

Minerals Act (1991:45)

Observe! This translation of the Minerals Act (1991:45) was ordered by the Geological Survey of Sweden on the 8 of March 2018. Any amendments after the 8 March 2018 is therefore not included in this translation.

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, bismuth, caesium, chromium, cobalt, copper, gold, iridium, iron occurring in the bedrock, lanthanum and lanthanides, lead, lithium, manganese, mercury, molybdenum, nickel, niobium, osmium, palladium, platinum, rhodium, rubidium, ruthenium, scandium, silver, strontium, tantalum, titanium, thorium, tin, tungsten, uranium, vanadium, yttrium, zinc, and zirconium,
2. andalusite, apatite, baryte, brucite, refractory or clinkering clay, coal, fluorite, graphite, kyanite, magnesite, nepheline syenite, pyrite, pyrrhite, rock salt or similar salt deposit, sillimanite, and wollastonite,
3. oil, gaseous hydrocarbons, and diamonds. Act (2014:782).

Section 2 The Act is not applicable within public water areas of the sea.

Definitions

Section 3 Exploration entails work undertaken to prove the presence of a concession mineral and to establish the probable financial value of the deposit, as well as its character in other respects, to the extent that such work involves encroachment of the rights of either the landowner or a holder of other rights.

Exploitation entails extraction and utilization of a concession mineral.

The right to undertake exploration and exploitation

Section 4 Exploration may only be undertaken by the holder of an exploration permit and exploitation only by the exploitation concessionaire.

Exploration may, however, be undertaken without a permit by

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

A deposit may be exploited without a concession by

1. the property owner as in cases referred to in Chapter 5, Section 4,
2. the holder of a permit as in cases referred to in Chapter 3, Section 4,
3. the concessionaire, in cases referred to in Chapter 5, Section 4-6.

Section 5 An exploration permit, which is based on an application concerning one or several of the concession minerals referred to in Section 1, paragraph 1 and 2 is valid for all the minerals stated there, unless the applicant requests otherwise.

In other cases, an exploration permit or an exploitation concession is valid for the mineral/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 affecting activities referred to in this act are also included in the Environmental Code, the Planning and Building Act (1987:10) and the Heritage Conservation Act (1998:950).

Provisions concerning the rights to acquire, possess, and in any other way deal with nuclear substances or minerals containing such substances are also included in the Act on Nuclear Activities (1984:3). Provisions regarding other rights to undertake operations involving radiation can be found in the Radiation Protection Act (1998:220). Act (2013:668).

Section 8 Repealed by Act (1998:845).

Chapter 2. Exploration permits

Permit area

Section 1 An exploration permit is valid for a specific area, which may not exceed a size that the permit holder potentially is able to explore in an appropriate manner, and in addition it shall be of an appropriate shape for the intended purpose.

Prerequisites for permit

Section 2 An exploration permit shall be granted if it is reasonable to assume that an exploration of the area will lead to discovery of a concession mineral.

An exploration permit may not, however, be granted to a person manifestly lacking the possibility or intention to bring about an appropriate exploration, or a person who previously is proven to be unsuitable for carrying out exploration work.

A permit to undertake exploration regarding 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 an exploration. Act (2005:161)

Precedence in the event of competition, etc.

Section 3 If an area is subject to several applications for exploration permit under this Act, the applicant who first applied shall have precedence. If the applications have been received the same day, the applicants shall have equal rights in respect to the area common to their applications. Act (2016:994).

Section 4 If a person holds an exploration permit or an exploitation concession for a given area under this Act, no one else 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 which are not covered by the permit or concession. Act (2016:994).

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 On the application of the permit holder, the period of validity of the exploration permit shall be extended for a period of no more than four years, if an appropriate exploration of the area has been conducted. The same applies if the permit holder has valid reasons for not having undertaken an exploration and, furthermore, is able to prove 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 according to Section 6, it shall be extended after application from the permit holder for a period of no more than four years in total, if there are special reasons.

Subsequently, the period of validity can be prolonged for a period of no more than five years in total, if extraordinary reasons exist, for example if the permit holder can show that considerable work has been undertaken in the area, and that further exploration will probably result in a granting an exploration concession. Act (1998:165).

Section 8 In order to be considered, an application for extension must be 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 is valid until a final decision is taken regarding the application.

Objections to granting an exploration permit

Section 9 When an exploration permit or an exploitation concession has ceased to be valid, an application for an exploration permit regarding land in the same area not be considered until at least one year after the cessation of the permit or concession.

If there are special reasons, 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 meters from the boundary of the area covered by the concession. If there are special reasons, the size of the protected zone may be reduced.

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

After the final decision granting an exploitation concession, an exploitation permit within the protected zone may be granted, notwithstanding the provisions of the first paragraph, to the holder of the exploitation concession or another person with the holder's consent. Act (2005:161).

Section 9 b When an application for exploitation concession is submitted for a specified area, the provisions in Section 9 a, first paragraph, about objections against granting an exploitation permit shall apply until a final decision is reached regarding the concession. Consideration of an application for an exploration permit within a protected zone shall be suspended, pending a final decision in the concession case. Act (1998:165)

Conditions in exploration permits

Section 10 Exploration permits shall have conditions attached, 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 carry out exploration work 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 in regard to all concession minerals except oil, gaseous hydrocarbons and diamonds, but not in areas where another person holds a permit or a 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 demonstrate 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 areas 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 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 operation. The plan shall be drawn up by the permit holder and be written in Swedish.

The plan of operations shall contain

1. the permit holder's name, phone number, address, and e-mail address, as well as name, phone number, address, and e-mail address to a contact person if the permit holder is a legal entity,
2. a description of what a plan of operation entails, and information describing that people, who are affected by the plan of operation, may influence the contents in the plan through objecting to the contents of the plan,
3. a description of the planned exploration work and a time schedule for the work,
4. a map with property boundaries and cadastral reference numbers showing the area where the exploration is to be done,
5. an assessment regarding how the scope of the work is estimated to affect public interests and private rights,
6. information regarding when objections against the plan of operation should be submitted to the permit holder and the consequences if no objections are submitted,
7. information for those affected by the plan of operation, whom, by request have the right to be informed when the work on the property his or her right concerns will begin, and information about when the request is to be submitted to the permit holder,

8. Information about the permits according to other legislation the permit holder already holds or are going to apply for, or notifications according to other legislation the permit holder has done or plan to do on account of the exploration work, and
9. an assessment of the damages or the encroachment the exploration will entail, information about how possible damages will be regulated, as well as information about the permit holder's security for fulfilment of compensation payment, and regarding the size of the security.

The plan of operation shall, regarding the description of the work, and the time schedule for the work, be adapted to the current usage of land within the area where the exploration is to be done.

The Government or an authority appointed by the Government will present further regulations regarding the contents of a plan of operations. Act (2014:782)

Section 5 a 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 cooperation to which the holders of the rights belong.

Objections to the contents of the plan of operations shall be made in writing and be submitted to the permit holder within three weeks of the plan of operations being served. Act (2014:782)

Section 5 b The permit holder shall make available a translation of the plan of operation in Finnish, Meänkieli, and the Sami language, according to the prerequisites stated in the second and third paragraph.

A translation shall be made available if the exploration is to be carried out within an area, which completely or partly overlaps the administrative area of the language, as provided in Section 6 in the National Minorities and Minority Languages Act (2009:724), and if a translation is requested in writing by a property owner or holder of special rights referred to in the first paragraph in Section 5 a.

A request for translation according to the second paragraph shall reach the permit holder within ten days from the day the property owner or the holder of a special right was served the exploration permit decision, or in the cases referred to in Chapter 5, Section 3, second paragraph; decision concerning extraction concession.

The translation of the plan of operation is to be served the property owner or the holder of special rights in common with the plan of operation according to Section 5 a. Act (2014:782)

Section 5 c A plan of operation becomes valid if no objections according to Section 5 a, second paragraph, are raised. A plan of operations also becomes valid if the permit holder and the holder of special rights, who raised such objections, are able to reach an agreement on the contents of the plan.

A valid plan of operations shall be sent to the Chief Mining Inspector, the County Administrative

Board, and the Municipality. If the exploration work is to be done within an area used for reindeer herding, a valid plan of operations shall also be sent to the Sami Parliament. Act (2014:782)

Section 5 d If objections according to Section 5 a, second paragraph, are raised, the permit holder may request that the plan of operations is considered by the Chief Mining Inspector.

The plan of operations shall be confirmed by the Chief Mining Inspector and shall become valid insofar as

1. it fulfils the requirements on content in Section 5,
2. the measures set out in it are necessary for appropriate exploration and do not cause the property owner or any other concerned party inconvenience of such magnitude as to outweigh the permit holder's interest in being allowed to carry out the work, and
3. the permit holder has complied with his obligations according to Section 5 a, and Section 5 b.

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 shall apply immediately. Act (2014:782)

Section 5 e The permit holder shall, on request by a property owner or holder of special rights according to Section 5 a, first paragraph, send a notification regarding the day the work will begin on the property his or her right refers to. The notification shall be written in Swedish and sent one week, at the latest, before the work on the property begins.

If the plan of operations already includes information regarding when the work is to begin on a specific property, no notification needs to be sent to the rights holder in question.

A request for notification shall be stated in writing and submitted to the permit holder within the time period stated in Section 5 a, second paragraph. Act (2014:782)

Section 5 f The permit holder shall send a notification to affected property owners and holders of special rights when the exploration is completed. The notification shall be written in Swedish. Act (2014:782)

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 natural 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 Protection of Important Installations 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, Section 3, shall be made subject to such conditions as are necessary to prevent apparent damage to the natural and cultural values of the area. The County Administrative Board may also make permission under the third paragraph subject to other conditions. Act (2010:313)

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, airport, or canal open for public use,
2. an area within two hundred metres of a residential building,
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 (2000:900).

In cases referred to in the first paragraph, item 5, permission may not be granted if this is 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, item 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, item 2, consent shall be given by the owner of the building or the property, 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 the permission subject to conditions. Act (2012:443)

Section 8 If several exploration permits or concessions under this Act 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. Act (2016:994).

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, considering 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 in probability may be utilized on a financial 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 or she is suitable to undertake such an 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, information be provided, and coordination carried out, according to Chapter 6, Sections 28-46 in the Environmental Code.

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. Act (2017:961)

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 may be considered in accordance with Section 2, the applicant holding an exploration permit within the area for any mineral covered by his or her 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 an 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, 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. Act (2016:994)

Section 5 A concession shall be subject to the conditions that 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 concessionaire 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. A shorter period may be decided at the applicant's request. 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. A shorter period may be decided at the concessionaire's request.

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 concessionaire, 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.

A shorter period than ten years may be decided at the concessionaire's request.

From the authority responsible for considering applications the concessionaire is entitled to receive advance notice as to whether planned exploration work or planned mineral processing, metallurgical or other development work is 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 concessionaire, if this is justified from the point of view of the public interest in ensuring appropriate utilisation 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 Sections 9 or 10 shall be made no later than six months before the end of the concession period. If the concessionaire 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 concessionaire may only make use of land, designated for that purpose.

Land or other areas outside the concession area, as determined in the designation of land, may 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 issue regarding land designation. Such permission may only be granted if the concessionaire furnishes security for compensation as referred to in Chapter 7, Section 3. Act (2005:943)

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 undertaken

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 concessionaire may also explore for other concession minerals within the concession area, with the exception of oil, gaseous hydrocarbons and diamonds.

In regard to exploration work carried out at the surface on non-designated land, Chapter 3, Sections 3–5 a, shall apply. Act (2014:782)

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 concessionaire may also extract other concession minerals or other mineral substances, to the extent which is necessary for the work to be carried out in an appropriate manner. Of the material thus extracted, the concessionaire may use what is needed in the exploitation operations.

Section 5 The concessionaire may utilize previously extracted concession minerals, covered by the concession, unless Chapter 13, Section 2, second paragraph, indicates otherwise.

Section 6 The concessionaire may utilize such concession minerals and other mineral substances which cannot be separated prior to concentration or similar processing from the minerals covered by the concession.

The concessionaire 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 jeopardised 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 unexploited 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 concessionaire 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 to exploration work, which the concessionaire carries out at the surface, on non-designated land, as well as to exploration work and exploitation and activities connected therewith, which the concessionaire 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 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. Act (2016:994)

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

Transfer

Section 1 An exploration permit or exploitation concession may be transferred with the permission of the authority in charge of considering applications. With regard to an exploration permit, permission may be granted if the requirements stated 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, item 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 or she wishes, partially or in full, to relinquish his or her right, the permit shall cease to be valid to a corresponding degree one month from the date on which the notification was received by the Chief Mining Inspector.

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

If a concessionaire wishes to relinquish his right to a certain part of the concession area, he or she shall make an application to that effect to the authority responsible for considering applications. The application may be granted only if the remaining part 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 holder or concessionaire 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 holder or concessionaire.

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

Chapter 7. Compensation

Compensation to concerned parties

Section 1 For damage or encroachment resulting from exploration work, compensation shall be paid by the holder of the exploration permit holder or concessionaire 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 concessionaire.

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 concessionaire 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 concessionaire 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 concessionaire 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 concessionaire.

In the event of exceptional detriment to any property or part thereof by reason of land or other space being utilized, the concessionaire shall purchase the property or part of a property suffering such detriment if the owner so requests. Act (2005:943)

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. Act (2010:827)

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 holder or concessionaire is 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 concessionaire shall pay mineral compensation. This compensation shall be equal to two-thousandths of the calculated value of the minerals covered by the concession and 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 to the determination of compensation, the concessionaire 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 concerned 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 an archaeological investigation according to Chapter 2, Section 11, of the Act concerning Ancient Monuments and

Finds (1988:950). Act (2013:668)

Section 2 An application for granting of an exploitation concession shall be referred for consideration by the Government if

1. the Chief Mining Inspector considers the issue of a concession to be of particular importance for 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 issues and matters relating to exploration permits or exploitation concessions 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 consult, in regard to the application of Chapters 3 and 4 in the Environmental Code, the County Administrative Board of the county or counties where the concession area is situated.

When considering an application to extend an exploitation concession under Chapter 4, Section 10, shall be referred to the Government's review if the Chief Mining Inspector, in adjudication of Chapter 3 or 4 in the Environmental Code finds reason to depart from the County Administrative Board's proposal. Matters regarding revocation of an exploration permit or exploitation concession due to 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 for the public interest, shall also be referred. Act (1998:845)

Section 4 The Chief Mining Inspector shall inquire and append an opinion of his own in applications and other issues, which he refers to the Government's review.

Section 5 The Chief Mining Inspector may, when inquiring into matters referred to in Sections 1–3, recourse to experts for issues requiring particular expertise. A person connected to the matter in question or to a concerned party in such a way that his reliability may be questioned may not be engaged as an expert.

The remuneration to experts shall be decided by the Chief Mining Inspector. If an opinion has been issued by an authority, a public servant or some other person whose official duty it is to issue such an opinion, remuneration shall only be paid where specific provision is made for such payment. The applicant shall reimburse the State for costs incurred for the remuneration of experts.

Section 6 The Chief Mining Inspector may, when inquiring into issues referred in Sections 1–3, if necessary conduct an on-site inspection. The concerned parties shall be informed in an appropriate manner of the time and place of this inspection. The applicant shall defray the cost 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 issue 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, the County Administrative Board shall be consulted.

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

The reimbursement for the investigation shall be determined by the authority which 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 regarding the rights and obligations of the permit holder or concessionaire in connection to 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 during proceedings regarding designation of land, the issue shall be considered in that proceeding. In disputes that are not considered during land designation proceedings, the Chief Mining Inspector may recourse to experts, according to Section 5, and conduct an on-site inspection, according to Section 6.

Section 8 a Disputes concerning compensation under Chapter 7, Section 2, shall be considered by the Chief Mining Inspector. If such a dispute exists when proceedings for designation of land is in progress, the question shall be considered during those proceedings.

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

Section 9 Disputes regarding 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 Sections 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, Sections 1, 2, 3 or 7, shall be considered by the Land and Environment Court in the area where the concession area or the major part thereof is situated. Act (2010:934)

Costs in certain disputes

Section 12 In disputes referred to in Chapter 8, Section 7, and in disputes concerning compensation under Chapter 7, Sections 1 or 2, the permit holder or concessionaire shall reimburse the State for the costs incurred in the matter in accordance with provisions laid down by the Government.

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

Chapter 9. Proceedings for designation of land

General provisions

Section 1 Proceedings for designation of land shall be held at the request of the concessionaire.

In the proceedings, the land within the concession area which the concessionaire may utilise for the exploitation of a mineral deposit shall be determined. A determination shall also be made of the land or area, within or outside the concession area, which the concessionaire may use for operations connected with the exploitation of the deposit. In that respect, the nature of such operations shall be stated. Act (2005:943)

Section 2 If the concessionaire is in agreement with the owner of the land and the holders of special rights to the land; land or other area 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. Act (2005:943)

Section 3 Land or other area shall be designated until further notice, unless otherwise requested by the applicant. Act (2005:943)

Authority responsible for the proceedings, etc.

Section 4 A proceeding for designation of land is conducted by the Chief Mining Inspector.

Two trustees shall also officiate in the proceedings if the Chief Mining Inspector considers it

necessary, or by request from a concerned party, when this does not cause undue delay. Act (1998:165)

Section 5 The Chief Mining Inspector shall appoint trustees from among persons at the locality in question whom are chosen to act as trustees in property formation proceedings.

Section 6 If a trustee is absent or disqualified from serving and another trustee is unable to attend without delay, the Chief Mining Inspector may appoint a person who is eligible to be appointed as a trustee 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 serving together as judges shall also apply to the executory officers in this context.

Section 8 Executory officers are subject to the same disqualification provisions as apply to judges.

Section 9 If a concerned party requests disqualification of an executory officer, he shall do so on the first occasion he makes any submission in the matter after learning that the executory officer is officiating and that there are grounds for disqualification. If he fails to do so, the right to request disqualification will be forfeited.

If disqualification of an executory officer is requested, he or she may only undertake actions that cannot be postponed without extraordinary inconvenience and do not involve the determination of an issue of importance for the proceedings. Such actions may, however, be taken by the Chief Mining Inspector even if he has been declared to be disqualified.

The fact that an executory officer has been declared to be disqualified does not affect the validity of decisions or actions taken before the disqualification issue arose.

Section 10 The executory authority may engage the services of experts to investigate issues requiring special expertise. A person connected to the matter in question or to a concerned 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 payment in advance in accordance with Section 11, second paragraph, the Chief Mining Inspector may order the applicant to remedy the issue 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 incomplete to such a degree that it cannot form the basis for a proceeding without considerable inconvenience, or if the failure relates to payment of the application fee or payment in advance.

Meeting with the concerned parties, etc.

Section 13 As part of the proceedings, a meeting shall be held with the applicant and the other concerned parties. However, if no conflicting interests exist, a meeting is not required.

More than one meeting may only be held if a specific issue cannot be decided without further inquiries or otherwise deemed to be necessary.

The authority responsible for the proceedings may conduct, if necessary, an on-site inspection. The concerned 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 concerned parties shall be notified to attend. Notification shall be issued in good time before the meeting. If, during a meeting, the time and place of a new meeting has been announced, it is not necessary to notify any person, 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 whomever manages or uses the property.

The recipient of 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 is 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 concerned parties regarding property who are known to him. A property owner who, without valid reason, fails to do so shall reimburse the concerned parties for any damage resulting from this 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 absence, the meeting shall be cancelled. A new meeting shall be arranged within three weeks, if he so requests. If he does not so request, the application shall be cancelled.

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

Notwithstanding the second paragraph, such measures may be taken in the proceedings as do not significantly affect the rights of the concerned party.

Section 18 The proceedings may not be concluded until the concession decision has gained legal force.

Voting

Section 19 If the executory officers have differing opinions, the decision shall be in accordance with the opinion of two of them. If each executory officer has a different opinion, the opinion of the Chief Mining Inspector shall prevail. Regarding sums of money or other quantitative issues, however, the opinion supporting the second largest sum or quantity shall prevail.

Costs of the proceedings

Section 20 The remuneration to be paid to experts shall be decided by the executory authority. If an opinion has been issued by an authority, a public servant or another person, whose official duty it is to issue 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 issued by the Government.

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

Contents of the land designation decision

Section 22 A decision on designation of land shall state the location, extent, and purpose of the land or area designated, and include decisions regarding 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 issues 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 the money is to be deposited. Act (2005:943)

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 executory authority to the concerned parties and others who have the right to appeal against the decision. The 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 as accurate as is required for the purpose. However, if the proceedings can be conducted and its outcome made clear without a map, such a map need not to be prepared.

Before a decision is made concerning the purchase of part of a property under Chapter 7, Section 3, the 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 area 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 (2005:943)

Chapter 10. Payment of compensation, etc.

Section 1 Compensation determined in land designation proceedings 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 of the land was taken 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 on the compensation shall be calculated 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) 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 on the compensation shall be calculated 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) 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 a Compensation referred to in Section 1, which does not relate to personal injury, shall be deposited with the County Administrative Board of the county wherein 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 executory authority responsible for the designation proceeding decides.

Compensation which is not to be deposited shall be paid to the person entitled to the compensation. If the compensation relates to land which is to be purchased, the person liable to pay it shall notify and provide evidence that the compensation has been paid to the County Administrative Board of the county in which the property is situated. If the compensation relates to properties in different counties, notification shall be made to the County Administrative Board which the executory authority decides.

Section 3 If a creditor referred to in Section 2 suffers loss due to compensation not being deposited, he is entitled to compensation from the concessionaire. The same applies if the creditor suffers loss due to compensation not being considered in land designation proceeding or being underestimated in a court of law.

Section 4 If the person liable to pay compensation fails to pay or deposit compensation within the time prescribed, the County Administrative Board may, by 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, Sections 6 or 8, of the Code of Judicial Procedure.

Section 6 A purchase of land is completed when the concessionaire 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 consequence to the rights of creditors with mortgage liens 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 executory authority.

As a result of the purchase, the liability of the purchased property for claims shall cease. However, this does not apply to a claim with 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 wherein several persons hold shares.

The provisions of Sections 4–9 shall only apply to the extent that the 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 or she shall be a resident in Sweden.

The appointment of a manager 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 behalf of the shareholders, 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.

For service on shareholders the Service of Process Act applies (2010:1932). For such service the manager is the solitary recipient of the service. Act (2010:1958)

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, issues 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 shareholder.

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

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 issue concerns an election. Regarding other issues, 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 shareholders are in agreement.

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 applies when the issue is whether or not a certain exploration or exploitation operation is to be commenced.

The person who requested 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 environmental court in the area where the concession area or the major part thereof is situated. Act (2010:934)

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 join it following notification at a meeting or after applying 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 buildings and other facilities, machinery, tools, equipment and stock 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 proceedings and the distribution of compensation,

3. costs in respect of such exploration and preparatory works carried out after the land designation proceedings 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, within two months on a request for payment, a shareholder fails to pay 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. Effects of an exploitation concession ceasing to be valid

Section 1 When an exploitation concession ceases to be valid, the concessionaire loses the right to the land or area accruing to the concessionaire by due to the designation of land. Act (2005:943)

Section 2 When the concession ceases to be valid, the concessionaire 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 concessionaire for not more than two years after the concession has ceased to be valid. The concessionaire shall forfeit his right to any material not removed during this period.

Minerals to which the concessionaire forfeits his right under this section, 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 concessionaire 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 concessionaire has been required to provide. Such structures shall remain on 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 Remaining structures on 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 remain on 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 remaining on 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 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 by closed mines.

Chapter 14. Fees and other special obligations

Fees

Section 1 An applicant in any matter 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 regarding 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 concessionaire. The map shall show the drill holes of enduring value within the concession area. 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 concessionaire 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 concessionaire 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 concessionaire' 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 may 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 out, 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 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 Agency may, on the application of the owner or holder of the land, make a special enforcement assistance order requesting the work to be suspended or the land to be restored at the expense of the person undertaking the 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 concessionaire 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 concessionaire. 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 c, first paragraph, and 5 d, second paragraph, regarding a valid 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, item 1.

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

If an offence referred to in the first paragraph, item 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 (2014:782)

Chapter 16. Appeals against decisions

Section 1 Regarding appeals against decisions made under this Act, the following shall apply.

Decision	Appeal lies to
Decisions of the Chief Mining Inspector on issues relating to exploration permits	An Administrative Court of general jurisdiction
Decisions of the Chief Mining Inspector on issues relating to confirmation of a plan of operations for exploration work under Chapter 3, Section 5 d	The Land and Environment Court in the area where the land to which the dispute relates, or the greater part thereof, is situated
Decisions of the Chief Mining Inspector on issues 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 issues 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 issues relating to an extension of the period of validity of an exploitation concession under Chapter 4, Section 10	An Administrative Court of general jurisdiction
Decisions of the Chief Mining Inspector on other issues regarding 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 issues referred to in Chapter 3, Section 7	The County Administrative Board
Notice in advance, 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 and Environment Court in the area where 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 and Environment Court in the area where 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 and Environment Court in the area where the land to which the dispute relates, or the greater part thereof, is situated
Decisions of the executory authority responsible for matters concerning designation of land	The Land and Environment Court in the area where 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 issues arising under this Act	An Administrative Court of general jurisdiction
Decisions of the County Administrative Board on issues referred to in Chapter 3, Section 6	The Government
Decisions of the County Administrative Board on issues 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 (2014:782)*

Section 2 Decisions made during proceedings for designation of land may be the subject to a separate appeal if the authority responsible for the proceeding has

1. dismissed a disqualification of a executory officer,
2. made a decision regarding remuneration of an expert or interpreter, or
3. made a decision concerning the utilisation of land or other space pursuant to Chapter 5, Section 1, fourth paragraph.

No appeal lies from a decision by the executory authority to accept an objection on a disqualification. *Act (2005:943)*

Section 3 A person who considers a proceeding for designation of land as being unnecessarily delayed by a decision made in the proceedings may appeal against the decision to the Land and Environment Court. This right of appeal is not subject to a time limit. *Act (2010:934)*

Section 4 A decision by the Chief Mining Inspector regarding grant 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 or legal person as referred to in Chapter 16, Section 13, of the Environmental Code. *Act (2010:890)*

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 and Environment Court of appeals lodged concerning disqualification of a executory officer. *Act (2010:934)*

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 proceedings in an application for designation of land, the permit or concession holder shall be responsible for his or her own costs in the Land and Environment Court, and in any superior court. The permit holder or concessionaire shall also be responsible for costs incurred by the opposing parties in the Land and Environment 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 (2010:934)*

Chapter 17. Special provisions

Section 1 For the purposes of this Act, special rights to a property shall connote rights of use, easements, reindeer herding rights, rights to electric power, and similar rights.

The provisions of this Act concerning concerned 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 inter-municipal associations 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 current or planned use of the land when it is of major importance for 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.

Section 4 Exploration permits, and exploitation concessions may not be granted for oil or gas operations at sea. Act (2015:282)

Transitional provisions

1991:45

1. This Act comes into force on July 1, 1992, when the Mining Act (1974:342), the Act concerning Certain Mineral Deposits (1974:890), the Act providing in certain cases for the Purchase of a Staked claim (1949:658), shall be repealed.

If an Act or other statute refers to a provision being superseded by a regulation in this Act, the new provision applies.

Unless otherwise indicated in 3--6, the new Act applies on rights according to prior Acts. Hereby the provisions regarding exploration permits in the new Act applies to previous exploration rights, and the provisions concerning exploitation concessions in the new Act applies to previous exploitation rights.

2. The provisions in the new Act concerning property owners shall also apply to property holders with permanent tenure or holders of entailed estates. The same applies to a holder whom, according to a decision by general allocation of a minor meadow.

The provisions in the Act concerning claims on property where a mortgage lien is granted, is to be applied on rights to yield or property according to Section 8 in the Act (1970:955) on implementation of the new Land Code, if the right is not regarded as a special right to property.

In cases or matters pending proceedings before the new Act is in force, prior provisions apply.

3. Chapter 14, Section 3 do not apply to claims and exploration concessions expiring before July 1, 1993.

If compensation, decided in accordance to prior statutes, is not paid when this Act comes into force, Chapter 4, Sections 33-38 in the Mining Act (1974:342) apply instead of Chapter 10 in the new Act.

The Act providing in certain cases for the Purchase of a Staked claim (1949:658) will still apply to prospect claims and staked claims.

4. For prospect claims, the new Act shall apply with the following limitations.

a. The prospector may, within the area designated in the prospecting licence, only carry out exploration of the prospected minerals according to the Mining Act (1974:342), when the Act was repealed.

a. Permission according to Chapter 2, Sections 3-5, in the Mining Act will be considered permission to exploration work according to Chapter 3, Sections 6 and 7, and Chapter 17, Section 3 in the new act.

b. Regarding the exploration period and extension of the same, Chapter 3, Section 5, first and second paragraphs, as well as Sections 6 and 7 in the Mining Act shall apply instead of Chapter 2, Sections 5-8 in the new Act.

c. Provisions in Chapter 6 in the new shall not apply to prospected claims. Regarding transfer of rights to a prospect claim, Chapter 9 in the Mining Act applies.

d. When a prospect claim expires, the provisions in Chapter 2, Section 9 in the new Act, regarding withdrawal period is not to be applied on land having been included in the prospect claim. Exploration permit applications for these kinds of land, when the application has been lodged within a year from the expiration of the prospect claim, may only be granted by permission of an authority designated by the Government.

5. Regarding staked claims granted under the Mining Act (1974:342) or corresponding prior legislation, the new Act shall apply with the following limitations.

a. Regarding staked claims originating when prior legislation was in force, Chapter 14, Section 6, first paragraph, and Section 7 in the Mining Act, shall apply for as long as the staked claim is valid.

b. The holder of a staked claim, may carry out exploration and exploitation of the concessible minerals according to the Mining Act, when it was repealed, for as long as the staked claim is valid, Land, designated according to prior legislation, is to be seen as designated according to the new Act. If new land is to be designated, the new Act applies. Permission to obtain staked claims without impediment according to Chapter 2, Sections 2-5 in the Mining Act, shall when Chapter 5, Section 10 in the new Act is applied, be regarded as permission, according to Chapter 3, Sections 6 and 7 in the new Act.

c. The provisions regarding defence fee, in Chapter 6, Sections 8 and 9 in the Mining Act shall remain as long as the staked claim is valid.

d. Regarding the validity period for staked claims, Chapter 6, Section 10, first paragraph, in the Mining Act shall apply. The provisions in Chapter 6 in the new Act shall not be applied on staked claims. Regarding repudiation Chapter 6, Section 13 in the Mining Act, and regarding transition of staked claim rights, Chapter 9 in the Mining Act shall apply. The provisions regarding compulsory purchase of staked claim rights in Chapter 10, the Mining Act, still applies.

e. Regarding staked claims the provisions in Chapter 8 in the Mining Act regarding joint

ownership rights in staked claims shall apply instead of Chapter 12 in the new Act regarding joint administration of concession rights.

f. If a staked claim holder, at the latest one year before the staked claim expires, applies for exploitation concession within the staked claim, for claimable minerals under to the Mining Act when it was repealed, the proceedings shall be conducted in observance of the following.

If regular exploitation or preparation work, or preparatory or construction work is in progress, the application shall be granted without consideration, as provided in Chapter 4, Section 2, and without conditions for the concession, as provided in Chapter 4, Sections 5 and 6. If exploration work, mineral processing, metallurgic, or other development work on a larger scale with the purpose of facilitate exploitation of the deposit is in progress, the application is to be considered without application of Chapter 4, Section 2, first paragraph, items 1-2. Act (1993:690)

g. When the staked claim expires, Chapter 7, Section 2 in the Mining Act shall apply, instead of Chapter 13, Sections 4-6 in the new Act, regarding structures commenced before the Act coming into force. Regarding rights to new exploration permits for land within the staked claim, Chapter 2, Section 9, in the new Act shall not apply. The following is applied instead. Applications for such permits, submitted within one year from the expiration of the staked claim, may be granted only by permission of an authority designated by the Government.

6. Regarding concessions and corresponding permits, granted according to the Act concerning Certain Mineral Deposits (1974:890) or corresponding prior legislation, the new Act shall apply with the following limitations.

a. Concerning permits, originating in prior legislation, item 5 in the transitory provisions to the Act concerning Certain Mineral Deposits, as long as the permit is valid.

b. The holder may, during the period the concession or permit is valid, carry out exploration or exploitation according to the conditions stated in the decision. Designated land under prior legislation shall be considered designated according to the new Act. If new land needs to be designated the new Act shall apply. Permission according to Sections 17-19 in the Act concerning Certain Mineral Deposits shall be considered a corresponding permission under Chapter 3, Sections 6 and 7, and Chapter 17, Section 3, in the new Act.

c. Provisions in the new Act regarding the Crown Share in Chapter 1, Section 6, or concession in Chapter 6, Section 4, and joint management of concession rights in Chapter 12, shall not apply for the concessions or corresponding permits referred here. The conditions stated for the concession or permit shall apply instead.

d. When a concession or corresponding permit expires, Section 36 in the Act concerning Certain Mineral Deposits shall apply, instead of Chapter 13, Sections 4 and 5 in the new Act regarding structures erected before the Act came into force.

e. Permits for preparatory exploration under Chapter 15 in the Act concerning Certain Mineral Deposits, which are valid when the Act comes into force, that Act shall apply as long as the

permit is valid.

7. A person whom, at the end of June 1992 carries out exploration or exploitation for which a permit or concession thereafter is necessary following this Act may continue operations for the same purpose without permit or concession, provided that an application for permit or concession is made before July 1, 1993, until a final decision is taken regarding the application. When such an application for exploration concession is considered, the following shall be observed.

a. When considering the application, Chapter 4, Section 3, the first paragraph shall apply, as if the applicant had an exploration permit within the area for the minerals the application refers to.

b. The application shall be considered without application of Chapter 4, Section 2 in the new Act. The concession period shall be set to twenty-five years. If the applicant so requests, a shorter period may be decided. Act (1993:690)

c. A concession may be subject to conditions as referred to in Chapter 4, Sections 5 and 6.

8. Before July 1, 1993 concessions for concession minerals not included in the Mining Act or the prior Mineral Act shall not be granted for other persons than the landowner, without his or her consent. However, this only applies to deposits where exploitation has not commenced when the new Act comes into force.

1993:690

1. This Act comes into force July 1, 1993.

2. The prior wording of Chapter 4, Section 3 shall continue to apply for exploitation concessions submitted to the review authority prior to the Act coming into force.

3. Regarding Crown Shares received by the State prior to July 1, 1993, the repealed Chapter 11 shall apply.

1995:106

This Act comes into force on April 1, 1998. The earlier wording shall apply for appeals on decisions passed before the coming into force of this Act.

1998:165

1. This Act comes into force on July 1, 1998.

2. The new provisions of Chapter 2, Sections 9 a and 9 b in 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.

1998:845

1. This Act comes into force on January 1, 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 December 31, 1998 are designated as nature conservation areas. The prohibition shall apply, however, if a regulation preventing exploration work is introduced subsequent to that date.

2005:161

1. This Act comes into force on May 1, 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.

2010:827

1. This Act comes into force on August 10, 2010
2. Earlier provisions still shall apply for compensation due to
 - a) an exploration permit, granted before the coming into force of this Act, and
 - b) an exploitation concession granted before the coming into force of this Act, if an application for compensation or a castradal procedure is submitted prior to August 1, 2015.
3. Regarding matters under item 2, reference to the Expropriation Act (1972:719) applies according the wording of that Act at the end of July 2010.

2010:1958

1. This Act comes into force April 1, 2011.
2. Earlier provisions apply if a decision of service, according to Sections 15-17 in the Service of Process Act (1970:428) are taken before April 1, 2011, or if documents are sent or submitted before this date.

2012:443

1. This Act comes into force January 1, 2013.
2. A plan of operations made under the Road Law (1971:948) in its wording prior to January 1, 2013, is to be seen as a road plan according to this Act.

2014:782

1. This Act comes into force August 1, 2014.
2. The provisions in Chapter 1, Section 1, in the earlier wording still applies for exploration permits and exploitation concessions granted before the coming into force of this Act, and for exploration permits where the matter was initiated with the Chief Mining Inspector prior to the coming into force.
3. The prior wording of the provisions in Chapter 3 shall apply for exploration permits and exploitation concessions granted before the coming into force.

2016:994

1. This Act comes into force January 1, 2017.
2. The earlier provisions shall apply for concessions under the Act concerning Certain Peat Deposits (1985:620).

2017:961

1. This Act comes into force January 1, 2018.
2. Earlier provisions shall apply to administration and consideration of matters commenced before the coming into force.

Senast granskad: 2018-06-25