

Interreg

Greece-Bulgaria



European Regional Development Fund



EUROPEAN UNION

Protecting and restoring biodiversity
soil protection and restoration and
promoting ecosystem services
including NATURA 2000
and green infrastructures

Thematic cycle 2 «The Legal Framework for Hunting»



The background of the page is a light green color with a pattern of overlapping hexagonal shapes. Some hexagons are solid green, while others are white with a green outline. The pattern is irregular and covers the entire page.

Editor:

Eystratios Nikolaidis, Lawyer, Sc. Ass. of Law School of
Democritus University of Thrace

The Legal Framework for Hunting

According to article 251 of the L.D. 86/1969 «Forestry Code» (Greek Government Gazette A 7/18.1.1969) hunting may be practiced as a sport throughout the Territory according to the provisions of the above Code. Specifically, with regard to bird hunting, special provisions are specified through the 414985/1985 Joint Ministerial Decision (Greek Government Gazette B 757/16.12.1985) on the “Management measures for wild birds”.

A hunter must be diligent, prudential and law abiding. He has to be a nature lover, ecologist and protector of all wildlife species. He can enjoy the fruits of the natural environment but has also to shoulder the responsibilities and assume his obligations.

Generally the hunter has to:

- respect the supervisory authorities (Game Guards, Police Officers etc.) who supervise the hunting areas. The hunter has to cooperate with the authorities, not oppose and not resist the legitimate control process. He is obligated to demonstrate his hunting license, his gun license, and the health and possession documents of his dogs and accept control on his firearm, his backpack and his car as well as body control.
- respect the labor of the farmer, his movable and immovable property and his crop and should not argue with him.
- respect forests and any natural habitat that provides shelter and food to game.
- respect the priority, the blind of the other hunter and especially the elders.
- not argue about the ownership of the game. Although the law may stipulate that the person who shot it and took it in his possession is entitled to it, custom and hunting ethics impose the rendering of this game to the hunter whose hunting dog pursued it or to the hunter who injured it provided that he hands the cartridges to the hunter who shot it. The right thing to do is that and it is a matter of honor for every hunter to follow the custom. If the other hunter refuses to do so, despite the

- gentle suggestion that is made to him, the fight and insults do not avail. Avoid any conflict and continue your hunt. Let the problem lie in his own soul and not in yours.
- always help his colleague when he/she is in a difficult situation even if it means losing a hunting outing.
 - not shoot the game while it is particularly vulnerable (e.g. drinks water). The capacity to react must always be given to the game.
 - make rational use when encountering a flock of migratory birds and not shoot excessively. The law defines each year the number of animals a hunter is allowed to hunt in his daily outing.
 - not shoot young game and avoid as a rule females because they perpetuate their species.
 - not boast about his hunting achievements nor display the game during any transfer. Apart from being illegal it also provokes public sentiment.

1. The hunting gun

According to law (article 252 L.D. 86/1969, article 4 C.M.D.414985/1985 and article 1 law 2160/1993) hunting is exercised with a **firearm which has a total length of at least (1) meter, a fixed stock and has the inside of the barrel smooth and not rifling. It can be a single-barreled or double-barreled or repeating or semi-automatic shotgun, that carries up to three cartridges in total, one of which is in the chamber and two in the magazine. A "Rimfire" type firearm of small caliber is also considered a hunting gun.** Every wise hunter must treat his firearm not as an inanimate object but as a companion who needs special treatment. If he neglects or ignores it, it will become his enemy and might cause unfortunate accidents to himself, to his friends, to his family members or to third parties.

During possession, use and transfer of his firearm the hunter must:

- keep his firearm in excellent condition and if he finds any damage immediately bring it to the gunsmith,
- always be careful that the barrels of his firearm are not blocked by foreign objects (sludge, dirt, etc.) because there is a risk of firing,
- not check the barrels from their muzzle,
- not use his firearm as a stick to dodge branches or as a cane by leaning on the barrels,
- empty the firearm when jumping ditches or hedges or crossing rough and rugged terrain,
- not turn his firearm against other persons and when preparing for shooting to have perfect visibility of the target and be sure of the absence of human or animal in the area,
- make the hinge action (double-barreled shotgun) or remove the cartridge from the

- chamber (single-barreled shotgun-rifle) when encountering other hunters during hunting or when making a short rest stop,
- transfer his firearm dismantled and in a case by means of transport,
 - store firearms and ammunition in a safe place in the house, even in separate places, away from children's curiosity, fire and moisture, and take the necessary precautions to secure storage. Otherwise he is punished by a term of imprisonment of up to one (1) year (article 8 par.5 law 2168/1993), revocation of his gun license as well as all the other guns he might possess, withdrawal of hunting license for five (5) years and his entitlement to buy another hunting gun.
 - not give his hunting gun to a person who is not licensed to hunt. Otherwise he is punished by a term of imprisonment of up to one (1) year (article 8 par.5 law 2168/1993), revocation of his gun license as well as all the other guns he might possess, withdrawal of hunting license for five (5) years and his entitlement to buy another hunting gun.
 - maintain the firearm regularly and especially after every hunting outing and generally never forget that a gun can kill.
 - not convert his hunting gun (e.g. from 3 bullets to 4 bullets etc.) because he is at risk of imprisonment of at least six (6) months up to five (5) years and a fine of at least 586,94 € (article 7 par.8 law 2168/1993), requisition and (after conviction) confiscation of the gun, revocation of his gun license as well as all the other guns he might possess, withdrawal of hunting license for five (5) years and his entitlement to buy another hunting gun.
 - not shoot on walls, rocks or smooth surfaces because pellet deflection often causes serious accidents.
 - not use the firearm for entertainment with unnecessary shots because he is at risk of imprisonment of at least three (3) months up to five (5) years (article 12 par.2 law 2168/1993), requisition and (after conviction) confiscation of the gun, revocation of his gun license as well as all the other guns he might possess, withdrawal of hunting license for five (5) years and his entitlement to buy another hunting gun.

2. The hunting license

According to article 262 par.1 of the L.D.86/1969 "Forestry Code" hunting is allowed only to the holder of a hunting license which is issued by the competent Forest Authority of the region of his permanent residence. Each one who hunts without a hunting license is punished by imprisonment for up to one (1) year or with a fine or with both penalties (article 287 par.11 of L.D.86/1969) and if one kills an endemic species (hare, wild boar, partridge) he is additionally punished with imprisonment of up to two (2)





years or with a fine or with both penalties (article 287 par.10 (c) of L.D.86/1969).

The hunting licenses issued are divided in:

- Local, which applies to the region of the Prefecture
- Regional, which applies to one of the seven (7) hunting districts where the respective Hunting Federation is headquartered and
- General, which applies to the entire Greek territory.

Any Greek citizen, who has reached the age of 18 and has not been convicted of the following offenses, and who has undergone the written examinations and succeeded in them, is entitled to a hunting license.

In particular, hunting license is granted to the Greek citizen, of at least 18 years of age, regardless of gender, religion or origin, who holds a legally authorized gun with a gun license issued by the competent Police Authority, succeeds in a written test by answering a ten-question form and by paying the amount of money determined by the Ministerial Decree issued each year.

A hunting license is not granted to convicted persons:

- a) for a felony of any penalty, for a misdemeanor for which deprivation of civil rights has been imposed,
- b) for rustling, animal killing, illegal gun carrying, illegal gun possession and breach of hunting regulations,
- c) for arson, involuntary manslaughter, criminal damage provided that such offenses are related to hunting and the protection of forests.

A hunting license may be granted to the above convicted persons:

- a) for minor offenses after two (2) years from the enforcement of the penalty following the decision of the relevant prefect and the opinion of the competent Forest Authority,
- b) for the above offenses (felony or misdemeanor) after five (5) years from the enforcement of the penalty following the decision of the relevant prefect and the opinion of the competent Forest Authority.

If a hunter holding a hunting license is convicted during the hunting season for breach of the hunting regulations his hunting permit is canceled while the money paid for its issue is not refunded.

The authorization for possession of a shotgun is issued from the Security Department or the Police Department of the district where the permanent residence of the hunter is located provided that:

- 1) he is a Greek citizen of at least 18 years of age, irrespective of sex, religion or origin,
- 2) he provides a copy or extract of his Criminal Record proving that he has not been convicted for the above-mentioned offenses,
- 3) he provides a medical certificate from a psychiatrist or pathologist demonstrating that “he/she is not suffering from any mental illness and there is generally no other impediment as far as his/her health is concerned”,
- 4) he provides all the documents proving the legal purchase of a shotgun in his name.
In this case, a license to purchase a shotgun should be issued in his name firstly.

The policing of hunting

According to article 289 of the Legislative Decree 86/1969 “Forestry Code” the competent bodies for controlling hunters are: Forestry Officials, Municipal and Community Officials, Officials of the Police–Border Guard and Rural Police, Public Game Guards and Private Game Guards (seasonal and permanent employees of Hunting Associations and Hunting Federations).

3. Penalties

For hunting offences the penalties provided are:

- prison sentences and detention
- financial penalties and fines
- ancillary penalties

The term of imprisonment shall not exceed five (5) years nor be less than ten (10) days. If it is not suspended (conditional suspension for three years) or is not converted to a redeemable penalty, then it is executed in a penal institution (prison).

The custodial penalty may not exceed in duration one (1) month nor be less than one (1) day. If it is not converted into a redeemable penalty, then it is performed in separate sections of prisons or police detention facilities.

For hunting offences the penalty of detention may not be less than ten (10) days while the conviction of minor offences can be appealed and the case can be adjudicated by the next highest court.

The financial penalty may not be less than 146,74 € nor more than 14,673.51 €.

The fine may not be less than 29,35 € nor more than 586,94 €.

Ancillary penalty is the penalty imposed on the convicted accused after the imposition of the primary penalty (imprisonment, detention etc).

In forestry offences and in particular hunting offences the ancillary penalty is automatically imposed and it must be taken into account by the court. If it is not imposed by the court of first instance it is imposed by the Court of Appeal.

The main ancillary penalty is the confiscation of the seized means of illegal hunting

and of illegally hunted game.

When illegal hunting with motorized means (e.g. spotlights and lamps) takes place it is imperative to confiscate the guns, the spotlights, the car regardless of whom they belong to (article 288 L.D 86/1969) and if they have not been surrendered, the convicted is obliged to pay their value.

4. Statute of limitations

Hunting of fences are statute-barred after a certain time.

Misdemeanors are statute-barred after five (5) years.

Minor offences are statute-barred after one (1) year.

5. Courts

Courts dealing with hunting crimes are:

- Local Court
- Single-Member Misdemeanors Court
- Three-Member Misdemeanors Court
- Three-Member Appeals Court
- Supreme Court of Cassation

The Local Court adjudicates simple, typical infringements of provisions on hunting, for which a detention or a fine is provided.

The Single-Member Misdemeanors Court adjudicates the infringements for which imprisonment sentences of up to one (1) year or fines are provided, as well as appeals against decisions of the Local Court.

The Three-Member Misdemeanors Court adjudicates the infringements for which imprisonment sentences of at least three (3) months, as well as appeals against decisions of the Single-Member Misdemeanors Court are provided.

The Three-Member Court of Appeals is hearing appeals against decisions of the Three-Member Misdemeanors Court.

The Supreme Court of Cassation adjudicates the annulments against the decisions of the Three-Member Court of Appeals, as well as the annulments against the decisions of the Three-Member Misdemeanors Court and the Single-Member Misdemeanors Court, which adjudicated on a second degree.

6. Prohibitions on hunting

6.1 Prohibited areas for hunting

Prohibitions:

- 1) Hunting in cities, towns, villages and settlements and within a 250-meter radius of their edge as well as within a radius of 100 meters from individual dwellings is prohibited.
- 2) Hunting without the consent of the owner, possessor or tenant
 - a) in vineyards until the end of harvest,
 - b) in unharvested meadows,
 - c) in cultivated areas or orchards until harvesting
 - d) within private land, fenced with hedges with a height of at least 1.5 meters.
- 3) Hunting in:
 - core zones of national forests,
 - wildlife refuges
 - controlled hunting areas, hunting parks,
 - game reserves and
 - in a 500 meters wide belt along the land border line and in a 300 meters wide maritime belt from the shores.
- 4) Hunting from blinds in springs or by tracking traces of game in the snow
- 5) Passing through a restricted area (e.g. wildlife refuge) with an assembled shotgun.

6.2 Prohibited time periods for hunting

- 1) Hunting is allowed from half an hour before and until half an hour after sunset. During the remaining hours it is prohibited.
- 2) Hunting is permitted from August 20th until February 28th of the following year. During the remaining months it is prohibited.
- 3) Hunting of hare, partridge and wild boar is allowed only where and when it is defined by the Annual Ministerial Decree and only on Wednesday, Saturday and Sunday. During the remaining days it is prohibited.
- 4) Hunting of all the other huntable species is permitted in place and time defined by the Annual Ministerial Decree.
- 5) Hunting is permitted from August 20th to September 14th only within the Hunting Zones of Turtle dove, Common quail and other Columbiformes and from September 15th to February 28th of the following year everywhere, except for Wildlife Refuges etc.

6.3 Special prohibitions on hunting of furred game

(L.D. 86/1969 Forestry Code)

(hare, wild boar, European rabbit, fox, beech marten)

Prohibitions:

- 1) The use of motorized land vehicles (cars, tractors, motorcycles etc.) and transferring with them assembled shotguns without a case and the use of spotlights and other attractive lights.
- 2) - the purchase and sale as well as the transfer with the purpose of selling of any kind of furred game during the time hunting is prohibited.
 - the purchase and sale throughout the year of hares unless they come from Game Reserves and Controlled Hunting Areas.
 - the purchase and sale of any game if it is found to have been killed illegally.
 - hunting during the permitted hunting period of more than one hare by a hunter at each of his permitted daily outing (Wednesday, Saturday and Sunday).
 - transfer, expose to common sight and torture in any way arrested furred game.
 - hunt bear and lynx without the approval of the Ministry of Agriculture.
- 3) Hunt deer, roe, chamois.
- 4) Hunt furred game (hare, wild boar etc.) without a hunting license.
- 5) Hunt furred game with firearm, air gun or other gun.
- 6) Hunt earlier than half an hour before sunrise and later than half an hour after sunset.
- 7) - use pesticides (insecticides/herbicides) on agricultural land without the guidance of the Directorate for Agriculture and in quantities that are dangerous for game species
 - use the above mentioned pesticides in forests without prior consultation with the forest authority
- 8) Hunt, during the time period allowed, within a group of up to ten (10) hunters, more than two (2) wild boars in every permitted daily outing (Wednesday, Saturday and Sunday).
- 9) To place and use traps, poisons, nets, snares, any kind of appealing plants or devices or other similar means aiming at killing, capturing, sedating wild mammals (hare, wild boar etc.), as well as the marketing, construction and import of such devices from abroad.

6.4 Special prohibitions on hunting of feathered game (C.M.D. 414985/1985)

(Eurasian skylark, Common wood pigeon, Rock dove, Common quail, European turtle dove, Thrush, Common blackbird, Partridge, Eurasian woodcock, Common snipe, Common moorhen, Wild duck, Goose, Northern lapwing, Common pheasant, Western jackdaw, Hooded crow, Common starling)

Prohibitions:

1) The use of motorized waterborne transport means (boats, speedboats) for hunting wild bird species in lakes, rivers, marshland and lagoons and in marine regions within 300 meters of the coast, as well as the use of motorized waterborne transport means in open sea which can develop a speed of more than 18 km/h.

For each offense imprisonment of up to one (1) year or a fine of 58,69 € up to 293,47 € is imposed (value of 1985) (article 9 par.2 C.M.D.)

2) The use of aircraft for hunting wild bird species (goose, duck, wood pigeon, turtle dove etc.) through them.

3) The usage for hunting of wild bird species of:

- slingshots, meshes,
- sound-producing devices imitating bird voices (and possession of them),
- electronic devices for attracting birds (and their possession),
- devices for night shooting,
- phosphorescent sight notches,
- any kind of spotlights, mirrors, nets,
- explosives (infringement of Article 14 of Law.2168/1993),
- electrocution devices,
- baits with toxic or anesthetic substances
- any kind of traps as well as
- radios for coordinating action during hunting.

4) The use of toxic shots in wetlands

Other prohibitions:

1) - the capture,

- keeping in captivity,
- purchase and sale, possession,
- the transfer of all kinds of feathered game, with the exception of those who come from Game Reserves and Controlled Hunting Areas or from a foreign country provided they have been purchased legally.

2) The purchase and sale of dead feathered game whose hunting is permitted with the exception of those coming from Game Reserves and Controlled Hunting Areas or from a foreign country provided they have been purchased legally.

3) The pollution of wetlands with poisons or waste of industries and craft enterprises.

4) The use of pesticides whose distribution is prohibited.

5) Intentional disturbance of feathered game especially during breeding and the period the young ones depend on their parents, as well as destruction or removal of nests and the possession, purchase and sale of chicks, eggs and shells

6) Hunting of woodcocks from blinds in the morning and in the evening (Annual Ministerial Decree).







“Certified Environmental Actors - CEA”

The Project Partners are:

- The Hunting Federation of Macedonia - Thrace
- The Hunting Association of K. Neurokopi “ARTEMIS”
- The municipality of K. Neurokopi
- The Association “EURORADAR” of Bulgaria
- Association of Hunters and Fishermen “Sokol” of Bulgaria

Interreg
Greece-Bulgaria
European Regional Development Fund



The project is co-funded by the European Regional Development Fund and by national funds of the countries participating in the Interreg V-A “Greece-Bulgaria 2014 - 2020” Cooperation Programme.



“The content of this training material is sole responsibility of the Project’s CEA Beneficiaries and can in no way be taken to reflect the views of the European Union, the participating countries, the Managing Authority and the Joint Secretariat”.