



Sveriges geologiska undersökning

Minerals Act Minerals Ordinance



Unofficial translation of
"Minerallagen" SFS 1991:45
"Mineralförordningen" SFS 1992:285

Minerals Act promulgated on 24 January 1991,
came into force on 1 July 1992
Text includes amendments up to 1 June 2007

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UNOFFICIAL TRANSLATION

23 May 2007

MINERALS ACT (1991:45)

Promulgated on 24 January 1991, came into force on 1 July 1992

As amended up to and including SFS 2005:943

Chapter 1. Introductory provisions

Application of the Act

Section 1

This Act applies to the exploration and exploitation of deposits, situated on a person's own land or on land belonging to another person, of the following mineral substances (concession minerals):

1. antimony, arsenic, beryllium, lead, caesium, gold, iridium, iron occurring in the bedrock, cobalt, copper, chromium, mercury, lanthanum and lanthanides, lithium, manganese, molybdenum, nickel, niobium, osmium, palladium, platinum, rhodium, rubidium, ruthenium, silver, scandium, strontium, tantalum, tin, titanium, thorium, uranium, vanadium, bismuth, tungsten, yttrium, zinc and zirconium,
2. alum shale, andalusite, apatite, brucite, fluorspar, graphite, kyanite, refractory clay or clinking clay, magnesite, pyrrhotite, nepheline syenite, sillimanite, coal, rock salt or other salt occurring in a similar manner, pyrite, baryte and wollastonite,
3. oil, gaseous hydrocarbons and diamonds.

Section 2

This Act does not apply to areas within public waters of the sea.

Definitions

Section 3

“Exploration” means work undertaken to prove the existence of a deposit of a concession mineral and to establish the probable economic value of the deposit and its character in other respects, to the extent that such work involves encroachment on the rights of either the owner of the land or a holder of other rights.

“Exploitation” means extraction and utilization of a concession mineral.

The right to undertake exploration and exploitation

Section 4

Exploration may be undertaken only by the holder of an exploration permit and exploitation only by the holder of an exploitation concession.

Exploration may, however, be undertaken without a permit by

1. the owner of the property or, with his consent, another person in cases referred to in Chapter 3, Section 2,
2. the holder of a concession in cases referred to in Chapter 5, Section 3.

A deposit may be exploited without a concession by

1. the owner of the property in cases referred to in Chapter 5, Section 2,
2. the holder of a permit in cases referred to in Chapter 3, Section 4,
3. the holder of a concession in cases referred to in Chapter 5, Sections 4–6.

Section 5

An exploration permit that is based on an application in respect of one or more of the concession minerals referred to in Section 1, points 1 and 2, is valid for all the minerals referred to there unless the applicant requests otherwise.

In other cases, an exploration permit or exploitation concession is valid for the mineral or minerals referred to in the permit or concession. **(Act 1991:153)**

Section 6

Repealed by Act 1993:690.

Provisions in other legislation

Section 7

Provisions which affect activities referred to in this Act are also contained in the Environmental Code, the Planning and Building Act (1987:10) and the Act concerning Ancient Monuments and Finds (1988:950).

Provisions concerning the right to acquire and possess or in any other manner deal with nuclear substances or minerals containing such substances are also contained in the Nuclear Activities Act (1984:3). Provisions concerning other rights to undertake operations involving radiation are contained in the Radiation Protection Act (1988:220). **(Act 1998:845)**

Section 8

Repealed by Act 1998:845.

Chapter 2. Exploration permits

Permit area

Section 1

An exploration permit shall be valid for a specific area, which may not exceed such area as the permit holder may be assumed to be able to explore in an appropriate manner, and which shall in addition be of a suitable shape for the intended purpose.

Prerequisites for granting a permit

Section 2

An exploration permit shall be granted if there is reason to assume that exploration of the area could lead to the discovery of a concession mineral.

An exploration permit may not, however, be granted to a person manifestly lacking the possibility or intention of bringing about appropriate exploration or a person who has previously proved to be unsuitable to carry out exploration work.

A permit to undertake exploration with regard to oil, gaseous hydrocarbons or diamonds may only be granted to a person who can prove that he or she is suitable to carry out such exploration. (Act 2005:161)

Precedence in the event of competition etc.

Section 3

If an area is the subject of several applications for an exploration permit under this Act or a concession under the Act concerning Certain Peat Deposits (1985:620), the applicant who first submitted his application shall have precedence. If the applications were received on the same day, the applicants shall have equal rights in respect of the area common to their applications.

Section 4

If within a given area a person holds an exploration permit or exploitation concession under this Act or a concession under the Act concerning Certain Peat Deposits (1985:620), no other person may be granted an exploration permit for the same mineral within the area. If special reasons exist, another person may be granted an exploration permit within the area for minerals not covered by the permit or concession.

Period of validity of an exploration permit

Section 5

An exploration permit shall be valid for three years from the date of the decision.

Section 6

The period of validity of the exploration permit shall be extended on the application of the permit holder for a total of not more than three years, if appropriate exploration has been carried out within the area. The same applies if the permit holder has acceptable reasons for not having undertaken exploration and, furthermore, is able to demonstrate that the area is likely to be explored during the period covered by the application.

Section 7

If the period of validity has been extended under Section 6, it shall be extended on the application of the permit holder for a further period of a total of not more than four years, if special reasons exist.

Subsequently, the period of validity may be extended by a further period of a total of not more than five years, if extraordinary reasons exist, for example if the permit holder shows that considerable work has been undertaken in the area and that further exploration will probably result in the granting of an exploitation concession. **(Act 1998:165)**

Section 8

In order to be considered, an application for an extension shall have been received during the period of validity of the permit. If the permit holder has applied for an extension within the stated period or if he has applied for an exploitation concession within the same period, the permit shall remain valid until the application has been finally decided on.

Impediments to granting an exploration permit

Section 9

When an exploration permit or exploitation concession has ceased to be valid, an application for an exploration permit regarding land in the same area may not be considered until at least one year has elapsed since the permit or concession ceased to be valid.

Where there are special reasons for so doing, the Chief Mining Inspector may grant exemptions from the provisions of the first paragraph. **(Act 2005:161)**

Section 9 a

An exploration permit may not be granted for land within a protected zone surrounding an area covered by an exploitation concession. The protected zone shall extend 1,000 metres from the boundary of the area covered by the concession. If special reasons exist, the size of the protected zone may be reduced.

If a mine or corresponding facility has not been brought into operation within three years of an exploitation concession being granted, however, an exploration permit may be granted within the protected zone until the facility is brought into operation.

After a final decision has been made to grant an exploitation concession, an exploration permit within the protected zone may, notwithstanding the provisions of the first paragraph, be granted to the holder of the exploitation concession or to some other person having the holder's consent. **(Act 2005:161)**

Section 9 b

When an application for an exploitation concession has been submitted for a given area, the provisions of Section 9 a, first paragraph, concerning impediments to granting an exploration permit shall apply until the question of a concession has been finally determined. Consideration of an application for an exploration permit within a protected zone shall be suspended pending a final decision on the application for a concession. **(Act 1998:165)**

Conditions to be attached to exploration permits

Section 10

Exploration permits shall have attached to them such conditions as are necessary for the protection of public interests or private rights, as well as conditions requiring the permit holder to furnish security for compensation as referred to in Chapter 7, Section 1. **(Act 2005:161)**

Chapter 3. Exploration work

Introductory provision

Section 1

A person holding an exploration permit may undertake exploration work within the permit area in accordance with Sections 3–8.

The right to explore without a permit

Section 2

If it can be done without encroaching on any right of use, easement or other special right, the property owner or, with his consent, another person may undertake, without an exploration permit, exploration with regard to all concession minerals except oil, gaseous hydrocarbons and diamonds, but not in areas where some other person holds a permit or concession under this Act. The provisions of Sections 3–7 shall, where relevant, also apply to such exploration work.

How exploration work may be undertaken

Section 3

Exploration work may only be undertaken in order to show that a mineral covered by the permit is present within the area and in order to obtain more detailed information about the size, character and recoverability of the deposit.

The permit holder may, to the extent that it is necessary, use a road to and within the area. With the permission of the Chief Mining Inspector, the permit holder may also utilize land or other space to construct any road that is necessary to and within the area.

Before work begins, the permit holder shall have furnished security for compensation as referred to in Chapter 7, Section 1.

The work shall be carried out in such a way as to cause the least possible damage to and encroachment on any other person's property and the natural and cultural environment. **(Act 2005:943)**

Section 4

The permit holder may use concession minerals that are extracted during exploration work and that are covered by the permit solely to study their character and suitability for technical processing. He may also utilize the products which he produces or extracts in that connection. The same applies to previously extracted concession minerals covered by the permit, unless otherwise provided by Chapter 13, Section 2, second paragraph.

The permit holder may only process and use mineral substances that are not covered by the permit or by this Act if this is necessary to undertake the exploration work in an appropriate manner.

Section 5

Exploration work may only be carried out in accordance with a valid plan of operations.

The plan of operations shall be drawn up by the permit holder and shall contain an account of the exploration work planned, a timetable for the work and an assessment of the extent to which the work may be expected to affect public interests and private rights.

The plan of operations shall be served on the owner of the land on which the work is to be undertaken and on the holder of any special right who is affected. Service on holders of reindeer herding rights may be effected by serving the plan of operations on the reindeer herding district (*sameby*) to which the holders of the rights belong. The plan of operations shall also be sent to the Chief Mining Inspector.

Objections to the contents of the plan of operations shall be made in writing and shall reach the permit holder within three weeks of the plan of operations being served. **(Act 2005:161)**

Section 5 a

A plan of operations becomes valid if no objections as referred to in Section 5, fourth paragraph, are raised. A plan of operations also becomes valid if the permit holder and the affected party who has raised such objections are able to reach agreement on the contents of the plan. Such a plan of operations shall be sent to the Chief Mining Inspector.

If objections as referred to in Section 5, fourth paragraph, have been raised, the permit holder may also request examination of the plan of operations by the Chief Mining Inspector. The plan of operations shall be confirmed by the Chief Mining Inspector and shall become valid insofar as the measures set out in it are necessary for appropriate exploration and do not cause the property owner or any other affected party inconvenience of such magnitude as to outweigh the permit holder's interest in being allowed to carry out the work.

In a decision to confirm a plan of operations, the Chief Mining Inspector shall set out the conditions needed to protect public interests and private rights and to prevent or limit inconvenience. The Chief Mining Inspector may also decide that the plan of operations is to apply without having gained legal force. **(Act 2005:161)**

Impediments to exploration work

Section 6

Exploration work may not be undertaken within a national park or an area which a central government authority has requested the Government to designate as a national park, or contrary to regulations issued for a nature or cultural heritage reserve under Chapter 7 of the Environmental Code.

Provisions requiring permits for certain operations and measures are set out in Chapter 7, Sections 28 a–29 b, of the Environmental Code.

In addition, without the permission of the county administrative board, exploration work may not be undertaken within

1. two hundred metres of a protected object as referred to in the Essential Installations (Protection) Act (1990:217) and such area outside the same as is determined by the Government,
2. a churchyard or other burial ground, or
3. an area referred to in Chapter 4, Section 5, of the Environmental Code.

Permission under the third paragraph, point 3, shall be made subject to such conditions as are necessary to prevent appreciable damage to the natural and cultural qualities of the area. The county administrative board may also make permission under the third paragraph subject to other conditions. (**Acts 1998:845, 2001:444, 2005:161**)

Section 7

Without the permission of the Chief Mining Inspector, exploration work may not be undertaken within

1. an area within thirty metres of a public highway or the course of such a highway as set out in an established plan of works, within thirty metres of a railway or canal open for public use, or within thirty metres of a public airport,
2. an area within two hundred metres of a dwelling,
3. an area within two hundred metres of a church, other assembly building, educational establishment, hotel or boarding house, or an area within two hundred metres of a care institution, student hall of residence or similar establishment, if intended for more than fifty persons,
4. an area within two hundred metres of an electric power station or industrial facility, or
5. an area covered by a detailed development plan or area regulations under the Planning and Building Act (1987:10).

In cases referred to in the first paragraph, point 5, permission may not be granted if this would be contrary to the plan or the area regulations. If the purpose of the plan or the regulations is not thwarted, however, minor deviations may be made.

Notwithstanding the provisions of the first paragraph, points 2–4, exploration may be undertaken if consent has been given by the person affected by the work. In cases referred to in the first paragraph, point 2, consent shall be given by the owner of the building or the land and the person with the right of use of it. In cases referred to in the first paragraph, points 3 and 4, consent shall be given by the owners and persons with the right of use.

The Chief Mining Inspector may make his permission subject to conditions.
(**Act 2005:161**)

Section 8

If several exploration permits or concessions under this Act or under the Act concerning Certain Peat Deposits (1985:620) have been granted for the same area, work being carried out on the basis of an earlier established right may not be impeded or delayed by work undertaken on the basis of a right established at a later date.

Chapter 4. Exploitation concessions

Concession area

Section 1

A concession shall be valid for a specific area, which shall be determined on the basis of what is appropriate, taking into account the deposit, the purpose of the concession and other circumstances.

Prerequisites for granting a concession

Section 2

A concession shall be granted if

1. a deposit has been found which can probably be utilized on an economic basis, and
2. the location and nature of the deposit do not make it inappropriate to grant the applicant the concession applied for.

A concession for the exploitation of oil or gaseous hydrocarbons may only be granted to a person who can prove that he is suitable to undertake such exploitation.

In the consideration of applications for the granting of a concession, Chapters 3 and 4 of the Environmental Code shall apply.

If an application for the granting of a concession relates to an operation which subsequently is also to be considered under the Environmental Code or other legislation, Chapters 3 and 4 of the Environmental Code are to be applied only in the consideration of the application for a concession.

An application for the granting of a concession shall be accompanied by an environmental impact assessment. Concerning procedure, requirements regarding environmental impact assessments, and plans and planning documents, Chapter 6, Sections 3 and 7, Section 8, first paragraph, and Sections 9, 10, 19 and 20 of the Environmental Code shall apply.

A concession must not be contrary to a detailed development plan or area regulations. If the purpose of the plan or the regulations is not thwarted, however, minor deviations may be made. **(Acts 1998:845, 2004:600)**

Precedence in the event of competition etc.

Section 3

If several persons have applied for a concession for the same area and more than one person can be considered in accordance with Section 2, the applicant holding an exploration permit within the area for any mineral covered by his application for a concession shall have precedence.

If none of the applicants holds an exploration permit, the applicant who has undertaken appropriate exploration work within the area shall have precedence. Otherwise the applicant who first submitted his application shall have precedence. If the applications were received on the same day, the applicants shall have equal rights to shares in the concession. **(Act 1993:690)**

Section 4

If within a given area a person holds an exploration permit or exploitation concession under this Act or a concession under the Act concerning Certain Peat Deposits (1985:620), no other person may be granted a concession for the same mineral within this area. If special reasons exist, another person may be granted a concession within the area for minerals not covered by the permit or concession.

Section 5

A concession shall have attached to it such conditions as are necessary for the protection of public interests or private rights, or as are necessary to ensure appropriate exploration and exploitation of the natural resources in question.

Section 6

The concession holder shall be required to furnish security for the fulfilment of his obligations under Chapter 13, Section 4, unless there are special reasons to the contrary. If such security proves to be insufficient, the county administrative board may order that additional security be furnished.

Period of validity of an exploitation concession

Section 7

An exploitation concession shall be granted for twenty-five years. If the applicant so requests, a shorter period may be decided. **(Act 1993:690)**

Section 8

The concession period shall be extended for ten years at a time without special application if regular exploitation operations are in progress when the period of validity expires. If the concession holder so requests, a shorter period may be decided.

Section 9

If regular exploitation operations are not in progress when the concession period expires, the period shall be extended for ten years on the application of the concession holder, provided that

1. preparatory or construction work for the commencement of exploitation within the concession area,
2. exploration work on a significant scale within the concession area, or
3. mineral-processing, metallurgical or other development work on a significant scale with the purpose of enabling the deposit to be exploited

If the concession holder so requests, a shorter period than ten years may be decided.

The concession holder is entitled to receive from the authority responsible for considering applications advance notice as to whether planned exploration work or planned mineral-processing, metallurgical or other development work is to be considered to be on a significant scale. **(Act 1993:690)**

Section 10

If regular exploitation operations or activities referred to in Section 9, first paragraph, are not in progress, the concession period may be extended for a maximum of ten years on the application of the concession holder, if this is justified from the point of view of the public interest in ensuring appropriate utilization of the mineral resources in question. In the consideration of such an application, Chapters 3 and 4 of the Environmental Code shall apply. **(Act 1998:845)**

Section 11

An application for an extension in accordance with Section 9 or 10 shall be made not later than six months before the end of the concession period. If the concession holder has applied for an extension within the stated time, the concession shall remain valid until the application has been finally decided on.

Chapter 5. Exploitation etc.

Introductory provisions

Section 1

A person holding a concession may, within the concession area, at the surface or underground, on the one hand carry out exploration work in accordance with Section 3, and on the other undertake exploitation and activities connected therewith in accordance with Sections 4–7. For exploitation and activities connected therewith that are undertaken at the surface, however, the concession holder may only make use of land that has been designated for that purpose.

Land or other space outside the concession area may, as determined in the designation of land, be utilized for purposes other than exploration or exploitation.

Applications for designation of land shall be considered in a land designation proceeding in accordance with the provisions of Chapter 9.

Once the decision to grant a concession has gained legal force, the Chief Mining Inspector may permit land or other space to be utilized pending determination of the question of land designation. Such permission may only be granted if the concession holder furnishes security for compensation as referred to in Chapter 7, Section 3.

(Act 2005:161)

The right to undertake exploitation without a concession

Section 2

The owner of a property may exploit deposits of concession minerals for his own domestic use without a concession, provided that no other person holds a concession within the area.

If a concession is granted to another person within an area where the property owner is exploiting deposits of concession minerals or other mineral substances for his own domestic use, the property owner has the right to continue those activities on a reasonable scale, unless there are special reasons to the contrary.

How exploration work may be conducted

Section 3

Exploration work may be undertaken with regard to such minerals as are covered by the concession. To the extent that no other person holds a permit or concession, the concession holder may also explore for other concession minerals within the concession area, with the exception of oil, gaseous hydrocarbons and diamonds.

With regard to exploration work carried out at the surface on non-designated land, Chapter 3, Sections 3–5 a, shall apply. **(Act 2005:161)**

How exploitation etc. may be conducted

Section 4

Exploitation may be undertaken with regard to such minerals as are covered by the concession. Within the concession area, the concession holder may also extract other concession minerals or other mineral substances, to the extent that this is necessary for the work to be carried out in an appropriate manner. Of the material thus extracted, the concession holder may use what is needed in the exploitation operation.

Section 5

The concession holder may utilize concession minerals covered by the concession which have previously been extracted, unless Chapter 13, Section 2, second paragraph, indicates otherwise.

Section 6

The concession holder may utilize such concession minerals and other mineral substances as

cannot be separated prior to concentration or similar processing from the minerals covered by the concession.

The concession holder may also utilize other extracted concession minerals and mineral substances than those referred to in the first paragraph if, within six months of notification, the owner of the land does not remove the mineral and reimburse the costs incurred with respect to it.

Section 7

Exploitation may not be carried out in such a manner that the future extraction of any concession mineral is jeopardized or the extraction of a remaining known resource of such a mineral is rendered impossible or considerably more difficult. Nor may exploitation be carried out in such a manner that evident mismanagement of minerals occurs in any other respect.

Haul roads, fencing etc.

Section 8

Haul roads and drifts leading to the unworked parts of a mine shall be kept open. Drill holes for oil, gas or salt deposits shall be capped. The closure of such haul roads, drifts or drill holes requires special permission from the Chief Mining Inspector.

Section 9

The concession holder shall erect and maintain such fences as are necessary on land that is used for exploitation or activities connected therewith.

Impediments to exploration work and exploitation etc.

Section 10

The provisions of Chapter 3, Sections 6 and 7, regarding impediments to exploration work shall apply on the one hand to exploration work which the concession holder carries out at the surface on non-designated land, and on the other to exploration work and exploitation and activities connected therewith which the concession holder carries out underground. This shall only apply, however, if the impediment arose before the concession was granted.

Section 11

If several exploration permits or concessions under this Act or under the Act concerning Certain Peat Deposits (1985:620) have been granted for the same concession area, work or activities being carried out on the basis of an earlier established right may not be impeded or delayed by work or activities undertaken on the basis of a right established at a later date.

Chapter 6. Transfer, relinquishment, revocation and amendment of exploration permits and concessions

Transfer

Section 1

An exploration permit or exploitation concession may be transferred with the permission of the authority responsible for considering applications. With regard to an exploration permit, permission may be granted if the requirements set out in Chapter 2, Section 2, second and third paragraphs, are met. With regard to an exploitation concession, permission may be granted if the requirements set out in Chapter 4, Section 2, first paragraph, point 2, are met and if, in addition, the transferee can prove that he or she is suitable to undertake exploitation of the deposit. **(Act 2005:161)**

Relinquishment

Section 2

If the holder of an exploration permit notifies the Chief Mining Inspector that he wishes wholly or partially to relinquish his right, the permit shall cease to be valid to a corresponding degree one month from the date on which his notification was received by the Chief Mining Inspector.

If the holder of an exploitation concession notifies the Chief Mining Inspector that he wishes wholly to relinquish his right, the concession shall cease to be valid six months from the date on which his notification was received by the Chief Mining Inspector.

If a concession holder wishes to relinquish his right with regard only to a certain portion of the concession area, he shall make an application to that effect to the authority responsible for considering applications. The application may be granted only if the remaining portion of the concession area is appropriate, taking into account the mineral deposit, the purpose of the concession and other circumstances. If the application is granted, the authority shall prescribe such conditions as are necessary for the protection of public interests or private rights, or to ensure appropriate exploration and exploitation of the natural resources in question.

Revocation

Section 3

An exploration permit or exploitation concession may be revoked if the permit or concession holder fails to fulfil his or her obligations under this Act or as set out in conditions attached to the permit or concession, or if the permit holder violates conditions attached to permission for exploration work, or if other exceptional reasons exist.

(Act 2005:161)

Amendment of conditions

Section 4

If operations undertaken in accordance with a concession give rise to considerable inconvenience which was not foreseen when the concession was granted, the authority responsible for considering applications may lay down such conditions for subsequent operations as are necessary to prevent or reduce the inconvenience. The same shall apply in respect of work undertaken in accordance with exploration permits for oil, gaseous hydrocarbons and diamonds.

Otherwise, conditions attached to an exploration permit or a concession may only be amended at the request or with the consent of the permit or concession holder.

In the consideration of such questions, Chapters 3 and 4 of the Environmental Code shall apply. **(Act 1998:845)**

Chapter 7. Compensation

Compensation to affected parties

Section 1

For damage or encroachment resulting from exploration work, compensation shall be paid by the holder of the exploration permit or concession by virtue of which the work is undertaken.

Section 2

For damage resulting from the granting of an exploitation concession, compensation shall be paid by the concession holder.

If an application for designation of land has not been made within ten years of the decision to grant an exploitation concession gaining legal force, the concession holder shall purchase the property or part of a property falling within the concession area if the property owner so requests. This shall not apply, however, if the concession holder shows that there is no reason to request designation of land within the area.

In the event of exceptional detriment to any property or part thereof by reason of an exploitation concession having been granted, the concession holder shall purchase the property or part of a property suffering such detriment if the owner so requests. **(Act 2005:161)**

Section 3

For damage or encroachment resulting from land or other space being utilized for exploitation or activities connected therewith, compensation shall be paid by the concession holder.

In the event of exceptional detriment to any property or part thereof by reason of land or other space being utilized, the concession holder shall purchase the property or part of a property suffering such detriment if the owner so requests. **(Act 2005:161)**

Section 4

Regarding compensation and purchase money payable under Sections 1–3, Chapter 4 and Chapter 5, Sections 23, 24 and 27, first paragraph, first sentence, of the Expropriation Act (1972:719) shall apply where relevant. For these purposes, the provisions of Chapter 4,

Section 3, of the same Act shall apply with regard to any appreciation in value occurring from the date ten years prior to designation of land being applied for. As regards payment in the event of a purchase under Section 2, second or third paragraph, however, the time shall be counted from the date on which the purchase was requested, unless the question of payment is considered in connection with a land designation proceeding. **(Act 2005:161)**

Section 5

This Act shall not apply with respect to compensation for damage or encroachment which arises after the designation of land and which could not be foreseen in that context. **(Act 2005:161)**

Compensation in the event of revocation

Section 6

If an exploration permit or exploitation concession is revoked for extraordinary reasons under Chapter 6, Section 3, the permit or concession holder shall be entitled to compensation from the State for any damage he sustains in consequence of the revocation. **(Act 2005:161)**

Mineral compensation

Section 7

For each calendar year exploitation is undertaken, the concession holder shall pay mineral compensation. This compensation shall be equal to two-thousandths of the calculated value of the minerals covered by the concession that are extracted and brought to the surface within the concession area during the year. The calculation shall be based on the quantity of ore brought to the surface, its concession mineral content and the average price of the mineral during the year or a corresponding value.

Three-quarters of the compensation shall accrue to property owners within the concession area and one-quarter to the State. If there are two or more properties within the concession area, the compensation payable to the property owners shall be determined according to each property's share of the area. Compensation shall be determined with reference to the situation on 31 December of the year to which the compensation relates.

In connection with the determination of compensation, the concession holder shall provide the particulars needed to enable the compensation to be determined. **(Act 2005:161)**

Chapter 8. Authorities responsible for considering applications etc.

Exploration permits and exploitation concessions

Section 1

An application for the granting of an exploration permit or exploitation concession shall be considered by the Chief Mining Inspector, unless otherwise provided in Section 2.

The Chief Mining Inspector may determine an application for the granting of an exploration permit without any affected party other than the applicant having had the opportunity to express their opinion.

When considering an application for the granting of an exploitation concession, the Chief Mining Inspector shall, with regard to the application of Chapters 3, 4 and 6 of the Environmental Code, consult the county administrative board of the county or counties in which the concession area is situated. The county administrative board may in that connection order a special investigation under Chapter 2, Section 11, of the Act concerning Ancient Monuments and Finds (1988:950). **(Acts 1998:845, 2005:161)**

Section 2

An application for the granting of an exploitation concession shall be referred for consideration by the Government if

1. the Chief Mining Inspector considers the question of a concession to be of particular importance from the point of view of the public interest, or
2. the Chief Mining Inspector, in applying Chapter 3 or 4 of the Environmental Code, finds reason not to follow the recommendations of the county administrative board. **(Act 1998:845)**

Section 3

Other applications and matters relating to an exploration permit or exploitation concession shall be considered by the Chief Mining Inspector.

When considering an application to extend an exploitation concession under Chapter 4, Section 10, the Chief Mining Inspector shall, with regard to the application of Chapters 3 and 4 of the Environmental Code, consult the county administrative board of the county or counties in which the concession area is situated.

An application to extend an exploitation concession under Chapter 4, Section 10, shall be referred for consideration by the Government if the Chief Mining Inspector, in applying Chapter 3 or 4 of the Environmental Code, finds reason not to follow the recommendations of the county administrative board. Matters relating to the revocation of an exploration permit or exploitation concession for extraordinary reasons under Chapter 6, Section 3 of this Act, and other matters under this section which the Chief Mining Inspector considers to be of particular importance from the point of view of the public interest, shall also be so referred. **(Act 1998:165, 845)**

Section 4

The Chief Mining Inspector shall inquire into and attach an opinion of his own in applications and other matters which he refers for consideration by the Government.

Section 5

The Chief Mining Inspector may, when inquiring into applications and other matters referred to in Sections 1–3, engage the services of experts to look into questions requiring special expertise. A person connected with the matter concerned or with an affected party in such a way that his reliability may be questioned may not be engaged as an expert.

The remuneration to be paid to experts shall be decided by the Chief Mining Inspector. If an opinion has been given by an authority, a public servant or some other person whose official

duty it is to give such an opinion, remuneration shall only be paid where specific provision is made for such payment. The applicant shall reimburse the State for the costs incurred for the remuneration of experts.

Section 6

The Chief Mining Inspector may, when inquiring into applications and other matters referred to in Sections 1–3, if necessary conduct an on-site inspection. The affected parties shall be informed in an appropriate manner of the time and place of this inspection. The applicant shall defray the costs of the inspection.

Section 6 a

If a person applies for a concession relating to a deposit, such investigation as is necessary may be ordered if exploitation could cause substantial harm to agriculture or forestry and if the question cannot be assessed in any other way.

Such an order shall be made by the Swedish Board of Agriculture in the case of agriculture and by the Swedish Forest Agency in the case of forestry.

Before an order is made, consultation shall take place with the county administrative board.

The applicant for the concession shall reimburse the costs of the investigation. If special reasons exist, he may be relieved, wholly or in part, of the obligation to reimburse these costs.

The payment to be made for the investigation shall be determined by the authority which has ordered it. **(Act 1992:466)**

Determination of mineral compensation

Section 6 b

Mineral compensation as provided for in Chapter 7, Section 7, shall be determined by the Chief Mining Inspector. **(Act 2005:161)**

Consideration of certain disputes

Section 7

The Chief Mining Inspector shall, on application, consider disputes between, on the one hand, a holder of an exploration permit or exploitation concession and, on the other, the property owner and holders of other rights concerning the rights and obligations of the permit or concession holder in connection with exploration or exploitation.

Section 8

Disputes concerning compensation under Chapter 7, Section 1, shall be considered by the Chief Mining Inspector. If such a dispute exists when the proceeding for designation of land is in progress, the question shall be considered in that proceeding. In disputes that are not considered during a land designation proceeding, the Chief Mining Inspector may engage the services of experts as provided in Section 5 and conduct an on-site inspection as provided in Section 6.

Section 8 a

Disputes concerning questions referred to in Chapter 7, Section 2, shall be considered by the Chief Mining Inspector. If such a dispute exists when the proceeding for designation of land is in progress, the question shall be considered in that proceeding.

Before a decision is made concerning the purchase of part of a property under Chapter 7, Section 2, third paragraph, a map and a description of the area shall have been prepared and its boundaries marked in the manner required for property formation purposes. **(Act 2005:161)**

Section 9

Disputes concerning questions referred to in Chapter 7, Section 3, shall be considered in the proceeding for designation of land. **(Act 2005:161)**

Section 10

Decisions made under Section 8, 8 a or 9 may be enforced. **(Act 2005:161)**

Section 11

Disputes concerning compensation under this Act in cases other than those referred to in Chapter 7, Section 1, 2, 3 or 7, shall be considered by the land court in whose area the concession area or the greater part thereof is situated. **(Act 2005:161)**

Costs in certain disputes

Section 12

In disputes referred to in Chapter 8, Section 7, and in disputes concerning compensation under Chapter 7, Section 1 or 2, the permit or concession holder shall reimburse the State for the costs involved in the matter in accordance with provisions laid down by the Government.

In disputes concerning compensation under Chapter 7, Section 2, the concession holder shall be responsible for his or her own costs in the matter and shall reimburse other affected parties for the costs they have incurred in safeguarding their rights. This does not apply, however, if otherwise implied by an application of Chapter 18, Section 6 or 8, of the Code of Judicial Procedure. **(Act 2005:161)**

Chapter 9. Proceedings for designation of land

General provisions

Section 1

A proceeding for designation of land shall be held at the request of the concession holder.

In the proceeding, the land within the concession area which the concession holder may utilize for the exploitation of a mineral deposit shall be determined. A determination shall also be

made of the land or space, within or outside the concession area, which the concession holder may use for activities connected with the exploitation of the deposit. The nature of such activities shall be stated. **(Act 2005:943)**

Section 2

If the concession holder is in agreement with the owner of the land and the holders of special rights to the land, land or other space shall be designated in accordance with that agreement. Insofar as an agreement has not been reached, the land or space that is needed shall be designated. If an area of land within or outside the concession area faces a risk of landslide or subsidence in conjunction with exploitation, such land may also be designated.

Land or other space within an area referred to in Chapter 3, Sections 6 and 7, may not be designated.

Section 3

Land or other space shall be designated until further notice, unless the applicant requests otherwise.

Authority responsible for the proceeding etc.

Section 4

A proceeding for designation of land shall be conducted by the Chief Mining Inspector.

Two assessors shall also officiate in the proceeding if the Chief Mining Inspector considers it necessary or when an affected party so requests and it does not cause undue delay.

(Act 1988:165)

Section 5

The Chief Mining Inspector shall appoint assessors from amongst the individuals chosen in the place in question to act as assessors in property formation proceedings.

Section 6

If an assessor is prevented from serving by a conflict of interest or if he is absent and another assessor is not able to attend without delay, the Chief Mining Inspector may appoint a person who is eligible to act as an assessor in property formation proceedings.

Section 7

The provision of Chapter 4, Section 12, of the Code of Judicial Procedure which prevents persons who are closely related to one another from sitting together as judges shall also apply to persons officiating in this context.

Section 8

Persons officiating shall be subject to the same disqualification rules as apply to judges.

Section 9

If an affected party wishes to challenge a person officiating on the grounds of conflict of interest, he shall do so on the first occasion he makes any submission in the matter after learning that the person concerned is officiating and that there are grounds for a challenge. If he fails to do so, his right to make such a challenge shall be forfeited.

If a person officiating has been challenged on the grounds of conflict of interest, that person may only undertake such actions as cannot be postponed without extraordinary inconvenience and as do not involve the determination of a question of importance for the proceeding. Such actions may, however, be taken by the Chief Mining Inspector even if he has been declared to be disqualified.

The fact that a person officiating has been declared to be disqualified does not affect the validity of decisions or actions taken before the question of conflict of interest arose.

Section 10

The authority responsible for the proceeding may engage the services of experts to look into questions requiring special expertise. A person connected with the matter concerned or with an affected party in such a way that his reliability may be questioned may not be engaged as an expert.

Applications for designation of land

Section 11

An application for designation of land shall be made in writing to the Chief Mining Inspector.

The applicant shall, if so required by the Chief Mining Inspector, make an advance payment in respect of reimbursement of the costs involved in consideration of the application.

Section 12

If the application is incomplete or the applicant has not paid the prescribed application fee or made an advance payment in accordance with Section 11, second paragraph, the Chief Mining Inspector may order the applicant to remedy the matter within a certain period of time.

If the applicant fails to comply with an order made under the first paragraph, the application shall be refused if it is so incomplete that it cannot form the basis for a proceeding without considerable inconvenience, or if the failure relates to payment of the application fee or an advance payment.

Meeting with the affected parties etc.

Section 13

As part of the proceeding, a meeting shall be held with the applicant and the other affected parties. However, if no conflicting interests exist, a meeting is not required.

More than one meeting may only be held if a specific question cannot be decided without further inquiries or if it necessary for some other reason.

The authority responsible for the proceeding may if necessary conduct an on-site inspection.

The affected parties shall be notified in an appropriate manner of the time and place of this inspection.

Section 14

If a meeting is held, all known affected parties shall be notified to attend. Notification shall be served in good time before the meeting. If at one meeting the time and place of a new meeting have been announced, it shall not be necessary to notify any person who was notified in the prescribed manner to attend the meeting at which the announcement was made.

Section 15

If the owner of the property or his representative habitually resides abroad and service cannot be effected through a representative in Sweden, service may instead be effected by delivery of the document to whoever manages or uses the property.

A person who has received a document as provided in the first paragraph shall, if possible, forward it without delay to the owner of the property or his representative. He shall be informed of this when the document is delivered to him. If the whereabouts of the party to be served are known, the Chief Mining Inspector shall immediately inform him by post of the notification served on him.

Service shall be considered to have been effected when the document has been delivered in accordance with the first paragraph.

Section 16

The owner of a property affected by the application shall provide the Chief Mining Inspector with particulars of the affected parties with an interest in the property who are known to him. A property owner who, without valid reason, fails to do so shall compensate the parties concerned for any damage resulting from his omission.

Section 17

If the applicant, despite having been notified to attend in the prescribed manner, is absent from the first meeting without giving notice of any lawful excuse, the meeting shall be cancelled. A new meeting shall be arranged if, within three weeks, he so requests. If he does not so request, the application shall be deemed to be abandoned.

If an affected party has not been notified to attend a meeting in the prescribed manner, the meeting shall be postponed, unless the party concerned has nevertheless appeared or consents to the proceeding being concluded.

Notwithstanding the second paragraph, such measures may be taken in the proceeding as do not materially affect the rights of the party in question.

Section 18

The proceeding may not be concluded until the concession decision has gained legal force.

Voting

Section 19

If the persons officiating arrive at differing opinions, the decision shall be in accordance with the opinion of two of them. If each person officiating has a different opinion, then the opinion of the Chief Mining Inspector shall prevail. As regards sums of money or other matters involving quantities, however, the opinion supporting the second largest sum or quantity shall prevail.

Costs of the proceeding

Section 20

The remuneration to be paid to experts shall be decided by the authority responsible for the proceeding. If an opinion has been given by an authority, a public servant or some other person whose official duty it is to give such an opinion, remuneration shall only be paid where specific provision is made for such payment.

Section 21

The applicant shall reimburse the State for the costs of the proceeding in accordance with provisions laid down by the Government.

The applicant shall be responsible for his own costs in the matter and shall reimburse other affected parties for the costs they have incurred in safeguarding their rights during the proceeding. This does not apply, however, if otherwise implied by an application of Chapter 18, Section 6 or 8, of the Code of Judicial Procedure.

Content of the land designation decision

Section 22

A decision on designation of land shall state the location, extent and purpose of the land or space designated and record decisions on any disputes concerning compensation under Chapter 7, Sections 1–3, which have been considered in the proceeding. In addition, the decision shall include determinations of such questions as are referred to in Sections 20 and 21.

If purchase money or compensation for encroachment is determined, the decision shall also state whether a sum is to be deposited in accordance with Chapter 10, Section 2, and where that money is to be deposited. **(Act 2005:161)**

Section 23

An agreement on compensation referred to in Chapter 7, Sections 1–3, shall be confirmed in the land designation decision if any of the parties so requests. **(Act 2005:161)**

Time at which the decision is to be announced

Section 24

The land designation decision shall be announced at a meeting or at a time and place notified by the authority responsible for the proceeding to the affected parties and others who have a right to appeal against the decision. Such notification shall be given at a meeting or in writing.

Map etc.

Section 25

The boundaries of land designated shall be staked out and marked to such an extent as is necessary. A map of the land shall be prepared. It shall be made as accurate as is required for the purpose. However, if the proceeding can be conducted and its outcome made clear without one, a map need not be prepared.

Before a decision is made concerning the purchase of part of a property under Chapter 7, Section 3, second paragraph, a map and a description of the area shall have been prepared and its boundaries marked in the manner required for property formation purposes.

(Act 2005:161)

Access to land

Section 26

Possession may be taken of designated land or space before the land designation decision has gained legal force, provided that the applicant has furnished security for the obligation to pay compensation referred to in Chapter 7, Sections 1–3, and the Chief Mining Inspector does not decide to the contrary.

(Act 2005:161)

Chapter 10. Payment of compensation etc.

Section 1

Compensation which has been determined in a land designation proceeding shall be paid within one month of the land designation decision gaining legal force. Interest shall be calculated on the compensation from the date on which the decision gained legal force or, if possession was taken of the land prior to that date, from the possession date.

Compensation pursuant to Chapter 7, Section 2, which has not been determined in a land designation proceeding shall be paid within one month of the decision on compensation gaining legal force. Interest shall be calculated on the compensation from the date on which the decision gained legal force.

Interest shall be calculated in accordance with Section 5 of the Interest Act (1975:635) for the period until payment is to be made, and in accordance with Section 6 of the Interest Act for the period thereafter. **(Act 2005:161)**

Section 1 a

Mineral compensation pursuant to Chapter 7, Section 7, shall be paid within one month of the decision determining it gaining legal force. Interest shall be calculated on the compensation from the date on which the decision gained legal force.

Interest shall be calculated in accordance with Section 5 of the Interest Act (1975:635) for the period until payment is to be made, and in accordance with Section 6 of the Interest Act for the period thereafter. **(Act 2005:161)**

Section 2

Compensation referred to in Section 1 which does not relate to personal injury shall be deposited with the county administrative board of the county in which the land is situated, if the property has decreased in value to such an extent that it may be assumed that it does not constitute full security for the creditors who had a mortgage on the property when the right to compensation arose.

If the compensation relates to land situated in different counties, it shall be deposited where the authority responsible for the designation proceeding decides.

Compensation which is not to be deposited shall be paid to the person who is entitled to it. If the compensation relates to land which is to be purchased, the person liable to pay it shall notify and provide evidence to the county administrative board of the county in which the property is situated that the compensation has been paid. If the compensation relates to properties in different counties, notification shall be made to the county administrative board which the authority responsible for the designation proceeding decides.

Section 3

If a creditor referred to in Section 2 suffers loss because compensation has not been deposited, he is entitled to compensation from the concession holder. The same applies if the creditor suffers loss because compensation which has not been considered in a land designation proceeding or by a court of law has been underestimated.

Section 4

If the person liable to pay compensation fails to pay or deposit compensation within the time prescribed, the county administrative board may, at the request of the person entitled to receive the compensation and after consulting the Chief Mining Inspector, order that exploitation may not be undertaken until the compensation has been paid or deposited.

Section 5

Compensation and accrued interest shall be paid out by the county administrative board to the person entitled to the compensation. In this connection the provisions of Chapter 6, Section 18, second and third paragraphs, and Section 19 of the Expropriation Act (1972:719) shall apply.

The person liable to pay compensation shall be responsible for the costs of distributing the compensation unless otherwise implied by an application of Chapter 18, Section 6 or 8, of the Code of Judicial Procedure.

Section 6

A purchase of land is completed when the concession holder has fulfilled his obligations under Section 2.

Section 7

If part of a property is purchased, amendment of the property boundaries shall take place when the purchase is completed in accordance with Section 6.

Any special rights to a property that have arisen through voluntary grants shall cease when the purchase of the property, or of such part thereof as is affected by the right, is completed in accordance with Section 6, unless the land court or the authority responsible for the designation proceeding has ordered that such a right shall remain in effect. Such an order may only be made when it is manifestly of no significance for the rights of creditors with mortgages on the property.

Special rights to the property other than those referred to in the second paragraph shall remain in effect after the purchase, unless otherwise ordered by the court or the authority responsible for the designation proceeding.

As a result of the purchase, the liability of the purchased property for claims shall cease. This does not apply, however, to a claim that has priority under Section 6, point 1, of the Rights of Priority Act (1970:979).

Chapter 11 Repealed by Act 1993:690.

Chapter 12. Joint administration of concession rights

Introductory provision

Section 1

The provisions of this chapter apply to concessions in which several persons hold shares.

The provisions of Sections 4–9 only apply to the extent that the holders of shares in the concession (shareholders) have not agreed otherwise. **(Act 1993:690)**

Manager for the operations

Section 2

The shareholders shall appoint a manager for the operations (mining manager). He shall be resident in Sweden.

The manager appointed shall be notified to the Chief Mining Inspector. If such notification is not made or if a person who is not qualified is appointed, each shareholder shall have the same responsibility as if he were the manager. **(Act 1993:690)**

Section 3

The manager shall be responsible on the shareholders' behalf for ensuring that the operations are undertaken in accordance with the provisions of Chapter 5, Sections 4–11, and Chapter 14, Sections 4 and 5. He may claim from the shareholders such contributions as are necessary for this purpose and for the payment of fees.

Meeting of the shareholders

Section 4

A meeting of the shareholders shall be held when shareholders together holding at least one-quarter of the concession so request or the manager considers it necessary. At this meeting, questions relating to the conduct of the operations and other matters of common interest shall be considered.

The meeting shall be called by the manager. If there is no manager or if the manager is prevented for a considerable period of time from calling a meeting, the meeting may be called by any of the shareholders.

The shareholders shall be given notice of the meeting by registered letter.

Section 5

The chairman of the meeting shall be appointed by the shareholders.

The shareholders shall have voting rights in proportion to their shares in the concession. If there are differences of opinion, the decision of the meeting shall be the opinion gaining the largest number of votes. If the number of votes is equal, a decision shall be taken by drawing lots if the question concerns an election. On other questions, the chairman shall have the casting vote if the number of votes is equal, unless otherwise provided by Section 6. A loan may not be raised, however, unless all the shareholders agree to it.

Exploration and exploitation

Section 6

If one or more shareholders who together hold at least half of the concession wish to undertake exploration or exploitation on a larger scale than the other shareholders, the larger-scale work shall be undertaken. The same shall apply when the question is whether or not a certain exploration or exploitation operation is to be commenced.

The person who has called for such work to be undertaken shall be responsible for the cost of the work and shall benefit from any additional quantity of the mineral extracted as a result of it.

Disputes concerning questions referred to in the second paragraph shall be considered by the land court in whose area the concession area or the greater part thereof is situated.

Section 7

A shareholder who has undertaken exploration work in the concession area shall, on request, furnish other shareholders with the results of that exploration.

Section 8

A shareholder who has not participated in a particular operation may begin to participate in it following notification at a meeting or in writing to the manager. In such cases the shareholder shall pay costs of the following kinds arising from the operation in proportion to his share in the concession:

1. costs in respect of such buildings and other facilities, machinery, tools, equipment and stocks

as are necessary or useful for further exploration or exploitation, according to the value of such property at the time the shareholder joins the operation,

2. costs in respect of any compensation or purchase pursuant to Chapter 7, Section 2 or 3, and costs in respect of a land designation proceeding and the distribution of compensation,

3. costs in respect of such exploration and preparatory works carried out after the land designation proceeding as are necessary or useful for further exploration or exploitation.

If land belonging to a shareholder has been used for the operation, the shareholder joining the operation shall pay compensation for this in proportion to his share, in accordance with the principles laid down in Chapter 7, Section 4. **(Act 2005:161)**

Forfeiture of a share in the concession

Section 9

If a shareholder fails to pay, within two months of a request for payment, what he is required to contribute under Section 3 or necessary costs in respect of exploration work or exploitation, his share in the concession and the appurtenances thereto shall be forfeited to the other shareholders.

Chapter 13. Effect of an exploitation concession ceasing to be valid

Section 1

When an exploitation concession ceases to be valid, the concession holder loses the right to the land or space accruing to the concession holder by reason of the designation of land.

Section 2

When the concession ceases to be valid, the concession holder also loses the right to such minerals, covered by the concession, as have been mined or extracted in any other manner but not brought to the surface or taken charge of in a similar way.

Minerals that have been brought to the surface or taken charge of in a similar way may remain within the area for the benefit of the concession holder for not more than two years after the concession has ceased to be valid. The concession holder shall forfeit his right to any material not removed during this period.

Minerals to which the concession holder forfeits his right under this section and which are not covered by a new exploration permit or exploitation concession shall accrue to the owner of the property.

Section 3

When an exploitation concession ceases to be valid, the concession holder loses his right to such structures as have been erected to strengthen and maintain the mine or corresponding facility, including drill hole casings and the fences which the concession holder has been required to provide. Such structures shall be left on the site.

Section 4

To the extent that it is justified from the point of view of public or private interests, the concession holder shall carry out remediation work and remove other structures than those referred to in Section 3. This provision does not imply any limitation of the concession holder's obligations under Chapter 2, Section 8, or Chapter 10 of the Environmental Code.

(Act 1998:845)

Section 5

Structures that are left on the site shall be in such a condition that no danger to the public arises. The fences referred to in Section 3 shall be erected in such a way as to remain durable after the concession has ceased to be valid.

Structures referred to in Section 3 that are left on the site shall accrue to the owner of the property or, if another person is granted a concession within the area, to that person. Other structures that are left on the site shall accrue to the owner of the property.

Section 6

In connection with the concession ceasing to be valid, the authority responsible for considering applications shall determine the obligations of the concession holder in accordance with Section 4.

Section 7

If, after the concession has ceased to be valid, any person wishes to close such haul roads, drifts or drill holes as are referred to in Chapter 5, Section 8, the permission of the Chief Mining Inspector is required.

Section 8

The Government may lay down provisions regarding protective measures at mine shafts and excavations that are closed and regarding control measures to protect against landslides and subsidence at closed mines.

Chapter 14. Fees and other special obligations

Fees

Section 1

An applicant in any application arising under this Act shall pay an application fee as provided by the Government.

Section 2

The holder of an exploration permit shall pay a fee to the State. This fee shall be determined taking into account the extent of the exploration area and the nature of the minerals covered by the permit, in accordance with more detailed provisions laid down by the Government.

Reports on exploration works carried out

Section 3

When an exploration permit ceases to be valid without an exploitation concession being granted within the exploration area, the permit holder shall, if he undertakes exploration work on a professional basis, submit a report on the exploration works carried out to the Chief Mining Inspector within a period of not more than three months. A map of the area explored shall be attached to the report. The report shall indicate

1. who carried out the exploration,
2. what kind of exploration works were carried out,
3. how extensive the exploration was, and
4. the results of the exploration in the form of raw data.

The Government or such authority as the Government determines may issue more detailed provisions concerning the contents and format of the report. **(Act 1998:165)**

Obligation to prepare maps, keep records etc.

Section 4

A map of the mines and corresponding facilities that are being worked shall be prepared by the concession holder. The map shall show the drill holes within the concession area that are of enduring value. If no exploitation is in progress, such drill holes shall instead be indicated on a drill-hole map.

These maps shall be kept by the concession holder and shall be continually updated by him. Extracts shall be submitted to such authority as the Government determines.

Without permission, mines or corresponding facilities may not be closed until all mining operations have been surveyed and indicated on a map.

Section 5

The concession holder shall, to the extent provided by the Government, keep records of exploration work and exploitation and submit samples and reports to such authority as the Government determines.

The Geological Survey of Sweden shall, at its request, be afforded the opportunity to follow the concession holder's operations from a geological point of view and to acquaint itself with the geological results of the operations. The Government may decide that other authorities shall be able to do the same.

Chapter 15. Supervision, enforcement assistance, penalties and responsibility

Section 1

Supervision of compliance with this Act and with conditions or regulations issued under it shall be exercised by the Chief Mining Inspector.

Section 2

A person who holds an exploration permit or exploitation concession and any other person engaging in activities covered by this Act shall at the request of the Chief Mining Inspector

1. provide the Chief Mining Inspector with such information and documents as are necessary for the purposes of supervision, and
2. allow the Chief Mining Inspector access to facilities or places where activities covered by this Act are carried on, to the extent necessary for the purposes of supervision.

Section 3

The Chief Mining Inspector may make such orders as are necessary to secure compliance with this Act or with conditions or regulations issued under it.

If work is carried on in such a manner that evident danger to public or private interests arises, the Chief Mining Inspector may prohibit the work. Such a prohibition shall take immediate effect and may be enforced.

Section 4

If exploration work is commenced without security for compensation having been furnished in accordance with Chapter 3, Section 3, third paragraph, or if a road is constructed contrary to the provisions of Chapter 3, Section 3, second paragraph, the enforcement service may, on the application of the owner or occupier of the land, make a special enforcement assistance order requiring the work to be suspended or the land to be restored at the expense of the person undertaking exploration.

Regarding enforcement assistance of the kind referred to in the first paragraph, provisions are set out in the Payment Orders and Enforcement Assistance Act (1990:746). **(Act 2005:161)**

Section 5

If a person fails to comply with a request or order made by virtue of Section 2 or Section 3, first paragraph, or if a person fails to fulfil his obligations under Chapter 13, Section 4 or Section 5, first paragraph, or under Chapter 14, Section 3, Section 4, first or second paragraph, or Section 5, the Chief Mining Inspector may order compliance under penalty of a fine.

If the concession holder fails to fulfil his obligations under Chapter 13, Section 4, the Chief Mining Inspector may order the work or measure to be carried out at the expense of the concession holder. Such a decision may be enforced.

Section 6

A sentence of a fine or imprisonment for not more than six months shall be imposed on any person who intentionally or through negligence

1. carries on exploration work contrary to the provisions requiring an exploration permit or exploitation concession,
2. commences exploration work without observing the provisions of Chapter 3, Section 3, regarding the furnishing of security and of Chapter 3, Sections 5 and 5 a, regarding a plan of operations,
3. undertakes exploitation or activities connected therewith contrary to the provisions concerning exploitation concessions,
4. closes any haul road, drift or drill hole contrary to the provisions requiring permission set out in Chapter 5, Section 8, or Chapter 13, Section 7, or
5. closes a mine or corresponding facility contrary to Chapter 14, Section 4, third paragraph.

A sentence of a fine or imprisonment for not more than six months shall also be imposed on any person who intentionally or through gross negligence makes a false statement when fulfilling an obligation to provide information in accordance with the conditions attached to a concession or with Section 2, point 1.

In cases referred to in the first paragraph, point 3, minerals that have been extracted may be declared forfeited.

If an offence referred to in the first paragraph, point 2, only affects the rights of a private individual, a public prosecutor may only institute proceedings if the aggrieved party reports the offence for prosecution. **(Act 2005:161)**

Chapter 16. Appeals against decisions

Section 1

Regarding appeals against decisions made under this Act, the following shall apply.

Decision

Decisions of the Chief Mining Inspector on questions relating to exploration permits

Decisions of the Chief Mining Inspector on questions relating to confirmation of a plan of operations for exploration work under Chapter 3, Section 5 a

Appeal lies to

An administrative court of general jurisdiction

The land court in whose area the land to which the dispute relates, or the greater part thereof, is situated

Decisions of the Chief Mining Inspector on questions relating to the granting of an exploitation concession, permission to transfer a concession, or amendment of the conditions attached to a concession	The Government
Decisions of the Chief Mining Inspector on questions relating to an extension of the period of validity of an exploitation concession under Chapter 4, Section 10	The Government
Decisions of the Chief Mining Inspector on other questions concerning exploitation concessions	An administrative court of general jurisdiction
Permission by the Chief Mining Inspector for the construction of a road as provided in Chapter 3, Section 3, second paragraph	An administrative court of general jurisdiction
Decisions of the Chief Mining Inspector on questions referred to in Chapter 3, Section 7	The county administrative board
Advance notice given by the Chief Mining Inspector under Chapter 4, Section 9, third paragraph	An administrative court of general jurisdiction
Permission by the Chief Mining Inspector for the closure of a haul road, drift or drill hole as provided in Chapter 5, Section 8, or Chapter 13, Section 7	An administrative court of general jurisdiction
Decisions of the Chief Mining Inspector in matters concerning compensation as provided in Chapter 7, Section 1 or 2	The land court in whose area the land to which the dispute relates, or the greater part thereof, is situated
Decisions of the Chief Mining Inspector concerning mineral compensation as provided in Chapter 7, Section 7	The land court in whose area the land to which the dispute relates, or the greater part thereof, is situated
Decisions of the Chief Mining Inspector under Chapter 8, Section 7	The land court in whose area the land to which the dispute relates, or the greater part thereof, is situated
Decisions of the authority responsible for the land designation proceeding in applications for designation of land	The land court in whose area the land to which the dispute relates, or the greater part thereof, is situated
Permission by the Chief Mining Inspector for the closure of a mine or corresponding facility under Chapter 14, Section 4, third paragraph	An administrative court of general jurisdiction
Decisions of the Chief Mining Inspector on other questions arising under this Act	An administrative court of general jurisdiction

Decisions of the county administrative board on questions referred to in Chapter 3, Section 6	The Government
Decisions of the county administrative board on questions regarding the consideration of security under Chapter 17	An administrative court of general jurisdiction
Decisions of the Swedish Board of Agriculture or the Swedish Forest Agency under Chapter 8, Section 6 a, first or fourth paragraph	An administrative court of general jurisdiction

Leave to appeal is required for any appeal to the Administrative Court of Appeal.
(Act 2005:161)

Section 2

Decisions made during a proceeding for designation of land may be the subject of a separate appeal if the authority responsible for the proceeding has

1. disallowed a challenge on the grounds of conflict of interest with respect to a person officiating in the proceeding,
2. made a decision regarding remuneration of an expert or interpreter, or
3. made a decision concerning the utilization of land or other space pursuant to Chapter 5, Section 1, fourth paragraph.

No appeal lies from a decision by the authority responsible for the proceeding to accept a challenge on the grounds of conflict of interest.

Section 3

A person who considers that a proceeding for designation of land is being unnecessarily delayed by a decision made in the proceeding may appeal against the decision to the land court. This right of appeal is not subject to a time limit.

Section 4

A decision of the Chief Mining Inspector regarding the granting of an exploitation concession may also be appealed by the municipality in which the concession area is situated.

If a decision of the Chief Mining Inspector on a question referred to in Chapter 3, Section 7, relates to an area covered by a detailed development plan or area regulations, the decision may also be appealed by the municipality.

Section 4 a

A decision of the Chief Mining Inspector concerning an exploitation concession may be

appealed by a non-profit association as referred to in Chapter 16, Section 13, of the Environmental Code. **(Act 2005:188)**

Section 5

Decisions of the county administrative board on appeals regarding questions referred to in Chapter 3, Section 7, are final. This also applies to decisions of the land court on appeals lodged with it concerning challenges on the grounds of conflict of interest with respect to persons officiating in designation proceedings. **(Act 2005:161)**

Section 6

If an appeal is lodged against a decision of the Chief Mining Inspector in a matter concerning compensation as provided in Chapter 7, Section 1, or in a dispute referred to in Chapter 8, Section 7, or against a decision of the authority responsible for the designation proceeding in an application for designation of land, the permit or concession holder shall be responsible for his or her own costs in the land court and in any superior court. The permit or concession holder shall also be responsible for the costs incurred by the opposing parties in the land court as a result of the permit or concession holder having appealed against the decision of the Chief Mining Inspector, and in any superior court as a result of his or her appealing to that court. However, this shall not apply if otherwise implied by Chapter 18, Section 6 or 8, of the Code of Judicial Procedure. In other respects, Chapter 18 of the Code of Judicial Procedure shall apply. **(Act 2005:161)**

Chapter 17. Special provisions

Section 1

For the purposes of this Act, “special rights” to a property shall mean rights of use, easements, reindeer herding rights, rights to electric power and similar rights.

The provisions of this Act concerning affected parties do not apply to holders of claims against the property.

Section 2

If security that is to be furnished under this Act is not approved by the person in whose favour it is furnished, the security shall be considered by the county administrative board.

A personal guarantee may be approved by the county administrative board only if the guarantor is liable as if for his own debt and, if several persons have issued guarantees, they are jointly and severally liable.

The State, municipalities, county councils and regional federations of municipalities do not need to furnish security. **(Act 2005:161)**

Section 3

In other cases than those referred to in Chapter 3, Sections 6 and 7, the Government may decide that exploration work or exploitation and activities connected therewith may not be undertaken within a certain area without the permission of the Government or such authority as the

Government determines. Such a decision may only be made if the work or activities may be expected to prevent or significantly impede such current or planned use of the land as is of major importance from the point of view of the public interest.

A decision in accordance with the first paragraph does not affect the right of a concession holder to undertake exploration work or exploitation and activities connected therewith if the concession was granted before the decision was made.

Transitional provisions

[Transitional provisions under Act 1991:45, Act 1993:690 and Act 1995:106 are not included in this translation.]

Act 1998:165

1. This Act comes into force on 1 July 1998.
2. The new provisions of Chapter 2, Sections 9 a and 9 b, of the Minerals Act shall not apply to exploitation concessions granted by the Chief Mining Inspector prior to 1 July 1998.
3. The earlier wording of Chapter 14, Section 3, of the Minerals Act shall continue to apply to exploration permits granted prior to 1 July 1998.

Act 1998:845

1. This Act comes into force on 1 January 1999.
2. An application or other matter initiated prior to the coming into force of this Act shall be dealt with and assessed on the basis of earlier provisions.
3. The provision of Chapter 1, Section 8, shall continue to apply in cases where the Government has granted a permit prior to the coming into force of this Act.
4. The prohibition of Chapter 3, Section 6, first paragraph, on exploration work contrary to regulations relating to a nature reserve shall not apply to areas which as per 31 December 1998 are designated as nature conservation areas. The prohibition shall apply, however, if a regulation preventing exploration work is introduced subsequent to that date.

Act 2005:161

1. This Act comes into force on 1 May 2005.
2. The provisions of Chapter 3, Sections 5 and 5 a, shall not apply to exploration permits granted prior to the coming into force of this Act. If such an exploration permit is extended after that date, however, the new provisions shall apply for the ensuing period.
3. The provisions of Chapter 7, Sections 2 and 7, shall not apply to exploitation concessions granted prior to the coming into force of this Act.

UNOFFICIAL TRANSLATION

23 May 2007

MINERALS ORDINANCE (1992:285)

Promulgated on 7 May 1992

As amended up to and including SFS 2005:946

Applications for exploration permits

Section 1

An application for an exploration permit shall be in writing and shall be submitted to the Chief Mining Inspector. It shall contain particulars of

1. the name, domicile and address of the applicant, and a person to contact if the applicant is a legal entity,
2. the concession mineral or minerals to which the application relates,
3. the area or areas to which the application relates,
4. whether there are, within the area, areas covered by the provisions of Chapter 3, Sections 6–7, or Chapter 17, Section 3, of the Minerals Act,
5. whether the circumstances are such as are referred to in Chapter 2, Section 4, of the Minerals Act (1991:45),
6. whether the circumstances are such as are referred to in Chapter 2, Section 9, of the Minerals Act (1991:45),
7. the circumstances which, as provided in Chapter 2, Section 2, first paragraph, of the Minerals Act (1991:45), suggest that exploration of the area could lead to the discovery of a concession mineral,
8. the name proposed by the applicant for the exploration area, and
9. the impact of the operations planned on public and private interests and the measures which, in the applicant's opinion, are necessary for the protection of public interests or private rights.

If the application relates to a mineral other than alum shale, oil, gaseous hydrocarbons or diamonds, it shall also include particulars of the properties affected by the application, together with the names and addresses of the property owners and of other affected parties known to the applicant.

If the Chief Mining Inspector so requests, the applicant shall submit a plan indicating how the exploration work is to be conducted and an assessment of his capacity to implement that plan.

The applicant shall attach to the application documents a map showing the area covered by the application. This map, which shall be submitted in the number of copies determined by the Chief Mining Inspector, shall be on a scale of at least 1:10,000 or, if the Chief Mining Inspector allows, on a different scale, but on no account less than 1:100,000.

(Ordinances 1994:1352, 2005:162)

Section 2

The applicant shall pay an application fee of SEK 500 for each area of 2,000 hectares or part thereof. This fee shall be paid when the application is submitted to the Chief Mining Inspector.

(Ordinance 1998:218)

Section 3

If an application relating to alum shale, oil, gaseous hydrocarbons or diamonds is not refused, the Chief Mining Inspector shall publish the application in the Swedish Official Gazette (*Post-och Inrikes Tidningar*) and in a local newspaper.

If the application relates to any other mineral, the Chief Mining Inspector shall send notification of the application to the property owners affected, other known affected parties and holders of rights of precedence under Chapter 2, Section 4, of the Minerals Act (1991:45).

The county administrative board shall be given the opportunity to state its opinion within a certain period of time on applications referred to in the first and second paragraphs. If the application relates to alum shale, oil, gaseous hydrocarbons or diamonds, the municipality shall also be given the opportunity to state its opinion. **(Ordinance 2005:162)**

Section 4

If the application does not meet the requirements of Section 1, if it is incomplete in other respects, or if the applicant fails to pay the application fee provided for in Section 2 or the advance payment provided for in Section 11, the Chief Mining Inspector shall order the applicant to remedy the matter within a certain period of time. The order shall be served on the applicant. If the applicant fails to remedy the matter, the Chief Mining Inspector shall refuse the application, but only if the deficiency is of such significance that the application cannot form the basis for consideration of the matter or if the applicant has failed to pay the application fee or advance payment.

Decision regarding an exploration permit

Section 5

An exploration permit that is granted shall have attached to it a map of the area to which the permit applies. The permit and the map shall be issued in accordance with regulations laid down by the Geological Survey of Sweden. **(Ordinance 2005:162)**

Section 6

The Chief Mining Inspector shall send a copy of the exploration permit granted and the map to the Geological Survey of Sweden, the county administrative board and the municipality.

If the permit relates to alum shale, oil, gaseous hydrocarbons or diamonds, the Chief Mining Inspector shall also, within two months of the permit being granted, publish the contents of the permit in the Swedish Official Gazette (*Post- och Inrikes Tidningar*) and in a local newspaper.

If the permit relates to any other mineral, the property owners affected and other known affected parties shall be served with a copy of the permit and the map. **(Ordinance 2005:162)**

Extension of the exploration period

Section 7

An application for an extension of the period of validity of an exploration permit shall be accompanied by a report on the exploration works that have been carried out and, if the Chief Mining Inspector so requests, a plan indicating how exploration work is to be conducted in the extension period requested, together with an assessment of the applicant's capacity to implement that plan. If appropriate work has not been carried out during the period covered by the permit, the applicant shall explain the reasons for this.

If an application to extend the period of validity only relates to part of the original exploration area, a description and map of the area applied for shall be attached to the application.

In other respects, Sections 1 and 2, Section 3, first and second paragraphs, and Section 4 shall apply to applications to extend the period of validity of an exploration permit.

In individual cases, the Chief Mining Inspector may allow exemptions from the provisions regarding what an application is to contain and what is to be attached to it. **(Ordinance 2005:162)**

Section 8

If a decision to extend the period of validity only applies to part of the original exploration area, a map of the area covered by the extension shall be attached to the decision. In addition, the decision shall state that the exploration area has been modified.

A decision regarding an extension shall be sent to the Geological Survey of Sweden, the county administrative board and the municipality.

If the decision relates to a mineral other than alum shale, oil, gaseous hydrocarbons or diamonds, the Chief Mining Inspector shall send a copy of the decision and, where applicable, of the map to the property owners affected and to other known affected parties.

If the decision relates to alum shale, oil, gaseous hydrocarbons or diamonds, the Chief Mining Inspector shall publish the decision in the Swedish Official Gazette (*Post- och Inrikes Tidningar*) and in a local newspaper. **(Ordinance 2005:162)**

Notification in certain cases etc.

Section 8 a

When an exploration permit has wholly or partially ceased to be valid, the Chief Mining Inspector shall send notification to this effect to the property owners affected and to other known affected parties.

A permit holder wishing to relinquish his right as provided in Chapter 6, Section 2, of the Minerals Act (1991:45) shall attach to his notification to the Chief Mining Inspector particulars of the properties affected by this action and the names and addresses of the property owners and of other affected parties known to the permit holder. **(Ordinance 2005:162)**

Transfer of an exploration permit

Section 9

An application for permission to transfer an exploration permit shall be in writing and shall contain particulars of the names, domiciles and addresses of the applicant and the transferee and, if the applicant or transferee is a legal entity, persons to contact. A copy of the exploration permit shall be attached to the application. In other respects, Section 1, third paragraph, shall apply with respect to the transferee's capacity, together with Sections 2–4 and Section 8, second–fourth paragraphs. **(Ordinance 2005:162)**

Examination and confirmation of a plan of operations

Section 9 a

A permit holder's request, pursuant to Chapter 3, Section 5 a, second paragraph, of the Minerals Act (1991:45), for examination of a plan of operations shall be in writing and shall be submitted to the Chief Mining Inspector. The request shall contain

1. particulars of the name and address of the applicant and, if the applicant is a legal entity, a person to contact,
2. the plan of operations to which the request relates,
3. evidence that the property owners and holders of special rights affected have been served with the plan of operations at least three weeks prior to the applicant's request,
4. a copy of the objections made to the plan of operations, and
5. the circumstances which, in the applicant's opinion, make the intended works necessary for appropriate exploration.

(Ordinance 2005:162)

Section 9 b

The Chief Mining Inspector shall send a copy of a decision on a request for confirmation of a plan of operations to the Geological Survey of Sweden, the county administrative board and the municipality. **(Ordinance 2005:162)**

Fees for exploration permits

Section 10

When a decision is made to grant a new exploration permit, a fee shall be paid, based on the following amounts per hectare or part thereof of the exploration area:

- a) If the permit relates to diamonds, oil or gaseous hydrocarbons, SEK 2, of which SEK 0:40 relates to the first year, SEK 0:60 to the second year and SEK 1 to the third year.
- b) If the permit relates to any other concession mineral, SEK 20, of which SEK 4 relates to the first year, SEK 6 to the second year and SEK 10 to the third year.

However, a minimum fee of SEK 100 shall always be paid.

(Ordinances 1994:1352, 1998:218, 2005:162)

Section 10 a

When a decision is made to extend the period of validity of an exploration permit as provided in Chapter 2, Section 6, of the Minerals Act (1991:45), a fee shall be paid, based on the following amounts per hectare and year or part thereof:

- a) If the permit relates to diamonds, oil or gaseous hydrocarbons, SEK 2.
- b) If the permit relates to any other concession mineral, SEK 21.

However, a minimum fee of SEK 200 shall always be paid.

(Ordinances 1998:218, 2005:162)

Section 10 b

When a decision is made to further extend the period of validity of an exploration permit as provided in Chapter 2, Section 7, first paragraph, of the Minerals Act (1991:45), a fee shall be paid, based on the following amounts per hectare and year or part thereof:

- a) If the permit relates to diamonds, oil or gaseous hydrocarbons, SEK 5.
- b) If the permit relates to any other concession mineral, SEK 50.

However, a minimum fee of SEK 400 shall always be paid.

(Ordinances 1998:218, 2005:162)

Section 10 c

When a decision is made to further extend the period of validity of an exploration permit as provided in Chapter 2, Section 7, second paragraph, of the Minerals Act (1991:45), a fee shall be paid, based on the following amounts per hectare and year or part thereof:

- a) If the permit relates to oil or gaseous hydrocarbons, SEK 10.

b) If the permit relates to any other concession mineral, SEK 100.

However, a minimum fee of SEK 800 shall always be paid.

(Ordinances 1998:218, 2005:162)

Section 11

Fees as provided in Sections 10–10 c shall be paid in advance for the exploration period or extension period.

In connection with the submission of an application for an exploration permit or for an extension of the period of validity, an advance payment in respect of the fee shall be paid. In the case of an application for an exploration permit, the advance payment shall be calculated taking into account the size of the area applied for, and in the case of an application for an extension, taking into account the size of the area applied for and the extension period requested.

Fees and advance payments shall be paid to the Chief Mining Inspector.

(Ordinance 2005:162)

Section 12

If an advance payment calculated in accordance with Section 11 exceeds the amount that is finally determined as a fee, the excess shall be refunded to the applicant. The advance payment for the first year shall only be refunded, however, if an exploration permit is not granted or is granted for a smaller area than that applied for, owing to circumstances beyond the applicant's control. **(Ordinance 1998:218)**

Section 13

If the permit holder relinquishes his exploration permit as provided in Chapter 6, Section 2, of the Minerals Act (1991:45), such portion of the fee provided for in Sections 10–10 c as has not been utilized shall be refunded. No refund shall be made for the first year, however, and for succeeding years a refund shall be made only insofar as the remaining fee relates to complete twelve-month periods and complete hectares. **(Ordinance 2005:162)**

More detailed provisions regarding impediments to exploration work

Section 14

Without the permission of the county administrative board, exploration work may not be undertaken in a military restricted area listed in the annex to the Essential Installations (Protection) Ordinance (1990:1334).

Section 14 a

Without the permission of the County Administrative Board of Norrbotten County, exploration work or exploitation and activities connected therewith may not be undertaken within the Esrange rocket launch area in the Municipality of Kiruna. The extent of the rocket launch area is indicated in the annex to this Ordinance.

The County Administrative Board shall as far as possible, when making decisions in applica-

tions arising under the first paragraph, seek to ensure that space activities and exploration work or exploitation and activities connected therewith can be carried on in parallel. If this is not possible, permission may only be granted if space activities will not be impeded. Permission may be made subject to conditions. **(Ordinance 1996:812)**

Section 15

Distances referred to in Chapter 3, Section 7, first paragraph, of the Minerals Act (1991:45) shall be calculated on a horizontal plane. In cases referred to in Chapter 3, Section 7, first paragraph, point 1, of the Minerals Act, the distance shall be calculated from the outer edge of any embankment or cutting or, in the absence of the same, from the outer edge of the actual facility. **(Ordinance 2005:162)**

Section 16

In applications for permission for exploration work in an area covered by a detailed development plan or area regulations under the Planning and Building Act (1987:10), the Chief Mining Inspector shall obtain an opinion from the municipality.

Obligation to report

Section 16 a

The Geological Survey of Sweden may issue more detailed regulations concerning the contents and format of a report pursuant to Chapter 14, Section 3, of the Minerals Act (1991:45). **(Ordinance 1998:218)**

Applications for exploitation concessions

Section 17

An application for an exploitation concession shall be in writing and shall be submitted to the Chief Mining Inspector. As provided in Chapter 4, Section 2, of the Minerals Act (1991:45), it shall be accompanied by an environmental impact assessment and shall contain particulars of

1. the name, domicile and address of the applicant, and a person to contact if the applicant is a legal entity,
2. the concession mineral or minerals to which the application relates,
3. the area and the period to which the application relates,
4. the properties affected by the application and the names and addresses of the property owners and of other affected parties known to the applicant,
5. whether there are, within the area or in its immediate vicinity, areas covered by the provisions of Chapter 5, Section 10, or Chapter 17, Section 3, of the Minerals Act (1991:45),

6. whether any right of precedence as referred to in Chapter 4, Section 3, of the Minerals Act (1991:45) exists,
7. whether any circumstance as referred to in Chapter 4, Section 4, of the Minerals Act (1991:45) exists,
8. the impact of the operations planned on public and private interests and the measures which, in the applicant's opinion, are necessary for the protection of public interests and private rights,
9. the applicant's plan for the operations planned and, if the application relates to oil or gaseous hydrocarbons, an assessment of the applicant's technical and economic capacity to implement that plan,
10. any exploration permit or permits which the applicant holds or has held within the area,
11. the principal conditions which, in the applicant's opinion, should apply to the operations, and
12. the name proposed by the applicant for the concession area.

In each individual case the Chief Mining Inspector shall, after consulting the applicant, determine the number of copies of the application and of the documents referred to in Section 18 that are to be submitted.

The Chief Mining Inspector may allow exemptions from the provisions of the first paragraph if the applicant already holds a staked claim in the concession area applied for.

(Ordinance 2005:162)

Section 18

To an application referred to in Section 17 the applicant shall attach

1. a map and a description of the area to which the application relates,
2. a report on the results of the exploration work undertaken, the geological and geophysical maps that have been prepared, and any other studies that may be relevant to an assessment of whether an economically viable deposit has been discovered,
3. a programme of operations for the operations planned, and
4. a certified copy of the application.

The map and the description shall clearly indicate the location of the concession area applied for, and also the location of any areas to which the provisions of Chapter 4, Section 4, Chapter 5, Section 10, or Chapter 17, Section 3, of the Minerals Act (1991:45) may be applicable, the sites within the concession area at which the concession mineral or minerals to which the application relates have been discovered, and other circumstances of which the applicant is aware and which are relevant to an assessment of the size, position and direction of the deposit. In other respects, the provisions of the Measurement Ordinance (1974:339) shall apply to the map and the description.

If the applicant wishes to apply at the same time for concessions for several areas located close together, a single application may be submitted for all of them.

The Chief Mining Inspector may in individual cases allow exemptions from the provisions of the first paragraph if the applicant already holds, in the concession area applied for, either an exploitation concession for a concession mineral other than that or those covered by the application, or a staked claim. This also applies if the application relates to a deposit of a mineral which, prior to the coming into force of the Minerals Act, was not covered by the earlier mining and minerals legislation and exploitation of the deposit was in progress when the Minerals Act came into force. **(Ordinance 2005:162)**

Section 19

The applicant shall pay an application fee of SEK 80,000 for each concession area. This fee shall be paid when the application is submitted to the Chief Mining Inspector.
(Ordinance 2005:162)

Section 20

If the application does not meet the requirements of Sections 17 and 18, if it is incomplete in other respects, or if the applicant fails to pay the application fee provided for in Section 19, the Chief Mining Inspector shall order the applicant to remedy the matter within a certain period of time. The order shall be served on the applicant. If the applicant fails to remedy the matter, the Chief Mining Inspector shall refuse the application, but only if the deficiency is of such significance that the application cannot form the basis for consideration of the matter, if no environmental impact assessment has been submitted, or if the applicant has failed to pay the application fee. **(Ordinance 2005:162)**

Section 21

The Chief Mining Inspector shall send notification of the application and the environmental impact assessment to the property owners affected, holders of rights of use, holders of easements, industrial companies, and holders of a right of precedence under Chapter 4, Section 4, of the Minerals Act (1991:45).

In announcements and notifications, the Chief Mining Inspector shall state, first, that any objections to the application are to be made in writing to the Chief Mining Inspector within a certain specified period of at least four weeks following insertion of the announcement, and second, that any objections to the environmental impact assessment are to be made to the county administrative board within the same period of time. **(Ordinance 2005:162)**

Decision regarding an exploitation concession

Section 22

The authority granting an exploitation concession shall send a copy of the decision to the Geological Survey of Sweden, the county administrative board, the county cadastral authority and the municipality. If a concession is granted by the Government, a copy of the decision shall also be sent to the Chief Mining Inspector.

When a concession has been granted, the Chief Mining Inspector shall serve the property

owners affected and other known affected parties with a copy of the concession. **(Ordinance 1995:1452, 2005:162)**

Extension of the concession period

Section 23

Before the Chief Mining Inspector makes a decision concerning an extension of the concession period as provided in Chapter 4, Section 8, of the Minerals Act (1991:45), the concession holder shall be given the opportunity to submit a statement. **(Ordinance 2005:162)**

Section 24

An application for an extension of the concession period as provided in Chapter 4, Section 9 or 10, of the Minerals Act (1991:45) shall be accompanied by a report on the works in progress in connection with the concession area.

In other respects, Sections 17–22 shall apply, where relevant, to applications and decisions concerning an extension of the concession period as provided in Chapter 4, Section 9 or 10, of the Minerals Act. **(Ordinance 1993:694)**

Transfer of an exploitation concession

Section 25

An application for permission to transfer an exploitation concession shall be in writing and shall be submitted to the Chief Mining Inspector. It shall contain particulars of

1. the names, domiciles and addresses of the applicant and the transferee, and
2. the transferee's plan for the continuation of the operations and an assessment of the transferee's technical and economic capacity to implement that plan.

A copy of the exploitation concession shall be attached to the application.

In other respects, Sections 19 and 20 shall apply with respect to the applicant.

The Chief Mining Inspector shall send a copy of the decision to the Geological Survey of Sweden, the county administrative board, the county cadastral authority and the municipality. The Chief Mining Inspector shall serve a copy of the decision on the property owners affected and other known affected parties. **(Ordinance 2005:162)**

Relinquishment of a portion of the concession area

Section 26

An application to relinquish the right to a certain portion of the concession area shall be in writing and shall be submitted to the Chief Mining Inspector. It shall contain particulars of

1. the remaining resources of concession minerals,
2. the impact of the remaining operations planned on public and private interests and the measures which, in the applicant's opinion, are necessary for the protection of public interests and private rights,
3. the applicant's plan for the remaining operations planned and, if the concession relates to oil or gaseous hydrocarbons, an assessment of the applicant's technical and economic capacity to implement that plan,
4. the principal conditions which, in the applicant's opinion, should apply to the remaining operations. **(Ordinance 2005:162)**

Section 27

To an application referred to in Section 26 the applicant shall attach

1. a map and a description of the remaining area as per the application, and
2. a programme of operations for the remaining operations planned.
(Ordinance 2005:162)

Obtaining opinions in certain concession applications

Section 28

In connection with the consultations which, under Chapter 8, Section 1, third paragraph, and Chapter 8, Section 3, second paragraph, of the Minerals Act (1991:45), are to take place with respect to applications for the granting of an exploitation concession in accordance with Chapter 4, Section 2, of the Minerals Act and for an extension of the concession period in accordance with Chapter 4, Section 10, of the Minerals Act, the county administrative board shall obtain an opinion from the municipality. The county administrative board shall assess the environmental impact assessment.

If an application relates to an area covered by a detailed development plan or area regulations under the Planning and Building Act (1987:10), the Chief Mining Inspector shall obtain an opinion from the municipality. **(Ordinance 1998:879)**

Costs in certain applications

Section 29

Reimbursement of costs as provided in Chapter 8, Section 6 or 12, of the Minerals Act (1991:45) shall relate to reimbursement of the Chief Mining Inspector's travel and subsistence expenses in connection with attendance for an on-site inspection.
(Ordinance 2005:162)

Applications for designation of land

Section 30

An application for designation of land shall contain

1. particulars of the name, domicile and address of the applicant,
 2. a description of the land or space within and outside the concession area which the applicant wishes to utilize,
 3. particulars of the properties affected by the application and the names and addresses of the property owners and other affected parties,
 4. particulars of any dispute which, as provided in Chapter 8, Section 8, 8 a or 9, of the Minerals Act (1991:45), is to be considered in the land designation proceeding,
 5. particulars as to whether there are, within the area applied for, areas which, under Chapter 9, Section 2, second paragraph, of the Minerals Act (1991:45), may not be designated,
 6. particulars as to whether an agreement as referred to in Chapter 9, Section 2, first paragraph, of the Minerals Act (1991:45) has been reached,
 7. proposals concerning a document keeper as provided in Section 32 and concerning meeting premises if such premises are needed in connection with the proceeding.
- (Ordinance 2005:162)**

Section 31

To an application referred to in Section 30 the applicant shall attach

1. a map and a description of the land or space to which the application relates,
2. a copy of an agreement as referred to in Chapter 9, Section 2, first paragraph, of the Minerals Act (1991:45), if such an agreement has been reached, and
3. a copy of the application documents.

The location of the land or space shall be clearly indicated by the map and the description. In other respects, the provisions of the Measurement Ordinance (1974:339) shall apply to the map and the description. **(Ordinance 2005:162)**

Section 32

If necessary, the Chief Mining Inspector shall send a copy of the application documents to an appropriate person at the site (the document keeper). This person shall provide affected parties with access to the documents.

Section 33

If the application relates to land or other space outside the concession area, the Chief Mining Inspector shall obtain an opinion from the municipality.

Meetings in connection with the designation proceeding

Section 34

The Chief Mining Inspector shall insert an announcement regarding the time and place of a meeting provided for in Chapter 9, Section 13, of the Minerals Act (1991:45) in the Swedish Official Gazette (*Post- och Inrikes Tidningar*) and in a local newspaper not later than four weeks in advance. If the meeting is postponed or if a new meeting is to be held, a fresh announcement does not need to be made.

Section 35

The Chief Mining Inspector shall notify the county administrative board and the municipality of the time and place of a meeting provided for in Chapter 9, Section 13, of the Minerals Act (1991:45). (**Ordinance 1993:694**)

Section 36

Notifications as provided in Chapter 9, Section 14, of the Minerals Act (1991:45), an announcement as provided in Section 34 and notifications as provided in Section 35 shall include a brief account of the contents of the application and information concerning the provisions of Chapter 9, Section 16, of the Minerals Act. If a document keeper has been appointed pursuant to Section 32, the notifications and the announcement shall include particulars of the name of the document keeper and of the place where a copy of the application documents is available. (**Ordinance 2005:162**)

Record of the designation proceeding

Section 37

A record shall be kept of any meeting held in accordance with Chapter 9, Section 13, of the Minerals Act (1991:45). If the application is considered in any other manner during the designation proceeding, a record shall be kept if, in the course of such consideration, a decision is made which is to be included in a record, or if it is otherwise necessary in order to be able to provide satisfactory documentation of such consideration. The record shall be kept by the Chief Mining Inspector.

Section 38

The record shall state

1. the time and place of consideration of the application,

2. the names of the persons officiating and of any interpreter engaged,
3. the names of the affected parties and their representatives or advisers, with particulars as to which of them are present and of the properties affected by the application, as well as particulars of the affected parties' connection with the properties,
4. the names of others who are to be notified of a meeting and who are present,
5. who has applied for the proceeding,
6. a brief description of the matter at issue,
7. any proxy notified orally to the persons officiating,
8. the decision of the persons officiating and any differences of opinion.

If appropriate, the particulars referred to in the first paragraph, points 3–5, may be provided by reference to a document in the file. **(Ordinance 2005:162)**

Section 39

In addition to what is stated in Section 38, the record of a meeting with affected parties shall include

1. a brief account of the progress of the meeting,
2. the claims and objections presented at the meeting, amendments to claims and objections presented previously, and any acceptance of claims,
3. a brief account of the circumstances invoked at the meeting and statements of opinion regarding these circumstances,
4. an account of any inquiries and investigations presented,
5. other matters that may be expected to be of importance in the event of an appeal or which for some other reason are considered to be worth preserving for the future.

If any particulars which, under the first paragraph, points 2–4, are to be noted in the record are included in another document in the file, the record shall simply refer to the document concerned. **(Ordinance 2005:162)**

Section 40

A statement made by an expert shall be noted in the record to the extent that it may be expected to be of significance for the application. The persons officiating may, however, decide that such a statement is instead to be recorded by audio means.

An audio recording shall be transcribed when the persons officiating or, on appeal, a court or other authority considers it necessary, or when an affected party or some other person requests a transcript. The accuracy of the transcript shall be confirmed by an official of the Mining Inspec-

torate of Sweden, after which the transcript shall be appended to the documents associated with the application.

Audio recordings shall be preserved unchanged until the application has been determined by a decision that has gained legal force. If a recording has been transcribed, it may be destroyed. **(Ordinance 2005:162)**

Section 41

The record of a meeting with the affected parties shall, if possible, be drawn up as the meeting proceeds. If this is not possible, notes shall be taken, on the basis of which the record shall be drawn up as soon as possible after the conclusion of the meeting.

Section 42

When the record has been drawn up, the Chief Mining Inspector shall make a note to this effect in the record. When so doing, the Chief Mining Inspector shall indicate in the record the date on which he or she made the note and appended his or her name or initials to the record. **(Ordinance 2005:162)**

Costs of the proceeding

Section 43

The applicant shall pay

1. a land designation fee of SEK 80,000 if a meeting is held in connection with the proceeding, and otherwise of SEK 40,000,
2. remuneration for the assessors' attendance at the proceeding,
3. remuneration to experts,
4. other costs of the proceeding, such as the cost of preparing a map and the cost of any necessary marking out on the ground.

Remuneration to the assessors shall be paid as provided in the Property Formation Proceedings (Remuneration of Assessors) Ordinance (1985:781). **(Ordinance 2005:162)**

Decision regarding designation of land

Section 44

The Chief Mining Inspector shall send a copy of the decision regarding designation of land to the Geological Survey of Sweden, the county administrative board, the county cadastral authority and the municipality. **(Ordinance 1995:1452)**

Payment of compensation

Section 45

When compensation is deposited as provided in Chapter 10, Section 2, of the Minerals Act (1991:45), the person liable to pay compensation shall submit to the county administrative board an excerpt from the record of the land designation proceeding and search certificates for the properties concerned. If the person concerned fails to do so, the county administrative board shall obtain the documents at his or her expense. **(Ordinance 2005:162)**

Section 46

If the person liable to pay compensation fails to pay or deposit compensation as provided in Chapter 10, Section 2, of the Minerals Act (1991:45) within the time prescribed, the county administrative board shall, at the request of the person entitled to the compensation, apply for enforcement of the decision regarding compensation.

Section 47

If compensation has been deposited with the county administrative board or the county administrative board has levied compensation, the county administrative board shall as soon as possible pay the compensation into an interest-bearing account with a bank or credit market enterprise. **(Ordinance 2004:338)**

Section 48

When mineral compensation as provided in Chapter 7, Section 7, of the Minerals Act (1991:45) is determined, the quantity of ore brought to the surface and its concession mineral content shall be determined on the basis of what can be utilized following concentration.

In calculating the average price during the year, the following information shall be used:

1. for silver, the daily fix spot price on the London Bullion Market,
2. for other precious metals, the daily afternoon fix prices on the London Bullion Market,
3. for other metals apart from iron, the daily cash official selling prices on the London Metal Exchange,
4. for iron, the pellets price published by the mining enterprise concerned, and
5. for other minerals, such amount as is reasonable.

Before a decision is made pursuant to the second paragraph, point 5, the Chief Mining Inspector shall obtain an opinion on the matter from the Geological Survey of Sweden. **(Ordinance 2005:162)**

Section 49

A decision concerning mineral compensation shall be served on the concession holder and property owners within the concession area. A copy of the decision shall be sent to the Geological Survey of Sweden. **(Ordinance 2005:162)**

Section 49 a

Payment of mineral compensation to the State shall be effected by payment into a special account administered by the Geological Survey of Sweden. **(Ordinance 2005:162)**

Certain maps etc.

Section 50

Maps provided for in Chapter 14, Section 4, of the Minerals Act (1991:45) shall be prepared and updated by a person declared by the Geological Survey of Sweden to be qualified to undertake mining surveys.

Extracts from such maps shall be sent to the Chief Mining Inspector.

More detailed regulations concerning such maps and the making and submission of extracts from them may be issued by the Geological Survey of Sweden. **(Ordinance 2005:162)**

Section 51

The holder of an exploitation concession for thorium, uranium, coal, oil or gaseous hydrocarbons shall keep records of exploration work and exploitation. More detailed regulations concerning the keeping of such records may be issued by the Geological Survey of Sweden. **(Ordinance 2005:162)**

Section 52

Samples and reports as referred to in Chapter 14, Section 5, first paragraph, of the Minerals Act (1991:45) shall be submitted to the Geological Survey of Sweden. More detailed regulations concerning such reporting may be issued by the Geological Survey of Sweden. **(Ordinance 2005:162)**

Cessation of validity of an exploitation concession

Section 53

If the period of validity of an exploitation concession expires or the concession holder relinquishes his right as provided in Chapter 6, Section 2, second paragraph, of the Minerals Act (1991:45), the Chief Mining Inspector shall notify the Geological Survey of Sweden, the county administrative board, the county cadastral authority and the municipality and, if possible, the property owner to this effect. **(Ordinance 1995:1452)**

Journals and files to be maintained by the Chief Mining Inspector

Section 54

The Chief Mining Inspector shall maintain a journal of applications received. For each application, it shall be noted when it was received, what measures have been taken, what documents have been received or drawn up, and the date on which the application was determined. Separate journals may be maintained for different groups of applications.

A journal shall consist of a list of the applications received and journal sheets recording the processing of the individual applications. Journal sheets need only be drawn up, however, when this is called for by the nature of the application.

Section 55

The documents that are submitted or drawn up with respect to an application shall be assembled into a file.

Decisions which are not entered in the record shall be noted on the journal sheet or in some other document in the file.

Register

Section 56

The Chief Mining Inspector shall maintain a register of exploration permits and exploitation concessions. In this register entries shall be made concerning decisions and measures relating to an exploration or concession area and concerning other circumstances relevant to an assessment of the right to a mineral deposit within such an area.

If a court or other authority has made a decision which should be entered in the register, a copy of the decision shall be sent to the Chief Mining Inspector within one week.

More detailed regulations concerning the establishment and maintenance of the register may be issued by the Geological Survey of Sweden. (**Ordinance 2005:162**)

Notification of mining operations

Section 57

When mining or corresponding operations are commenced, terminated, discontinued for a period in excess of six months, or resumed, the Chief Mining Inspector shall be notified immediately. If such notification is received, the Chief Mining Inspector shall immediately inform the Geological Survey of Sweden and the county administrative board of the county in which the operations are being or have been undertaken.

A holder of a mine or similar facility who intentionally or through negligence fails to make such notification as is referred to in the first paragraph shall be sentenced to a fine.

Provisions regarding earlier mineral rights

Section 58

Matters referred to in points 4 d and 5 g of the transitional provisions of the Minerals Act (1991:45) shall be considered by the Chief Mining Inspector.

Section 59

A defence fee as provided in Chapter 6, Section 8, of the Mining Act (1974:342) shall be paid at a rate of SEK 100 per hectare or part thereof of the area of the staked claim.

Section 60

A fee as provided in the fifth point, sixth paragraph, of the transitional provisions of the Act concerning Certain Mineral Deposits (1974:890) shall be paid at a rate of SEK 60 per hectare or part thereof of the area covered by the right.

This fee shall be paid to the Chief Mining Inspector annually in advance, before the end of December.

Appeals

Section 61

A decision of the Geological Survey of Sweden under this Ordinance may be appealed to the Government. A decision of the County Administrative Board of Norrbotten County under Section 14 a may be appealed to the Government. (**Ordinance 1996:812**)

Implementation regulations

Section 62

Further regulations for the implementation of the Minerals Act (1991:45) may be issued by the Geological Survey of Sweden. (**Ordinance 2005:162**)

Transitional provisions

Ordinance 1992:285

1. This Ordinance comes into force on 1 July 1992, when the Mining Ordinance (1974:344), the Ordinance concerning Certain Mineral Deposits (1974:893) and the Ordinance concerning Remuneration of Assessors in Proceedings regarding Staked Claims (1960:80) shall cease to apply.

If an Act or other statute refers to a provision that has been replaced by a provision in this Ordinance, the new provision shall apply.

2. In applications for an extension of a claim, Sections 9–10 of the Mining Ordinance shall apply instead of Sections 7–8 of this Ordinance.

3. In applications under Chapter 9, Section 4, of the Mining Act (1974:342), Sections 26 and 29 of the Mining Ordinance shall apply.

4. If a right to a staked claim ceases in accordance with Chapter 6, Section 9, 10 or 13, of the Mining Act, Section 25 of the Mining Ordinance shall apply.

5. In applications under Section 15 of the Act concerning Certain Mineral Deposits (1974:890), Section 3 a of the Ordinance concerning Certain Mineral Deposits shall apply.

Ordinance 1993:694

This Ordinance comes into force on 1 July 1993.

Ordinance 1994:1352

1. This Ordinance comes into force on 1 January 1995.

2. The provisions of Section 10, as amended, shall apply to applications for exploration permits submitted after the coming into force of this Ordinance.

Ordinance 1995:1452

1. This Ordinance comes into force on 1 January 1996.

2. Earlier provisions shall continue to apply regarding property registration authorities established under the Act on Municipal Property Formation Authorities and Property Registration Authorities (1971:133).

Ordinance 1996:48

This Ordinance comes into force on 15 March 1996.

Ordinance 1996:812

1. This Ordinance comes into force on 1 August 1996.

2. It follows from Chapter 17, Section 3, second paragraph, of the Minerals Act (1991:45) that the new provision does not affect the right of a concession holder to carry on exploration work or exploitation and activities connected therewith if the concession was granted before this Ordinance came into force.

3. Section 14 a shall not apply to exploration work undertaken by virtue of an exploration permit granted prior to 1 August 1996. **(Ordinance 1996:1497)**

Ordinance 1998:218

1. This Ordinance comes into force on 1 July 1998.

2. The new provisions of Sections 10–10 c of the Minerals Ordinance shall only apply to applications submitted after 30 June 1998.

Ordinance 1998:879

This Ordinance comes into force on 1 January 1999.

Ordinance 2004:338

This Ordinance comes into force on 1 July 2004.

Ordinance 2005:162

1. This Ordinance comes into force on 1 May 2005.

2. With regard to applications for exploration permits submitted prior to the coming into force of this Ordinance, Sections 1, 3, 6 and 8 of the Minerals Ordinance (1992:285) shall apply as previously worded.

Authorities

Compliance with the Minerals Act is governed by the Mining Inspector. Applications for permits or concessions should be sent to one of the Mining Inspector's two offices (Luleå or Falun).

Further questions concerning exploration and mining can be directed to the Mining Inspectorate.
www.bergsgstaten.se

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The Geological Survey of Sweden gives general information on geological and related matters as well as advice on legal matters in connection with the mineral policy etc.

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The Geological Survey also has a mineral information office in Malå in northern Sweden, which is intended to serve the needs of mineral exploration.

www.minko.se

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