

# Information from the Mining Inspectorate of Sweden

## New and amended regulations for mining exploration from 1 August 2014

**On 11 June 2014 the Swedish Parliament enacted a government bill amending the provisions of the Minerals Act (1991:45) governing exploration works, thereby widening the obligations of exploration permit holders to provide information about their exploration works. The amendment enters into force on 1 August 2014.**

The purpose of the statutory amendments is to ensure that those affected by exploration works receive the information they need to safeguard their rights as against the permit holder. The amendments also mean that if the parties affected so request, the permit holder must inform them about when the work on the site in question will begin and when it has been completed. Another effect of the amendment is to clarify monitoring of, and responsibility for, public interests in mining exploration.

The intention of the Mining Inspectorate in issuing this fact sheet is to outline the implications of the statutory amendments. The bill (in Swedish) containing all the amendments can be read and/or downloaded at: <http://www.riksdagen.se/sv/Dokument-Lagar/Forslag/Propositioner-och-skrivelser/Battare-information-och-tydliga-H103159/?text=true>

**NB: The amendments to the Minerals Act will enter into force on 1 August 2014.**

The current provisions on the permit holder's obligations when carrying out exploration works will continue to apply in relation to exploration permits and "exploitation concessions" (extraction licences) granted **before the amendments entered into force.**

**The new provisions in Chapter 3 of the Minerals Act will begin to apply** to exploration works conducted on the strength of an exploration permit or an exploitation concession issued **after the amendments enter into force.** The current provisions thus apply to exploration works conducted on the strength of permits issued before the amendments entered into force.

The amendment whereby alum shale will no longer be a concession mineral will not apply to exploration permits and exploitation concessions granted before the amendments entered into force. Nor will the amendment apply to exploration permits issued after the amendments enter into force if the application for an exploration permit was filed before the amendments entered into force.

**The plan of operations must be adapted to ongoing land use**

The account of the exploration work planned and the timetable in the plan of operations must be adapted to ongoing land use in the area in which the exploration work is to be carried out. The purpose of the amendment is to make it clear to property owners and other rights holders that the plan of operations must be adapted to meet the conditions in their specific area.

**More stringent and clearer requirements for a plan of operations**

The plan of operations must be written in Swedish and, in addition to the present requirements, must contain the following.

- The permit holder's name, telephone number, postal address and e-mail address, as well as the same information for a contact person if the permit holder is a legal entity.
- A description of the nature of a plan of operations and information that those affected by the plan of operations have the opportunity to influence its contents by challenging it.
- A map showing property boundaries and names and the area in which the exploration work will be carried out.
- Information on when any challenges to the contents of the plan of operations must be received by the permit holder, and the consequences if no challenge is made.
- Information that, if they so request, those affected by the plan of operations are entitled to be notified when work on the property to which their rights relate will begin, and information on when the request must be received by the permit holder.
- Information about the permits the permit holder already holds, has applied for or intends to apply for, or information about the notifications the permit holder has made under other laws in connection with the exploration work.
- An assessment of the extent of the damage or encroachment that will be caused by the exploration work, information on how any damage or encroachment will be dealt with, and information about the form and amount of security provided by the permit holder in order to make payment of compensation.

**Financial security**

Since it will now be required that the plan of operations state the form of security provided by the permit holder in order to make payment of any compensation for damage or encroachment resulting from exploration work, the Mining Inspectorate will change its administrative procedures and system for registering security. This means that, in addition to security for current permits, permit holders must be prepared to allocate further security for plans of operations relating to exploration permits issued after 1 August 2014.

The Mining Inspectorate formerly had certain standard recommended amounts for security to be provided, depending on the holder of the exploration permit(s) and the number of permits. However, we have already discontinued this practice, and do not intend to issue new

recommendations. Permit holders themselves must decide the amount that is relevant in the light of planned exploration works. Recipients of the plan of operations are given the opportunity to decide whether the security is sufficient to cover the cost of any damage, and to challenge the plan of operations if the security provided is considered to be too low. Under Chapter 17, section 2 of the Minerals Act, the party in whose favour security is provided may request that the form or amount of the security be reviewed by the county administrative board in the county where the work is planned to take place.

### **Right to translation of the plan of operations into certain national minority languages**

An obligation will be introduced for the permit holder to provide a translation of the plan of operations into Finnish, Meänkielish or Samish. The obligation to provide a translation applies if the exploration work is to be carried out within an area that wholly or partly coincides with the administrative area of the language under section 6 of the National Minorities and Minority Languages Act (2009:724), and a written request for a translation has been made by a property owner or the holder of a specific right affected by the exploration works. A request for translation must be received by the permit holder within ten days of the date on which the property owner or holder of a specific right received a decision granting an exploration permit or, in the case of exploration works conducted above ground in a concession area on land that has not been designated, a decision to grant an exploitation concession.

The translation of the plan of operations must be delivered to the property owner or the holder of a specific right, together with the plan of operations.

\* The term “administrative area for Finnish” means the municipalities of Botkyrka, Eskiltuna, Gällivare, Hallstahammar, Haninge, Haparanda, Huddinge, Håbo, Kiruna, Köping, Pajala, Sigtuna, Solna, Stockholm, Södertälje, Tierp, Upplands Väsby, Upplands-bro, Uppsala, Älvkarleby, Österåker, Östhammar and Övertorneå.

The term “administrative area for Meänkielish” means the municipalities of Gällivare, Haparanda, Kiruna, Pajala and Övertorneå.

The term “administrative area for Samish” means the municipalities of Arjeplog, Arvidsjaur, Berg, Gällivare, Härjedalen, Jokkmokk, Kiruna, Lycksele, Malå, Sorsele, Storuman, Strömsund, Umeå, Vilhelmina, Åre, Älvdalen and Östersund.

### **Clarification of examination by the Chief Mining Inspector following a request for confirmation of plan of operations**

In order for the Chief Mining Inspector to be able to confirm a plan of operations, the contents of the plan must be as provided by law, and the permit holder must have met its obligations to serve the plan and, if so requested, to provide a translation of the plan.

**Information on time for commencement and completion of exploration works**

At the request of a property owner or holder of a specific right affected by the plan of operations a permit holder must send a notification of the date on which the work will begin on the property to which its right relates.

The notification must be written in Sweden and be sent not later than one week before the work on the property is to begin. If the plan of operations already states when the work will begin on a given property, a notification need not be sent to the holder of the right to which the information relates. A request for notification must be made in writing and be received by the permit holder within the time limit for the affected party to challenge the plan of operations.

A permit holder must send a notification to property owners and holders of specific rights concerned when the exploration work has been completed. The notification must be written in Swedish.

**Information about valid plan of operations**

The plan of operations must be sent to the Chief Mining Inspector only when it has taken effect. A valid plan of operations must also be sent to the municipality and the county administrative board.

If the exploration work is to be performed in a reindeer herding district, a valid plan of operations must also be sent to Sametinget (the Sami Parliament).

**Alum shale removed from the definition of concession minerals**

Alum shale will no longer be a concession mineral. (Chapter 1, section 1 of the Minerals Act as formerly worded applies to exploration permits granted and applications for exploration permits filed with the Chief Mining Inspector before the amendments entered into force.)

**More information**

On the Mining Inspectorate's website you will find information about the regulatory framework, links to the current legislation and, in due course, updated and supplemented forms.

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