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## **Government Decree on Compensation for Damages Caused by Predatory Animals (277/2000; amendments up to 821/2001 included)**

### **Chapter 1 – General provisions**

#### *Section 1 – Scope of application*

- (1) Damage to humans, traffic, agriculture, livestock, reared animals, inanimate chattels and reindeer caused by predatory animals is compensated from State funds within the limits of the State budget, as laid down below.

#### *Section 2 – Definitions*

- (1) In this Decree:

- 1) *predatory animal* means bear, wolf, wolverine and lynx;
- 2) *personal damage* means injuries and diseases to humans caused by predatory animals, and losses resulting from human deaths caused by predatory animals;
- 3) *traffic accident damage* means damage to registered motor-driven vehicles or equipment being towed that results from a collision between the vehicle and a predatory animal;
- 4) *damage to cultivated areas* means damage to cultivated fields, horticultural areas and seedling stands, and to the harvest gathered from them, caused by predatory animals;
- 5) *damage to animals* means damage to livestock, reared animals and honey harvest, and to fences, buildings and other similar structures used for the keeping of animals, caused by predatory animals;
- 6) *damage to chattels* means damage to inanimate chattels other than those referred to in paragraphs 3-5 caused by predatory animals; and
- 7) *damage to reindeer* means damage to reindeer caused by predatory animals.

#### *Section 3 – Notification of damage*

- (1) A party intending to seek compensation from State funds for damage caused by predatory animals referred to in section 2 must submit a damage notification without delay for the assessment of the damage and any other required measures. For personal damage and traffic accident damage, the damage notification is submitted to the police in the locality in which the damage occurred, and for other damage to the rural business authority in the locality in which the damage occurred. The notification must give the time and place at which the damage occurred and the type and amount of the damage, and must state whether the claimant is able to obtain compensation for the damage from an insurance policy or on any other grounds.

### **Chapter 2 – Personal damages and traffic accident damages**

#### *Section 4 – Determining personal damage and traffic accident damage*

- (1) After having been notified of personal damage or traffic accident damage caused by a predatory animal, the police must, without delay, carry out a police investigation at the site at which the

damage occurred for determining the grounds and amount of the compensation. A police report must be drawn up on the damage and related circumstances.

- (2) The personal data and address of the injured party, the course of events that took place and all possible details of the damage caused by the predatory animal must be entered in the police report.

#### Section 5 – *Vehicle inspection*

- (1) In most cases, the damage to the vehicle must be inspected on the initiative of the claimant before the repair work can start. The inspection must be carried out by a motor insurance assessor approved by the State Treasury, unless the State Treasury has for special reasons granted an exemption from the inspection obligation.
- (2) An estimate of the repair costs must be prepared on the basis of the inspection and it must include the same information entered in the vehicle damage repair cost estimate required by motor vehicle insurance companies. The repair cost estimate must also state whether it is appropriate to repair the vehicle and how this should be done. If the damage is of such a nature that repair is not appropriate, the current value of the vehicle immediately before the damage and after it must be given in the repair cost estimate.

#### Section 6 – *Claiming compensation for personal damages and traffic accident damages*

- (1) The party that has suffered personal damage or traffic accident damage must seek compensation from the State Treasury using a form of the type approved by the State Treasury. The compensation claim can also be submitted to the police authority in the locality in which the damage occurred to be forwarded to the State Treasury.
- (2) The claim must show the personal data, address and payee account details of the claimant and the type of damage. The police report referred to in section 4, a doctor's statement on the type of injuries received in case of personal damage, the invoices for all damages and original receipts showing that they have been paid, details of any compensation that can be received under other laws or insurance, and any other details deemed necessary by the State Treasury that may be of importance for investigating the damage and for deciding on the compensation claim must be appended to the claim.

#### Section 7 – *Compensation for personal damage and traffic accident damage*

- (1) Compensation for personal damage is determined in accordance with Chapter 5, sections 2-4 and Chapter 7, section 3 of the Tort Liability Act (412/1974).
- (2) The maximum compensation payable for traffic accident damage is the amount of repair costs resulting from the damage. If it is not appropriate to repair the damaged vehicle or equipment being towed, the difference between the current value of the vehicle or equipment being towed before the damage and its value after the damage can be paid as compensation. Compensation can also be paid for the necessary towing costs.
- (3) The State Treasury grants and pays the compensation for personal damage and traffic accident damage from funds allocated by the Ministry of Agriculture and Forestry. The invoice for vehicle repair work can be paid directly to the repair shop carrying out the work.

### Chapter 3 – **Damages to cultivated areas, animals and chattels**

#### Section 8 – *Claiming compensation for damages to cultivated areas, animals and chattels*

- (1) Compensation for damage to cultivated areas, animals and chattels must be claimed using a form of the type approved by the Ministry of Agriculture and Forestry, which must be submitted to the rural business authority of the claimant's municipality of residence. If the damage caused by the predatory animal occurred in another municipality, the rural business authority of the

municipality in which the damage occurred must, if necessary, submit an assessment of the amount of damage and a statement on the matter to the rural business authority of the claimant's municipality of residence.

- (2) A claim for compensation for damages to cultivated areas, animals and chattels must contain the name, address and contact information of the claimant, details of the farm, and, for the type of damage in question, details of the cause of the damage, the time it occurred, the surface area affected, plant species, the amount of harvest destroyed, animal species, the number of animals killed and injured, type and amount of chattels destroyed or damaged, the monetary value of the damage, and other factors relevant to the amount of damage.

#### Section 9 – *Site inspection*

- (1) If necessary, the municipal rural business authority can carry out an inspection at the site where the damages to cultivated areas, animals or chattels occurred. Notification of the inspection must be given in good time to the injured party and a representative of the game management association, who have a right to be present at the inspection and to append their own opinion about the damage to the inspection report.

#### Section 10 – *Compensation for damage to cultivated areas and animals*

- (1) The maximum compensation payable for damages to cultivated areas is the amount corresponding to the current value of the lost harvest and damaged horticultural and seedling plants, less the saved harvesting and other costs.
- (2) The maximum compensation payable for damages to animals is the current value of the animals or honey. The amount corresponding to the extent to which benefit can still be derived from the animal is deducted from the compensation.
- (3) The maximum compensation payable for damage to the keeping of animals is the amount corresponding to the cost of repairing the damaged fences, buildings or other similar structures.

#### Section 11 – *Certain damages to animals*

- (1) Damage to a dog can only be compensated for if the dog has been in its owner's or holder's yard, garden or another space intended for it, or it was being used for hunting, shepherding, guarding or any other similar task under supervision. No compensation is paid for damage that occurs in connection with hunting that is caused to a dog taking part in the hunt by a predatory animal being hunted.
- (2) Compensation can be paid for damage that has been caused by a predatory animal to game animals farmed for meat production purposes. However, compensation is not paid for damage to animals kept for game management purposes.

#### Section 12 – *Compensation for damage to chattels*

- (1) The maximum compensation payable for damage to chattels referred to in section 2(6) above is the value of the chattels at the time of the damage.

#### Section 13 – *Payment of compensation for damages to cultivated areas, animals and chattels*

- (1) Compensation for damages to cultivated areas, animals and chattels is paid to the claimant by the rural business authority of the claimant's municipality of residence from the funds allocated by the Ministry of Agriculture and Forestry.

## Chapter 4 – Damages to reindeer

### Section 14 – *Determining damage to reindeer*

- (1) After having been notified of damage to reindeer caused by predatory animals, the reindeer owners' association must place a mark at the location in which the damage occurred, recover both ears of each dead reindeer and, without delay, notify the municipal rural business authority and the local game management association of the damage and the number of damaged reindeer.

### Section 15 – *Claiming compensation for damages to reindeer*

- (1) The reindeer owners' association must, within one month of being notified of the damage to reindeer, submit a compensation claim for the damages to reindeer to the rural business authority of the municipality in which the owner of the damaged reindeer resides permanently, using a form of the type approved by the Ministry of Agriculture and Forestry. The claim must contain details of the reindeer owner, his/her municipality of residence, payee account details, details of the type of reindeer involved and an opinion about the cause of the damage.
- (2) If the damaged reindeer are not looked after by a reindeer owners' association, the reindeer owner can him/herself seek compensation for damage to the reindeer. In this case, he/she must notify the reindeer owners' association of the matter and, if necessary, see that the tasks which are the responsibility of the reindeer owners' association referred to in this section and sections 14 and 16 are carried out.

### Section 16 – *Inspections of damages to reindeer*

- (1) If necessary, the municipal rural business authority must carry out the site inspection referred to in section 9 at the site where the damages to reindeer occurred. The injured party, a representative of the game management association and a representative of the reindeer owners' association have a right to be present at the inspection and to append their own opinion about the damage to the inspection report.
- (2) The reindeer owners' association must pay a fee determined by the municipality concerned to the municipal rural business authority for the performance of an inspection of the damages to reindeer. The fee for each site inspection (including travel costs) may not exceed EUR 100. (821/2001)

### Section 17 – *Notifications of damages to reindeer*

- (1) The municipal rural business authority is responsible for submitting an estimate of the cost of the damage to reindeer that has occurred in the municipality to the relevant Employment and Economic Development Centre, which must submit a summary of the amount of damage for the periods January-June and July-December and any statement of its own to the Ministry of Agriculture and Forestry.

### Section 18 – *Compensation for damage to reindeer*

- (1) The maximum compensation payable for damage to reindeer is twice the amount corresponding to the current value of the reindeer killed or reindeer destroyed because of damage; however, the part of the animal from which benefit could still be derived will be considered as a deduction.
- (2) The amount of the damage to reindeer is determined and the compensation paid to the reindeer owner by the rural business authority of the municipality in which the owner of the damaged reindeer resides permanently from funds allocated by the Ministry of Agriculture and Forestry and in accordance with the provisions laid down by the Ministry of Agriculture and Forestry. If

the reindeer owner cannot be determined, the compensation is paid to the reindeer owners' association.

## Chapter 5 – Miscellaneous provisions

### Section 19 – *Deduction from the compensation*

- (1) When the amount of compensation is calculated, compensation paid as a result of the damage on the basis of other laws or insurance and other factors relevant to the amount of damage are taken into account in the form of a deduction.

### Section 20 – *Certain restrictions*

- (1) No compensation is paid for costs incurred by the claimant as a result of the damage assessment.
- (2) Compensation for the damage is only paid to the extent that the amount of damage exceeds EUR 250. For this purpose, all damage caused to the claimant by predatory animals during one calendar year is considered as one damage event. The euro limit does not apply to compensation for personal damages. (821/2001)
- (3) No compensation is paid for damage caused to the State, municipalities or parishes.

### Section 21 – *Reduction and refusal of compensation*

- (1) If the claimant has him/herself contributed to the damage or has without justification refused to assist in preventing the damage, compensation can be reduced or refused according to the claimant's contribution, how the vehicle was driven and the other circumstances contributing to the damage.

### Section 22 – *Recovery of compensation*

- (1) The municipal rural business authority may recover compensation that they granted under this Decree from the beneficiary on the basis of what is laid down in section 7 of the Act on the procedure to be followed in managing tasks in support of rural business (1336/1992). Where appropriate, the provisions of the said act also apply in other respects to compensations for damages caused by predatory animals granted or paid by the municipal rural business authority.
- (2) The State Treasury may recover compensation paid unjustifiably for personal damages and vehicle damages from the beneficiary as provided in the Administrative Procedure Act (598/1982).

### Section 23 – *Entry into force*

- (1) This Decree enters into force on 15 March 2000.
- (2) This Decree repeals the Government decision on compensation for damages caused by predatory animals of 30 December 1997 (1367/1997).
- (3) This Decree applies to compensation for damages caused by predatory animals on and after 1 January 2000. This Decree also applies to personal damages that have occurred on and after 1 June 1998, where appropriate.
- (4) Any damages caused by predatory animals up to and including 1999 are compensated in accordance with the provisions in force on 31 December 1999.