



MINLEX - Finland Country Report

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1. FINLAND

1.1. Summary of findings

Finland produces a variety of metallic ores such as copper, nickel, cobalt, zinc and lead ores as well as chromium, vanadium and iron. The major industrial minerals extracted are carbonates, apatite and talc. At present, most of the active metal ore mines are located in northern and eastern Finland. Europe's biggest gold mine is operating in northern Finland. Metallic and industrial minerals, gemstones, marble and soapstone (claimable minerals) are state regulated/controlled. Non-claimable minerals (e.g. dimension stones such as granite, aggregates) are construction minerals (owned by landowner).

The primary legal basic of mineral extraction activity is the Mining Act 621/2011 which covers metallic ores and industrial minerals. Non-claimable minerals are regulated by the Land Extraction Act No. 555/1981. The Government Decree on mining activities (391/2012) provides important provisions to the Mining Act. **The Finnish Mining Act establishes that mineral exploitation rights belong to the discoverer.** Other relevant laws are, i.a., the Nature Conservation Act (1096/1996), the Environmental Protection Act (527/2014), the Act on the Protection of Wilderness Reserves (62/1991), the Land Use and Building Act (132/1999), the Water Act (587/2011), the Reindeer Husbandry Act (848/1990), the Off-Road Traffic Act (1710/1995), and the Government Decree on Mine Waste (190/2013).

The Mining Authority responsible for onshore and offshore mining permits (exploration: ore prospecting permits, extraction: mining permit) is the Finnish Safety and Chemicals Agency (Tukes). The Regional State Administrative Agencies (AVI) grant the environmental permits whereas the EIA procedure is supervised and controlled by the regional Centres for Economic Development, Transport and the Environment (ELY Centres). The competent authority (AVI) must duly arrange official hearings with other public authorities and other stakeholders. The centres must also issue official statements on the EIA programme and on the EIA report. Other co-authorities involved in the granting of exploration permits are Metsähallitus (permitting in State-owned land before an exploration permit is granted) and the Ministry of the Environment (permitting in nature conservation areas), whereas for extraction permits the municipalities (granting planning permission) and the land survey offices need to give their consent. If a project is to be conducted in the territory of indigenous peoples, their consent is also required (although during exploration their opinions are not legally-binding).

Concerning prospecting and exploration for minerals, everyone has the right to conduct geological measurements, even on another's land, and thus no permission is needed provided that this does not cause any damage or more than minor inconvenience (prospecting work). An applicant may reserve an area by submitting a notification to Tukes. An exploration permit is needed if the exploration cannot take place as prospecting work, if the landowner has not given permission for it, or if the activity could cause harm to people's health, public safety or other industrial or commercial activity or deterioration of landscape or nature conservation values. **Tukes and other co-authorities involved have no statutory time frames for permitting but statutory time frames are included in the Nature Conservation Act and the Environmental Protection Act, whereby authorities' decisions on Natura 2000 assessments must be made within 6 months.** An appeal concerning an exploration permit decision must be filed to the Administrative Court within 30 days after the decision. An exploration permit remains valid for a maximum of four years and it may be extended for a maximum of three years at a time. In total, the permit may remain valid for a maximum of 15 years. The average legal timeframe for exploration permit handling is 120 days in forested areas and one year in Natura 2000 areas (as long as no appeals take place). In Sámi Homeland areas, it may be one year for gold panning and may extend to two years for other types of exploration.

Concerning extraction permits, a mining permit remains valid until further notice after becoming legally valid. A fixed-term mining permit may remain valid for a maximum of 10 years. After ten years, an extension of ten years (or 5+5 years) can be applied for, in a similar process to applying for a new permit. The expected average legal timeframe in consecutive days for permit handling is 90 days for a mining permit (as long as no EIA is needed), 180 days with EIA and related statement by the ELY centre, and around nine to twelve months to obtain the environmental and water management permit.

Permitting procedures may be delayed by various reasons, but an important one are appeals against mining decisions. Some cases have been under the administrative process for several years. **Nature conservation areas** (especially Natura 2000 sites and mire conservation areas, which cover more than 15 % of the country) **are a particularly sensitive issue.** According to the Finnish expert: "*The establishment of the Talvivaara nickel mine in 2009 and its subsequent environmental problems were turning points in the mining industry-related discussion in Finland*", and since then a closer scrutiny has been kept on the practices of the industry. As a response, the Finnish government is promoting responsible and green mining and the industry looks for the best practices and dialogue with its stakeholders. **The most usual court cases** among mineral exploration and mining related operations **are appeals against decisions by the Mining Authority (Tukes): it can be estimated that around 8 % of its decisions are appealed.** Permitting success rates are high: no applications were rejected by the authorities between 2013 and 2015. Incomplete applications were asked to be completed by Tukes. This is very often the case. If the operator finds out that it is not worthwhile to continue with exploration and there are no provisions obliging the operator to keep on exploring the operator itself withdraws the application. This has been very common during recent years due to the economic recession.

1.2. General introduction

Finland is a republic and a member of the European Union (EU). The capital of Finland is Helsinki. Finland is divided into self-governed municipalities. In 2015, Finland had 317 municipalities. Finland has 5.5 million inhabitants. The national languages are Finnish and Swedish (about 5% of Finns speak Swedish as their native language). Many Finns speak fluent English. Finland is located in North Europe. Finland's neighbouring countries are Russia (east), Norway (north), Sweden (west) and Estonia (south). The surface area of Finland is 338,432 km², which includes the land and inland water areas.

The highest organs of government in Finland are the Parliament of Finland, the President of the Republic and the Finnish Government. Parliament (*eduskunta*) enacts laws and decides upon the state budget. Parliament also supervises the operations of the government. The parliament includes 200 Members of Parliament. The Members of Parliament are appointed by election for four years at a time.

Finland has a long history of mining activity, and Finnish metallurgical technology and manufacturers of mining equipment are well known throughout the international mining community. The extraction of copper, nickel, cobalt, zinc and lead ores as well as chromium, vanadium and iron deposits has provided the raw material base for the country's metal industry, with significant processing and refining of copper and nickel concentrates at Harjavalta, zinc at Kokkola, and chromium at Kemi, and of iron at Raahe.

The major industrial minerals mined in Finland are carbonates, apatite and talc. At present, most of the active metal ore mines are located in northern and eastern Finland. Europe's biggest gold mine is operating in northern Finland. Gold is mined also in eastern and southern Finland. Chromium and copper-nickel-PGE are mined in northern Finland while copper and zinc in central and eastern Finland.

Finland offers the exploration industry a favourable investment and operating environment with significant potential for new discoveries as many commodities still are highly

underexplored. Mineral potential belts continue from land area to offshore. Potential areas can be found in the GTK map services and publications online. Present activity is concentrated in gold, platinum group metals, base metals, diamonds and industrial minerals. Finland is one of the leading mining technology providers (Metso, Outotec, Sandvik, Normet).

Mineral ownership

Metallic and industrial minerals, gemstones, marble and soapstone (“claimable minerals”) are state regulated/controlled and the compensation goes to the landowner. “Non-claimable minerals” (e.g. dimension stones such as granite, aggregates) are construction minerals (owned by the landowner).

1.3. Legislation governing mineral exploration and extraction

In Finland, the primary legal basis of mineral extraction activity is the Mining Act 621/ 2011 which covers metallic ores and industrial minerals (termed “mining minerals” or “claimable minerals”). Construction minerals are regulated by the Land Extraction Act No. 555/1981. The Land Extraction Act governs extraction permits of “non-claimable” minerals like dimension stone, aggregates. The Government Decree on mining activities (391/2012) also provides important provisions to the Mining Act. The Finnish Mining Act (621/2011) has the principle that the mineral extraction rights belong to the discoverer. Section 32 of the Mining Act defines: “*The party first applying for a permit in accordance with the provisions laid down in section 34 herein shall have priority for an exploration permit, mining permit, or gold panning permit*”.

Table 1: Finland. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
mining, minerals management, technical safety, concession	FI-L1	Mining Act (621/2011)	http://www.finlex.fi/en/laki/kaannokset/2011/en20110621.pdf	Y	Y	Y	Y	Y	Y	Y	Y	None
	FI-L2	Government Decree on mining activities (391/2012)	http://www.finlex.fi/en/laki/kaannokset/2012/en20120391.pdf	Y	Y	Y	Y	Y	Y	Y	Y	None
	FI-L3	Land Extraction Act 555/1981	http://www.finlex.fi/en/laki/kaannokset/1981/en19810555.pdf	Y	Y	Y	Y	Y	Y	Y	Y	None

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
environment	FI-L4	Environmental Protection Act (527/2014)	Not available in English	Y	Y	N	Y	Y	Y	Y	N	None
	FI-L5	Reindeer Husbandry Act (848/1990)	http://www.finlex.fi/fi/laki/kaannokset/1990/en19900848.pdf	Y	Y	Y	Y	Y	Y	Y	N	None
	FI-L6	Radiation Act (592/1991)	http://plus.edilex.fi/stuklex/en/lainsaadanto/19910592	N	N	Y	Y	Y	Y	N	N	None
	FI-L7	Nuclear Energy Act (990/1987)	http://www.finlex.fi/fi/laki/kaannokset/1987/en19870990.pdf	Y	N	N	Y	Y	Y	N	N	None
	FI-L8	Off-Road Traffic Act (1710/1995)		N	N	Y	N	N	Y	Y	N	None
	FI-L9	Dam Safety Act (494/2009)	http://www.finlex.fi/fi/laki/kaannokset/2009/en20090494.pdf	N	N	N	Y	Y	Y	N	N	None

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	FI-L10	Government Degree of Mine Waste (190/2013)	http://wiki.gtk.fi/web/mine-closure/wiki/-/wiki/Wiki/Legislation+regarding+characterisation+of+mining+waste/pop-up;jsessionid=34a57f4145db6cba030a5f064ccb	N	N	N	Y	Y	Y	N	N	None
	FI-L11	Government Decree on the Assessment of Soil Contamination and Remediation Needs (214/2007)	http://www.finlex.fi/fi/laki/kaannokset/2007/en20070214.pdf	N	N	N	Y	Y	Y	N	N	None
	FI-L12	Skolt act (253/1995)	Not available in English	Y	Y	Y	Y	Y	Y	Y	N	None
	FI-L13	Act on the Sami Parliament (974/1995)	http://www.finlex.fi/en/laki/kaannokset/1995/en19950974.pdf	Y	Y	Y	Y	Y	Y	Y	N	None

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
nature conservation, forestry	FI-L14	Nature Conservation Act (1096/1996)	http://www.finlex.fi/fi/laki/kaannokset/1996/en19961096.pdf	Y	Y	Y	Y	Y	Y	N	N	None
	FI-L15	Act on the Protection of Wilderness Reserves (62/1991)	Not available in English	N	N	N	Y	Y	Y	Y	N	None
water management	FI-L16	Water Act (587/2011)	http://www.finlex.fi/en/laki/kaannokset/2011/en20110587.pdf	Y	Y	N	Y	Y	Y	N	N	None
land use planning, spatial development, soil management	FI-L17	Land Use and Building Act (132/1999)	http://www.finlex.fi/fi/laki/kaannokset/1999/en19990132.pdf	Y	Y	N	Y	Y	Y	Y	N	None

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
transportation, construction, catastrophe protection, police, military		Not available										None
culture heritage	FI-L18	Antiquities Act (295/1963)	Not available in English	Y	N	Y	Y	Y	Y	N	N	None
public administration, court procedures	FI-L19	Administrative Judicial Procedure Act (586/1996)	http://www.finlex.fi/fi/laki/kaannokset/1996/en19960586.pdf	Y	Y	Y	Y	Y	Y	Y	Y	None

1.4. Authorities governing mineral exploration and extraction

As established in the Mining Act (621/2011) the Mining Authority responsible for mining permits (exploration: ore prospecting permits) and (extraction: mining permit) is the Finnish Safety and Chemicals Agency (Tukes). Tukes is the competent mining authority for onshore and offshore permitting procedures. The Regional State Administrative Agencies (AVI) are the ones granting the environmental permits whereas the EIA procedure is supervised and controlled by the regional Centres for the Economic Development, Transport and the Environment (ELY Centres), who also act as coordination authorities. The competent authority (the relevant regional centre) must duly arrange official hearings with other

public authorities and other stakeholders. The centres also must issue official statements on the EIA programme and on the EIA report and its acceptability.

Finland has several different types of nature protection areas, and most have their own rules that must be abided by during activities in the area. The mining company can apply for exemptions from the rules that govern the nature protection area. In National Parks (*kansallispuisto*) and in Nature Reserves (*luonnonpuisto*), both can only be established on government owned land the governing authority usually Metsähallitus, i.e. Metsähallitus can issue exemption permits. First-instance authorities for appeals are the Administrative Courts and the Supreme Administrative Court, the highest court level in the country. The Land Extraction Act of 1981 regulates the issuing of permits for construction minerals. It is administered by the Minister of Environment. Permit applications are made to the municipality in question. Municipalities make permit decisions and supervise land extraction within their borders. For projects to be conducted in the territories of the Sami (Sami homeland) and the reindeer herding area in northern Finland or the Skolt people's area, the Sami parliament and the Skolt village meeting must be consulted for a final inspection permit.

Table 2: Finland. Relevant authorities in exploration and extraction permitting.

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
First instance permitting (local, regional, central)	FI-E1	Turvallisuus- ja kemikaalivirasto (Tukes)	Finnish Safety and Chemicals Agency (Tukes)	P.O. Box 66 (Opastinsilta 12 B), FI-00521 Helsinki, Finland/www.tukes.fi	The Mining Authority, permits and regulations according to the Mining Act	Y	Y	Y	Finnish Mining Act (621/2011)	National authority, permit applications from the whole country must be sent to Tukes

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	FI-E2	Aluehallintovirasto (AVI)	Regional State Administrative Agencies (AVIs)	https://www.avi.fi/en/web/avi-en/#.VzQ01C7dtpE	Environmental permitting	N	Y	Y	Nature Conservation Act (1096/1996), Environmental Protection Act (86/2000), Water Act (264/1961), Dam Safety Act (494/2009)	Regional authority with 6 offices (AVI Southern, Eastern, Southwestern, Western and Inland, Northern and Lapland Finland)
	FI-E3	Elinkeino- ja ympäristökeskus (ELY)	Centre for Economic Development, Transport and the Environment (ELY-Centre)	https://www.ely-keskus.fi/en/web/ely-en/	Environmental statements, supervision	Y	Y	Y	Nature Conservation Act (1096/1996), the Environmental Protection Act (86/2000), the Act on the Protection of Wilderness Reserves (62/1991), the Land Use and Building Act (132/1999)	Regional authority with 15 offices
	FI-E4	Metsähallitus	Metsähallitus	http://www.metsa.fi/web/en	Permitting in state owned land before an exploration permit	Y	N	N	Off-Road Traffic Act (1710/1995), Reindeer Husbandry Act (848/1990)	Regional authority
	FI-E5	Ympäristöministeriö	Ministry of the Environment	http://www.ymp.fi/en-US	Permitting in nature conservation areas;	Y	Y	Y	Not available	National authority

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
Second instance permitting (regional, central, national)	No second instance permitting, see Court Jurisdiction below									
Court jurisdiction	FI-E6	Hallinto-oikeus	Administrative Court	http://www.oikeus.fi/tuomioistuimet/hallinto-oikeudet/en/index.html	Relevant court level in case of appeals (first authority for filing an appeal)	Y	Y	Y	Not available	6 Adm. Courts
	FI-E7	Helsingin hallinto-oikeus	Helsinki administrative court	http://www.oikeus.fi/hallinto-oikeudet/helsingin/hallinto-oikeus/en/index.html	Relevant court level in case of appeals (first authority for filing an appeal)	Y	Y	Y	Not available	None
	FI-E8	Hämeenlinnan hallinto-oikeus	Hämeenlinna administrative court	http://www.oikeus.fi/hallinto-oikeudet/hameenlinna/hallinto-oikeus/fi/	Relevant court level in case of appeals (first authority for filing an appeal)	Y	Y	Y	Not available	None

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	FI-E9	Itä-suomen hallinto-oikeus	Administrative court of eastern Finland	http://oikeus.fi/hallintooikeudet/ita-suomenhallinto-oikeus/fi/index.html	Relevant court level in case of appeals (first authority for filing an appeal)	Y	Y	Y	Not available	None
	FI-E10	Pohjois-Suomen hallinto-oikeus	Administrative court of northern Finland	http://oikeus.fi/hallintooikeudet/pohjois-suomenhallinto-oikeus/fi/index.html	Relevant court level in case of appeals (first authority for filing an appeal)	Y	Y	Y	Not available	None
	FI-E11	Turun hallinto-oikeus	Turku administrative court	http://oikeus.fi/hallintooikeudet/turunhallinto-oikeus/fi/index.html	Relevant court level in case of appeals (first authority for filing an appeal)	Y	Y	Y	Not available	None
	FI-E12	Vaasan hallinto-oikeus	Vaasa administrative court	http://oikeus.fi/hallintooikeudet/vaasanhallinto-oikeus/fi/index.html	Relevant court level in case of appeals (first authority for filing an appeal)	Y	Y	Y	Not available	None

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	FI-E13	Korkein hallinto-oikeus	Supreme administrative court	http://www.kho.fi/en/index.html	Highest level of court in case of appeals	Y	Y	Y	Not available	None

1.5. Licensing procedures for exploration

The Finnish legislation specifies the so-called mining minerals, the exploration and extraction of which is regulated under the Mining Acts (503/1965 and 621/2011) and Government Decrees (663/1965, 391/2012). Mining minerals include metal ores, industrial minerals and industrial stones. Applications related to exploration and mining rights submitted before 1 July 2011 are processed under the so-called old Mining Act (503/1965), taking into account the transitional provisions of the so-called new Mining Act (621/2011).

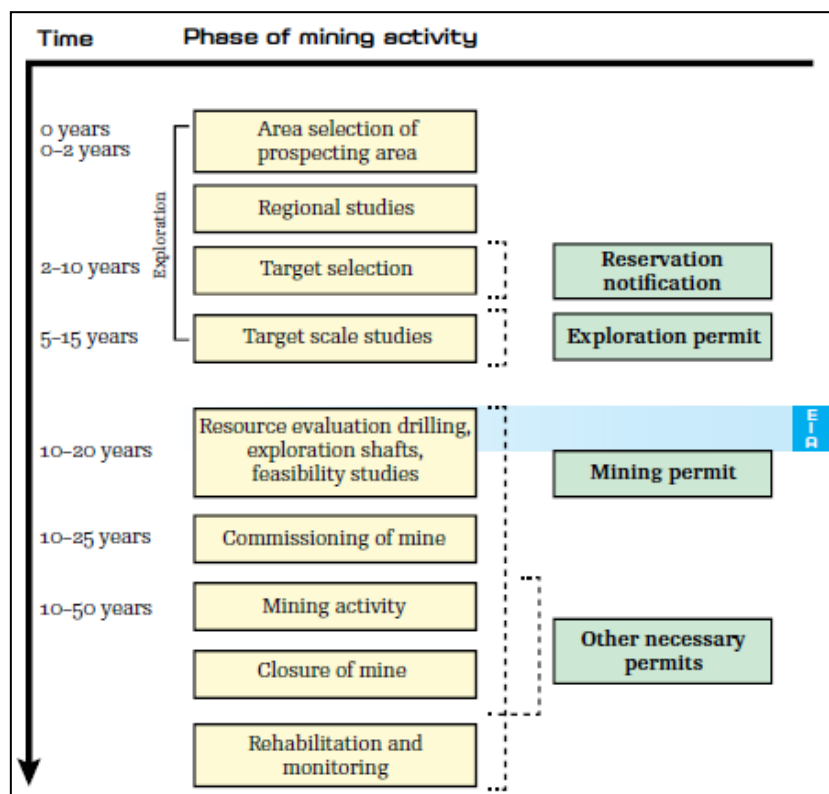
The Mining Act (621/2011) lays down provisions on the rights and obligations of those carrying out exploration, mining activity and gold panning during the commencement and duration of the activity and on the termination and rehabilitation measures of such operations.

The new Mining Act is modern and corresponds better to the principles of sustainable use and development. The Mining Act takes into consideration the need to secure the prerequisites for exploration and mining activity as well as environmental perspectives, citizens' basic rights, landowners' rights and municipalities' opportunities to influence issues.

Summary of all the different permitting procedures for exploration

The Fig. 1 below summarizes the permitting in different stages of an exploration/mining project.

Fig. 1: Finland. EIA procedure in relation to a life cycle of a mine.



Note: Permits (green boxes) in different stages of an exploration/mining project. The time periods shown are average estimates. Source: Finnish Ministry of Employment and the Economy, (2015).

No separate permit from the mining authority is needed for *prospecting work* pursuant to the Mining Act (Section 7 of the Mining Act), which takes place before exploration in accordance with the exploration permit.

In order to find mining minerals, everyone has the right, even on another's land, to conduct geological measurements and make observations and to take minor samples, no permission is needed provided that this does not cause any damage or more than minor inconvenience or disturbance (prospecting work).

Reservation

For the purpose of preparing an application for an exploration permit, an applicant may reserve an area by submitting a notification to the mining authority Tukes (reservation notification). A privilege based on a reservation notification becomes valid once the reservation notification has been submitted in compliance with the provisions laid down in section 44 of the Mining Act (621/2011) and there is no reason, as specified in the Mining Act, for the rejection of the reservation.

The validity of the privilege expires when the decision made by the mining authority on the basis of the reservation notification (reservation decision) expires or is cancelled.

The reservation does not entitle the applicant to perform exploration. Instead, the reservation grants a privilege as regards the submission of an ore prospecting application.

Exploration permit

Under the Mining Act (621/2011), exploration can take place as prospecting work that in part resembles the Finnish everyman's rights. An exploration permit is, however, needed if the exploration cannot take place as prospecting work or the landowner has not given permission to it. This applies the same whether the landowner is the state or a private person.

An exploration permit is also required if the activity could cause harm to people's health, public safety or other industrial or commercial activity or deterioration of landscape or nature conservation values. An exploration permit is always required for the exploration of uranium and thorium.

Differences for the different types of mineral deposits

For the purposes of the Mining Act, mining minerals shall refer to:

1) as concerns chemical elements: actinium, aluminium, antimony, arsenic, barium, beryllium, boron, caesium, mercury, fluorine, phosphorus, gallium, germanium, hafnium, silver, indium, iridium, cadmium, potassium, calcium, cobalt, chromium, gold, copper, lanthanoids, lithium, lead, magnesium, manganese, molybdenum, sodium, nickel, niobium, osmium, palladium, platinum, radium, iron, rhenium, sulphur, rhodium, rubidium, ruthenium, selenium, zinc, scandium, strontium, thallium, tantalum, tellurium, tin, titanium, thorium, uranium, vanadium, bismuth, tungsten, yttrium, and zirconium, as well as minerals containing these chemical elements;

2) as concerns minerals: andalusite, apatite, asbestos minerals, barite, bauxite, bentonite, beryllium, dolomite, phlogopite, fluorite, graphite, garnet, ilmenite, calcite, kaolin, corundum, quartz, kyanite, leucite, feldspar, magnesite, muscovite, nepheline, olivine, pyrophyllite, rutile, sillimanite, scapolite, talc, diamond, vermiculite, wollastonite, and other precious stones;

3) as concerns rock types: marble and soapstone.

Furthermore, the Act is applicable to the extraction of materials in the bedrock and earth in the mining area referred to in section 19 of the Act.

Gold panning has its own sections in the Mining Act. Permitting is similar than for mineral extraction (34 § Mining Act 621/2011). However, it is possible to practise gold panning on claims held by the Gold Prospectors Association of Finnish Lapland without staking claim to one's own gold panning area. In this report gold panning is not reviewed in more details. The number of gold panning permits currently in force is approx. 200 (includes mining concessions by the old law). Gold panning is done in Finnish Lapland, where placer gold is found in economic amounts.

Extraction and utilization of rock material, gravel, clay and soil is made under the Land Extraction Act. Landowner owns the rights for these materials.

Description of the permitting procedures

The overall process of applying for an exploration permit is displayed below in Fig. 2. It consists of a number of steps described below.

Recognition of the application or notification and designation of the processor

The operator files the exploration permit application according to the section 34 of the Mining Act. The application is initiated by the applicant and for the implementation of interest of the applicant. Safe and reliable acquisition and presentation of the statement rests with the applicant. The mining authority's task is to ensure the adequacy of the statements.

Review of the application (34 §) and verifying the order of priority (32 §)

The processor tentatively handles the application or notification for the adequacy of the content. If the application or notification is incomplete, the operator is requested to complete it.

Requests for statements (37, 38 §); complaints and opinions (39 §); posting notice of the application (40 §)

The processor prepares the hearing documents and requests for opinion, makes the announcement and requests for the statements according to the mining law sections 37 §, 38 §, 39 § and 40 § and other relevant statements and declarations. The mining authority shall reserve an opportunity for the parties involved to lodge complaints concerning the permit matter. Parties other than those involved shall be provided with an opportunity to express their opinions. The parties involved shall be provided with an opportunity to express their responses if relevant for the decision making.

Permit consideration (45, 46, 50, 51 §)

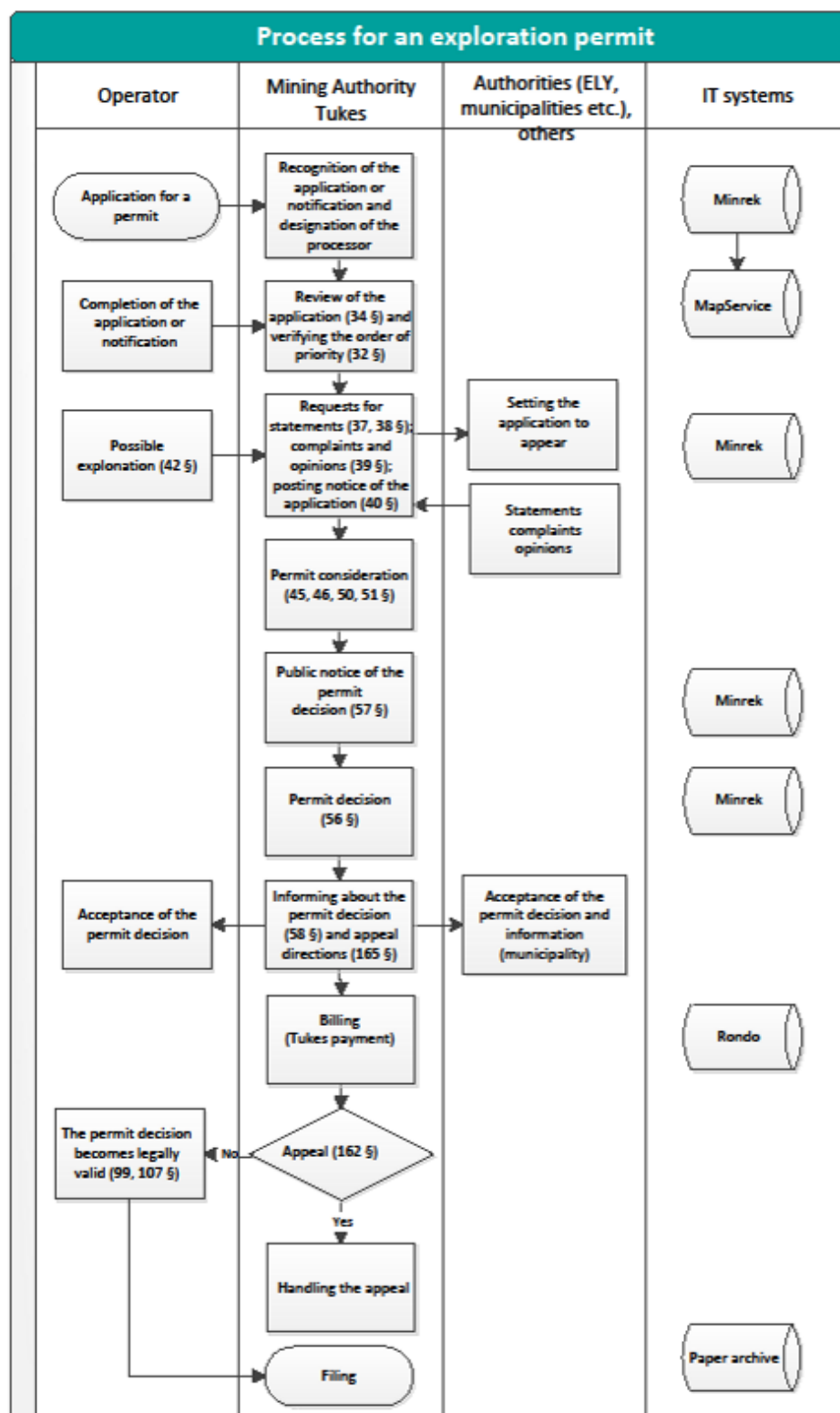
An exploration permit will be granted if the applicant proves that the conditions set for it in the Mining Act are met and there is no impediment stipulated in the Act to the granting of the permit. However, regardless of an impediment specified in the Act, a permit may be granted if it is possible to remove said impediment through permit conditions or by decreasing the size of the area.

Public notice of the permit decision (57 §)

The mining authority shall inform of issuing a decision to the date of publication on its public notice board, also available online. The public notice shall mention the permit

authority, the nature of the matter, the date of granting of the permit, and the appeal period. The notice shall remain posted for at least the time during which appeals against the decision may be made (30 days, according to the section 22 of the Administrative Judicial Procedure Act 586/1996). The decision shall be available on the date of issue mentioned in the notification, including in electronic format.

Fig. 2: Finland. Flowchart showing the process to apply for an exploration permit.



Source: Tukes

Permit decision (56 §)

The decision on an exploration permit must explain the purpose of the application, or the necessary parts of the application must be appended to the decision. The decision must comment on the individual requirements presented in statements and complaints.

Informing about the permit decision (58 §) and appeal directions (165 §)

The permit authority shall submit the decision concerning an exploration permit. The section 58 of the Mining Act decrees the details of communication.

Billing (Tukes payment)

After granting the permit an invoice will be sent to the applicant according to the Tukes payment.

Appeal (162 §)

Any appeal against a decision by the mining authority shall be filed by way of appeal in the manner prescribed in the Administrative Judicial Procedure Act (586/1996), unless otherwise provided.

The competent administrative court shall be determined on the basis of the administrative court jurisdiction within which the majority of the exploration area, referred to in the decision is located. The exploration permit will become legally valid provided that no appeals are filed during the appeal period and all the conditions laid down in the permit have been met.

Handling the appeal

The Administrative Court or the Supreme Administrative Court acknowledges the appeal has been filed, requests the opinion of the permitting authority (Tukes) if necessary.

Filing

When the Administrative Court decides, the permit is in accordance with the law, the decision becomes final if no appeals to the Supreme Administrative Court. The Supreme Administrative Court finally determines whether the decision was lawful. If the decision is unlawful, it is returned for reconsideration in accordance with the Mining Act (621/2011). Otherwise, the decision becomes legally valid.

Public entities involved in the process

The relation of the Mining Act to other legislation

In addition to the provisions laid down in the Mining Act, decisions on permit issues or other matters hereunder and other activities in accordance with the Act shall comply with, inter alia, the provisions of the Nature Conservation Act (1096/1996), the Environmental Protection Act (86/2000), the Act on the Protection of Wilderness Reserves (62/1991), the Land Use and Building Act (132/1999), the Water Act (264/1961), the Reindeer Husbandry Act (848/1990), the Radiation Act (592/1991), the Nuclear Energy Act (990/1987), the Antiquities Act (295/1963), the Off-Road Traffic Act (1710/1995) and the Dam Safety Act (494/2009).

The Ministry of Employment and the Economy is responsible for the general guidance, monitoring, and development of activities under this Act. The Finnish Safety and Chemicals Agency (Tukes) acts as the mining authority referred to in this Act.

The mining authority enforces compliance with the Act and manages other duties laid down herein.

Public entities

The public entities involved and their roles in the permitting include:

1. The Mining Authority (Tukes) – roles: permitting, guidance, control
2. Centre for Economic Development, Transport and the Environment (an authority responsible for the enforcement of the Finnish nature conservation legislation, "ELY-Centre"); roles: statements, opinions, guidance, control;
3. Metsähallitus (an authority governing state owned land); roles: statements, permitting in state owned land before an exploration permit, permits for off road traffic in state owned land;
4. Ministry of the Environment; roles: permitting in nature conservation areas;
5. Sámi Parliament of Finland; role: expressing non-binding opinions;
6. Skolt village meeting; role: expressing non-binding opinions;
7. Municipalities; role: expressing non-binding opinions;

An actor operating in nature reserves (Natura 2000 and other nature conservation areas) must be acquainted with provisions on nature reserves, in particular regarding exploration that is subject to a permit. It is important for the actor to contact the nature conservation unit of the regional centre for economic development, transport and the environment (ELY Centre) or the authority managing the nature reserve (Metsähallitus Natural Heritage Services, the Ministry of the Environment) about the grounds on which the nature reserve is protected and the potential methods used in the exploration.

Timeframes

The Mining Authority Tukes and other authorities involved have no statutory timeframes or deadlines for permitting. However, good administrative practices should always be followed, which includes handling of the permit issue without delay.

Statutory timeframes are included in the Nature Conservation Act (1096/1996) and the Environmental Protection Act (86/2000):

- Natura 2000 assessment 6 months
- Information on experimentation 30 days

An appeal concerning an exploration permit decision must be filed to the Administrative Court during 30 days after the decision.

Geographic areas covered by the permit

No size limit in the Law. The larger the area the higher the fee. In the permit application, the exploration area's total area and the area (2D) of each property or other register unit, to a minimum accuracy of 0.1 hectares, must be included. The borders of the permit area continue vertically downwards.

Rights and duties of the licensee

Rights

The holder of an exploration permit has the right to explore the structures and composition of geological formations on the permit holder's own land and on land owned by another

landowner within the area referred to in the permit (exploration area). The permit holder also has the right to conduct other prospecting in order to prepare for mining activity and other exploration in order to locate a deposit and to investigate its quality, extent and degree of extraction in accordance with the exploration permit.

The permit holder may build or transfer to the exploration area temporary constructions and equipment necessary for exploration activity in accordance with the exploration permit.

An exploration permit does not authorise the extraction of the deposit. It does, however, provide the holder with a privilege for the mining permit, which in turn provides the right to exploit the deposit. The prerequisites for the granting of the mining permit are to do with the size, ore content and technical characteristics of the deposit concerning its exploitability.

Duties

Holders of exploration permits and claims must submit a report to the mining authority on an annual basis, on any exploration activities carried out and the main results (annual report). The material comes public with the final exploration work report (see below).

Once an exploration permit has expired or been cancelled, the exploration permit's holder shall (15 § of the Mining Act):

- 1) immediately restore the exploration area to the condition required by public safety, remove temporary constructions and equipment, attend to rehabilitation and tidying of the area, and restore the area to its natural status as far as possible;
- 2) within six months, submit to the mining authority an exploration work report, the information material pertaining to the exploration, and a representative set of core samples.

The purpose of annual and exploration work reports is to promote the exploration of minerals and to ensure progress in the mining authority's supervision tasks.

Legal nature of the rights

Exploration rights are exclusive and transferable.

An exploration permit shall remain valid for a maximum of four years after the decision has become legally valid. When considering the period of validity of an exploration permit, the mining authority shall pay special attention to:

1. the time necessary for implementing the relevant exploration plan;
2. the limitation and alleviation of any damage and inconvenience caused to public or private interests.

The validity of an exploration permit may be extended for a maximum of three years at a time. In total, the permit may remain valid for a maximum of 15 years.

Links between the exploration permit and a future license for extraction

An exploration permit does not authorise the extraction of the deposit. It does, however, provide the holder with a privilege for the mining permit, which in turn provides the right to exploit the deposit. The prerequisites for the granting of the mining permit are related to the size, ore content and technical characteristics of the deposit concerning its exploitability.

Average length to get an exploration permit

Expected average legal timeframes in consecutive days for permit handling (in case of no appeals) (Source: Tukes website)

Gold panning permit in Sámi Homeland	365
Exploration permit in forestry	120
Exploration permit in Natura 2000 area	365
Exploration permit in Sámi Homeland	730
Reservation notification for an exploration permit	20

With some complicated cases (Natura 2000 and other environmental issues) the timeframe for an exploration permit may be many years. See e.g. the court case No 5.

Main problems or major modifications related to exploration permitting

According to the section 165 of the Mining Act:

A decision on an exploration permit, mining permit, or gold panning permit; a decision to extend the validity of the corresponding permit; a decision on its expiry, amendment, or cancellation; or a decision to terminate mining activity may be challenged by way of an appeal by the following:

- 1) the party concerned;
- 2) a registered association or foundation whose purpose is to promote protection of the environment or health, nature conservation, or the pleasantness of the living environment, and in whose operating area, in compliance with regulations, the environmental impact in question appears;
- 3) the municipality in which the activity is located, or another municipality in the area of which detrimental impacts of activities appear;
- 4) a Centre for Economic Development, Transport and the Environment and another authority on the matter that is charged with protecting the public interest in its field;
- 5) the Sami Parliament, on the grounds that the activity referred to in the permit undermines the rights of the Sami as an indigenous people to maintain and develop their own language and culture;
- 6) the Skolt village meeting, on the grounds that the activity referred to in the permit impairs the living conditions of the Skolt population in the Skolt area and the possibilities for making a living there.

Furthermore, the mining authority has the right to appeal against a decision by which the administrative court has altered a decision made by the mining authority or overruled the decision.

Problems

Delays

The main problem getting an exploration permit is the *delay* caused by hearing-opinions-decision-appeals-responses-courts-rehandling-opinions-responses-decision-appeals ---- courts-decision.

Nature conservation areas (especially Natura 2000 and mire conservation areas, which cover > 15 % of the country, mainly in northern Finland) require special attention from the permitting point of view. For permitting procedures multiple stakeholders need to be consulted: different authorities, Ministry of Environment, nature conservation organisations and associations, in northern Finland Sámi People and reindeer herders, municipalities and individuals. The cases many times become complicated and most importantly time consuming. Some cases have been under the administrative process several years.

The permitting procedure in Finland is under consideration to be revised. The aim is to streamline the permitting procedure by combining the different permitting authorities, especially for permitting in the environmental sector. This should quicken the permitting procedure. The plan is to unify regional permitting authorities (AVI) to one national authority, maybe even mining authority is unified to this. Some of the supervising authority's (ELY) duties are moved to the national permitting authority and some duties to the new county organizations that will be formed. Outside the nature conservation areas and outside the reindeer herding area, in general, the permitting procedure is fluent.

Costs

Compared to other countries (e.g. Sweden) the fees for exploration permits are high in Finland. This becomes a problem and a disincentive for junior exploration companies to invest.

1.6. Licensing procedures for extraction

Summary of all the different permitting procedures for extraction

The prerequisite for the granting of a mining permit is that the deposit must be exploitable in terms of size, ore content and technical characteristics. According to the Government Degree on mining activities, 391/2012 6§, the exploration work report must include: An estimate of the mineral resources in the area, based on a widely used standard, and an estimate of the ore potential of the area. The size and content of a deposit can be regarded as sufficient if the income receivable from its extraction covers the operating costs and ensures the required return on investments made in the extraction of the deposit. The most important technical characteristics assessed are those related to excavation and ore dressing.

To start a mine the following permits and procedures are required (simplified list):

1. *Environmental impact assessment* EIA; ELY Centre evaluates if EIA is needed, the operator assesses the environmental impacts (including social impacts);
2. Tukes decides on the *mining permit*; requires EIA and Natura assessment
3. Regional State Administrative Agencies (AVI) decides on the *environmental permit*; requires EIA and Natura assessment
4. The municipality makes the land use plan and grants the *planning permission (building permission)*
5. *Establishing the mining area* by the competent land survey office
6. Tukes grants the *mining safety permit*
7. Sámi Parliament (if the mine/quarry within their territory)
8. Skolt Village (if the mine/quarry within their territory)
9. Some additional permits by the authorities

Description of the permitting procedures

Recognition of the application

The operator files the mining permit application according to the section 34 of the Mining Act. The application is initiated by the applicant and for the implementation of interest of the applicant. Safe and reliable acquisition and presentation of the statement rests with the applicant. The mining authority's task is to ensure the adequacy of the statements.

Review of the application (Mining Act 34 §, Government Degree on mining activities 16-17 §) and verifying the order of priority (Mining Act 32 §)

The processor handles the application or notification for the adequacy of the content. If the application or notification is incomplete, the operator is requested to complete it.

Requests for statements (Mining Act 37, 38 §); complaints and opinions (39 §); posting notice of the application (40 §)

The processor prepares the hearing documents and requests for opinion, makes the announcement, makes an insertion and requests for the statements according to the mining law sections 37 §, 38 §, 39 § and 40 § and other relevant statements and declarations.

Explanation by the applicant/involved (42 §)

The applicant and other parties concerned shall be provided with an opportunity to provide an explanation concerning such requirements and reports presented in the statements and complaints as may influence the decision on the matter. In consequence of the explanation, the parties concerned shall be provided with an opportunity to provide a responsive explanation if such an explanation could influence the decision on the matter.

Permit consideration and decision (Mining Act 45, 47, 48, 49, 50, 52, 56, 62, 108, 109 §)

Mining permit will be granted if the applicant proves that the conditions set for it in the Mining Act are met and there is no impediment stipulated in the Act to the granting of the permit. However, regardless of an impediment specified in the Act, a permit may be granted if it is possible to remove said impediment through permit conditions or by decreasing the size of the area. Mining permit will include the necessary permit conditions (52 §).

Public notice of the permit decision (57 §)

The mining authority shall inform of issuing a decision to the date of publication on its public notice board.

Permit decision (57 §)

The decision shall be issued after public notice, and those entitled to object shall be considered to have been informed at the time of issuing.

Informing about the permit decision (58 §)

The permit authority shall submit the decision concerning a mining permit to the applicant. The permit authority shall submit a copy of the decision to parties having specifically requested this, as well as the local authorities, the Centres of Economic Development, Transport and the Environment, and other authorities who have been informed about the matter during handling, or who have been invited to comment. A copy of a decision on a

mining permit shall be delivered without delay to the Radiation and Nuclear Safety Authority and the competent land survey office. The section 58 of the Mining Act decrees the details of communication.

Setting the decision to appear and an insertion

The decision will be submitted to other authorities involved. Notification of the decision is informed on the public notice board of the municipality and in the local newspaper.

Acceptance of the permit decision

The operator receives the decision. Operator can file an appeal on the decision to the Administrative Court. Before start of the operations the operator asks for the initial inspection by Tukes, wherein the permit conditions are checked.

Billing (Tukes payment)

After granting the permit an invoice will be sent to the applicant according to the Tukes payment.

Appeal (162 §)

Any appeal against a decision by a mining authority shall be filed by way of appeal in the manner prescribed in the Administrative Judicial Procedure Act (586/1996), unless otherwise provided. The mining permit will become legally valid provided that no appeals are filed during the appeal period and all the conditions laid down in the permit have been met.

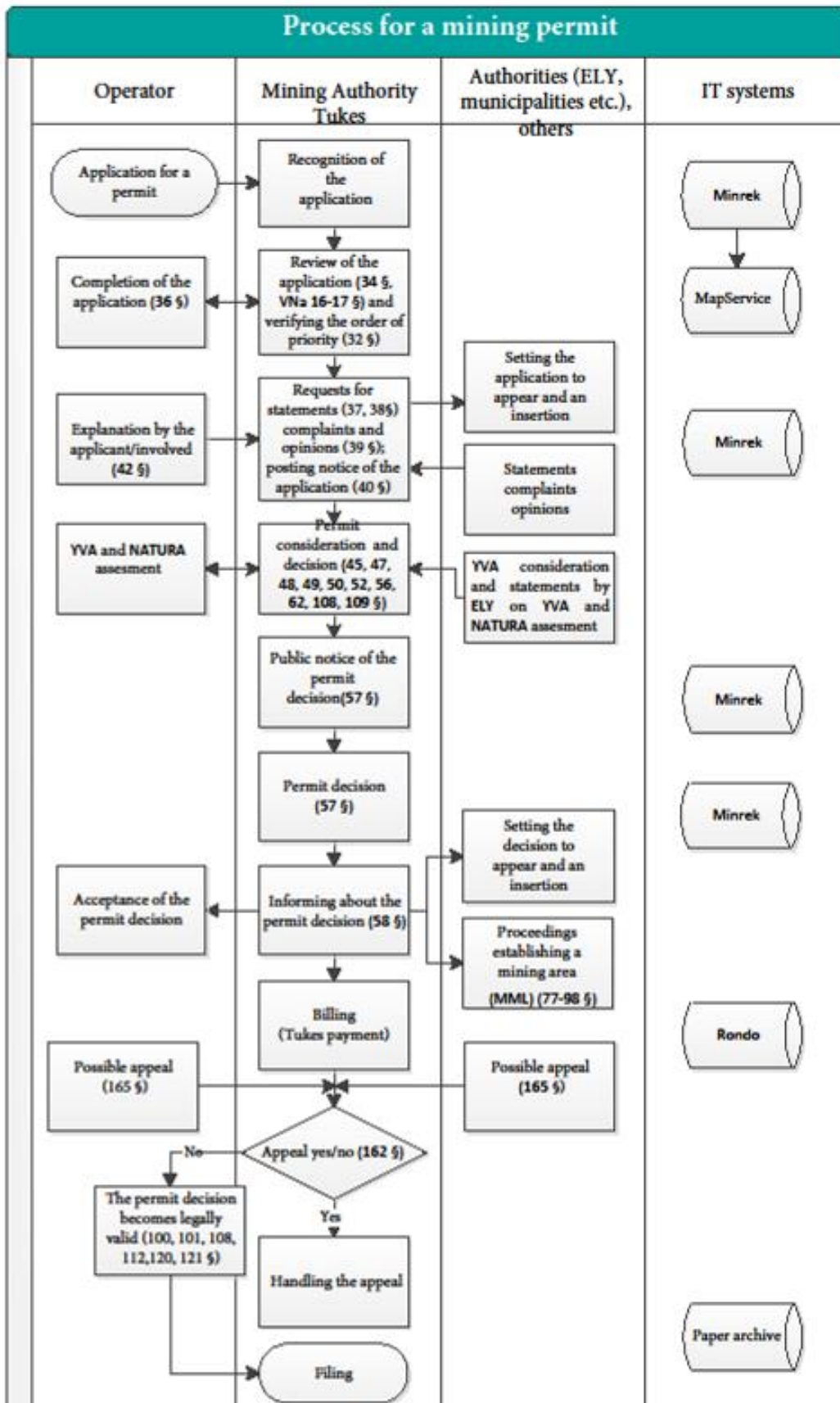
Handling the appeal

The Administrative Court or the Supreme Administrative Court the appeal has been filed, requests the opinion of the permitting authority (Tukes) if necessary.

Filing

When the Administrative Court decides, the permit is in accordance with the law, the decision becomes final if no appeals to the Supreme Administrative Court. The Supreme Administrative Court finally determines whether the decision was lawful. If the decision is unlawful, it is returned for reconsideration in accordance with the Mining Act (621/2011). Otherwise, the decision becomes legally valid.

Fig. 3: Finland. Flowchart showing the process to apply for a mining permit.



Source: Tukes

Public entities involved in the process

In addition to the provisions laid down in the Mining Act, decisions on permit issues or other matters hereunder and other activities in accordance with the Act shall comply with, inter alia, the provisions of the Nature Conservation Act (1096/1996), the Environmental Protection Act (86/2000), the Act on the Protection of Wilderness Reserves (62/1991), the Land Use and Building Act (132/1999), the Water Act (264/1961), the Reindeer Husbandry Act (848/1990), the Radiation Act (592/1991), the Nuclear Energy Act (990/1987), the Antiquities Act (295/1963), the Off-Road Traffic Act (1710/1995) and the Dam Safety Act (494/2009).

The Ministry of Employment and the Economy is responsible for the general guidance, monitoring, and development of activities under this Act. The Finnish Safety and Chemicals Agency (Tukes) acts as the mining authority referred to in this Act. The mining authority enforces compliance with the Act and manages other duties laid down herein.

The public entities involved in the permitting include:

1. The Mining Authority (Tukes); roles: mining permit, mine safety permit, permit for industrial handling and storage of dangerous chemicals, permit for the production and storage of explosives, guidance, supervision;
2. Regional State Administrative Agencies (AVI); roles: environmental permitting, mining waste permit, occupational safety permit
3. Centre for Economic Development, Transport and the Environment (an authority responsible for the enforcement of the Finnish nature conservation legislation, "ELY-Centre"); roles: statements, opinions, guidance, supervision;
4. Ministry of the Environment; roles: permitting in nature conservation areas
5. Radiation and Nuclear Safety Authority, STUK; roles: permit for uranium extraction
6. Sámi Parliament of Finland; roles: express important but legally non-binding opinions;
7. Skolt village meeting; role: express important but legally non-binding opinions;
8. Municipalities; role: express legally non-binding opinions, right to disagree with permitting for uranium extraction; grant land use planning and building permits.

Fig. 4: Finland. Network of authorities in mining operations.



Source: Tukes

Timeframes

The Mining Authority Tukes and other authorities involved have no statutory timeframes or deadlines for permitting. However, good administrative practices should always be the case, which includes handling of the permit issue without delay.

Statutory timeframes are included in the Nature Conservation Act (1096/1996) and the Environmental Protection Act (86/2000):

- Natura 2000 assessment 6 months
- Information on experimentation 30 days

Geographic areas covered by the permit

No size limit in the Law. In the permit application, the total area (2D) of the mining area and auxiliary area to the mine, and the area of each property, to a minimum accuracy of 0.1 hectares, must be included. The borders of the permit area continue vertically downwards.

Rights and duties of the licensee

Rights

A mining permit is required for the establishment of a mine and the undertaking of mining activity. The mining permit entitles the holder to exploit the mining minerals found in the mining area, the organic and inorganic surface materials, waste rock and tailings generated as by-products of mining activities as well as other materials belonging to the bedrock and soil of the mining area to the extent that their use is necessary for the purposes of mining operations in the mining area. The mining permit also entitles its holder to perform exploration within the mining area.

Duties

The holder of the mining permit is obliged to ensure that mining activities do not cause damage to people's health, danger to public safety, considerable inconvenience to public or private interest or, in relation to the overall costs of the mining operations, reasonably avoidable infringement of public or private interest.

The holder of the mining permit may not excavate or exploit mining minerals in a manner that entails obvious wasting of mining minerals. The permit holder must also ensure that the potential future use of and excavation work at the mine and deposit are not endangered or encumbered.

Legal nature of the rights

Extraction rights are exclusive and transferable.

A mining permit shall remain valid until further notice after becoming legally valid. A mining permit can also be granted for a fixed term, if this is justified in view of the quality and extent of the deposit, the applicant's ability to meet the conditions for ensuring the commencement of mining activities, and other factors that have emerged during processing of the application. A fixed-term mining permit may remain valid for a maximum of 10 years after the decision has become legally valid. After the ten years, an extension of ten years can be applied (or 5+5 years). Similar process than for a new permit.

Links between the exploration permit and a future license for extraction

An exploration permit does not authorise the extraction of the deposit. It does, however, provide the holder with a privilege for the mining permit, which in turn provides the right to exploit the deposit. The prerequisites for the granting of the mining permit are to do with the size, ore content and technical characteristics of the deposit concerning its exploitability.

Average length to get an extraction permit

Expected average legal timeframes in consecutive days for permit handling

(Source: Tukes website)

Mining permit (no environmental impact assessment EIA)	90
Mining permit (with EIA and related statement by the ELY centre)	180
Environmental & Water management permit	9-12 months

Integrity Assessment

No lack of transparency, no cases of unequal treatment, no corruption in Finland. Exploration data becomes public through the Geological Survey's websites after the inspection of the final exploration report operator has been filed to the Mining Authority Tukes.

Main problems or major modifications related to extraction permitting

Problems mentioned already in the exploration section.

1.7. Court cases on permitting procedures

The procedural and institutional framework of court appeals

In Finland, there are three levels of courts, from lowest to highest:

1) The Finnish **District Courts** deal with criminal cases, civil cases and petitionary matters. There are at present 27 district courts in Finland.

2) There are at present six **Administrative Courts (courts of appeal)** in Finland: Helsinki AC (in Helsinki), Hämeenlinna AC (in Hämeenlinna), Vaasa AC (in Vaasa), eastern Finland AC (in Kuopio), northern Finland AC (in Oulu) and Turku AC (in Turku). In addition, the autonomous Åland Islands have a separate administrative court, called the Administrative Court of Åland.

Most of the cases dealt with by the courts of appeal are appeals against decisions of the district courts. In addition, courts of appeal decide, as the first instance, matters of treason and high treason, as well as certain offences in public office.

3) Under the Constitution of Finland, the **Supreme Administrative Court** is the court of last resort in administrative cases.

The most important function of the Supreme Administrative Court is to establish judicial precedents in leading cases thus ensuring uniformity in the administration of justice by the lower courts. Decisions of courts of appeal and land courts, as well as certain decisions of the District Courts, Insurance Court and Market Court may be appealed against to the Supreme Court, provided that the Supreme Court grants leave to appeal.

Any appeal against a decision by a mining authority, issued under this Act, shall be filed by way of appeal in the manner prescribed in the Administrative Judicial Procedure Act (586/1996), unless otherwise provided hereinafter. The competent administrative court shall be determined on the basis of the administrative court jurisdiction within which the majority of the exploration area, mining area, or gold panning area referred to in the decision is located (Mining Act, Section 162).

The most usual court cases among mineral exploration and mining related operations are appeals against decisions by the Mining Authority. The appeal is filed to the Administrative Court (court of appeal). In cases, where a criminal action is postulated, the case is studied first in the district court.

Quantitative data or expert assessment of the last 20 years in minerals permitting cases

The present Finnish Mining Act came into force in 2011. Compared to the previous Mining Act (1965) the new act included more of public hearing, increasing possibilities to influence for individuals, land owners, municipalities and other authorities. Also, the environmental issues were taken stronger into account in the new act. The new act also better secured the rights of the Sámi people as an indigenous people and Skolt population living in northern Finland. By the new mining act the number of expressed opinions, lodged complaints and filed appeals increased a lot. It can be estimated that against around 8 % of the decisions by the Mining Authority (Tukes) an appeal is filed. Table 3 summarises the appeals in different operations during 2011-2016.

Table 3: Finland. Appeals against decisions by the mining authority (Tukes). 2011-2016.

APPEALS AGAINST DECISIONS BY THE MINING AUTHORITY (TUKES) 2011-2016							
	Judgments by the mining authority (Tukes)	Appeals to the Administrative Court	Appeals canceled	Appeals rejected by the administrative or Supreme court or dismissed	Waiting for the decision of the Administrative Court	The case sent back to Tukes for reconsideration	Waiting for the decision of the Supreme Administrative Court
Reservation	419	23	3	18	2		
Exploration permit	231	17	3	4	8	2	2
Claim	311	36	5	21	4	6	1
Exploration total	961	76	11	43	14	8	3
Mining permit	72	19	1	8	6	4	5 (4, appeal by Tukes)
Regulations to be included in a mining permit	135	10		8		2	1
Mining total	207	29	1	16	6	6	6
Gold panning permit	240	49	8	2	26	13	
Regulations to be included in a gold panning permit	28	3		3			
Gold panning total	268	52	8	5	26	13	
Other (e.g. assignments, excavation fee)	192	2			2		
TOTAL	1628	159	20	64	48	27	9

Source: Tukes

The appeals mostly are the following:

- Sami Parliament makes appeals against mechanical gold panning.
- The Finnish Association for Nature Conservation makes appeals against exploration in Natura 2000 areas. These appeals succeed better when authorities of nature conservation like ELY Centres also make appeals in the same case.
- Appeals against mining permits are made by private parties concerned, nature conservation organizations etc.

- Appeals against reservations are made to express the opposing opinion against any mining related operations.

The appeals retard the exploration or mining related operations by around one and half years if the judgment is made in the Administrative Court and by around an extra one year, if the decision of the Administrative Court is appealed and then decided in the Supreme Administrative Court. In some cases, the time periods are remarkably longer.

Most decisive and representative court judgements

Case No.: 1 (KHO, Dnro 483/1/13)

Name of court: 1) Vaasa administrative court 2) Supreme Court

Date of judgment: 1) 11.01.2013, 2) 10.12.2013

Name of plaintiff (or appellant): Lemminkäinen Infra Oy (company for infrastructure construction and building construction)

Name of defendant: The Mining Authority (Tukes)/claim applicant

Judgement in favour of: The Mining Authority (Tukes)/claim applicant

Relevance to which stage of permitting (exploration/extraction/post-extraction): exploration

Piece of legislation on which the claim (or appeal) is based (providing the Art. No. and topic as well, if any): The Constitution of Finland, §15, §18 and §106.

Description (summary) of the case:

The case related to the claim application and (according to the old mining act) possible obstacles to granting a claim. The claim application arrived in 2008 to the mining authority. The appellant asked to exclude the part of the claim area belonging into the land area owned by the appellant. The area in question was a rock material quarry and a coating plant was locating there.

The administrative court noticed in the judgment that granting a claim does not prevent the other land use, in this case rock material quarrying. At the stage of granting a claim the effects of possible mining operations are not considered. Under a granted claim the claim owner only can make exploration related studies.

The appellant was not satisfied on the judgment and the case proceeded into the Supreme Administrative Court. Based on further responses and explanations by the appellant and the Mining Authority the Supreme Administrative Court did not change the judgment by the Administrative Court.

Case No.: 2 (KHO, Dnro 1432/1/13 and 1437/1/13)

Name of court: 1) Rovaniemi administrative court 2) Supreme Administrative Court

Date of judgment: 1) 04.04.2013, 2) 19.11.2013

Name of plaintiff (or appellant): Sami Parliament, reindeer grazing association, reindeer herder

Name of defendant: The Mining Authority (Tukes)/Geological Survey of Finland

Judgement in favour of: The Mining Authority (Tukes)/ Geological Survey of Finland

Relevance to which stage of permitting (exploration/extraction/post-extraction): early exploration

Piece of legislation on which the claim (or appeal) is based (providing the Art. No. and topic as well, if any): Reindeer Husbandry Act (848/1990) §3,6.2 and §7.1 and 2; Act on the Sami Parliament (974/1995) §1.1, §5.1 and §6; Administrative Law § 5, §6.1, §13.1and §51.2; the Constitution of Finland §17.3

Description (summary) of the case:

The case relates to appeal rights on reservation decision made by the Mining Authority. The reservation applicant was the Geological Survey of Finland (GTK). The plaintiffs did not accept the reservation granting on the basis that the prospecting work made by the GTK will harm their source of livelihood (reindeer herding) and culture. The prospecting work should to their mind be done under an exploration permit not under a reservation.

The Rovaniemi Administrative Court rejected the appeal. The basis was that the legal right to appeal is given to which the decision is addressed or whose rights, obligations or interests are directly affected by the decision (Administrative Law §6.1). Granted reservation does not allow exploration without the landowner's permission.

The Supreme Administrative Court decided that there are no bases to change the judgment of the Rovaniemi Administrative Court.

Case No.: 3 (KHO, Dnro 1068/1/00)

Name of court: Supreme Administrative Court

Date of judgment: 28.08.2002

Name of plaintiff (or appellant): Käsivarsi reindeer grazing association, reindeer herder

Name of defendant: The Mining Authority (Ministry of trade and industry)/Geological Survey of Finland

Judgement in favour of: The Mining Authority (Ministry of trade and industry)/Geological Survey of Finland

Relevance to which stage of permitting (exploration/extraction/post-extraction): early exploration

Piece of legislation on which the claim (or appeal) is based (providing the Art. No. and topic as well, if any): ---

Description (summary) of the case:

The case related to the granted claims in the northern Finland, in the Sami area. The Käsivarsi reindeer grazing association and one reindeer herder asked to cancel the granted claims. The basis was the expected harm for the reindeer herding caused by the drilling rigs and exploration related traffic in the unpopulated area.

The Supreme Court rejected the claim. The basis was that the exploration methods have developed and the exploration machinery, which is used only in the final stage of the exploration, is lighter and thus causing less harm and traces and cannot cause remarkable harm for reindeer herding. Also the claim areas cover only 0.45 % of the reindeer herding area and the granted claim includes regulations concerning exploration periods, traffic, information and communication with the reindeer grazing association, which should decrease the harms for the reindeer herding.

Case No.: 4

Name of court: 1) Administrative Court of Rovaniemi (at present Administrative Court of Northern Finland), 2) The Supreme Administrative Court

Date of judgment: 1) 23.04.2012, 15.12.2014, 2) 02.10.2013

Name of plaintiff (or appellant): Centre for Economic Development, Transport and the Environment (an authority responsible for the enforcement of the Finnish nature conservation legislation, "ELY-Centre"), Metsähallitus (an authority governing state owned land) and the Lapin Luonnonsuojelupiiri ry (a regional member organization of the Finnish Association for Nature Conservation).

Name of defendant: The Mining Authority (Tukes)/AA Sakatti Mining Oy

Judgement in favour of: The case is still open

Relevance to which stage of permitting (exploration/extraction/post-extraction): exploration

Piece of legislation on which the claim (or appeal) is based (providing the Art. No. and topic as well, if any): Nature Conservation Act §5, §15.1, Mining Act §11, EYTI C-127/02

Description (summary) of the case:

The case relates to the Sakatti Cu-Ni-PGE project, which is located in northern Finland, in a region involving various nature conservation areas: a Natura 2000 site, a mire conservation area and a private conservation area. In addition to the exploration permit by the Mining Authority exploration within a mire conservation area, a legally valid permit allowing geological survey granted by the Ministry of the Environment is required too. A permit enabling derogation from the protection provisions of the private conservation area is required as well.

The Mining Authority Tukes granted for the first time 8/2012 the exploration permit. Following the claims by Metsähallitus, ELY-Centre and Lapin Luonnonsuojelupiiri ry, the exploration permit decision was repealed and the matter returned to Tukes for re-handling. After hearing and re-handling Tukes granted for the second time the exploration permit 6/2013. Tukes also issued an enforcement order regarding the permit decision in order to enable initiation of exploration work before the decision has gained legal force.

Three appeals against the permit decision and the enforcement order were filed to the Administrative Court of Rovaniemi. The appellants (plaintiffs) were the same as before. The Administrative Court of Rovaniemi repealed the enforcement order with its decision on 9/2013, and the Administrative Court of Northern

Finland made the judgment on the exploration permit 12/2014. Due to defectiveness of the Natura 2000 impact assessment included in the exploration permit application, the exploration permit decision was repealed and the matter returned to Tukes for re-handling.

In this context, the Ministry of the Environment, which had granted 5/2012 the permit allowing geological survey for the project, itself requested 6/2013 the Supreme Administrative Court to return the matter for re-handling. The Supreme Administrative Court repealed the Ministry's decision and returned the matter with its decision 10/2013.

After additional studies for the Natura 2000 impact assessment by the company Tukes granted for the third time the exploration permit 10/2015. In this context, the Ministry of the Environment also granted the permit allowing geological survey for the project. Both permissions include numerous regulations concerning the seasonal schedule and techniques of the geological surveys.

Lapin Luonnonsuojelupiiri ry filed an appeal in Administrative Court of northern Finland 11/2015 against the exploration permit granted by Tukes and an appeal in the Supreme Administrative Court against the permit for geological surveys granted by the Ministry of the Environment.

The company and the Ministry of the Environment have given their responses in early 2016. In addition to the responses have been given by ELY-Centre, Metsähallitus, Regional Council of Lapland and Sodankylä municipality. None of these have negative stand for the permits. The administrative process is currently pending in the Northern Finland Administrative Court and in the Supreme Administrative Court.

Case No.: 5 (KHO, Dnro 1922/1/14 and 1934/1/14; HO 14/5055/3)

Name of court: 1) Supreme Administrative Court, 2) Administrative Court of Eastern Finland

Date of judgment: 1) 23.11.2015, 2) 09.05.2014

Name of plaintiff (or appellant): Individuals, Centre for Economic Development, Transport and the Environment of North Karelia (ELY-centre)

Name of defendant: The Mining Authority (Tukes)/FinnAust Mining Southern Oy

Judgement in favour of: The Mining Authority (Tukes)/FinnAust Mining Southern Oy; the case was partly cancelled

Relevance to which stage of permitting (exploration/extraction/post-extraction): exploration

Piece of legislation on which the claim (or appeal) is based (providing the Art. No. and topic as well, if any): Nature Conservation Act (1096/1996)

Description (summary) of the case:

The case related to the granted claims in eastern Finland and planned exploration work (diamond drilling and geophysical studies). The appeals filed into the Administrative Court of eastern Finland were based on:

1) The *claim area was purchased by the state for nature conservation area (mire conservation area)*. The Mining Authority Tukes stated that because the area is not yet a nature conservation area, specific regulations should not be included in the decision. Tukes also had included regulations in the decision so that the exploration work must be carried on during winter time on frozen ground.

2) *Moor frogs live in the mire within the claim area and the exploration work will disturb and harm it.* The moor frog is a protected species (Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC). The granted claim includes regulations to take care that breeding sites and resting places of moor frogs are not disturbed (Nature Conservation Act 49(1)). The Administrative Court decided that operating according to the Nature Conservation Act and Nature directives the destruction and deterioration of breeding sites and resting places of the moor frog will sufficiently be taken account.

3) *Environmental impact assessment report in accordance with the Act on Environmental Impact Assessment Procedure (468/1994) should be done.* The Administrative Court decided that the planned operations don't require an environmental impact assessment report.

4) *Exploration and mining operations on the coastal areas of the lake Juojärvi degrade the water quality and cause inconvenience to residents.* The Administrative Court stated that according to the regulations included in the claim decision, drilling in the immediate neighbourhood of lake Juojärvi should be done using closed-cycle principle and the fine aggregate extracted from the hole should be carried away. Because the case is about exploration no mining related issues will be studied in this context.

After the decision of the Administrative Court appeals were filed to the Supreme Administrative Court by the individuals and ELY-Centre. In addition to the bases of the complaints in the Administrative Court the appeal was justified e.g. by the fact that the mire in question does not freeze wholly, and exploration machinery may destroy the structure of the mire and cause harm to the water flow and species living there. In their response Tukes states that regulation 11 in the claim decision ensures that the drilling is done on frozen mire, which ELY-Centre as the nature conservation authority, can find and note. In their response, the company states that the environmental impact is minimal and that the breeding sites and resting places of moor frogs are not disturbed because the exploration operations are made during winter time when the moor frog is hibernating.

Afterwards the company submitted notification in writing to the Mining Authority to request the expiration of the major part of the claims. The Mining Authority confirmed this and informed the parties involved.

The Supreme Administrative Court stated that 1) Handling of the case to the extent of the expired claims does not proceed and 2) The appeals are rejected. The decision of the Administrative Court of eastern Finland is not changed.

Conclusions

As a background for the Court cases on permitting procedures for exploration and extraction in Finland one needs to emphasize some facts. Before joining EEA in 1994 and EU in 1995 the mineral exploration and mining in Finland was domestic and the operating companies mainly state-owned. Finland had a long history of mining and the social acceptance of the mining industry was wide. The court cases related to mining industry were rare. The rush of foreign companies into the Finnish exploration and mining business after 1994 changed the atmosphere more critical. Important also are the differences between the time periods *before* and *after* the latest uranium exploration boom in mid 2000's and the differences between the periods during the old (1965) and the new (2011) Mining Acts. Also, one significant turning point in the mining industry related discussion in the whole society was the establishment of the giant Talvivaara nickel mine (operation starting 2009) and subsequent environmental problems (starting 2011). All these issues had negative effects for the mining industry and increased the number of appeals.

Uranium exploration re-started in Finland around 2005, what raised opposition. This pushed in part forward the preparation of the new Mining Act (2011). It would include e.g. much more public hearing, increasing possibilities to influence for individuals, land owners, municipalities and other authorities than the old law. The uranium dispute restored the

environment back to Finland as a local question. It refreshed the environmental movement and opened up spaces for resistance in the countryside. However, it ceased rapidly when uranium exploration companies left Finland due to recession in the end of 2000's. The environmental attention shifted towards new mining and development projects. Environmental problems of the Talvivaara nickel mine 2011-2012 increased opposition. A discussion on corporate social responsibility began and social scientists started to investigate mining. The Finnish government is promoting responsible mining and the industry looks for the best practices and dialogue with its stakeholders (Eerola, 2015).

Nature conservation areas (especially Natura 2000 and mire conservation areas, which cover > 15 % of the country, mainly in northern Finland) are a sensitive issue. For permitting procedures multiple stakeholders need to be consulted: different authorities, Ministry of Environment, nature conservation organisations and associations, in northern Finland Sámi People and reindeer herders, municipalities and individuals. The cases many times become complicated and most importantly time consuming. Some cases have been under the administrative process several years.

The permitting procedure in Finland is under review. The aim is to streamline the permitting procedure by combining the different permitting authorities, especially for permitting in the environmental sector.

1.8. Success rates of exploration and extraction permits

The data does not allow specifying, which of the 2013 applications were abandoned until the end of 2015. That's why the numbers below are shown separately for 2013, 2014 and 2015. The numbers include many applications filed before 2013.

Table 4: Number of applications submitted, granted and abandoned. 2013-2015.

Applications submitted	2013	2014	2015
Reservations	64	61	52
Exploration permits	130	120	70
Mining permits	6	5	11
Applications granted			
Reservations	152	58	47
Exploration permits	31	114	71
Mining permits	5	8	9
Applications abandoned by the licensee			
Reservations	19	9	2
Exploration permits	57	71	73
Mining permits			1

Source: Tukes

The majority of the exploration permits was for metallic ores and the majority of mining permits during 2013-2014 for industrial minerals and limestone and during 2015 equally for metallic ores and industrial minerals and limestone. No applications were rejected by the authorities, the uncompleted applications were asked to be completed by the Mining Authority. This is very often the case. If the operator finds out that there are *no prerequisites* to continue with exploration, by economic or other reasons, the operator itself withdraws the application. It has been very common during last years because of the economic recession. Thus, success rates cannot be calculated as a ratio of applied/rejected permits.

1.9. EU legislation impacting permits and licenses for exploration and extraction

Answering the following specific questions prepared by jurist experts to be addressed to Member States experts with regard to the implementation of the EU legislation:

- 1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

Not known by the author.

- 2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

Not necessarily. However, the Mining Authority must be sure that the applicant has sufficient expertise to run the project. For mining, sufficient expertise mostly requires mining engineer education.

- 3) Do you have legislation on financial guarantees (with regard to the Extractive Waste Directive, Art. 14)? Is the cost calculation of this guarantee done by an independent third party?

Yes. Regional State Administrative Agency (AVI) will give orders on the amount of guarantee.

- 4) Is there a list of inert mine waste published in your country in accordance with Art. 1(3) of Comm. Dec. 2009/359/EC?

Yes. The list applies to waste rocks generated in excavation.

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries for abandoned sites as well?

Yes. National Government Degree of Mine Waste (190/2013) includes the specific regulations.

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Art. 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Art. 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

Yes. National Government Degree of Mine Waste (190/2013), appendix 1 and National Government Decree on the Assessment of Soil Contamination and Remediation Needs (214/2007), appendix 1 include the specific regulations.

- 7) Does a mine operator have to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

Yes. Both to the same authority.

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

In accordance (not known in details by the author)

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

In accordance (not known in details by the author)

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipment when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

Not known by the author.

Note from the country expert: The information on Finland is a compilation of data from different public sources (mainly Finnish websites) and data from the Mining Authority of Finland (Tukes). Tukes data was very important and the Tukes' staff is acknowledged for the co-operation: Chief Mining Engineer Terho Liikamaa, Senior Officers Ilkka Keskitalo and Ossi Leinonen.