

# Rewilding in Romania

## Liability for damage caused by animals

*Romanian shepherd dog and sheep, Tarcu Mountains. Southern Carpathians  
Florian Möllers / Rewilding Europe*

### Core topics

- Legal categories of animals
- Liability for kept animals
- Liability for wild animals

### Key takeaways

- 1 Animals are classified by legal function and each category is governed by specific legal frameworks that affect liability and care obligations.
- 2 Liability for damage caused by animals depends primarily on the degree of human control over the animal and its legal classification (e.g. kept vs. wild).
- 3 When wild animals (including protected species) cause damage or injury, public authorities are generally responsible for compensation, depending on the context and location.
- 4 During reintroduction efforts, practitioners may be considered responsible for animals under their supervision. However, once animals are released and live freely, liability generally shifts to public authorities. The transitional phase requires careful risk assessment and legal clarity.

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## 1. What is the liability for damage caused by animals?

The answer to this question depends greatly on whether there is any degree of human control over the animal causing damage and whether the animals are wild. sections 2 and 3 below deal with who may be liable for such damage in both cases. Before establishing liability for damage caused by animals, it is important to understand which categories of animals they belong to and how this impacts liability.

### 1.1 How are animals legally classified?

Under Romanian law, there are four categories of animals:<sup>1</sup>

- **Livestock:** defined as "*animals raised and/or kept for obtaining products of animal origin (food, wool, fur) or for any other economic purposes*"<sup>2</sup> (e.g. for transport). As such, an animal may be considered livestock if the following two conditions are met: (i) it is raised by humans; and (ii) it is used for economic purposes. Examples of species considered livestock are cattle, horses, or rabbits.<sup>3</sup>
- **Wild animals:** defined as all animals except livestock and pets.<sup>4</sup> Romanian law defines wild animals primarily based on how they live, rather than solely on their species. The essential legal criterion is whether the animal is raised by humans or not. The notion of "raised by humans" implies continuous human involvement in the animal's development, including feeding, shelter, and care. Therefore, animals that live without continuous human interference are considered wild, even if they

belong to a species that is sometimes kept by humans. This interpretation suggests that the wild status of an animal can vary depending on the individual animal's circumstances, not just its species. For instance, a lion raised in captivity with daily care and full human control is still wild by nature and it's listed as such under conservation law, international treaties, etc., but for the purpose of applying domestic law on animal protection or liability, what matters is the condition of the specific animal. By contrast, a feral cat or horse, living independently of people, may legally qualify as wild, even though its species is typically domesticated.<sup>5</sup>

- **Game species:** this is a subcategory of wild animals which are identified in the Hunting Law (see *Rewilding in Romania: Hunting*). Importantly, game species are still considered wild animals, even when certain management interventions are permitted or encouraged under the law. For example, the legislation allows for supplementary feeding and GPS collar tracking of game animals, which are measures often used for population monitoring or conservation purposes. However, these practices do not affect their legal classification. As long as these animals are not under continuous direct human care, they retain their status as wild. In other words, sporadic or strategic human intervention does not remove an animal from the legal category of wild animal.

- Pets and animals used for experimental or other scientific purposes.<sup>6</sup>

The approach taken by Romanian law means that the classification of an animal is based not only on species but on the specific conditions in which the animal lives. For example, pet cats are clearly not wild due to their dependence on human care. By contrast, feral cats, although belonging to the same species, may be treated as wild animals if they live independently of humans.

This approach may also be extended to rewilding projects using large herbivores: animals kept in large, semi-natural enclosures with minimal human contact may still be legally regarded as wild, provided there is no continuous interference in their daily existence.<sup>7</sup> This opens important opportunities for rewilding, where animals can be managed with minimal interference without altering their legal classification.

This leads to a critical observation for rewilding; Romanian law does not currently differentiate

between genuinely wild animals and those kept in large, semi-natural enclosures with minimal human intervention, such as rewilded cattle or bison. However, the existing framework's focus on continuous human involvement allows for a functional interpretation of a "kept wild" category, this being animals that live with little to no ongoing human control, even if confined to human-managed landscapes.

However, the law currently makes no formal distinction between truly wild animals and those kept in such settings. This creates legal uncertainty for practitioners. It may be unclear whether rewilded animals are subject to livestock regulations (e.g., identification, veterinary oversight and carcass disposal) or to wildlife protection laws.

In summary, Romanian law implicitly bases its classification on human dependency, rather than habitat or management method. This means that even animals monitored through GPS collars or provided with supplementary food may still qualify as wild, as long as they live without continuous human control.

In addition, using animals for nature-based tourism does not change their legal status from wild animals to livestock under Romanian law. The key distinction lies in the purpose for which the animals are kept. Livestock are defined as animals raised and used for economic production, such as meat, milk, or wool. By contrast, animals used in rewilding projects (e.g. for natural grazing, ecological restoration, or to fulfil keystone species roles) are not kept for farming or economic exploitation.

Whilst tourists may visit the landscape and see these animals, the animals themselves are not there for tourism purposes. The economic benefits generated by local tourism businesses are indirect and do not alter the primary ecological function of the animals. As such, bison, for example, remain classified as a wild animal, not livestock.

This interpretation is important for rewilding practitioners, as it supports the legal argument that animals maintained for restoration purposes, even if they attract tourism, do not lose their wild status due to indirect economic impacts.

## 2. Who is liable for damage caused by domestic / livestock / kept animals?

The general rule applicable to liability for damage caused by animals is that whoever controls or supervises the animal is liable for the damage, regardless of fault.<sup>8</sup>

This means that it is irrelevant to know whether the liable person is the owner or the keeper as the key issue is custody: liability follows the person or entity exercising actual control over the animal, even if they are not the legal owner.<sup>9</sup> This includes

cases where a person manages, monitors, or benefits from the animal's presence on the land.

This is a case of objective liability, therefore, the liable person needs to prove that they were not at fault or that, even with the diligence required, the

damage could not have been avoided. See further details in *Rewilding in Romania: Liability to Third Parties, including Neighbouring Landowners*.

Practitioners should also note that the general rules also apply when the animal escapes and causes damage.<sup>10</sup> This has important implications for rewilding projects, where animals may be in large enclosures, roaming freely across multiple properties, or interacting with local communities.

In the context of a rewilding project, rules for domestic / kept animals will also apply when animals are kept prior to being released into the wild as part of a reintroduction program because at that point, there will be a keeper of those animals (see *Rewilding in Romania: Wildlife Reintroductions*). However, there are no specific provisions regarding liability after releasing the animals into the wild or during the release itself (see section 3).

To prevent any unpleasant surprises, taking all precautions to minimise and mitigate risks is highly recommended. In addition, targeted legal advice should be sought before undertaking a rewilding project that involves animals, and/or when faced with potential liability in relation to damage caused by such animals.

### Example 1

*As part of a rewilding effort, wild horses from the Letea region are reintroduced to graze freely within the fenced area owned by Landowner A.*

*One day, Landowner A accidentally leaves the gate open. Some of the horses escape, cross into neighbouring land, damage crops and property, and startle the neighbour's partner, who trips and sustains an injury requiring medical attention.*

In this situation, Landowner A is likely to be held liable for the damage caused by the escaped animals. Although the horses are considered wild, Landowner A has control over them by keeping them within a fenced area. This fact makes Landowner A a keeper within the meaning of the Civil Code. Thus, Landowner A is liable, regardless of fault, by virtue of having custody over the animals. In addition, leaving the gate open may be considered a direct act of negligence which could independently trigger liability (see also *Rewilding in Romania: Liability to Third Parties, including Neighbouring Landowners*).

*In the same scenario, involving the reintroduction of wild horses, someone else (not Landowner A) intentionally opens the gate and allows animals to escape.*

Here, the third party who released the animals may also be liable for the resulting damage. However, Landowner A might still be jointly liable under objective liability.

To avoid liability, Landowner A would need to prove that (i) the escape was the result of unforeseeable and extraordinary conduct by a third party (not merely negligence); and (ii) they fulfilled their own duty of care, such as having regularly checked the integrity of the enclosure and ensured the gate was properly closed.

## Example 2

A family visit Landowner B's land, where wild horses are kept for rewilding purposes. During the visit, while momentarily unattended, one of the children approaches a wild horse and is kicked, resulting in a broken arm. Landowner B's brother was responsible for supervising the visit.

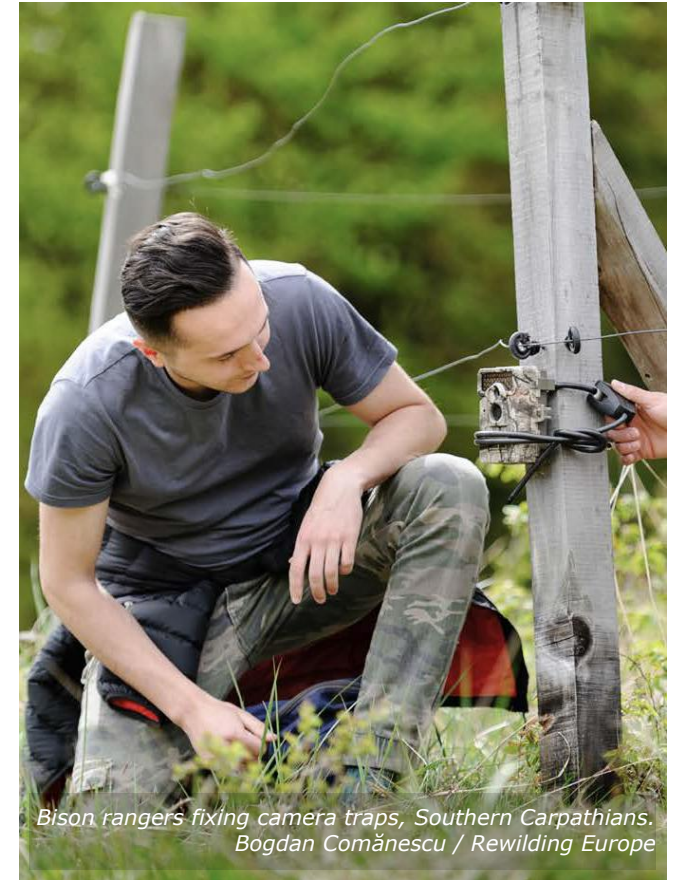
In this scenario, Landowner B is liable as they retain control over the animals even in their absence. Additionally, after repairing the damage, Landowner B has the right to take recourse against the person who had physical

custody of the animal at the time the damage was caused (i.e. their brother). The victim may also pursue Landowner B's brother, as he had physical custody of the animal directly, if they consider this to be more advantageous/preferable than pursuing Landowner B.

Landowner B may be exempt from liability only if they can demonstrate that they took all

reasonable precautions to prevent foreseeable risks, such as instructing their brother to ensure visitors did not approach the animals, putting up clear warning signs, or establishing safety protocols for guest supervision.

If the injury was caused by the deliberate provocation of the animal (e.g. a family member threw a stone at the animal, causing it to react aggressively), this may partially or fully exclude Landowner B's brother's liability, as it may be considered a culpable act of the injured party. However, this defence is generally not available to Landowner B under the objective liability framework: they remain liable for harm caused by the animals, even in the absence of personal fault (see also *Rewilding in Romania: Liability to Third Parties, including Neighbouring Landowners*).



Bison rangers fixing camera traps, Southern Carpathians.  
Bogdan Comănescu / Rewilding Europe

## 3. Who is liable for damage caused by wild animals?

In Romania, liability for damage caused by wild animals depends on several factors, including the status of the animal, the type of damage, and the location where the damage occurs.

### 3.1 Wild animals as ownerless and part of natural heritage

Romanian civil law provides that wild animals are ownerless (*res nullius*).<sup>11</sup> This means that no one

owns wild animals while they are roaming freely in nature. As a result, no one is automatically liable for damage they cause unless someone has taken possession or control of them (e.g., through capture, confinement, or domestication). However, this private law treatment coexists with public law

and environmental protection frameworks, under which wild animals are recognised as part of the national or natural heritage of Romania.<sup>12</sup>

On one hand, if a person captures or otherwise takes control over a wild animal, ownership can be acquired through possession. At that point, the person becomes responsible for the animal and can be held liable for any damage it causes.<sup>13</sup>

On the hand, the law can often consider wild fauna as part of the country's natural heritage. This includes legal designations such as "protected species," "game species," or "natural assets". These animals fall under the stewardship of the state or public authorities, primarily for regulatory, conservation, or hunting purposes. However, this does not mean the state becomes the "owner" in the private law sense. The state may regulate wild animals and their protection but it is not liable for damage caused by them under the Civil Code, unless it has taken active custody or responsibility for them.

This dual character – civil law *res nullius* and public law natural heritage – creates legal complexity, especially in the context of rewilding projects and reintroductions.

### 3.2 Liability in case of road accidents involving wild animals

If a wild animal (game or non-game) causes a road accident, Romanian law generally does not impose liability on who may have control over the animal or on the governmental authorities. Instead:<sup>14</sup>

- If the road had no wild animal warning signs, the road manager may be liable. This applies to both public and private roads.<sup>15</sup> Public authorities are road managers of public roads and owners of private roads are their road managers.<sup>16</sup>
- If a sign was in place and a driver failed to take precautions, the driver may bear the liability.

#### Example 3

*A rewilding project reintroduces chamois (Rupicapra rupicapra) onto Landowner C's fenced property. One of the chamois escapes through a damaged section of the fence and collides with a passing vehicle on a nearby road. The accident results in injury and vehicle damage. Who is liable?*

- 1) The rewilding organisation and Landowner C are liable, if the animal's escape was due to negligent containment (e.g. a damaged or improperly maintained fence). As the chamois escaped from a fenced area, this creates a presumption of control and a duty to contain. Therefore, liability might arise under general tort rules.
- 2) The road manager (public authority or concessionaire) may also be liable only if: (i) the road runs through an area known to be frequented by wild animals, including corridors, rewilding zones, forests, etc.; and

(ii) no adequate warning signs or preventive measures (e.g. fencing, reflective signs) were in place, despite foreseeable risks. This obligation applies regardless of whether the animals were enclosed on private land prior to the escape.

- 3) If warning signs were present, the driver may be liable if found to have driven without due caution. In this case, the driver must demonstrate that they did everything reasonably possible to avoid the accident (e.g. slowing down, staying alert), or risk bearing responsibility.

Nonetheless, the causal link must be assessed on a case-by-case basis in order to accurately determine who bears civil liability.

### 3.3 Liability for damage or harm caused by wild animals, including protected species<sup>17</sup>

Liability for damage or harm caused by wild animals is generally allocated to public authorities, with key distinctions, depending on whether the wild animal was born in the wild or reintroduced.

- For damages caused by game species<sup>18</sup>:
  - If the incident occurs in a hunting area or game reserve, liability lies with the manager of the hunting area or with the Forestry Guard<sup>19</sup>, which serves as the national authority responsible for hunting (for further information see *Rewilding in Romania: Hunting*);<sup>20</sup>
  - If the incident occurs in a protected area not subject to hunting or where hunting is prohibited, liability lies with the National Environmental Protection Agency ("ANPM").<sup>21</sup>
- For damage caused by non-game species / protected species<sup>22</sup>:
  - The ANPM is responsible for compensation, regardless of whether the incident involves damage to crops, property, or persons.<sup>23</sup>
- For injury or death caused either by game or non-game / protected species:

- The Forestry Guard and/or the ANPM are responsible for compensation, including moral damages, payable to the victim or her family.<sup>24</sup>

As a rule, in the context of a reintroduction programme, practitioners are not considered liable for damage caused by wild animals **after release**, since these animals are no longer under their control and are governed by the frameworks outlined above.

However, **prior to release**, they may be considered keepers and thus may be objectively liable for damage caused by animals in their custody (see section 2).

Furthermore, the wildlife manager is liable for any damage caused in the area they manage.<sup>25</sup> Typically, this manager is a legal entity licensed under Romanian law to administer a hunting area. However, if a rewilding organisation is managing an area as part of a reintroduction, there is a legal argument that it may bear similar responsibilities until the animals are fully released.

In summary:

- Before releasing animals, practitioners should understand their potential liability as temporary keepers.
- After release, liability generally shifts to public authorities responsible for natural

heritage, road infrastructure, or game management, depending on the type of damage/harm and the location.

Legal grey areas exist and targeted legal advice for any rewilding activity involving species reintroductions is highly recommended (see further information in *Rewilding in Romania: Wildlife Reintroductions*).



Guarding dogs during bison protection training, Southern Carpathians. Cătălin Josan / Rewilding Europe

#### Example 4

*A rewilding organisation starts a bison release program under appropriate government permissions. Some of the animals are fitted with GPS collars and are released into the wild to roam freely. One week after the release, a local farmer reports that one of the collared bison destroyed several of his crops.*

Although the bison is fitted with a GPS collar, this level of monitoring does not constitute continuous human interference that would change its legal status. As such, the responsibility for any damage it causes lies with the public authorities, either the designated manager of the hunting area or the competent authority for environmental protection.<sup>26</sup> These entities are legally responsible for managing wildlife and compensating for damage caused by wild animals, depending on the territory where the incident occurred. In this case, responsibility would fall on the ANPM because bison are one of the species listed as non-game.

*Consider the same scenario as above, but the bison were not fitted with GPS collars and were released into the wild without any further monitoring.*

In this case, the lack of GPS collars does affect the bison's classification as wild. So long as the

release was carried out in accordance with the required legal permissions, liability for damage remains with the public authorities responsible for wildlife management, not with the rewilding organisation. However, if the rewilding organisation had released the animals without proper authorisation or failed to comply with required monitoring duties (if such duties were imposed), it could be held liable under general civil law.

This shows the importance of complying with all legal obligations when carrying out a reintroduction programme and to cooperate with the relevant authorities (see further information in *Rewilding in Romania: Wildlife Reintroductions*).

#### Example 5

*A rewilding project uses GPS devices to geotag wild animals already living in the wild. The tagging process is minimally invasive and takes only a few minutes, with no further interference in the animals' movement, behaviour, or environment.*

In this scenario, the act of tagging alone does not amount to continuous human intervention and does not alter the legal status of the animals. They remain classified as wild animals under Romanian law. The monitoring of wild species, including through geotagging, is permitted.<sup>27</sup> However, such monitoring must be authorised and implemented in accordance with the conditions set by the competent environmental authority, which defines monitoring systems on a case-by-case basis.

Because the animals were not captured, managed, or kept in a controlled setting, the rewilding organisation is not considered to have custody or control over them. As such, it would not be liable for any damage caused by the geotagged wild animals after their release or tagging. Responsibility, if any, would lie with the designated wildlife management authorities, depending on the legal status and location of the species.

## Example 6

*A rewilding project operates a sanctuary for wolves that can no longer live in the wild. The animals are allowed to roam freely within the securely fenced area. Public access is permitted only under the supervision of an accredited guide.*

*(a) During one of the visits, a tourist gets too close while attempting to photograph the pack. One of the wolves begins to growl, startling the visitor, who stumbles backward and suffers a serious injury.*

In this case, the rewilding organisation may be held liable under the rules of objective liability (see section 2). Since the wolves are confined within a sanctuary and the rewilding organisation exercises control and supervision over them, it qualifies as their keeper. The injury may not have been caused by a direct attack, but the incident occurred within a foreseeable risk context. If safety protocols (e.g. safe distances, staff instructions, clear signage) were lacking or not enforced, liability is more likely.

*(b) In a separate incident, one of the wolves escapes the sanctuary and wanders onto a nearby public road. A driver swerves to avoid the animal, crashes into a lamp post, and suffers minor injuries.*

Responsibility in this case may depend on several factors:

- If the road manager failed to install appropriate warning signs in a known wildlife area, they may also be liable alongside the rewilding organisation (see subsection 3.2).
- If a third party deliberately opened a gate or caused the escape, and the rewilding organisation can prove it took all reasonable precautions, it may be exempted from liability.

Although wolves are wild animals and part of Romania's natural heritage, liability in such cases focuses on custodianship and control. Within managed enclosures, the rewilding organisation bears responsibility. After release into the wild, liability generally shifts to public authorities, provided proper procedures are followed.

*(c) A breeding pair is formed when a female is brought to the sanctuary and bonds with a lone male wolf. The pair fully recovers and shows clear signs of readiness for reintroduction in the wild. The ecology team starts the release process in a nearby protected area. On the day of the release, the press is present to witness the event. As the cages are opened, the crowd erupts in applause, despite prior instructions to remain silent, startling the animals, who bolt in panic. In the commotion,*

*a spectator is frightened, faints, and suffer minor injuries from falling into nearby shrubs.*

In this case, liability may again depend on the degree of risk foreseeability and control. While the animals were no longer in custody in the strict sense, the event was organised by the rewilding organisation and precautions, such as enforcing silence, were part of the safety protocol. If it can be shown that reasonable steps were taken to brief the crowd, secure the area, and manage the risk, liability might be mitigated. However, the failure to prevent disruptive behaviour, especially during a sensitive moment like release, may still expose the organisers to partial liability under general tort rules.

## 4. Liability for damage caused by game species

For an overview of the applicable rules to damage/harm caused by game species, see *Rewilding in Romania: Hunting*.

### Example 7

*A group of wild boars naturally settles temporarily on Landowner D's property because the area provides good habitat (e.g. abundant food, cover, and water sources). Landowner D does not manage, feed, or interfere with the animals. However, during their stay, the wild boars cause damage to neighbouring farmland by crossing onto the crops and rooting through the fields. The neighbour seeks compensation.*

If the land is located within a designated hunting area, the manager of that hunting area would generally be liable for the damage, provided the victim can prove fault (e.g. failure to fulfil obligations such as population control, preventative measures, or responding to removal requests). However, if the manager can demonstrate that the damage resulted from an unavoidable event (force majeure), liability may be reduced or excluded. Where the manager has complied with all legal duties, liability shifts to the Forestry Guard.

Note that the manager could not argue that it was the neighbour's fault because they left the crops unprotected.

Where Landowner D was both the landowner and the person who managed the hunting area (i.e. holds the concession or is otherwise licensed under the Hunting Law), they may be liable (see more information in *Rewilding in Romania: Hunting*).

If, on the other hand, the land is located within a protected natural area not included in a hunting zone, or in an area where hunting is not permitted, liability shifts to the National Agency for Environment and Protected Areas ("ANMAP").

However, if the land is outside both a hunting area and a protected area, there is no designated wildlife manager or authority clearly liable under the Hunting Law. In such cases, general civil law principles apply, and the damage is usually considered to be caused by ownerless wild animals. This means that no one is automatically liable, and the neighbour may bear the loss themselves.

#### End Notes:

1. Article 1(2) of the Appendix to [Order no. 31/2008](#), for the approval of the Methodological Rules for the application of [Law no. 205/2008](#) on animal protection (“Methodological Rules”).
2. Methodological Rules, article 2(a).
3. See article 2(a) of the [Sanitary and Veterinary Norm on the protection of farm animals](#) on the protection of farm animals, approved by Order no. 75/2005.
4. Methodological Rules, article 2(c).
5. Romanian law therefore considers actual living conditions and the degree of human intervention. This approach is consistent with Article 2(1) of the European Convention for the Protection of Pet Animals, which applies not only to animals kept for companionship but also to animals kept for sale, breeding, or commercial purposes, and in some cases to stray animals—focusing on their status and handling rather than species alone.
6. Methodological Rules, article 2(b).
7. See article 2(a) of the Sanitary and Veterinary Norm on the protection of farm animals, which defines animal as *any animal ... bred or kept for the production of food, wool, skin or fur or for other farming purposes*, and article 1(2)(a) of the same regulation excluding from the scope of application *animals living in the wild*. There is room to interpret that, as long as these animals are not used for production purposes (e.g. milk or meat) and the human implication remains at a minimal level, it is reasonable to say that they are not within the scope of livestock-related sanitary regulations.
8. Civil Code, article 1375.
9. Civil Code, article 1377. This approach aligns with the animal protection framework under Law No. 205/2004, which treats both owners and holders equally for the purposes of animal care, welfare, and supervision. Under Article 2 of the law, any person who holds or is responsible for an animal is obligated to ensure its proper treatment, either permanently or temporarily.
10. Civil Code, article 1375.
11. Civil Code, article 941(2).
12. See, for instance, the Government Emergency Ordinance no. 57/2007 (GEO 57/2007), which implements the EU Habitats Directive and the EU Birds Directive and establishes the regime of protected natural areas and the conservation of natural habitats, wild flora and fauna. Its article 1 places the duty to conserve wild species on public authorities as a matter of public interest; article 4(15)(16) includes wild fauna within the definition of natural heritage and natural heritage asset, respectively. Similarly, Law No. 407/2006 on Hunting and Game Protection (the Hunting Law) establishes in article 2 that fauna of hunting interest is a natural resource and a public good of national and international interest. Finally, Romania's obligations under EU law, particularly the Birds Directive (2009/147/EC) and the Habitats Directive (92/43/EEC), require the country to treat certain wild species and habitats as matters of public stewardship, often resulting in their inclusion in protected areas under the Natura 2000 network.
13. Civil Code, article 941(1) in conjunction with article 1375.
14. [Hunting Law](#), article 13(7).
15. [Government Ordinance no. 43/1997 \(GO 43/1997\)](#), as amended, regarding road conditions. See article 3.
16. GO 43/1997, article 3 in conjunction with articles 21 and 19<sup>1</sup>.
17. Hunting Law, article 13(1).
18. Hunting Law, Annex 1.
19. The Forestry Guard is a territorial structure of the Ministry for Environment, Water and Forests.
20. Hunting Law, article 13(2a)(3).
21. Hunting Law, article 13(2b).
22. Hunting Law, Annex 2.
23. Hunting Law, article 13(5).
24. Hunting Law, article 13<sup>1</sup>(1).
25. Hunting Law, article 13(2).

26. According to article 32(1) of the GEO 57/2007, the competent authority for environmental protection determines the system for monitoring the conservation status of wild fauna. GPS tracking is one of the commonly used tools.
27. GEO 57/2007, article 32. The competent authority for environmental protection establishes the system for monitoring the conservation status of wild fauna and flora. Monitoring methods, such as GPS tracking, must be approved in each case by the authority.

## Contact Us

More information about rewilding and the issues addressed in this guidance note is available on [The Lifescape Project](#) and [Rewilding Europe](#) websites.

If you have any queries, please contact:



**Elsie Blackshaw-Crosby**

E: [elsie.blackshaw@lifescapeproject.org](mailto:elsie.blackshaw@lifescapeproject.org)



**Catarina Prata**

E: [catarina.prata@lifescapeproject.org](mailto:catarina.prata@lifescapeproject.org)

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*This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice. You should not assume that the case studies apply to your situation and specific legal advice should be obtained.*