner of summoning the examination boards as well as the scope and procedure of conducting the examinations referred to in Article 42 (4) (3), Article 42 (6) (3), Article 42 (7) (3) and Article 42a (1), taking into account:
    - a) the necessity of ensuring the presence in the board of the representatives of the Polish Hunting Association, the State Forests and the Police,
    - b) the types of authorisation obtained,
    - c) the documents to be submitted prior to the examination,
    - d) the manner of conducting and documenting the examinations,
  - 2) the formats of the documents confirming the obtaining of the authorisation referred to Article 42 (3) and Article 42a (1).
3. <sup>75</sup> The minister proper for the environment, after obtaining the opinion of the Polish Hunting Association, shall lay down, by way of a regulation, the detailed terms of performance of a hunt and of the marking referred to in Article 42c, the format of the authorisation for the performance of an individual hunt, the format of the registration book of the stay in individual hunt, taking into account the existing Polish hunting customs as well as giving consideration to the care of safety of people and property.

#### **Article 44**

1. The minister proper for the environment in agreement with the minister proper for agriculture and after obtaining the opinion of the National Council for Nature Protection and the Polish Hunting Association shall lay down, by way of a regulation, the hunting seasons for game animals for the territory of the Republic of Poland or its parts.
2. The voivode shall have the right to shorten, in justified cases, the hunting seasons for the voivodship, after obtaining the opinion of the Polish Hunting Association.
3. The minister proper for the environment, after obtaining the opinion of the National Council for Nature Protection, may allow the shooting or capture of game for research purposes irrespective of the protection seasons.

4. <sup>76</sup> (repealed)

#### **Article 45**

1. <sup>77</sup> In case of excessive density of game threatening the balanced life of forests, the district forester acting on authorisation from the director of the regional office of the State Forests, after obtaining the opinion of the Polish Hunting Association, shall make an administrative decision ordering the lessee or manager of a hunting revier to perform a reduction capture or shooting of game.
2. Where the lessee of a hunting revier fails to realise the annual hunting plan in respect of harvesting game, the district forester acting on authorisation from the director of the regional office of the State Forests shall make a decision on application of substitution shooting, in accordance with the provisions of the lease of the hunting revier.
3. In case of particular threat to the proper functioning of production and public utility objects posed by game, the subprefect, in agreement with the Polish Hunting Association, may make a decision on the performance of a reduction capture or shooting of game.
4. Reduction and substitution shootings of game may only be performed by persons authorised to perform hunts.

### **Chapter 9**

#### **Damage within the scope of hunting**

#### **Article 46**

1. The lessee or manager shall be obliged to compensate for damage caused:
  - 1) within the scope of crops and agricultural produce by wild boars, moose, red deer, fallow deer and roe deer,
  - 2) in the performance of a hunt.
2. Inspection and evaluation of the damage referred to in paragraph 1 as well as the determination of the amount of compensation shall be carried out by the representatives of the manager or the lessee of the hunting revier. At the request of the party concerned, a representative of the competent chamber of agriculture shall take part in the inspection, evaluation of damage and the determination of the amount of compensation.

#### **Article 47**

1. Owners or holders of agricultural and forest grounds should, in accordance with the needs, co-operate with the lessees and managers of hunting reviers within the scope of securing these grounds from the damage referred to in Article 46.

2. Where there has arisen a dispute between the owner or holder of grounds and the lessee or manager of a hunting revier with respect to the amount of compensation for damage referred to in Article 46, the parties may refer the matter to the municipal authority competent in the light of the location where the damage was caused for mediation in order to amicably resolve the dispute.

#### **Article 48**

Compensation shall not be due:

- 1) to persons who have been allocated grounds which constitute the property of the State Treasury as agricultural allowances in kind on forest grounds,
- 2) to holders of damaged agricultural crops or produce where they failed to harvest it within more than 14 days after the end of the harvesting season for the given plant species in the given region as determined by the voivode,
- 3) to holders of damaged agricultural crops or produce where they failed to consent to construction of facilities or performance of operations preventing damage by the lessee or manager of the hunting revier,
- 4) where the value of the damage does not exceed the value of 100 kg of rye per one hectare of crops,
- 5) for damage caused to produce gathered in piles, stacks and mounds in the immediate vicinity of a forest,
- 6) for damage caused to crops grown in flagrant violation of agro-technical principles.

#### **Article 49**

The minister proper for the environment in agreement with the minister proper for agriculture shall lay down, by way of a regulation, the procedures applicable to evaluating damage caused to agricultural crops and produce and to payment of compensations for such damage, taking into account the date of submission of a complaint in respect of such damage, the obligation to perform preliminary and final evaluation and the area of damaged crops.

#### **Article 50**

1. The State treasury shall be liable for damage caused by game animals subject to all-year protection.
  - 1a. <sup>78</sup> (repealed)
2. <sup>79</sup> For the damage referred to in paragraph 1, done within:
  - 1) forest hunting reviers the compensation shall be paid by the State Forests with the funds of the state budget;

- 2) field hunting reverts and areas outside controlled hunting reverts the compensation shall be paid by the voivode with the funds of the state budget in its part left at the disposal of the voivode.

## **Chapter 10**

### **Penal provisions**

#### **Article 51**

1. He who:
  - 1) shoots at game from a distance shorter than 500m of a place of public assemblies in their duration or from a distance shorter than 100 m of housing premises,
  - 2) <sup>80</sup> takes out eggs, nestlings or fledglings, destroys nests of game birds or destroys their rearing grounds,
  - 3) keeps game animals without proper permit,
  - 4) <sup>81</sup> destroys burrows and lairs of game animals,
  - 5) <sup>82</sup> destroys hunting facilities, takes out feed or salt out of salt licks,
  - 6) <sup>83</sup> hunts without carrying upon himself the required documents

shall be subject to a penalty of fine.

2. In cases referred to in paragraph 1 the judgement shall be made in accordance with the regulations on procedures in cases of misdemeanours.

#### **Article 52**

He who:

- 1) <sup>84</sup> gathers, holds, produces, stores or enters into trade tools and facilities designed for poaching,
- 2) becomes a holder of illegally harvested carcasses or trophies of game animals,
- 3) without the required permit enters into trade live game or venison,
- 4) breeds or keeps without a permit pure-bred greyhounds or their cross-breeds,
- 5) while performing management on behalf of the lessee, and in hunting reverts not subject to lease on behalf of the manager, consents to performance of a hunt by a person not authorised to perform hunts, or exceeding the cull limit provided for in the adopted hunting plan,

- 6) <sup>85</sup> harvests game of a different species, different sex or in a greater number than provided for in the authorisation issued by the lessee or manager of the hunting revier

shall be subject to the penalty of fine, of restriction of freedom or of imprisonment of up to one year.

### **Article 53**

He who:

- 1) hunts migratory game birds within a strip of 3000 m from the coast into the sea or of 5000 m into the land,
- 2) hunts with the use of greyhounds or their cross-breeds,
- 3) hunts during the protection season,
- 4) hunts without holding the authorisation to hunt,
- 5) becomes holder of game with the use of firearms and ammunition other than hunting, explosive substances and materials, poisons, feed of intoxicating qualities, artificial light, limes, snares, irons, self-shooters or digging up burrows and other prohibited means,
- 6) not being authorised to hunt, becomes holder of game

shall be subject to the penalty of imprisonment of up to 5 years.

### **Article 54**

1. Where a person is sentenced for deeds referred to in Article 52 and Article 53, the court may decree the forfeiture of the firearms, vehicles, tools and dogs with the use of which the crime was committed, as well as the forfeiture of the trophies, game carcasses and their parts.
2. The decree of forfeiture referred to in paragraph 1 may also apply to objects which are not the property of the perpetrator.

## **Chapter 11**

### **Amendments to the provisions in force, transitory and final provisions**

### **Article 55**

In the Act of 23 December 1998 on Economic Activity (Journal of Law no. 41, item 324; of 1991 no. 26, item 149, no. 34, item 198 and no. 86, item 504; of 1991 no. 31, item 128, no. 41, item 179, no. 73, item 321, no. 105, item 452, no. 106, item 457 and no. 107, item 460; of 1993 no. 28, item 127, no. 47, item 212 and no. 134, item 646; of 1994 no. 27, item 96 and

no. 127, item 627; of 1995 no. 60, item 310, no. 85, item 426, no. 90, item 446 and no. 141, item 700) in Article 11:

- 1) in paragraph 1, after subparagraph 14, subparagraph 15 which provides as follows shall be added:  
“15) trade in live game as well as game carcasses and their parts in the country and abroad, except sale performed by the lessees and managers of hunting reviers within the territory of the country, as well as except for sale of tourist services including hunts within the country and abroad for foreigners and hunts abroad.”,
- 2) after paragraph 6, paragraph 7 which provides as follows shall be added:  
“7. The principles of granting the license referred to in paragraph 1 (15) shall be laid down in the Law on Hunting”.

#### **Article 56**

In the Act of 28 September 1991 on Forests (Journal of Law no. 101, item 444; of 1992 no. 21, item 85 and no. 54, item 254, of 1994 no. 1, item 3 and no. 127, item 627) in Article 47 (8) (1) the words “hunting guards” shall be replaced with “the State Hunting Guard”.

#### **Article 57**

In the Act of 16 October 1991 on Conservation of Nature (Journal of Law no. 114, item 492; of 1992 no. 54, item 254; of 1994 no. 89, item 415) in Article 18 (8) (1) the words “hunting guards” shall be replaced with “the State Hunting Guard”.

#### **Article 58**

1. Enterprises performing the sale of hunts for foreigners and the export of, trade in live game as well as game carcasses and their parts may perform the contracts concluded prior to the entry into force of this Act for a period of 6 months after its entry into force.
2. After the expiry of the 6 months period following the entry into force of this Act, the activities referred to in paragraph 1 may be performed after obtaining the license.

#### **Article 59**

1. The present union Polish Hunting Association shall become the Polish Hunting Association in the meaning of this Act.
2. The hunting clubs established under the previous regulations and existing on the day of entry into force of this Act shall become hunting clubs in the meaning of this Act.
3. The authorisations for the performance of hunts obtained before the day of entry into force of this Act shall remain valid and become authorisations for the performance of hunts in the meaning of this Act.

#### **Article 60**

1. Hunting reviers established under the previous regulations shall become hunting reviers in the meaning of this Act.
2. Hunting reviers excluded form lease under the previous regulations shall become game breeding centres in the meaning of this Act provided that within 1 year of the day of its entry into force they adjust the objectives realised to the requirements referred to in Article 28 (2).

### **Article 61**

The lease agreements in respect of hunting reviers prior to the day of entry into force of this Act shall become invalid as of 31 March 1997 subject to the provisions of Article 29 (2).

### **Article 62**

Regulations issued under the provisions of the act referred to in Article 63 shall remain in force subject o their compliance with this Act, but not longer than for a period of 1 year of the day of entry into force of this Act.

### **Article 63**

The Act of 17 June 1959 on Breeding, Protection of Game Species and the Law on Hunting (Journal of Law of 1973 no. 33, item 197; of 1990 no. 34, item 198; of 1991 no. 101, item 444) shall become invalid.

### **Article 64**

This Act shall enter into force 60 days after being announced.

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<sup>1</sup> Article 4 (2) (2) amended by virtue of Article 1 (1) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>2</sup> Article 5 amended by virtue of Article 1 (2) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>3</sup> Article 8 (3) amended by virtue of Article 1 (3) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>4</sup> Article 8 (3a) added by virtue of Article 1 (3) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>5</sup> Article 8 (3b) added by virtue of Article 1 (3) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>6</sup> Article 8 (3c) added by virtue of Article 1 (3) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>7</sup> Article 8 (3d) added by virtue of Article 1 (3) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>8</sup> Article 8 (3e) added by virtue of Article 1 (3) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>9</sup> Article 9 (1) (2) amended by virtue of Article 1 (4) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

<sup>10</sup> Article 11 (3) amended by the Article 65 (2) of the act of 20 June 2002 on direct election of the head of municipal government, town mayor and city president (Journal of Law 02.113.984) as of 27 October 2002. i.e. on the day of election to the decision making bodies of territorial self-government units held in connection with the expiry of the term of office of these bodies elected o n 11 October 1998 (see Article 102 of the quoted act).

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- <sup>11</sup> Article 12 amended by virtue of Article 1 (5) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>12</sup> Presently: State Veterinary Inspection, in accordance with Article 126 (1) of the Act of 24 July 1998 on the Change of Some Acts Defining the Competence of Public Administration Bodies in Connection with the Structural Reform of the Country (Journal of Law 98.106.668), which entered into force as of 1 January 1999.
- <sup>13</sup> Article 15 (4) amended by virtue of Article 1 (6) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>14</sup> Chapter 4 amended by virtue of Article 16 (1) of the Act of 2 July 2004 Regulations Implementing Freedom of Economic Activity (Journal of Law 04.173.1808) as of 21 August 2004.
- <sup>15</sup> Article 23 (1) amended by virtue of Article 1 (7) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>16</sup> Article 26 (1)
- amended by virtue of Article 137 (1) of the Act of 16 April 2004 on Conservation of Nature (Journal of Law 04.92.880) as of 1 May 2004
  - amended by virtue of Article 1 (8) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>17</sup> Article 28 (1) amended by virtue of Article 1 (9) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>18</sup> Article 28 (1a) added by virtue of Article 1 (9) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>19</sup> Article 28 (2) amended by virtue of Article 1 (9) (c) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>20</sup> Article 29 (1) amended by the Article 65 (3) of the act of 20 June 2002 on direct election of the head of municipal government, town mayor and city president (Journal of Law 02.113.984) as of 27 October 2002. i.e. on the day of election to the decision making bodies of territorial self-government units held in connection with the expiry of the term of office of these bodies elected on 11 October 1998 (see Article 102 of the quoted act).
- <sup>21</sup> Article 29 (1) (3) added by virtue of Article 1 (10) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>22</sup> Article 29 (5) added by virtue of Article 1 (10) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>23</sup> Article 29 (6) added by virtue of Article 1 (10) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>24</sup> Article 29a added by virtue of Article 1 (11) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>25</sup> Article 30 (2) amended by virtue of Article 1 (12) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>26</sup> Article 32 amended by virtue of Article 1 (13) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>27</sup> Article 32a amended by virtue of Article 1 (14) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>28</sup> Article 33 (3) amended by virtue of Article 1 (15) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>29</sup> Article 33 (4) amended by virtue of Article 1 (15) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>30</sup> Article 33 (5) added by virtue of Article 1 (15) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>31</sup> Article 33 (6) added by virtue of Article 1 (15) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>32</sup> Article 33a added by virtue of Article 1 (16) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>33</sup> Article 34 (4) amended by virtue of Article 1 (17) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>34</sup> Article 34 (11) amended by virtue of Article 1 (17) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004
- <sup>35</sup> Article 35 (1) amended by virtue of Article 1 (18) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>36</sup> Article 35 (2) amended by virtue of Article 1 (18) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

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- <sup>37</sup> Article 35a added by virtue of Article 1 (19) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>38</sup> Article 36 (1) amended by virtue of Article 1 (20) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>39</sup> Article 36 (1a) added by virtue of Article 1 (20) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>40</sup> Article 36 (2) amended by virtue of Article 1 (20) (c) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>41</sup> Article 36 (3) amended by virtue of Article 1 (20) (c) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>42</sup> Article 37 amended by virtue of Article 61 of the Act of 6 July 2001 on Collection, Processing and Transfer of Criminal Information (Journal of Law 01.110.1189) as of 1 January 2003.
- <sup>43</sup> Article 38 (1) (5) amended by virtue of Article 1 (21) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>44</sup> Article 38a added by virtue of Article 1 (22) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>45</sup> Article 39 (1) amended by virtue of Article 1 (23) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>46</sup> Article 39 (2) (3) amended by virtue of Article 1 (23) (b) first bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>47</sup> Article 39 (2) (4) amended by virtue of Article 1 (23) (b) first bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>48</sup> Article 39 (2) (6) amended by virtue of Article 1 (23) (b) second bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>49</sup> The Act of 20 May 1971 on the System of Misdemeanours Boards became invalid in accordance with Article 2 (2) (3) of the Act of 24 August 2001 Regulations Implementing The Code of Proceedings in Misdemeanour Cases (Journal of Law 01.106.1149) which entered into force as of 17 October 2001.
- <sup>50</sup> Presently, the procedures in misdemeanour cases are regulated by the Act of 24 August 2001 Regulations Implementing The Code of Proceedings in Misdemeanour Cases (Journal of Law 01.106.1149) which entered into force as of 17 October 2001.
- <sup>51</sup> The Act of 20 May 1971 on the System of Misdemeanours Boards became invalid in accordance with Article 2 (2) (3) of the Act of 24 August 2001 Regulations Implementing The Code of Proceedings in Misdemeanour Cases (Journal of Law 01.106.1149) which entered into force as of 17 October 2001.
- <sup>52</sup> Article 39 (2) (9) amended by virtue of Article 1 (23) (b) third bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>53</sup> Article 39 (2) (9a) added by virtue of Article 1 (23) (b) fourth bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>54</sup> Article 39 (2) (9b) added by virtue of Article 1 (23) (b) fourth bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>55</sup> Article 39 (2) (10) amended by virtue of Article 1 (23) (b) fifth bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>56</sup> Article 39 (2) (11) amended by virtue of Article 1 (23) (b) fifth bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>57</sup> Article 39 (3) (2) amended by virtue of Article 1 (23) (c) first bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>58</sup> Article 39 (3) (3) amended by virtue of Article 1 (23) (c) second bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>59</sup> Article 39 (3) (4) added by virtue of Article 1 (23) (c) second bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>60</sup> Article 39 (3) (5) added by virtue of Article 1 (23) (c) second bullet point of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>61</sup> Article 40 (1) amended by virtue of Article 1 (24) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>62</sup> Article 40 (1) added by virtue of Article 1 (24) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>63</sup> Article 41 (1) amended by virtue of Article 1 (25) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>64</sup> Article 41 (2) (2) amended by virtue of Article 1 (25) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.

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- <sup>65</sup> Article 41 (3) amended by virtue of Article 1 (25) (c) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>66</sup> Article 42 amended by virtue of Article 1 (26) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>67</sup> Article 42a added by virtue of Article 1 (27) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>68</sup> Article 42b added by virtue of Article 1 (27) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004, while Article 42 (2) shall enter into force as of 30 June 2005.
- <sup>69</sup> Article 42c added by virtue of Article 1 (27) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>70</sup> Article 42d added by virtue of Article 1 (27) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>71</sup> Article 42e added by virtue of Article 1 (27) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>72</sup> Article 43 (1) amended by virtue of Article 16 (2) of the Act of 2 July 2004 Regulations Implementing Freedom of Economic Activity (Journal of Law 04.173.1808) as of 21 August 2004.
- <sup>73</sup> Article 43 (1a) added by virtue of Article 1 (28) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>74</sup> Article 43 (2) amended by virtue of Article 1 (28) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>75</sup> Article 43 (3) amended by virtue of Article 1 (28) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>76</sup> Article 44 (4) repealed by virtue of Article 1 (29) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>77</sup> Article 45 (1) amended by virtue of Article 1 (30) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>78</sup> Article 50 (1a) repealed by virtue of Article 137 (2) (a) of the Act of 16 April 2004 on Conservation of Nature (Journal of Law 04.92.880) as of 1 May 2004.
- <sup>79</sup> Article 50 (2) amended by virtue of Article 137 (2) (b) of the Act of 16 April 2004 on Conservation of Nature (Journal of Law 04.92.880) as of 1 May 2004.
- <sup>80</sup> Article 51 (1) (2) amended by virtue of Article 1 (31) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>81</sup> Article 51 (1) (4) amended by virtue of Article 1 (31) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>82</sup> Article 51 (1) (5) amended by virtue of Article 1 (31) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>83</sup> Article 51 (1) (6) added by virtue of Article 1 (31) (c) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>84</sup> Article 52 (1) amended by virtue of Article 1 (3) (a) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.
- <sup>85</sup> Article 52 (6) added by virtue of Article 1 (32) (b) of the Act of 17 June 2004 (Journal of Law 04.172.1802) amending this Act as of 19 August 2004.