

OFFICIAL MANAGEMENT OF THE APPEARANCE OF WILD ANIMALS IN INHABITED AREAS 1.: ROMANIA AND POLAND¹

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ABSTRACT:*In our fast-paced, industrialized world, citizens, companies and, of course, state bodies have to face more and more challenges every day. A significant part of these arise due to the rapid development of technical achievements, others arise from problems of economic origin and there are challenges that can be traced back to other social problems as well. There are some that the parties involved can roughly prepare for, and there are also some that can have an impact with the power of surprise, as a result, the appropriate answers can usually be missed. In the latter case, we can classify the more and more often problematic cases when wild animals appear in the interior of settlements and generally cause alarm among the inhabitants of the settlements. The appearance of wild animals in inhabited areas is becoming a problem in an increasing number of countries, including Poland and Romania. In the latter, issues caused by predators—particularly brown bears—are especially significant. Due to the growth of their population in recent years, they have once again been classified as game species, and culling operations are being carried out, even within built-up areas.*

KEYWORDS: *wild-animals; procedures of authorities; communication; social conflicts.*

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1. INTRODUCTORY THOUGHTS

Globalization, human population growth, and the infrastructural expansion of settlements have fundamentally transformed the long-established relationship and behavioral patterns between wildlife and society—both globally and in Hungary. The spread of urbanization, the fragmentation of natural habitats, and the impacts of climate change have collectively created a new ecological and social reality in which wild animals

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appear with increasing frequency and numbers in densely populated, built-up areas—particularly in suburban zones, but also in city centers, such as on Avas Hill in Miskolc.

This phenomenon has evolved into a pressing, multidisciplinary challenge; it is no longer merely a matter of biology or game management, but a serious issue involving public administration, law, and public safety. The appearance of wild animals within inhabited areas has a wide range of social consequences: from the mere disturbance of peace or psychological distress to significant property damage (such as vehicle damage and the destruction of gardens or infrastructure) and, in extreme cases, potentially life-threatening personal injuries.

The primary difficulty for both scientific discourse and legal practice has been that the administrative and legal framework failed to keep pace—or indeed, never truly intended to keep pace—with this ecological reality. The root of the problem lies in the fact that the boundaries between traditional hunting law and administrative law become blurred or disappear within the built-up areas of settlements, giving rise to jurisdictional disputes and vacuums of responsibility. This otherwise multidisciplinary area of law raises many questions for both the authorities and society, of which the issue of compensation is only one.

Nowadays, it is an increasingly common phenomenon that wild animals leave their natural environment – forests and fields – and appear with varying frequency in areas continuously inhabited by humans (Nagy, 2024). However, it should be noted that such inland appearances could be encountered years earlier, and several international (Cahill et al., 2012; Licoppe et al., 2013; Nyhus, 2016) and Hungarian studies (Bogdán & Heltai, 2014; Nagy & Tari, 2024) have been published on the subject. This appearance is due, among others, to globalization processes, the continuous expansion of humanity (Radeloff et al., 2005; Nagy & Tari, 2024), the transformation of agricultural and forestry production, climate change and other circumstances, which we do not intend to address in this article. However, with the fact that the growing presence of wild animals in the interior is a growing source of conflict and a problem for more and more authorities to solve.

In relation to the treatment of the problem, we must distinguish whether the wild animal appearing in the interior is a game species that can be hunted or a protected animal. The handling of the first case is a slightly simpler issue, which we will present, but in the case of protected animals, the situation is not so simple. For the time being, domestic wild animal sightings have "merely" caused material damage and alarms, but in the neighboring countries, Slovakia and Romania, bears have already committed numerous attacks on people in populated areas, some of which have already resulted in death.

This study represents one phase of a research project spanning multiple articles; subsequent papers will present additional countries, followed by a comprehensive analysis of how the management of wild animals appearing in built-up areas is handled across various Central European nations. The legislation, the case law in the study was selected and analysed on the base of international standards of the fundamental principles of hunting and wildlife conservation.

2. ROMANIA

In the context of wild animals appearing in inhabited areas, Romania is a country where this complex social and legal issue has gradually come to the fore over the past two

decades—a topic that has generated international news coverage due to numerous incidents. In Romania, too, this issue touches upon public safety, nature conservation, and the rule-of-law functioning of the state. The presence of wild animals regularly appearing in inhabited areas—primarily brown bears, followed by wild boars and, in certain regions, wolves—is no longer viewed as an exceptional occurrence but rather as a structural source of conflict within Romanian society. The scale and severity of the phenomenon are underscored by the fact that Romania holds Europe's largest brown bear population, while the number of incidents rises year by year. The complexity of this issue stems from the simultaneous clash between fundamental rights—such as the right to life and physical integrity—and the protection of property, on the one hand, and the obligation to preserve protected natural assets, on the other. Consequently, state responses to these conflicts are inevitably matters of legal policy and are directly linked to the European Union legal order, particularly the provisions of the Habitats Directive.

In international academic literature, the appearance of wild animals in inhabited areas falls under the category of "human-wildlife conflict." This concept refers to situations where wildlife and human activities overlap spatially and functionally, leading to direct damage or hazardous conditions. In modern societies, the primary drivers of these conflicts include urbanization, habitat fragmentation, and the availability of anthropogenic food sources. From a legal perspective, human-wildlife conflict can be examined along three fundamental dimensions. The first is the protection of the right to life and physical integrity, which imposes a positive obligation on the state to safeguard these interests. The second is the protection of property, which arises in the context of compensation for damage caused by wildlife. The third dimension is ensuring the survival of biodiversity and protected species, an obligation that applies at both the national and European Union levels (CIMPOCA-VOICULESCU, 2024).

The simultaneous presence of these three dimensions creates a normative tension that can only be addressed through an integrated, balanced approach to legal policy. Regulations based solely on repressive, immediate interventions are ill-suited for the sustainable management of these conflicts in the long term. Romania's ecological characteristics are unique in Europe; the vast forests of the Carpathians provide an excellent habitat for large carnivores, particularly the brown bear. According to a genetic population survey released in 2025, the number of brown bears exceeds ten thousand—a figure that significantly surpasses the long-term sustainable carrying capacity of the habitat. However, population size is not the only factor contributing to these conflicts. Urbanization in Romania has followed a distinct pattern: numerous mountain towns and tourist centers are embedded directly within natural habitats. This spatial configuration often causes the legal boundary between built-up areas and the surrounding countryside to blur in practice, allowing wildlife to move toward inhabited zones with almost no obstruction. Deficiencies in waste management and habituation resulting from feeding by tourists further exacerbate this trend. Animals lose their natural wariness of humans, which greatly increases the risk of serious incidents.

The legal regulation regarding the appearance of game animals within built-up areas is based on the Act on Hunting and Game Management (Law No. 407/2006 on hunting and the protection of the game stock, hereinafter: Law 407/2006). This serves as the fundamental legislation for game management in Romania. A key principle within the regulations is that built-up areas do not form part of the **fond cinegetic** (game

management unit); in other words, they are not hunting grounds. The legal consequence of this is that hunting within built-up areas is prohibited as a general rule, even in the case of huntable species. What, then, does the law permit within built-up areas? In this context, the action involved is not hunting but rather an extraordinary intervention—carried out for reasons of public safety, public health, or the protection of significant property—targeting huntable species (e.g., wild boar, fox, roe deer).

Under the provisions of Law 407/2006 and its implementing regulations, intervention may be authorised if the wild animal poses a danger to humans, causes significant material damage, or presents a risk of disease transmission. The local government (mayor), the police, and the county environmental or hunting authorities are all empowered to order such measures or interventions. The actual culling or capture may be carried out by a licensed hunter or a specialist designated by the authorities, provided they hold a specific official permit. Regarding culling, the regulations stipulate that it should be used only as a last resort; capture and relocation should be prioritised whenever possible.

For protected species (e.g., brown bear, wolf, lynx)—which are subject to both Community and national protection under the EU Habitats Directive (92/43/EEC) and Romanian nature conservation law—culling is prohibited. However, exceptions may apply. Such action may only be taken pursuant to a specific decision made by the nature conservation authority in agreement with the hunting authority, provided that: specific individuals pose an immediate threat to human life; no other feasible solution exists (i.e., capture or deterrence efforts have failed); and the national authority grants permission following professional consultation. In this instance, the national authority is the Ministerul Mediului (Ministry of the Environment). The legal basis for this permit is Law 407/2006 and the associated ministerial decree on environmental protection, which establishes an annual quota. In cases involving built-up areas, these key regulations are supplemented by Law No. 295/2004 on the regime of arms and ammunition, which stipulates that the use of firearms within built-up areas is permitted only with special authorisation. Naturally, nature conservation legislation also contains relevant provisions, prohibiting the disturbance or destruction of protected species without a permit.

It is evident, therefore, that the legal system lacks a distinct, codified definition regarding the management of wild animals appearing within built-up areas. The fundamental regulatory framework is provided by Emergency Government Ordinance No. 57/2007, which governs the protection of nature conservation areas as well as wild plant and animal species. While the ordinance classifies the brown bear as a strictly protected species, it nonetheless allows for intervention in exceptional cases—particularly when an immediate threat exists. Hunting activities cannot be conducted within built-up areas, yet the wildlife remains under state protection. This legal dichotomy creates significant uncertainty regarding the application of the law, especially concerning liability.

The regulations do not clearly specify whether the local government, the authorised hunting entity, or the state bears primary responsibility in the event of an incident within a built-up area, often leading to delayed or contradictory interventions. The city of Braşov offers an excellent case study for an empirical examination of the legal issues surrounding the appearance of wild animals in urban areas. According to a study published in 2022, 55 documented conflicts involving bears within built-up areas were recorded between 2004 and 2018; four of these resulted in fatalities, while another thirty-two caused serious injuries. An analysis of these cases reveals that interventions were typically delayed and

that a pre-established, standardised procedural protocol was lacking. In several instances, liability was not established, or the matter became the subject of protracted legal disputes (CIMPOCA-VOICULESCU, 2022).

The fatal attacks on the Transfăgărășan Highway offer similar lessons; in those cases, the feeding of animals by tourists and deficiencies in official oversight played a direct role in the incidents. These cases attracted international attention and significantly contributed to accelerating the legislative response in Romania. The most significant legislative response to the appearance of wild animals in inhabited areas was the adoption of Government Emergency Ordinance No. 60/2025 (hereinafter: Government Emergency Ordinance No. 60/2025), was approved, with amendments and additions, by Law No. 73/2026. Government Emergency Ordinance No. 60/2025 (OUG nr. 60/2025) significantly amended and tightened the rules regarding immediate intervention concerning brown bears (*urs brun*) in Romania. The ordinance was adopted by the government on November 6, 2025, and was published in *Monitorul Oficial* No. 1035/2025. The study has analysed the actual version of this legislation in the March of 2026.

The primary objective of the legislation was to protect human life and physical integrity by enabling a rapid response to the dangers posed by brown bears appearing in built-up areas and inhabited environments. This was further prompted by the need to improve the effectiveness of the previous regulation (OUG No. 81/2021), as it had failed to significantly reduce the number of incidents. In the explanatory memorandum, the Romanian government explicitly cites Article 16 (derogations) of the EU Habitats Directive (92/43/EEC) and notes that, due to the brown bear's protected status in Romania, the population has exceeded the carrying capacity of certain regions.

The decree establishes a clear, hierarchical intervention system for instances where a brown bear appears in a built-up area. The sequence of measures is as follows: first, deterrence (using sound, light, or non-lethal means) must be attempted; if this proves unsuccessful, the next step is capture and relocation. As a last resort, culling (shooting) may be employed, subject to strictly defined conditions. In fact, if for example a brown bear make an immediate threat to human life, the objective impossibility of implementing other solutions, and a situation requiring an immediate decision, even to shoot out the animal. This has happened in the last years several times, after bear-attacks.

A new feature introduced is the so-called expedited decision-making process, under which the decree extends the authority to take immediate action to the mayor, the gendarmerie, the police, and the intervention team composed of game management specialists. In such cases, prior individual ministerial authorisation is not required, provided there is an immediate threat to life and the situation can be credibly documented—for instance, using cameras or drones. This represents a radical shift from the slower procedures previously in place.

It is particularly worth noting that the decree explicitly prohibits the feeding of bears by private individuals or official personnel (without authorisation), whether within or outside inhabited areas. The rationale behind this is that feeding habituates bears to humans, thereby increasing the frequency of their appearances in inhabited areas and the number of attacks. Violations of these provisions may result in financial penalties and liability for damages.

A legally significant aspect of the decree is that it clarifies that the shooting of a brown bear within an inhabited area constitutes an emergency measure for public safety rather than an act of hunting. Consequently, it does not count towards hunting quotas, is not conducted for sport or economic purposes, and—provided it is carried out lawfully—does not qualify as poaching. The decree makes detailed reference to Article 16 of the EU Habitats Directive, which permits action against individuals of strictly protected species specifically in cases involving public safety, the protection of significant property, or "overriding public interest."

Thus, Emergency Government Decree No. 60/2025 has made the management of bears within inhabited areas swifter and more decisive, prioritising the protection of human life. It achieves this by allowing for on-site decisions to shoot a bear when no other solution exists, while also taking social habits into account by strictly prohibiting the feeding of bears.

The decree authorised immediate intervention within inhabited areas—including the shooting of the animal—without the mandatory application of the principle of gradualism. While the legislation aimed to rapidly restore public safety, it has faced significant criticism for disregarding the priority of alternative, non-lethal solutions. From the perspective of the rule of law, the absence of scientific justification and an individualised assessment of necessity and proportionality is particularly concerning, raising questions regarding compliance with EU law. As a member of the European Union, Romania is required to apply the provisions of Directive 92/43/EEC (the Habitats Directive). Article 16 of the Directive strictly defines the conditions under which a derogation regarding protected species may be applied. According to the case law of the Court of Justice of the European Union, a derogation is lawful only if there is no other satisfactory solution and the measure does not jeopardise the favourable conservation status of the species. However, the general authorisation provided by Romanian regulations is difficult to reconcile with these requirements—posing a risk of infringement proceedings—while, regrettably, attacks on humans continue to occur in large numbers to this day.

3. POLAND

Over the past two decades, the issue of wild animals appearing within built-up areas in Poland has gained increasing social and legal significance. The presence of wildlife in inhabited areas—primarily wild boar and roe deer, as well as brown bears and European bison in certain regions—can no longer be viewed solely as a rural issue; it is now also recognised as a problem affecting cities and their metropolitan areas. The increasing frequency of this phenomenon leads to traffic accidents, property damage, and—less frequently—personal injuries, even though many of the species involved are legally protected. Poland's geographical and ecological characteristics—such as extensive forests, continuous ecological corridors, and numerous protected areas—favour the survival and expansion of wildlife populations. At the same time, urbanisation, suburbanization, and the intensive development of transport infrastructure mean that human and wildlife habitats increasingly overlap.

Human-wildlife conflict is a central issue in modern nature conservation law. The conflict stems from the fact that the movements of wild animals do not align with the administrative or municipal boundaries established by humans, whereas the human legal

system treats these boundaries as definitive limits. In Poland, this phenomenon is particularly evident in the vicinity of major cities like Kraków and Warsaw, where the appearance of wild boar within built-up areas is frequently documented. From a legal perspective, the conflict can be understood in terms of three competing interests: the protection of the right to life and physical integrity; the protection of property and economic activity; and the preservation of biodiversity and protected species (FAO,2023).

A distinctive feature of the Polish legal system is that it seeks to manage these conflicts not only through nature conservation measures but also via civil and administrative law instruments. Regarding the country's ecological and spatial characteristics, forests cover approximately 30% of Poland—a significant proportion by European standards. Furthermore, the country plays a pivotal role in the conservation of several iconic protected species, such as the European bison and the brown bear. The Białowieża Forest serves as a globally renowned example of the sharp conflict that can arise between nature conservation interests and socio-economic demands.

However, the expansion of wildlife populations is not confined to protected areas. Scientific studies indicate that urban green corridors, parks, and railway embankments serve as entry points for wildlife into inhabited areas. Consequently, the increased presence of wildlife within built-up areas has become a structural phenomenon requiring long-term legal and policy responses (KRAUZE-GRYZ-GOSZCZYNSKI,2024).

Regarding the legal framework in Poland, the management—and, in exceptional cases, the culling—of huntable and protected game species appearing within built-up areas is not classified as "hunting"; instead, it is conducted based on the combined application of regulations concerning public safety, nature conservation, and animal welfare. One of the fundamental pieces of legislation in the current legal framework is the Hunting Act (*Ustawa z dnia 13 października 1995 r. – Prawo łowieckie*). Under this Act, hunting takes place within designated hunting grounds. As a general rule, built-up areas are excluded from the scope of ordinary hunting; discharging a firearm is prohibited for reasons of public safety, even in the case of huntable species.

The Act treats game management as a state responsibility, with the list of species and hunting seasons established by ministerial decree. Consequently, within built-up areas, the law permits extraordinary official intervention rather than "hunting."

If huntable species (e.g., wild boar, fox, roe deer) appear in built-up areas, intervention is authorised when the animal poses an immediate threat to humans, causes serious material damage, or presents a public health risk (e.g., African Swine Fever in wild boar). Under the Hunting Act, the parties authorised to take action include the head of the local municipality, the police, and—where necessary and subject to special permission—the organisation or professional authorised to conduct hunting activities. The legislator emphasised that deterrence should be the primary solution; if that proves insufficient, capture and relocation should follow, with culling serving only as a last resort and requiring official approval.

The legal framework differs for protected species (e.g., wolves, lynx, bears, birds of prey), specifically falling under the Act of 16 April 2004 on Nature Conservation (*Ustawa z dnia 16 kwietnia 2004 r. o ochronie przyrody*). This Act defines strictly protected and partially protected species, incorporating the provisions of the EU Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC). The declared objective of the Act is the sustainable use and protection of natural assets, including wild animal species.

Fundamentally, this legislation also stipulates that the killing of a protected species is prohibited, except in situations where there is an immediate and serious threat to human life, no other solution exists (e.g., deterrence or capture attempts have failed), and an environmental authority permit has been issued. The legal basis for this is provided jointly by the Nature Conservation Act and EU rules regarding derogations. The permit required for the killing may be issued by the Polish General Directorate for Environmental Protection (GDOŚ) or its regional bodies (RDOŚ).

Regarding the legal framework, it is also important to mention the regulations concerning animal welfare and public safety. The Animal Protection Act of 1997 (*Ustawa o ochronie zwierząt 1997*) states, among other things, that wild animals are sentient beings; inflicting unnecessary suffering upon them is prohibited, and killing may only be carried out in a humane manner and for a lawful purpose.

As for the use of firearms, their use within built-up areas is strictly limited and generally requires police supervision. Similar to the situation in Romania, the killing of wild animals within built-up areas in Poland is not classified as hunting but rather as an emergency measure for public safety and nature conservation. Consequently, wild animals killed in this manner do not count towards hunting quotas, are not taken as part of a sporting activity, and may only be lawfully killed within an official regulatory framework.

The Court of Justice of the European Union has ruled against Poland on several occasions for violating nature conservation directives; these judgments clarified that public interest or public safety can justify interventions affecting protected species only in limited circumstances. Under Article 16 of the Habitats Directive, a derogation is permissible only if there is no other satisfactory solution, the measure is proportionate, and it does not jeopardise the species' favourable conservation status. Managing the presence of wild animals in built-up areas—in the case of protected species—is subject to EU legal oversight, which can also be interpreted as a safeguard for the rule of law.

In our view, the example of Poland demonstrates that the issue of wild animals appearing in built-up areas cannot be resolved solely through repressive measures. National legal frameworks, case law, and EU law collectively outline a model based on prevention and the principle of proportionality. Polish experience clearly shows that reconciling nature conservation with public safety is possible only through an integrated, multi-disciplinary legal approach.

4. CLOSING THOUGHTS

In the author's opinion, correct, authentic and as fast as possible communication between each other (the organisations involved) and towards society is the primary task, in addition to taking all kinds of other measures. For this, the possibilities provided by modern technology and the various social media interfaces must be called upon, but the process can also be supported by using a new solution. Within this framework, further research plans include the development of a uniform procedural and communication protocol and a smartphone application. It can be concluded that in both Romania and Poland, the culling of game within inhabited areas is not classified as a standard hunting activity but rather as an emergency measure for public safety and/or nature conservation. A clear consequence of this is that the activity is not tied to hunting seasons, the animals taken do not count towards hunting quotas, and the culling itself is not associated with

sport or commercial hunting. I believe these are key points of convergence. From the perspective of legal philosophy, both countries are grounded in the same fundamental axiom: namely, that human life, public safety, and nature conservation interests take precedence over hunting interests.

A systematic comparison of the observable similarities—covering the powers of the authorities, the conditions for intervention, the rules regarding protected species, and issues of liability—will be presented in a consistent manner in the following articles for all the Central European countries concerned.

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