

99078014036000

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/28275/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99078014036000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Game damage; registration
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	24.09.2024

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wirtschaft, Landesentwicklung und Energie (Bavarian State Ministry of Economic Affairs, Regional Development and Energy)
Handlungsgrundlage	<a href="http://bundesrecht.juris.de/bjagd/BjNR007800952.html#BjNR007800952BJNG001300325">http://bundesrecht.juris.de/bjagd/BjNR007800952.html#BjNR007800952BJNG001300325</a> <a href="http://bundesrecht.juris.de/bjagd/BjNR007800952.html#BjNR007800952BJNG001300325">http://bundesrecht.juris.de/bjagd/BjNR007800952.html#BjNR007800952BJNG001300325</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayG-47a">https://www.gesetze-bayern.de/Content/Document/BayG-47a</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayG-47a">https://www.gesetze-bayern.de/Content/Document/BayG-47a</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayG">https://www.gesetze-bayern.de/Content/Document/BayG</a> <a href="https://www.gesetze-bayern.de/Content/Document/BayG">https://www.gesetze-bayern.de/Content/Document/BayG</a> <a href="http://bundesrecht.juris.de/bgb/_249.html">http://bundesrecht.juris.de/bgb/_249.html</a> <a href="http://bundesrecht.juris.de/bgb/_249.html">http://bundesrecht.juris.de/bgb/_249.html</a>
Teaser	Authorized persons can report damage caused by game to the responsible municipality.
Volltext	<p>Damage caused by game to agricultural, horticultural and forestry land is referred to as "game damage".</p> <p>The Federal Hunting Act, the Bavarian Hunting Act and its implementing ordinance as well as the German Civil Code contain the legal basis for compensation for damage caused by game (see "Legal basis").</p> <p>According to § 29 Para. 1 BjagdG, game damage must be compensated if</p> <ul style="list-style-type: none"> <li>• the damage was caused by the legally defined game species (hoofed game, wild rabbits or pheasants) and</li> <li>• the land affected belongs to a hunting district (exception: no obligation to pay compensation if hunting is suspended or may not be carried out on the land on a permanent basis, e.g. restricted areas).</li> </ul> <p>The hunting cooperative is generally liable for compensation for damage caused by game to land</p>

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belonging to a communal hunting district. However, the hunting cooperative can transfer the obligation to pay compensation to the leaseholder in the hunting lease agreement and, if necessary, extend the leaseholder's obligation to pay compensation to include damage caused by other game species, for example. However, the hunting association's obligation to pay compensation remains in place if the injured party cannot obtain compensation from the leaseholder (subsidiary liability).

If the right to hunt is leased in the case of hunting districts owned by the hunter, the hunting tenant's liability to pay compensation to the owner, who manages his land himself, is generally based on the agreement made between the hunting tenant and the owner. Unless otherwise agreed, the tenant hunter is liable for damage caused by inadequate shooting.

The obligation to pay compensation extends to damage caused by game, e.g. to

- standing crops (crops between sowing and harvesting)
- crops that have been harvested but not yet brought in
- browsing damage to young forest plants (browsing of the top and side buds)
- Rooting damage when plowing up the forest floor and fence damage when wild boars break through crop fences
- Scraping of plants and seeds and undermining of the forest floor by wild rabbits

The obligation to pay compensation for damage caused by game does not apply, for example, to vineyards, gardens or forest crops that are exposed to an increased risk due to the introduction of species other than the main species of wood found in the hunting district, if the usual protective devices have not been installed.

Damage caused by wildlife accidents, e.g. collision of a

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vehicle with a wild animal, does not count as "wildlife damage" in the sense described.

The party liable for compensation must restore the condition that would have existed if the circumstance requiring compensation had not occurred. In principle, compensation is to be paid in the form of in rem restitution (e.g. leveling of soil mounds on a meadow that has been churned up by wild boar and reseeded of the damaged areas). Instead of compensation in kind, the injured party can demand the amount of money required for restoration. In addition to the direct damage to the property, any consequential damage and loss of profit are also eligible for compensation.

**\*\*Authorities responsible:\*\***

- Basically municipalities
- For damage to land not belonging to a municipality:
  - if the property is attached to a communal hunting ground, the municipality in which the communal hunting ground is located
  - Otherwise, one of the neighboring municipalities

**Erforderliche Unterlagen**

- Written notification of game damage or for the record with the responsible municipality

**Voraussetzungen**
**Kosten**

If a preliminary ruling is challenged in court, the court shall also decide at its reasonable discretion on the costs of the preliminary proceedings to be reimbursed.

**Verfahrensablauf**

If the party liable to pay compensation and the injured party do not agree on compensation for the damage, the injured party can only claim compensation for the damage caused by game in court if he has first registered it with the responsible municipality (so-called preliminary proceedings). The municipality attempts to work towards an amicable agreement between the parties involved.

If an amicable agreement is reached, a record is drawn up in which, in addition to the person entitled to compensation and the person liable for compensation,

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the amount of compensation must be stated.

If an amicable agreement is not reached, the municipality shall, if it has not already done so, call in a game damage assessor to draw up a written report on the damage incurred. On the basis of the expert opinion, the municipality shall issue a written preliminary decision that determines the party entitled to compensation, the party liable for compensation and the amount of compensation and contains a provision on the bearing of costs.

The municipality rejects late or obviously unfounded applications for compensation for damage caused by game by issuing a written rejection notice.

The preliminary decision and notice of rejection can be reviewed before the ordinary courts (competent local court) by way of an action.

The action must be brought within an emergency period of four weeks from the notification of the decision.

The minutes of the amicable settlement are enforceable one week, the preliminary decision four weeks after service, unless an action is brought against it within the time limit.

## Bearbeitungsdauer

### Frist

The entitlement to compensation for damage caused by game expires if the entitled party does not report the damage to the responsible municipality within one week of becoming aware of the damage or would have become aware of the damage if due care had been exercised. In the case of damage to forestry land, it is sufficient to notify the municipality twice a year, by May 1 or October 1. The notification should identify the person who is liable to pay compensation.

### weiterführende Informationen

<https://www.waldwissen.net/de/waldwirtschaft/schadenmanagement/wildschaeden/bewertung-wildschaeden>  
<https://www.waldwissen.net/de/waldwirtschaft/schadenmanagement/wildschaeden/bewertung-wildschaeden>

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	nsmanagement/wildschaeden/bewertung-wildschaeden
Hinweise	
Rechtsbehelf	Action before the ordinary courts against the preliminary decision and the rejection decision.
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal