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Ministry of Employment and the Economy, Finland

Mining Act

(621/2011)

Issued in Helsinki 10 June 2011

In accordance with the decision of Parliament, the following is enacted:

PART I

EXPLORATION AND EXPLOITATION OF MINING MINERALS

Chapter 1

General provisions

Section 1

Purpose of the Act

The objective of this Act is to promote mining and organise the use of areas required for it, and exploration, in a socially, economically, and ecologically sustainable manner. In order to fulfil the purpose of the Act, the securing of public and private interests is required, with particular attention to:

- 1) the preconditions for engaging in mining activity;
- 2) the legal status of landowners and private parties sustaining damage;
- 3) the impacts of activities on the environment and land use, and the economic use of natural resources.

A further objective of the Act is to ensure the municipalities' opportunities to influence decision-making, and the opportunities of individuals to influence decision-making involving them and their living environment.

Furthermore, an objective of the Act is to promote the safety of mines and to prevent, decrease, and avert any inconvenience and

damage incurred in the activities referred to in this Act, and to ensure liability for damages for the party causing the inconvenience or damage.

The activities referred to in this Act shall be adapted in the Sami Homeland, referred to in the Act on the Sami Parliament (974/1995), so as to secure the rights of the Sami as an indigenous people. This adaptation shall pay due attention to the provisions of the Skolt Act (kolttalaki 253/1995) concerning the promotion of the living conditions of the Skolt population and Skolt area, opportunities for making a living, and the preservation and promotion of the Skolt culture.

Section 2

Scope of application of the Act

This Act lays down provisions for the exploration and exploitation of a deposit containing mining minerals, gold panning in an area owned by the State, the termination of related operations, and the proceedings for establishment of a mining area.

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

- 1) as concerns chemical elements: actinium, aluminium, antimony, arsenic, barium, beryllium, boron, caesium, mercury, fluorine, phosphorus, gallium, germanium, hafnium, silver, indium, iridium, cadmium, potassium, calcium, cobalt, chromium, gold, copper, lanthanoids, lithium, lead,

magnesium, manganese, molybdenum, sodium, nickel, niobium, osmium, palladium, platinum, radium, iron, rhenium, sulphur, rhodium, rubidium, ruthenium, selenium, zinc, scandium, strontium, thallium, tantalum, tellurium, tin, titanium, thorium, uranium, vanadium, bismuth, tungsten, yttrium, and zirconium, as well as minerals containing these chemical elements;

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

3) as concerns rock types: marble and soapstone.

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

Section 3

The relation of the Act to other legislation

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

Section 4

Competent authorities and their duties

The Ministry of Employment and the Economy is responsible for the general guidance, monitoring, and development of

activities under this Act. The Finnish Safety and Chemicals Agency acts as the *mining authority* referred to in this Act.

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

Provisions on the Government's and mining authority's authority concerning permits are laid down in section 33.

Section 5

Definitions

In this Act:

1) *exploration* refers to the geological, geophysical, and geochemical investigations and sampling utilised in locating and exploring a deposit containing mining minerals, for the purpose of analysing the size and quality of the deposit;

2) *deposit* refers to such concentration of mining minerals in bedrock that have proven or potential financial value for mining activity;

3) *mine* refers to an open cast mine and an underground stope, where mining minerals are excavated, and the constructions, equipment, and instruments directly connected to excavation;

4) *mining activity* refers to the excavation of mining minerals in a mine, the related transfer and hoisting of aggregate, ore dressing, and any other processing of mining minerals carried out immediately in connection with excavation as are necessary for the exploitation of mining minerals alongside preparatory measures and other supporting measures immediately related to the excavation of mining minerals;

5) *gold panning* refers to exploration, recovery, and exploitation of gold deposits in the soil, by means of panning;

6) *environmental impact* refers to the direct and indirect impacts of activity, referred to in this Act, on people's health, living conditions, and well-being, as well as on the soil, waters, air, climate, vegetation, biota, diversity of nature, community structure, buildings, landscape, townscape and cultural heritage.

The provisions laid down in this Act regarding real estate and landowners shall apply to:

- 1) a parcel of land and the owner thereof;
- 2) land in joint ownership and forest in joint ownership, and the partners thereto;
- 3) special privilege and the owner thereof;
- 4) common special privilege and the partners thereto.

As concerns State-owned property, the authority or institution responsible for management of the land area shall avail itself of the owner's right of action.

Section 6

General principles

The principles in any activity referred to in this Act shall be:

- 1) that the necessary expertise as regards the quality and extent of the activity, and sufficient resources for all other preconditions, are available;
- 2) that sufficient clarity prevails as concerns the impacts of the activity and the possibilities for preventing and reducing damage and detrimental impact;
- 3) that the required measures are taken to ensure the safety of activities and that technological development is taken into account in this context;
- 4) insofar as possible,
 - a) to prevent damage and detrimental impacts caused by the activity;
 - b) to eliminate operations that cause harmful impacts or, if this is not possible, to replace them with less detrimental ones;
 - c) to prepare for disturbances and dangerous situations;
- 5) that any inconvenience or damage caused by the activity is compensated for.

Chapter 2

Exploration

Section 7

Prospecting work

In order to find mining minerals, everyone has the right, even on another's land, to conduct geological measurements and make observations and to take minor samples, provided that this does not cause any damage or more than minor inconvenience or disturbance (*prospecting work*).

Prospecting work must not be carried out on the ground:

- 1) in a cemetery referred to in the funerary services act (hautaustoimilaki 457/2003), nor in an area belonging to a private grave, or within 50 metres of these;
- 2) in an area used by the defence forces, or any area controlled by the Border Guard where movement is restricted or prohibited, or within 100 metres of such an area;
- 3) in an area where movement is restricted or access denied to outsiders;
- 4) on a traffic route or passage in public use;
- 5) within 150 metres of a building intended for residential or work use, or comparable space, and any adjoining private yard, or the site for such a building, if a permit required for building referred to in the Land Use and Building Act has been granted for it and construction has begun;
- 6) in an area in horticultural use;
- 7) within 50 metres of a public building or utility, or either a power line with a voltage of over 35,000 volts or a transformer station;
- 8) in any other area, corresponding to those in items 1–7, designated for special use.

However, prospecting work may be carried out in an area referred to in paragraphs 2–8 of subsection 2 with the consent of the authority or institution competent in the matter, or that of the relevant holder of rights.

Section 8

Notification of sampling related to prospecting work

The party in charge of prospecting work shall, prior to commencement of sampling referred to in section 7, submit notification to the owner and holder of real estate in the area where prospecting work is to take place (*prospecting area*), whose right or advantage the matter may involve.

The notification must include the contact information of the party responsible for prospecting work, information on the prospecting area, and a plan regarding the sampling. The plan must include information on the equipment and methods to be used, the sampling schedule, and the targeted mining mineral.

Further provisions on the notification procedure may be given by government decree.

Section 9

Exploration subject to a permit

Exploration is subject to a permit granted by the mining authority (*exploration permit*) if exploration cannot be carried out as prospecting work in accordance with section 7, or the property owner has not given consent to it.

An exploration permit is also required if:

1) exploration could cause any harm to people's health or general safety, damage to other industrial and commercial activity, or any deterioration in value related to the landscape or nature protection values;

2) the exploration is targeted at locating and exploring a deposit containing uranium or thorium;

3) the permit is necessary for gaining a privilege, as described in this Act, for exploiting the deposit.

As concerns restrictions on areas for exploration, the provisions laid down regarding these in section 7(2) and (3) shall apply correspondingly.

Moreover, the consent of the authority or institution competent in the matter, or that of

the holder of the rights, is required for exploration whenever the area in question is a street area or market place referred to in the Land Use and Building Act, a road area of a highway referred to in the Highways Act (503/2005), an airport or another area in aviation use referred to in the Aviation Act (1194/2009), a railway area referred to in the railways act (ratalaki 110/2007), a canal used for public traffic or another such traffic area, or an area within 30 metres of any of the above-mentioned traffic areas, unless provisions concerning a larger exclusion area are laid down in, or pursuant to, the relevant Act.

Section 10

Legal effects of an exploration permit

Pursuant to an exploration permit, the permit holder has the right, on the permit holder's own land and that owned by another landowner, in the area referred to in the permit (*exploration area*), to explore the structures and composition of geological formations and to conduct other exploration in order to prepare for mining activity and other exploration in order to locate a deposit and to investigate its quality, extent, and degree of exploitation, as provided for in more detail in the exploration permit.

The holder of the exploration permit may build, or transfer to the exploration area, temporary constructions and equipment necessary for exploration activity, as specified in more detail in the exploration permit.

An exploration permit does not authorise exploitation of the deposit. Provisions related to the permit holder's privilege for exploiting the deposit are laid down in section 32.

The exploration permit does not limit the property owner's right to use the area or to govern it, unless otherwise is provided in subsection 1 or 2.

Section 11

Exploration pursuant to a permit

The exploration permit's holder shall limit exploration and other use of the exploration area to measures necessary for the purposes

of exploration activity. The measures shall be planned so as not to cause an infringement of public or private interests that is avoidable by reasonable means.

Exploration pursuant to an exploration permit, and other use of the exploration area, shall not cause:

- 1) harm to people's health or a danger to public safety;
- 2) essential damage to other industrial and commercial activity;
- 3) significant changes in natural conditions;
- 4) essential damage to rare or valuable natural occurrences;
- 5) significant damage to the landscape.

Section 12

Notification of field work and construction in the exploration area

In writing, the holder of the exploration permit must notify owners of real estate included in the exploration area, and other holders of rights, in advance of all field work that could cause any damage or harm, and of any temporary constructions to be erected.

Moreover, a notification must be submitted to the Sami Parliament in the Sami Homeland, the appropriate local reindeer owners' associations within an area specifically intended for reindeer herding as stipulated in the Reindeer Husbandry Act (*a special reindeer herding area*), and to a village meeting of the Skolt people in the Skolt area referred to in the Skolt act (kolttalaki 253/1995).

The holder of the exploration permit is obliged to inform authorities overseeing public interests about the fieldwork, as provided in more detail in said permit.

Further provisions on the notification procedure may be given by government decree.

Section 13

Measures concerning soil and rock material waste in the exploration area

The exploration permit holder is obliged to attend to prevention of the generation of soil and rock material waste, decreasing its harmfulness, alongside its reclamation or processing.

The exploration permit holder shall prepare a waste management plan for extractive waste covering the measures referred to in subsection 1, including information about the environment of the area, soil and rock material waste, waste areas, environmental impact, measures taken to prevent contamination of the environment, monitoring of activities, and measures pertaining to termination of activities. However, a waste management plan is not required if the permit holder is obliged to prepare one pursuant to the Environmental Protection Act.

Further provisions concerning the objectives and content of the waste management plan for extractive waste may be given by government decree.

Section 14

Report on exploration and results in the exploration area

The exploration permit holder shall submit a report to the mining authority, on an annual basis, of the exploration activities carried out, and the results thereof.

Further provisions concerning the information to be provided in the report may be given by government decree.

Section 15

After-care measures in an exploration area

Once an exploration permit has expired or been cancelled, the exploration permit's holder shall:

- 1) immediately restore the exploration area to the condition required by public safety, remove temporary constructions and

equipment, attend to rehabilitation and tidying of the area, and restore the area to its natural status as far as possible;

2) within six months, submit to the mining authority an exploration work report, the information material pertaining to the exploration, and a representative set of core samples.

The exploration permit holder shall submit a notification in writing to the mining authority, the owners of the properties included in the exploration area, and other holders of rights once the measures referred to in paragraph 1 of subsection 1 have been completed.

Moreover, notification shall be submitted to the Sami Parliament in the Sami Homeland, to the appropriate local reindeer owners' associations in a special reindeer herding area, and/or to a village meeting of the Skolt people in the Skolt area, as relevant.

The provisions laid down in subsections 1–3 shall not apply to an area for which the exploration permit holder applies for an extension to the validity of the exploration permit or a mining permit in the manner provided for in section 34. If the application for a permit is rejected in part or in full, the permit holder shall comply with the obligation referred to in subsections 1–3 no later than within six months of the legal entry into force of the decision concerning the rejection of the application.

Further provisions on the 'after-care measures' for an exploration area, and the notification procedure, may be given by government decree.

Chapter 3

Establishment of a mine

Section 16

Mining activity subject to a permit

The establishment of a mine and undertaking of mining activity are subject to a permit (*mining permit*).

Section 17

Legal effects of a mining permit

A mining permit entitles the holder to exploit:

1) the mining minerals found in the mining area;

2) the organic and inorganic surface materials, excess rock, and tailings generated as a by-product of mining activities (*by-product of mining activity*);

3) other materials belonging to the bedrock and soil of the mining area, insofar as the use thereof is necessary for the purposes of mining operations in the mining area.

Moreover, the mining permit entitles its holder to perform exploration within the mining area in accordance with the provisions of section 11, and the more specific conditions specified in the mining permit.

Section 18

Obligations of the mining permit holder

The mining permit holder is obliged to ensure that:

1) mining activities do not cause damage to people's health or danger to public safety;

2) mining activities do not cause significant harm to public or private interests, nor, in relation to the overall costs of the mining operations, reasonably avoidable infringement of public or private interests;

3) excavation and exploitation do not entail obvious wasting of mining minerals;

4) potential future use and excavation work at the mine and deposit are not endangered or encumbered.

The mining permit holder is obliged to submit an annual report to the mining authority on the extent and results of the exploitation of the deposit and to inform of any essential changes in the information on mineral resources. Further provisions related to the information to be provided to the mining authority may be given by government decree.

Section 19

The mining area and auxiliary area to a mine

The *mining area* shall be a continuous area of a size and shape that facilitate compliance with requirements concerning safety, location of mining activities, and mining technology. The mining area shall not be larger than necessary for the purposes of mining activity, in view of the quality and extent of the deposit in question.

An area located in the vicinity of the mining area, indispensable as regards mining activity and necessary for the purposes of road access, transport equipment, power lines or water pipes, sewers, treatment of waters, or a transport route to be excavated to a sufficient distance from the surface, can be designated as *an auxiliary area to the mine*.

The location of the mining area and any auxiliary area to the mine shall be planned so as not to cause infringement of public or private interests that is reasonably avoidable in view of the overall costs of mining operations.

Section 20

The right of use of the mining area and auxiliary area to the mine

The Government can grant the right to utilise an area in the possession of another party as a mining area (*redemption permit for a mining area*).

Provisions on granting a limited right of use and other rights to an area in the ownership of another party as an auxiliary area to a mine are laid down in section 49(2).

Section 21

Use of the mining area and auxiliary area to the mine

The mining area and auxiliary area to the mine may only be used for the purpose for which the right of use or another right has been granted.

Chapter 4

Gold panning

Section 22

Gold panning subject to a permit

Gold panning in an area owned by the State is subject to a permit from the mining authority (*gold panning permit*).

Section 23

Legal effects of a gold panning permit

Under a gold panning permit, the permit holder (*gold panner*) shall have the exclusive right within the area specified in the permit (*gold panning area*), as provided in the gold panning permit in more detail:

- 1) to prospect for and survey gold deposited in the soil;
- 2) to recover and exploit gold deposited in the soil by means of panning;
- 3) to recover and exploit nuggets of platinum and gemstones and precious stones found in loose soil as by-products of panning.

The gold panning permit does not limit the property owner's right to use the area or to govern it, unless otherwise provided in subsection 1.

The gold panning area shall be a continuous area of a maximum of five hectares.

Section 24

Gold panner's obligations

Gold panning shall be limited to measures necessary as regards the right referred to in section 23(1).

The activities undertaken under the gold panning permit, and other use of the gold panning area, shall not cause any inconvenience or damage as described in section 11(2), nor inconvenience or damage as regards other demands for nearby areas, nor damage to any buildings of value in terms of cultural history, or courtyard areas

thereof, in the area.

The gold panner shall keep the gold panning area in such a condition that it meets safety requirements on a continuous basis and does not cause any detrimental environmental impact.

Section 25

Measures related to soil and rock material waste in a gold panning area

The gold panner is obliged to attend to prevention of the generation of soil and rock material waste, decreasing its harmfulness, alongside its reclamation or processing.

The gold panner shall prepare a waste management plan for extractive waste that covers the measures referred to in subsection 1, in compliance with the corresponding provisions for an exploration area laid down in section 13 and thereunder.

Section 26

Building in a gold panning area

Building is prohibited in a gold panning area.

However, a building or other construction may be constructed in a gold panning area if the gold panner proves it to be necessary for the temporary stay of the gold panner and for the storage of equipment, and if the authority or institution responsible for the management of the area does not oppose the construction for a justified reason. The building or other construction must be minor in terms of its size, lightweight, and easily movable.

If no impediment to construction referred to in subsection 2 exists, the mining authority shall decide on the necessity of the building or construction, and the location of the building site, in connection with the gold panning permit. If the building or other construction is deemed necessary in the permit, the gold panner shall manage the building site for the building or other construction in the manner required by section 131 of the Land Use and Building Act.

Provisions concerning permits required for

building, and other preconditions, are laid down in the Land Use and Building Act and in other legislation.

Section 27

Notification of field work in the gold panning area

In writing, the gold panner must provide advance notification to the authority or institution responsible for management of the area of all field work that could cause damage or inconvenience.

Moreover, notification shall be submitted to the Sami Parliament in the Sami Homeland, to the appropriate local reindeer owners' associations in a special reindeer herding area, and/or to a village meeting of the Skolt people in the Skolt area, as relevant.

Further provisions on the notification procedure may be given by government decree.

Section 28

Report on gold panning

The gold panner is obliged to submit a report to the mining authority each year on the quantity of gold recovered and loose soil treated, and on construction in the gold panning area and other use of the area.

Further provisions concerning the information to be provided in the report may be given by government decree.

Section 29

After-care measures of gold panning

Once a gold panning permit has expired or been cancelled, the gold panner shall immediately restore the gold panning area to the condition required by public safety; remove any buildings, other constructions, and equipment; see to restoration and cleaning of the area; and return the area to as close to its natural status as possible, and to satisfactory condition as regards the landscape.

The gold panner shall submit written notification to the mining authority, and the authority or institution responsible for management of the area, as soon as the measures referred to in subsection 1 have been completed. However, the notification shall be submitted no later than within one year of the expiry or cancellation of the permit.

Further provisions on after-care measures to be performed after conclusion of gold panning operations, and the notification procedure, may be given by government decree.

Section 30

Final inspection of a gold panning area

Having received the notification referred to in section 29, the mining authority shall arrange a final inspection unless this can be regarded *prima facie* as unnecessary. Should the gold panner neglect the duty of notification mentioned above, the mining authority may initiate a final inspection on its own initiative.

The mining authority shall inform the following about the final inspection: the gold panner and the authority or institution responsible for management of the area; within the Sami Homeland, the Sami Parliament; within the Skolt area, the Skolt village meeting; and, within a special reindeer herding area, the local reindeer owners' associations.

The final inspection shall establish whether the measures referred to in section 29(1) have been accomplished. An inspection report shall be compiled covering the final inspection, including a report on the course of the inspection, observations made during the inspection, and the key elements of any reminders issued.

Further provisions concerning the final inspection of a gold panning area may be given by government decree.

PART II

PERMIT-RELATED MATTERS

Chapter 5

Permit procedures

Section 31

Application for a permit

Parties eligible to apply for an exploration permit, mining permit, or gold panning permit are, referred to in section 1(1) or (2) of the Act on engaging in commercial activity (Laki elinkeinon harjoittamisen oikeudesta 122/1919):

1) a natural person of age who is not declared bankrupt and whose competency has not been restricted under the Guardianship Services Act (442/1999);

2) a legal person.

Moreover, subject to the conditions laid down in this Act, a Government institution may apply for an exploration permit.

The party applying for a mining permit in order to exploit the deposit in question may apply for a redemption permit for a mining area.

Section 32

Order of priority

The party first applying for a permit in accordance with the provisions laid down in section 34 herein shall have priority for an exploration permit, mining permit, or gold panning permit.

Subsection 1 above notwithstanding, if a mining permit is applied for with respect to a deposit located within an exploration area, the exploration permit holder shall have priority to the mining permit if the permit holder submits an application for a mining permit in accordance with the provisions laid down in section 34 prior to the expiry or cancellation of the exploration permit.

For the purpose of preparing an application

for an exploration permit, an applicant may reserve an area for himself by submitting notification to the mining authority about the matter (*reservation notification*). A privilege based on reservation notification is valid once the reservation notification has been submitted in accordance with the provisions laid down in section 44 and no impediment exists, as specified in this Act, to approval of the reservation. The validity of the privilege shall expire when the decision made by the mining authority on the basis of the reservation notification (*reservation decision*) expires or is cancelled.

Section 33

Licensing authorities

The Government shall decide on matters concerning a redemption permit for a mining area and on mining permits related to the production of uranium or thorium.

The mining authority shall make decisions concerning reservation notifications, exploration permits, and gold panning permits, as well as matters other than those concerning mining permits referred to in subsection 1.

Section 34

Permit application

Applications for an exploration permit, mining permit, or gold panning permit shall be submitted to the permit authority.

The application for a permit shall include a necessary and reliable report, as regards permit consideration, on the following:

- 1) the applicant and the applicant's meeting of prerequisites for carrying out operations commensurate with the permit sought;
- 2) the area to which the application applies, along with its land planning status and the restrictions, if any, concerning usage of the area, and associated consideration;
- 3) those whose interests, rights, or duties the matter may concern (*parties concerned*);
- 4) the prerequisites for activities;
 - a) in particular, a preliminary assessment of the mining minerals in the area, and the basis

for such an assessment, when an exploration permit application is in question;

b) in particular the suitability of the deposit for exploitation, when a mining permit application is in question;

5) plans concerning the activities;

6) the environmental and other impacts of activities, taking account of the quality and extent of measures planned (however, a report is not required insofar as the required information is included in the environmental impact assessment report referred to in subsection 3(2));

7) termination of activities and related measures, alongside after-care measures.

The following shall be appended to the permit application:

1) official certificates, extracts from registers, and any corresponding documents to verify consideration of the information presented in the application, and of the requirements stipulated;

2) if necessary, a report on the assessment referred to in section 65 of the Nature Conservation Act, and an environmental impact assessment report in accordance with the Act on Environmental Impact Assessment Procedure (468/1994);

3) a summary of the information presented in the application and appendices thereto.

Furthermore, a waste management plan for extractive waste shall be appended to the application concerning an exploration permit and gold panning permit if the applicant is not obliged to prepare such a plan under the Environmental Protection Act.

The application for a mining permit shall involve claiming limited right of use or another right to the area intended as auxiliary to the mine. If, in a gold panning area, it is essential to gain a right to deviate from the building ban laid down in section 26(1), the application for a gold panning permit shall request this.

Further provisions on the permit application may be given by government decree.

Section 35

Application concerning a redemption permit for a mining area

An application concerning a redemption permit for a mining area shall be submitted to the Government.

The permit application shall include information on the applicant, the area the application concerns, and the owners and holders of properties included in the area.

The permit application shall include a necessary and reliable report on the mining area meeting the statutory preconditions and the mining project being based on public need.

Further provisions on the application for a redemption permit for a mining area may be given by government decree.

Section 36

Supplementing an application for a permit

Provisions on supplementing an application for a permit are laid down in sections 22 and 33 of the Administrative Procedure Act (434/2003).

Section 37

Statements on a permit application

The permit authority shall request a statement on an application for an exploration permit, mining permit, and gold panning permit from the following:

1) the municipality in the territory of which the activities are intended to take place on the basis of the application, or in the territory of which environmental and other impacts of activities in accordance with the permit may arise (*impact area of activities*);

2) the Centre of Economic Development, Transport and the Environment in the operating region of which the environmental impacts of activities in accordance with the permit may arise;

3) the authority or institution responsible for management of the area;

4) if necessary, other authorities overseeing public interests in their field of activity, and the appropriate Regional Council.

As regards an application concerning a redemption permit for a mining area, the permit authority must request a statement from the municipality in the impact area of activity, the appropriate Regional Council, and the Centre of Economic Development, Transport and the Environment.

Moreover, the permit authority shall acquire the other statements and reports that are necessary in view of permit consideration.

Further provisions on statements to be invited on the permit application may be given by government decree.

Section 38

Procedure to be applied in the Sami Homeland, Skolt area, and special reindeer herding area

In the Sami Homeland, the permit authority shall – in co-operation with the Sami Parliament, the local reindeer owners' associations, the authority or institution responsible for management of the area, and the applicant – establish the impacts caused by activity in accordance with the exploration permit, mining permit, or gold panning permit on the rights of the Sami as an indigenous people to maintain and develop their own language and culture and shall consider measures required for decreasing and preventing damage. In such a case, the following shall be taken into account:

1) any corresponding permits valid in the vicinity of the area referred to in the application;

2) to which areas key to the rights of the Sami as an indigenous people the application pertains;

3) other forms of usage of areas interfering with the rights of the Sami as an indigenous people in the area that the application involves, and in its vicinity.

The provisions laid down in subsection 1 shall also apply to projects implemented outside the Sami Homeland that are of considerable significance as regards the rights of the Sami as an indigenous people.

In the Skolt area, the permit authority shall request a statement from a Skolt village meeting concerning assessment of the impacts of activity under the permit on the sources of livelihood and living conditions of the Skolt people. Provisions concerning the statement procedure are laid down in section 56 of the Skolt Act.

In a special reindeer herding area, the permit authority shall, in co-operation with the local reindeer owners' associations, assess the damage caused to reindeer herding through activity under the permit.

In order to clarify the matter, the permit authority may, if necessary, arrange an event to which the representatives of the Sami Parliament; the Skolt village meeting; the Skolt Council; the local reindeer owners' associations concerned; the applicant; and the authority or institution responsible for management of the area, the local authority, the local fishing area, and forests in joint ownership are invited for consultation. Further provisions concerning the obligation to negotiate are laid down in section 9 of the Act on the Sami Parliament and section 53 of the Reindeer Husbandry Act.

Section 39

Complaints and opinions

Before making a decision on the matter concerning an exploration permit, a mining permit, a gold panning permit and a redemption permit for a mining area, the permit authority shall reserve an opportunity for the parties involved to lodge complaints concerning the permit matter.

Parties other than those involved shall be provided with an opportunity to express their opinions on a matter concerning an exploration permit, a mining permit, and a gold panning permit.

A sufficient time limit in view of the nature of the matter shall be specified for filing complaints and expressing opinions.

Section 40

Publication of the permit application

The permit authority shall inform of an exploration, mining, or gold panning permit application by posting notice thereof for a minimum of 30 days on its notice board, and those of the municipalities involved. Publication of the public notice shall be announced in at least one newspaper in general circulation in the impact area of the activity, unless the matter is of minor significance or announcing it is otherwise *prima facie* unnecessary. Other provisions concerning public notices are laid down in the Act on public notices (Laki julkisista kuulutuksista 34/1925).

The parties involved in particular shall be separately informed about the public notice. If the application must be announced to more than 30 known parties or the number of persons is unknown, the matter may be announced through notice thereof in the newspaper that can be assumed to be the best source of information for the recipient.

Unorganised partners to a joint property shall be informed of the application through information of the representative as described in section 26(4) of the Act on joint property (Yhteisäluelaki 758/1989). If such a representative has not been appointed, a partner shall be informed and, additionally, the application shall be announced by public notice in a newspaper in accordance with subsection 1.

Further provisions on the matters to be included in the public notice may be given by government decree.

Section 41

Publication of an application concerning a redemption permit for a mining area

The permit authority shall inform the owners and holders of property included in the mining area separately concerning an application for a redemption permit for a mining area.

If the unorganised partners to a joint property shall be informed of the application, the provisions laid down herein in section 40(3) concerning publication of a permit application shall apply.

Section 42

Hearing of the applicant

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

Section 43

A permit application concerning a uranium mine

A mining permit application concerning the production of uranium or thorium and the permit application concerning the same activity under the Nuclear Energy Act shall be handled together and decided on in the same decision. Further provisions for the permit procedure are laid down in section 23 of the Nuclear Energy Act.

Section 44

Reservation notification

Reservation notification shall be submitted to the mining authority. The notification shall include a necessary and reliable account of:

- 1) the party making the reservation;
- 2) the area to which the reservation of privilege applies (*reservation area*);
- 3) compilation of an exploration plan and other measures in preparation for the claim application, and the schedule thereof.

The reservation notification may not concern an area that forms part of an exploration area, mining area, or gold panning area or is located at a distance of less than one kilometre from such an area, belonging to a party other than the applicant on the basis of a permit referred to in this Act. In addition, the reservation notification cannot concern an area that has previously been a reservation area until one year has

passed since the expiry or cancellation of the reservation decision.

Further provisions on a reservation notification may be given by government decree.

Chapter 6

Permit consideration

Section 45

Criteria for permit consideration

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

Section 46

Obstacles to granting of an exploration permit or gold panning permit

Neither an exploration nor a gold panning permit shall be granted for the following:

- 1) an area referred to in section 7(2);
- 2) an area referred to in section 9(4);
- 3) an area that has previously been an exploration area unless three years have elapsed since the expiry or cancellation of the exploration permit;
- 4) an area that has previously been a mining area unless three years have elapsed since the decision concerning termination of mining activities became legally valid;
- 5) an area belonging to an exploration area, mining area, or gold panning area, or for which reservation notification has been made in accordance with the provisions laid down in section 44 herein;

6) an area where activities in accordance with the application would impede the implementation of a legally binding plan;

7) an area concerning which the local authority opposes the granting of a permit, for a reason concerning land planning or other good cause related to land use, unless there is a specific reason for granting the permit;

8) a situation in which there is good cause to doubt that, because of the extent of the area applied for, or for other reasons that have emerged in connection with the handling of the application, the applicant does not meet the prerequisites or has any apparent intention to engage in activities in accordance with the permit, or in which the applicant has previously fundamentally neglected obligations based on this Act; in assessment of the fundamental nature of said negligence, the systematic nature of said negligence, its duration and recurrence, and the quantity of damage caused by the negligence shall be given particular consideration.

However, an exploration permit and gold panning permit may be granted for an area referred to in subsection 1(1–4) by the consent of the authority or institution competent in the matter, or with that of the holder of appropriate rights – however, not for an area referred to in section 7(2)(1). A building or other facility intended for residential purposes or work use, existing for mining activity or gold panning, located in the mining area or gold panning area shall not preclude granting of a permit.

An exploration permit must not be granted unless there are grounds for concluding that there are mining minerals in the area.

Section 47

Prerequisites for granting a mining permit

The deposit shall be exploitable in terms of size, ore content, and technical characteristics.

The mining area and the auxiliary area to a mine shall not be located in an area for which an exploration permit or a gold panning permit cannot be granted under section

46(1)(1–5).

However, a mining permit may be granted regardless of an impediment referred to section 46(1)(1–4) if either of the following applies:

1) the preconditions laid down in section 46(2) are met;

2) the mining area cannot be otherwise implemented in accordance with section 19 and the area in question is not one referred to in section 7(2)(1) or (2) or 9(4).

The relationship of the mining area and any auxiliary area to other usage of land shall be explained. Mining activity shall be based on a legally binding plan in accordance with the Land Use and Building Act, or, in view of the impacts of mining activity, the matter shall be otherwise sufficiently explored in co-operation with the local authority, Regional Council, and Centre for Economic Development, Transport and the Environment. Provisions concerning the legal impact of a land use plan are laid down in the Land Use and Building Act.

Section 48

Impediments to granting of a mining permit

A mining permit must not be granted if there is good cause to doubt, for reasons that have emerged in connection with the handling of the application, that the applicant meets the prerequisites or has any apparent intention to see to the commencement of mining activity or if the applicant has previously fundamentally neglected obligations based on this Act. In assessment of the fundamental nature of said negligence, the systematic nature of the negligence, its duration and recurrence, and the quantity of damage caused by the negligence shall be given particular consideration.

Even if the prerequisites for granting a mining permit are met, and no impediment as laid down in this Act exists for granting of the permit, a permit shall not be granted if the mining activity causes danger to public safety, causes highly significant detrimental environmental impacts, or substantially weakens the living conditions and industrial conditions of the locality, and the said danger

or impacts cannot be remedied through permit regulations.

Section 49

Considerations related to right of use

A redemption permit for a mining area may be granted if the mining project is based on public need and the mining area meets the requirements laid down in section 19. The requirement of public need shall be assessed particularly on the basis of the impact of the mining project on the local and regional economy and employment, and the social need for raw material supply.

The mining permit may grant a limited right of use or another right to the auxiliary area to the mine, unless otherwise provided by law and the auxiliary area meets the requirements laid down in section 19. Such a right can be granted only insofar as the placement of functions planned for the area cannot be otherwise arranged in a satisfactory manner, and at moderate cost.

In permit consideration, the provisions laid down in section 47(2) and (3) concerning the mining area and the auxiliary area to the mine as prerequisite for granting a mining permit shall be taken into account.

Section 50

Obstacles to granting of a permit in the Sami Homeland, the Skolt area, or a special reindeer herding area

An exploration permit, mining permit, or gold panning permit must not be granted if activities under the permit:

1) alone, or together with other corresponding permits and other forms of land use would, in the Sami Homeland, substantially undermine the preconditions for engaging in traditional Sami sources of livelihood or otherwise to maintain and develop the Sami culture;

2) would substantially impair the living conditions of Skolts and the possibilities for pursuing a livelihood in the Skolt area;

3) in a special reindeer herding area, would cause considerable harm to reindeer herding.

However, a permit may be granted regardless of an impediment referred to in subsection 1 if it is possible to remove such an impediment through permit regulations.

Section 51

Regulations to be included in an exploration permit

The exploration permit shall specify provisions for the location and borders of the exploration area.

The exploration permit shall include the necessary provisions for securing public and private interests concerning the following:

1) the times and methods of exploration surveys and the equipment and constructions related to exploration;

2) measures to diminish harm caused to reindeer herding in a special reindeer herding area;

3) wording to ensure that activity under the permit will not endanger the status of the Sami as an indigenous people in the Sami Homeland, or the rights of the Skolts in accordance with the Skolt Act in the Skolt area;

4) obligation to report about exploration activities and results;

5) post-mining measures and the final deadline for submission of notification concerning these measures;

6) the waste management plan for extractive waste and compliance therewith;

7) the obligation to report on the exploration work to the appropriate authority overseeing public interests within its line of duty;

8) the schedule for decreasing the size of the exploration area;

9) collateral in accordance with Chapter 10;

10) other terms concerning exploration and use of the exploration area in order to ensure that the activity does not result in any consequence prohibited by this Act;

11) other specifications that are necessary in view of public and private interests and pertaining to the implementation of the conditions of the permit.

Section 52

Regulations to be included in a mining permit

A mining permit shall give provisions for the location and borders of the mining area to be formed and the auxiliary area to the mine, taking the provisions laid down in sections 19 and 47, and the content of the rights of use and other special rights pertaining to the auxiliary area to the mine, into consideration. However, the permit authority may implement such changes in the location and borders of the mining area or auxiliary area to a mine presented in the application as are necessary in consideration of the provisions laid down in this Act.

The mining permit shall specify a term within which the mining permit holder shall engage in mining activity or other such preparatory activity that indicates that the permit holder is seriously aiming to initiate actual mining operations. The time limit may be, at maximum, 10 years after the permit becomes legally valid.

The mining permit shall include the necessary provisions for securing public and private interests concerning the following:

- 1) avoidance or limiting of detrimental impacts of mining activity and addressing of elements necessary to ensure people's health and public safety;
- 2) measures for ensuring that mining activities do not entail obvious wasting of mining minerals or endanger or hamper potential future use of the mine and excavation work there;
- 3) the obligation to report on the extent of exploitation of the deposit and results;
- 4) measures to diminish harm caused to reindeer herding in a special reindeer herding area;
- 5) ensuring that activity under the permit will not endanger the status of the Sami as an

indigenous people in the Sami Homeland, or the rights of the Skolts in accordance with the Skolt Act in the Skolt area;

6) collateral, in accordance with Chapter 10, associated with mine-closure alongside other obligations related to termination of mining activities and those after termination;

7) the deadline to be set for submission of any further specifications related to verifying the permit regulations;

8) material on other aspects of activity under the mining permit in order to ensure that the activity does not result in any consequence prohibited by this Act;

9) other specifications that are necessary in view of public and private interests and pertaining to the implementation of the conditions of the permit.

Section 53

Regulations to be issued in a redemption permit for a mining area

The redemption permit for a mining area must specify the property that the redemption concerns and set forth the content of the right of use.

Section 54

Regulations to be included in a gold panning permit

A gold panning permit shall define the location and borders of the gold panning area.

The gold panning permit shall include the necessary provisions for securing public and private interests related to the following:

- 1) the times and methods of gold panning;
- 2) maintenance of the gold panning area;
- 3) measures to diminish harm caused to reindeer herding in a special reindeer herding area;
- 4) ensuring that activity under the permit will not endanger the status of the Sami as an indigenous people in the Sami Homeland, or the rights of the Skolts in accordance with the Skolt Act in the Skolt area;
- 5) the reporting obligation concerning gold panning;

- 6) after-care measures;
- 7) the waste management plan for extractive waste and compliance therewith;
- 8) collateral in accordance with Chapter 10;
- 9) other aspects of gold panning and use of the gold panning area that must be addressed to ensure that the activity does not result in any consequence prohibited by this Act;
- 10) other specifications that are necessary in view of public and private interests and pertaining to the implementation of the conditions of the permit.

Section 55

Decision on reservation notification

The mining authority shall approve a reservation if the reservation notification complies with the preconditions laid down in section 44 and there is no obstacle provided in this Act to approval of the notification.

However, the mining authority shall reject the reservation if, because of the extent of the reservation area or for other reasons, there is good cause to doubt that the party making the decision meets the prerequisites for or has any apparent intention to apply for an exploration permit.

Chapter 7

The permit decision and its validity

Section 56

Content of a permit decision

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

If the Act on Environmental Impact Assessment Procedure is applicable to the

project, the permit decision must indicate how permit consideration has taken account of the assessment.

Section 57

Issuing of a permit decision

A decision concerning an exploration permit, mining permit, gold panning permit, or redemption permit for a mining area shall be issued after public notice, and those entitled to object shall be considered to have been informed at the time of issuing.

The permit authority shall inform of issuing a decision in accordance with subsection 1 prior to the date of publication on its public notice board. The public notice shall mention the permit authority, the nature of the matter, the date of granting of the permit, and the appeal period. The notice shall remain posted for at least the time during which appeals against the decision may be made. The decision shall be available on the date of issue mentioned in the notification, including in electronic format.

Section 58

Informing about a permit decision

The permit authority shall submit the decision concerning an exploration permit, mining permit, or gold panning permit to the applicant.

The permit authority shall submit a copy of the decision to parties having specifically requested this, as well as the local authorities, the Centres of Economic Development, Transport and the Environment, and other authorities who have been informed about the matter during handling, or who have been invited to comment. A copy of a decision on a mining permit shall be delivered without delay to the Radiation and Nuclear Safety Authority and the competent land survey office.

If the decision involves the Sami Homeland or concerns a project of the nature described

in section 38(2), a copy of the decision shall be submitted to the Sami Parliament. A copy of a decision involving the Skolt area shall be submitted to the Skolt village meeting and a copy of a decision involving a special reindeer herding area to the local reindeer owners' association(s).

The permit authority shall inform any parties that have filed a complaint about the matter or separately asked to be informed of the decision, and those parties concerned whom the matter specifically concerns. If the decision must be announced to more than 30 known parties or the number of persons is unknown, the provisions laid down in section 40(2) herein concerning the publication of a permit application shall apply, correspondingly. If the unorganised partners to a joint property shall be informed about the decision, the provisions set forth in section 40(3) concerning the publication of a permit application shall apply.

If a brief in support of objection is signed by several signatories, it will suffice that a copy of the decision be submitted to or information about issuing given only to the first signatory of the brief.

The permit authority shall ensure that the municipalities the areas of which the decision involves publish the decision without delay in the manner provided for in the Act on Public Notices. Moreover, the permit authority shall publicise the decision at least in one newspaper in general circulation within the impact area of the operations, unless the matter is of minor significance and announcing it is otherwise apparently unnecessary.

The permit authority shall ensure that an entry is made about the decision on an exploration permit, mining permit, or gold panning permit in the Land Information System in Finland referred to in the Act on the Land Information System and Related Information Service (453/2002).

Section 59

Publication of a decision on a redemption permit for a mining area

The permit authority shall submit the

decision concerning a redemption permit for a mining area to the applicant.

The permit authority shall submit a copy of the decision to the owners and holders of properties included in the mining area and, without delay, to the competent land survey office.

The permit authority shall ensure that the decision is publicised in compliance with the provisions laid down in section 58(6) on publicising a permit decision.

Section 60

The fixed-term nature of an exploration permit

An exploration permit shall remain valid for a maximum of four years after the decision has become legally valid.

When considering the period of validity of an exploration permit, the mining authority shall pay special attention to:

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

Section 61

Extending the validity of an exploration permit

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

The prerequisites for extension of the validity of an exploration permit are as follows:

- 1) exploration has been effective and systematic;
- 2) further research is necessary in order to establish the possibilities for exploiting the deposit;
- 3) the permit holder has complied with the obligations laid down in this Act as well as the permit regulations;
- 4) extension to the validity will not cause an undue burden to public or private interests.

Section 62

Periodic revision of mining permit and its fixed-term nature

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

The permit authority shall review the regulations of a fixed-term mining permit at the maximum interval of 10 years. The permit authority must include the interval for review in the permit. In order to secure essential public or private interests, or for some other special reason, an order can also be given for the regulations of a fixed-term mining permit to be revisited at regular intervals.

The revision of permit regulations shall not in any significant way decrease the benefit gained from the mining project.

Section 63

Extending the validity of a mining permit

A mining permit valid for a fixed term can be extended for a further period, until further notice, or for a maximum of 10 years at a time, insofar as it is still necessary in order to exploit the deposit, and in consideration of other factors that have emerged in connection with handling of the application.

The prerequisites for extending the validity of a mining permit are as follows:

- 1) the deposit has been exploited effectively and systematically;
- 2) the deposit remains exploitable in terms of size, ore content, and technical characteristics;
- 3) the permit holder has not materially violated the obligations or permit regulations provided in this Act.

Section 64

Fixed-term nature of a gold panning permit

A gold panning permit shall remain valid for a maximum of four years after the decision becomes legally effective.

When considering the period of validity of a gold panning permit, the mining authority shall pay special attention to:

- 1) the time necessary for the recovery and exploitation of gold panned;
- 2) the prevention, limitation, and alleviation of any damage and inconvenience caused to public or private interests.

Section 65

Extending the validity of a gold panning permit

The validity of a gold panning permit may be extended for a maximum of three years at a time.

The prerequisites for extending the validity of a gold panning permit are as follows:

- 1) gold panning has been effective and systematic;
- 2) the gold panning area still contains such an abundance of gold to be washed from the soil in such a form that the prerequisites for continuing gold panning are evident;
- 3) the gold panner has complied with the obligations laid down in this Act as well as the permit regulations;
- 4) extension to the validity will not cause an undue burden to public or private interests.

Section 66

Application for extending a permit's validity

In order to extend the validity of an exploration permit, a mining permit, and a gold panning permit, a permit application must be submitted to the permit authority prior to the expiry of the permit, alongside the necessary and reliable reports for the purpose of permit consideration, on the matters referred to in section 61(2)(1) and (2), section 63(2)(1) and (2), or section

65(2)(1) and (2). Moreover, the provisions laid down in section 34 concerning a permit application shall apply to said application.

Further provisions concerning application for extension to the validity of a permit may be given by government decree.

Section 67

Expiry of an exploration permit or gold panning permit

An exploration permit and gold panning permit will expire at the end of the fixed period.

The mining authority can decide that an exploration permit or gold panning permit shall expire if operations have been interrupted for a reason dependent on the permit holder continuously for a minimum of one year. This process may be initiated by the mining authority on its own initiative, the local authority, or a party suffering damage.

The mining authority shall decide that the exploration permit and gold panning permit will expire if the permit holder submits an application requesting this. The permit holder is obliged to submit an application if it no longer intends to engage in activity based on the permit.

If a permit holder applies for an extension to the validity of an exploration permit or gold panning permit in the manner provided in section 66, an entry made on the permit decision, under section 58 of the Land Information System in Finland, a collateral provided under section 107, and a pledge made under section 174, will remain valid until the application has been legally resolved.

Section 68

Expiry of a mining permit

A mining permit shall expire at the end of the designated fixed term.

The permit authority shall decide that the mining permit will expire if the permit holder has not, within the time limit specified in the permit, initiated mining activity or such

preparatory work as indicates that the permit holder is seriously aiming at actual mining operations. The permit authority shall also decide that the mining permit will expire if mining activities have been interrupted because of a factor dependent on the permit holder continuously for a minimum of five years, or mining activities can be considered to have actually ended. The matter may be raised by the permit authority on its own initiative, the local authority, or a party suffering damage.

However, in a situation referred to in subsection 2, the permit authority may postpone the expiry of the mining permit, twice at the most, and specify a new deadline for commencing mining activity, or for continuing operations. The expiry of a permit can be postponed for a maximum of 10 years in all. The mining permit holder shall submit an application to the permit authority prior to the expiry of the mining permit and in this application state a reason for granting of a time limit and set forth a plan for commencing or continuing mining activity. A prerequisite for approval of the application is that the reason presented by the applicant be considered justified and the plan sufficiently detailed, and that the decision does not cause undue inconvenience to public or private interests. Further provisions concerning the application may be given by government decree.

Furthermore, the permit authority shall decide that the mining permit shall expire if the mining area does not belong to the permit holder or the permit holder has not gained possession of it in accordance with section 82 within five years of granting of the permit, or the permit holder submits an application concerning this. The permit holder is obliged to submit an application if it no longer intends to engage in mining activity.

Section 69

Alteration of a permit

The mining authority shall, at its own initiative, or upon application by the relevant authority supervising the securing of the public interest in its field, or a party suffering

damage, alter an exploration permit, mining permit, or gold panning permit if:

- 1) the activities cause a consequence prohibited by this Act;
- 2) the detrimental impacts of the activities deviate substantially from the assessments made during permit consideration.

When approving an assignment of a gold panning permit in accordance with section 73, the mining authority shall simultaneously revise the permit regulations and the decision made in the permit on the necessity of building, if this is necessary on account of the preconditions for the transferee engaging in activity under the permit being substantially different from those of the previous permit holder.

The holder of an exploration permit shall apply for an alteration to the exploration permit if the exploration plan is altered or completed so as to render revision of the permit regulations necessary. Moreover, the permit holder can apply for amendment to the exploration permit in order to revise the permit regulations when there is a need to alter the activities under the permit.

The mining permit holder shall apply for an alteration to the mining permit if the mining area or auxiliary area to the mine, or part thereof, is no longer necessary in the way referred to in section 19, or if any such change occurs in mining activity as renders revision of permit regulations necessary.

A gold panner shall apply for an alteration to the gold panning permit if a change occurs in the number, quality, or schedule of measures pertaining to gold panning that renders an alteration to the permit regulations necessary. Furthermore, a gold panner may apply for an alteration to the gold panning permit when it is possible to re-evaluate the preconditions for building.

Correspondingly, the provisions laid down in section 34 concerning a permit application shall apply to the application for alteration to the permit.

Section 70

Cancellation of a permit

The permit authority may cancel an exploration permit, mining permit, or gold panning permit if:

- 1) in the application or appendices thereto, incorrect or incomplete information has been given such that it has essentially affected the conditions set for granting a permit, or the permit consideration in other ways;

- 2) the permit holder no longer meets the requirements for granting of a permit;

- 3) the permit holder has materially neglected or violated the obligations, restrictions, or permit regulations laid down in this Act.

If the deficiencies, violations or neglect can be corrected or are insignificant, the permit authority shall, before making a decision under subsection 1(2) or (3), set a time limit for the permit holder in question to rectify the defect, violation, or neglect.

Section 71

Validity of a redemption permit for a mining area

A redemption permit for a mining area shall remain valid until further notice, or for a fixed term after the permit becomes legally valid, in compliance, correspondingly, with the provisions laid down in section 62 on the validity of a mining permit.

The Government can grant an extension to a fixed-term redemption permit for a mining area until further notice or for a fixed period, in compliance, correspondingly, with the provisions of section 63 on extending the validity of a mining permit. For extension to the validity of the permit, a permit application must be submitted to the Government prior to the expiry of the permit, alongside the necessary and reliable reports for the purpose of permit consideration. Correspondingly, the provisions laid down in section 35 on application for a redemption permit for a mining area shall apply to said application. Further provisions concerning the application may be given by government

decree.

A redemption permit for a mining area will expire at the end of the designated fixed term. In addition, the permit will expire if a mining permit is not granted, expires, or is cancelled. If the mining permit is altered such that the area of the mining area is diminished, the redemption permit for a mining area will expire correspondingly as regards the areas that no longer form part of the mining area.

The Government shall decide that the redemption permit for a mining area will expire if the permit holder submits an application supporting this to the Government.

Section 72

Handling of a matter concerning extension to the validity of a permit, or its expiry, alteration, or cancellation

A matter concerning an extension to the validity of an exploration permit, mining permit, or gold panning permit and the expiry, alteration, or cancellation thereof, alongside an extension to the validity of a redemption permit for a mining area and the expiry thereof, shall be handled correspondingly in compliance with the provisions laid down in this Act on the permit procedure, permit consideration, permit decision, and validity thereof for the permit in question.

Section 73

Assignment of a permit

An exploration permit, mining permit, or gold panning permit may be assigned to another party. The assignee shall fulfil requirements corresponding to those applicable to the permit holder under this Act. Furthermore, the assignee of a mining permit concerning the production of uranium or thorium shall hold a permit for mining operations as specified in the Nuclear Energy Act.

The permit holder can apply for an assignment of a permit by submitting an application thereon to the mining authority. As concerns the assignment, the application shall contain a necessary and reliable account

of the assignee and cover other matters of significance as concerns the processing of the assignment. The necessary official certificates, extracts from registers and other corresponding documents for the verification of the information presented in the application, and the consent of the assignee, shall be appended to the application. Further provisions concerning the application may be given by government decree.

The mining authority shall approve the assignment of the permit if the assignee fulfils the requirements specified in subsection 1 and the accounts referred to in subsection 2 have been submitted to the authority. However, the mining authority may reject an application concerning assignment of an exploration permit or gold panning permit on the grounds set forth in section 46(1)(8), and an application concerning assignment of a mining permit on the grounds mentioned in section 48(1).

When the mining authority has approved the assignment of a mining permit, it must alter the redemption permit for a mining area correspondingly as regards the permit holder.

Section 74

Issuance of decision concerning assignment of permit, and informing thereof

The provisions laid down in section 57 on issuing a decision on a permit apply to issuing a decision concerning assignment of an exploration permit, a mining permit, or a gold panning permit.

The mining authority shall deliver the decision to the applicant and a copy thereof to the assignee. The assignee of an exploration permit is obliged to report the matter in writing without delay to the owners of properties included in the exploration area, and the assignee of a mining permit to report to the owners of properties included in the mining area.

The mining authority shall publicise the decision at least in one newspaper in general circulation within the operations' impact area.

The mining authority shall ensure that the municipalities whose areas the decision on assigning a permit involves publish the

decision without delay in the manner provided for in the Act on Public Notices.

The mining authority shall inform the permit holder and assignee of any assignment of a redemption permit for a mining area.

Section 75

Issuing a reservation decision and informing thereof

The provisions laid down in section 57 on issuing of a permit decision shall apply to issuing of a reservation decision.

The mining authority shall deliver the reservation decision to the party making the decision.

The mining authority shall publicise the decision at least in one newspaper in general circulation within the impact area of the reservation area referred to in the decision and, if necessary, in a newspaper that can be assumed to be the best source of information for the owners and holders of properties included within the area.

The mining authority shall ensure that the municipalities the areas of which are included in the reservation area publish the decision without delay in the manner provided for in the Act on Public Notices.

Section 76

Validity of a reservation decision

A reservation decision shall remain valid for a maximum of 24 months after issuing of the reservation notification. When considering the validity period of a reservation decision, the mining authority shall pay particular attention to the time required for drawing up the exploration plan and other preparatory measures related to the exploration permit application.

A reservation decision shall expire at the end of the designated fixed term. Furthermore, a reservation decision shall expire completely or partly when an exploration permit has been applied for on the basis of the privilege entailed by the decision, in the manner laid down in section 34. Moreover, the mining authority shall decide that the

reservation decision expires if the party making the reservation submits notification in writing to the mining authority to request this.

The mining authority may cancel the reservation decision if incorrect or incomplete information was given in the reservation notification or appendices thereto and such information essentially influenced the consideration of the reservation decision.

PART III

PROCEEDINGS ESTABLISHING A MINING AREA, COMPENSATION, AND COLLATERAL

Chapter 8

Proceedings establishing a mining area and the related compensation

Section 77

Proceedings establishing a mining area

Proceedings establishing a mining area involve the claiming of rights to land use and other special rights to the areas required as the mining area and auxiliary area of a mine. Such redemption shall comply, unless otherwise provided hereinafter, with the provisions laid down in the Act on the Redemption of Immoveable Property and Special Rights (603/1977), hereinafter 'the Redemption Act'. The provisions of the Real Estate Formation Act (554/1995) concerning a cadastral procedure shall apply to the correction or rectification of an error detected in the proceedings establishing a mining area, and the proposal concerning the cancellation of proceedings or a decision.

However, the land surveyor can conduct the proceedings establishing a mining area without executors if none of the concerned parties to the proceedings establishing a mining area, referred to in section 81, demand their participation and the proceedings do not involve compensation.

Section 78

The competent land survey office

In matters concerning the proceedings establishing a mining area, the competent land survey office shall be the one in whose territory the property to be redeemed is located.

If only a minority of the mining area or auxiliary area to a mine falls within the jurisdiction of another land survey office, all redemption shall be conducted by the land survey office in the territory of which the majority of the property is located.

Section 79

Institution of proceedings establishing a mining area

The competent land survey office shall issue an order for proceedings establishing a mining area immediately after having been informed of a decision concerning the granting of a redemption permit for a mining area or a mining permit.

Proceedings establishing a mining area shall not be terminated before the redemption permit for a mining area and the mining permit have become legally valid. By request of the competent land survey office, the mining authority shall issue a statement to clarify the matter.

Section 80

Costs of the proceedings establishing a mining area

The holder of the redemption permit for a mining area and the mining permit shall be responsible for the costs of the proceedings establishing a mining area.

Section 81

A party involved in the proceedings establishing a mining area

A party involved in the proceedings establishing a mining area may be the holder

of the redemption permit for a mining area and the mining permit or another person whose rights or interests the proceedings directly involve. Upon demand, compensation may be imposed for inconvenience or damage caused by the mine or usage of the mining area or auxiliary area to the mine, notwithstanding section 38 of the Redemption Act.

Section 82

Claiming possession

In the proceedings establishing a mining area, through claiming possession referred to in the Redemption Act, the holder of the redemption permit for a mining area and the mining permit establishes the right to use the areas and exercise rights for the purposes specified in the permit, notwithstanding other rights exercisable in relation to the property.

The possession of areas designated in the redemption permit for a mining area and the mining permit, and the rights to be established, shall be claimed by the permit holder in question at the time specified in the possession survey to be conducted as part of the proceedings establishing a mining area. A precondition for claiming possession is that the advance compensation ordained in the proceedings establishing a mining area is paid.

If claiming of possession has a consequence referred to in section 57(2) of the Redemption Act, upon demand of the party involved in the proceedings establishing a mining area, the redemption committee can stipulate that, for that part, claiming of possession shall take place at the earliest after the period designated by the committee – three months at a maximum after payment of the advance compensation ordained for the party concerned.

If agreement cannot be reached concerning the removal or transfer of property in the area claimed, the holder of the redemption permit for a mining area and mining permit shall specify a moderate time limit for the owner

or holder of the property, appropriate as regards initiation of mining activity, after which the mining permit holder will remove the property. In this case, the permit holder shall, prior to removal of the property, notify the owner or holder of the property to be removed thereof, unless this is impossible.

If buildings, warehouses, or equipment or trees, a growing harvest, or other vegetation must be removed or transferred from the area that is to be assigned or already has been assigned for mining activities, in addition to inconvenience or damage caused, the removal or transfer costs incurred by the party involved shall be compensated.

Section 83

Grounds for compensation in a special situation

If the mining project has significantly increased or decreased the value of the property redeemed, compensation shall be set so as to correspond to the value that the property would have had without this impact.

When right of use is claimed to property that the owner primarily uses for residential purposes or for practising his or her profession, the compensation for an object referred to in the Redemption Act shall, notwithstanding the provisions laid down in subsection 1, always be set as high as is necessary to facilitate acquisition of ownership of a corresponding residence or equivalent property offering the same livelihood to replace the claimed property.

Section 84

Confirming the object of claim and establishing the right of use

At the final meeting in the proceedings establishing a mining area, the redemption decision shall be declared, and appeal directions provided.

The redemption decision confirms, on the basis of the redemption permit for a mining area and the mining permit and, if necessary, as indicated by the mining permit holder, the object of redemption, and it establishes the

right of use and other rights, also setting the required terms and restrictions for the usage of areas. Minor deviations from the redemption permit for a mining area and the mining permit are admissible for a special reason, in consideration of the provisions laid down in section 19 and section 47(2) and (3).

Once the redemption decision has become legally valid, right of use is established for mining activity for the holder of the redemption permit for a mining area and the mining permit holder to the area confirmed as mining area, and another special right to the auxiliary area to the mine, corresponding to its purpose of use, unless the areas have already been in the possession of the permit holder.

Section 85

Extinction of rights

Other special rights to the mining area and auxiliary area to a mine shall cease to apply once the proceedings to establish a mining area have become legally valid.

However, in the proceedings to establish a mining area, the decision can be made to retain a special right if the right and exercise of it do not endanger public safety or hamper mining operations, and if retaining of the right does not compromise the clarity of the cadastral system.

Section 86

Demand for redemption by the landowner

If the mining area or auxiliary area to the mine causes substantial inconvenience to the usage of the real property or part thereof, the landowner is entitled to demand that the holder of the redemption permit for a mining area, and mining permit, redeem the real property or relevant part thereof.

If the local detailed plan designates an area for mining activity, in the proceedings establishing a mining area the landowner has the right to demand full redemption of the area indicated in the plan.

Property or parts thereof that are redeemed under subsections 1 and 2 shall be formed

into one or several redemption units, separate from the mining area, in compliance with the provisions laid down in section 49a(1) of the Redemption Act on the formation of redemption units.

In determining redemption compensation for real properties and parts thereof that are redeemed under subsections 1 and 2, the amount of compensation shall be one and a half times the value of the redeemed area.

Section 87

Private road arrangements

Arrangements concerning private roads and rights of way that are necessary for the establishment of a mining area or an auxiliary area to a mine shall be made in the proceedings establishing a mining area. Other matters laid down as issues to be handled in the road construction proceedings under the Act on private roads (Laki yksityisistä teistä 358/1962) shall also be handled and solved in the proceedings.

Private road connections and rights of way can be arranged in regional road construction proceedings referred to in section 38c of the Act on private roads, which can be conducted upon request of the mining permit holder without a separate application.

Section 88

Establishing the necessity of land consolidation

In the proceedings for establishing a mining area, the necessity of performing land consolidation as described in section 89 shall be established.

However, the necessity of land consolidation shall be established and decided on in land consolidation proceedings referred to in section 68(2) of the Real Estate Formation Act, instead of the proceedings for establishing a mining area, if such land consolidation proceedings are pending at the time of the proceedings for establishing a mining area. In addition to the provisions laid

down in the Real Estate Formation Act and section 82 of the Redemption Act, the provisions in sections 89–92 of this Act shall apply to such land consolidation.

Section 89

Land consolidation

As *land consolidation*, land-for-land exchange between properties can be carried out. However, if such land-for-land exchange cannot be performed in any appropriate manner, an area of land may be transferred from one property to another against full monetary compensation.

The provisions of sections 59, 65, and 66 of the Real Estate Formation Act shall apply to the land exchange and transfer of an area in the proceedings establishing a mining area, unless otherwise provided in sections 90–92 of this Act.

Section 90

Prerequisites for land consolidation

Land consolidation may be carried out if any of the following apply:

1) it is necessary in order to amend harmful fragmentation of land caused by a mining area or auxiliary area to a mine;

2) it can eliminate or substantially decrease the costs or compensation that would otherwise be caused by arranging a new means of communication to replace the one cut off because of a mining area;

3) land exchange or transfer of an area in order to contribute an additional area to real estate adjacent to the mining area or auxiliary area to a mine is of particular significance for the purpose of increasing the usability of the real estate; or

4) it is necessary in order to transfer an area of minor value, separated on account of a mining area or auxiliary area to a mine, to another piece of real estate, one that the owner of the area cannot utilise in an appropriate manner but that can be used in connection with other real estate.

Furthermore, the execution of land consolidation requires all of the following:

1) in the case mentioned above in subsection 1(1), it will result in a significant improvement in property division;

2) it will not cause noteworthy harm to anyone;

3) it will not impede the implementation of the local detailed plan.

The execution of land consolidation is not subject to the consent of the landowner or that of the holder of a right of lien or special right to which the real estate is subject.

Section 91

Land consolidation agreements

Upon agreement of the owners of the real estate in question, the proceedings establishing a mining area may, in cases other than those referred to section 90(1), involve other land consolidation measures necessary to improve property division due to the establishment of mine or mining activities, in compliance with the provisions laid down on the prerequisites for land consolidation in section 90(2)(2) and (3).

Section 92

Compensation for land consolidation

In the land consolidation procedure, the area to be transferred from one piece of real estate to another shall be assessed separately as regards the assigning and receiving of real estate, respectively. Should these values differ from one another, the difference shall be for the holder of the redemption permit for a mining area and mining permit to compensate.

Section 93

Registration of proceedings establishing a mining area

The proceedings establishing a mining area can be registered regardless of the payment of compensation, once they have become legally valid. The payment of compensation need not be reported to the land survey

office.

Regardless of appeals, the proceedings establishing a mining area may be entered into the Cadastre concerning any real properties that the appeals do not involve. Entries concerning the proceedings establishing a mining area can be made in the Cadastre also regarding real estate involved in appeals, if the appeals do not influence the confirmation of the subject of redemption, establishment of rights of use or other rights, or the entries made. In such cases, the Cadastre keeper shall request permission for registration from the Land Court. The Land Court is thereby competent even if consisting of only the Land Court chairman.

Section 94

The date of valuation and consideration for change in the general price level

In the proceedings establishing a mine, the compensation for property redeemed shall be specified on the basis of value at the time of possession (*date of valuation*).

If the general price level has risen since the date of valuation, the difference between the final redemption compensation and the advance compensation designated in the proceedings shall be adapted to meet the higher price level.

Section 95

Determination of the indemnee

The proceedings establishing a mining area shall determine the redemption compensation to be paid to the party to whom the redeemed property or subject of compensation belongs at the time of determination of the compensation, unless otherwise provided in the report presented in the proceedings.

Section 96

Payment of compensation and interest

The advance and final compensation determined for payment by the holder of the redemption permit for a mining area and

mining permit shall be paid within three months of its imposition. If the payment of compensation is delayed, annual penalty interest shall be paid on it in accordance with the interest rate referred to in section 4(1) of the Interest Act (633/1982). Annual interest at a rate of six per cent shall be paid on the final compensation as from the claiming of possession referred to in section 82 in this Act.

The holder of the redemption permit for a mining area and mining permit shall pay the land consolidation compensation imposed in the proceedings establishing a mining area. In land consolidation, the recipient of the area is obliged to pay compensation for the received area to the appropriate permit holder insofar as the compensation cannot be deducted from the payments imposed on the permit holder concerned. The assignor of the area shall receive compensation for the assigned area from the appropriate permit holder. The provisions laid down in subsection 1 concerning calculation of interest and payment of compensation shall apply to the compensation referred to in this subsection. Interest on the compensation imposed on account of land consolidation shall be paid as of the time of gaining possession of the areas specified in the proceedings.

Section 97

Compensation in special cases

If compensation as described in this chapter can only be imposed after the conclusion of the proceedings establishing a mining area, and no agreement is made on compensation, the subject of compensation shall be resolved in proceedings commenced upon the demand of the holder of the redemption permit for a mining area and mining permit or the party demanding compensation. The provisions laid down concerning the proceedings establishing a mining area shall apply.

Proceedings shall be applied for within three years of the occurrence of damage or inconvenience. Upon application, the competent land survey office issues the order

for proceedings. By request of the competent land survey office, the mining authority shall issue a statement in order to clarify the matter.

The property, inconvenience, or damage to be compensated for shall be assessed in the proceedings referred to above in subsection 1. Compensation shall be calculated from the time when the proceedings end, and the annual interest in accordance with section 96 shall be calculated so as to begin at the time of the final meeting of the proceedings establishing a mining area.

If the claim as described in subsection 1 has been made apparently without justification, the costs incurred for the proceedings shall be ordained to be paid, partly or in full, by the claimant.

Section 98

Execution procedure in special cases

The provisions laid down in section 288 of the Real Estate Formation Act shall apply to compensation imposed in proceedings establishing a mining area that the interested party shall pay to the holder of the redemption permit for a mining area and mining permit, and to real estate the ownership of which has changed as a consequence of land consolidation.

Chapter 9

Compensation for exploration, mining activity, and gold panning

Section 99

Exploration fee

The exploration permit holder shall pay annual compensation (*exploration fee*) to the owners of land included in the exploration area.

The annual amount of the exploration fee per property shall be:

1) 20 euros per hectare for each of the first four years of validity of the exploration permit;

2) 30 euros per hectare per year for the fifth, sixth, and seventh year of validity of the exploration permit;

3) 40 euros per hectare per year for the eighth, ninth, and tenth year of validity of the exploration permit;

4) 50 euros per hectare for the eleventh and for further years of validity of the exploration permit.

The exploration fee for the first year shall be paid no later than on the 30th day after the exploration permit becomes legally effective. The fee for the following years shall be paid at the corresponding time.

Section 100

The excavation fee

The mining permit holder shall pay annual compensation (*excavation fee*) to the owners of land included in the mining area.

The annual amount of the excavation fee per property is 50 euros per hectare. In addition, the following shall be paid as an excavation fee:

1) 0.15 per cent of the calculated value of metallic mining minerals, excavated and exploited during the year; considering the average price of the exploited metals included in the ore during the year, and the average value of other products exploited from the ore during the year;

2) grounds influencing the financial value of the mining mineral, taking into consideration reasonable compensation for excavated and exploited mining mineral other than metallic mineral in accordance with:

a) an agreement between the property owner and holder of mining permit; or

b) confirmation by the mining authority as applied for by the property owner or holder of the mining permit.

If the grounds influencing the value of the mining mineral have substantially changed, the property owner or mining right holder may demand that the mining authority revise the compensation referred to in subsection

2(2).

If the permit authority has postponed the expiry of the mining permit as described in section 68(3), the compensation referred to in subsection 2 in this section shall be 100 euros per hectare (*elevated compensation*) until mining activities commence or resume.

The obligation to pay an excavation fee commences when the mining permit has become legally valid. The obligation to pay elevated compensation commences when the decision on the new time for commencing mining activity, or continuing activities, has become legally valid.

For the purpose of confirming the excavation fee, the mining permit holder shall submit the relevant information to the mining authority no later than the 15th of March in the year following the year for which the fee is to be paid. The mining authority confirms the amount of the excavation fee annually by its decision.

The excavation fee shall be paid no later than on the 30th day from the entry into force of the mining authority's decision on the excavation fee.

Further provisions on the application concerning the confirmation and revision of the excavation fee, the grounds for determining the excavation fee, and the information to be submitted to the mining authority for the purpose of confirming the excavation fee may be given by government decree.

Section 101

By-product fee

The mining permit holder shall pay annual property-specific compensation (*by-product fee*) to each landowner in the mining area for the benefit gained from by-products of mining activities that are used for purposes other than mining activity.

The by-product fee shall be moderate, taking into account the factors influencing the financial value of the by-product. If the mining permit holder and landowner do not agree on the compensation, it shall be 10 per cent at maximum of the sales proceeds gained from the by-product.

Section 102

The gold panning fee

The gold panner shall pay the authority or institution responsible for management of the area an annual compensation (*gold panning fee*).

The annual amount of the gold panning fee is 50 euros per hectare.

The gold panning fee for the first year shall be paid no later than on the 30th day after the gold panning permit becomes legally valid. The compensation for following years shall be paid no later than on the 15th of March.

Section 103

Compensation for damage and inconvenience in an exploration, prospecting, and gold panning area

The exploration permit holder shall compensate for any inconvenience and damage caused in the exploration area by activities based on this Act, unless otherwise provided concerning the compensation as regards a specific measure.

The provisions laid down in subsection 1 on the exploration permit holder's liability for compensation shall apply to the liability of the party responsible for prospecting work to compensate for damage and inconvenience caused in the prospecting area and the gold panner's liability to compensate for damage and inconvenience caused in the gold panning area.

Section 104

The procedure applicable for compensation

The parties concerned can agree on the payment and amount of compensation as described in sections 101 and 103, and on other aspects of compensation. The agreement shall be made in writing.

If an agreement is not made on compensation referred to in subsection 1, the claim for compensation shall be presented in the proceedings establishing a mining area

referred to in Chapter 8, conducted upon application by the party claiming compensation, the party concerned responsible for prospecting work, or the permit holder. Such proceedings shall be applied for within three years of the expiry or cancellation of the permit in question, or of the appearance of the damage or inconvenience caused by prospecting work. If the damage or inconvenience caused by activity based on an exploration permit or gold panning permit appears later, proceedings shall be applied for within three years of the damage or inconvenience becoming apparent. The party responsible for prospecting work, or the permit holder, is responsible for the costs of the proceedings.

The provisions laid down in subsection 2 concerning claim for compensation, referred to in subsection 1, shall apply to civil matters related to compensation referred to above in sections 99, 100, and 102.

Section 105

Compensation for certain environmental damage

As concerns damage or inconvenience caused by pollution of water, air, or soil, or by noise, vibration, radiation, light, heat, smell, or similar nuisance, the provisions laid down in section 12 of the Act on Compensation for Environmental Damage (737/1994) shall apply.

Section 106

Impact of assignment of permit on liability to compensate

Assignment of a permit referred to above in section 73 shall not absolve the permit holder from liability for compensation insofar as damage or inconvenience has been caused prior to approval of the assignment by the mining authority.

Chapter 10

Collateral

Section 107

Collateral for exploration and gold panning

The exploration permit holder and gold panner shall deposit collateral for the purpose of offsetting potential damage and inconvenience and performing after-care measures, unless this can be deemed unnecessary in view of the quality and extent of operations, the special characteristics of the operating area, permit regulations issued for the operations, and the applicant's solvency.

Section 108

Collateral for termination of mining activity

The mining permit holder shall deposit collateral, for the purpose of termination and after-care measures of mining operations, that is sufficient in view of the nature and extent of mining activity, the permit regulations issued for the activity, and collateral demanded by virtue of other legislation.

Section 109

Procedure concerning provision of collateral

The permit authority shall determine the type and quantity of collateral for each permit in question.

The amount of collateral shall be revised, if necessary, when the mining permit is revised in accordance with section 62, or the exploration permit, mining permit and gold panning permit is amended in accordance with section 69, or the validity of permits is extended in accordance with sections 61, 63 or 65.

The collateral shall be deposited with the mining authority, which shall oversee the interests of the recipient of compensation when lodging the security and, if necessary, act on matters related to the conversion of

collateral into money and sharing of assets.

Section 110

Costs to be paid from the collateral

The costs necessary for performance of the obligations laid down in this Act, or the permit in question, can be paid from the collateral.

The mining authority shall release the collateral when the permit holder has fulfilled the obligations referred to in subsection 1. Partial release of collateral is also possible.

Section 111

The impact of assignment of a permit on the collateral

Assignment of a permit, referred to in section 73 above, will not release the collateral.

Upon approving assignment of a permit, the mining authority shall assess whether the type or quantity of collateral should be revised and make the necessary alterations to the permit conditions in question. Simultaneously, the mining authority shall determine the time from which the changes are to be valid.

PART IV

MINING SAFETY

Chapter 11

Mining safety requirements

Section 112

General duty to ensure mining safety

The mining operator is obliged to ensure mining safety. The operator shall pay particular attention to the structural and technical safety of the mine and to

prevention of dangerous situations and accidents in the mine, alongside limitation of detrimental consequences caused by them.

Separate provisions are issued regarding occupational safety in a mine.

Section 113

Measures required for mining safety

When ensuring mining safety, the mining operator shall comply with the following operating principles:

- 1) identify elements of danger and threats of accident;
- 2) eliminate elements of danger or, if that is not feasible, define safety objectives concerning limitation of elements of danger and undertake measures to limit the detrimental consequences caused by the elements of danger so as to render them as exiguous as possible.
- 3) implement measures necessary for prevention of accidents and prepare for rescue measures;
- 4) implement generally effective measures prior to individual ones;
- 5) take account of the development of technology and other methods available for use in this area.

The mining operator shall ensure compliance with operating principles in the mine; monitor the impacts of the measures implemented on mining safety; and, if necessary, undertake corrective measures. Whenever necessary, the operator shall immediately isolate a dangerous area from other parts of the mine, interrupt activity in the mine, and implement the measures required in terms of mining safety.

Further provisions concerning the elements to be taken into account in the planning, selection, dimensioning, and implementation of measures required to ensure mining safety, and the operating principles to be complied with, may be given by government decree.

Section 114

Detecting and assessing elements of danger

The mining operator shall systematically

determine and identify elements endangering mining safety.

If factors endangering mining safety cannot be eliminated, the mining operator shall assess their significance.

The mining operator shall have in its possession the account referred to in subsection 1 and the assessment referred to in subsection 2, in writing. Both the account and the assessment shall be revised whenever circumstances change fundamentally, and they shall be kept up to date in other respects too.

Section 115

The internal rescue plan for a mine

For the purpose of mining operations, the mining operator shall prepare *an internal rescue plan for the mine*.

The internal rescue plan for a mine shall specify the following:

- 1) foreseeable dangerous situations and accidents and the potential impact thereof;
- 2) measures to prevent dangerous situations and accidents and to limit the consequences thereof;
- 3) notification to be submitted to authorities or other parties in consequence of dangerous situations or accidents;
- 4) co-operation with the local rescue authority;
- 5) exit routes and possibilities for protection, along with arrangements for extinguishing and rescue duties (*independent rescue measures*);
- 6) personnel participating in independent rescue measures, and training of them for their duties;
- 7) equipment acquired for independent rescue measures;
- 8) preparation for repairing the damage caused by accidents, and clearing the environment.

For the use of those working in the mine, the mining operator shall prepare instructions in case of foreseeable dangerous situations and accidents.

Further provisions related to situation-specific independent rescue measures, co-operation with the local rescue

authorities, rescue drills to be arranged for preparation for accidents and dangerous situations, training related to rescue operations, and other matters to be included in the internal rescue plan of a mine may be given by government decree.

Section 116

Preventing access by unauthorised parties and providing guidance for rescue services' units at the location

The mining operator shall ensure, via structural means or, considering the nature of operations, in another sufficiently efficient way, that access to the mine and mining area is prevented for unauthorised parties.

The mining operator shall ensure access to the mine and mining area for the rescue authority managing rescue operations and local rescue services' units in case of accident or the threat thereof and shall ensure the appropriate guidance of rescue units at the location.

Section 117

Organisation and personnel

The mining operator shall ensure that the duties and areas of responsibility of management and other personnel pertaining to mining safety are clearly defined at all levels of the organisation.

By means of training, instruction, and guidance, the mining operator shall ensure that the persons operating in the mine are sufficiently informed about mining safety and the measures it requires.

The mining operator shall ensure that the persons operating in the mine comply with the measures and operating principles required in terms of mining safety.

Further provisions for the training, guidance, and instruction of key persons as

concerns mining safety may be given by government decree.

Section 118

The person in charge of mining safety

The mining operator shall designate a person in charge of mining safety. The person in charge shall be employed by the operator and stationed in the mine in question.

The person in charge shall be familiar with regulations concerning mining technology and mining safety, and with the measures required by mining safety, especially in the mine in question.

The person in charge shall ensure that the regulations concerning mining safety, permit conditions, and measures and operating principles required for mining safety are complied with in the mine.

The person in charge shall prove his or her proficiency in a test arranged by the mining authority. The person in question shall be given a certificate of an approved test.

Further provisions concerning the training of the person in charge of mining safety, his or her proficiency, and its maintenance may be given by government decree.

Section 119

The mine map

The mining operator shall prepare a map covering the mine and mining area (*mine map*) and keep it up to date.

The mining operator shall submit a copy of the mine map to the mining authority at the beginning of each year.

The mine map shall contain itemised information on the measures undertaken in the mine and other mining activity in the mining area, so that aspects of mining safety, land use in the area, and exploitation of the deposit, and other measures associated with these, can be determined.

Further provisions on the mine map may be given by government decree.

Section 120

Preparing for termination of mining activity

The mining operator shall, when planning and constructing the mine, and operating it, ensure that mining activity can be terminated and the mine closed safely.

Chapter 12

Regulations pertaining to mining safety permits

Section 121

Mining safety permit

The construction of a mine, and its productive operations are subject to a permit by the mining authority (*mining safety permit*).

Section 122

Application for a mining safety permit

The application concerning a mining safety permit shall be submitted to the mining authority.

The application shall include a necessary and reliable report for consideration of the permit on the following:

- 1) the applicant;
- 2) consideration of mining safety requirements;
- 3) other elements of significance pertaining to mining safety.

The following shall be appended to the application: a summary of the information included in the application and appendices thereto, an account and assessment compiled in accordance with section 114, an internal rescue plan for the mine, and a general plan – which shall include, taking into account the

provisions laid down in Chapter 11, the following:

- 1) a plan concerning the construction of the mine;
- 2) a plan concerning the functions and buildings to be placed in the mining area;
- 3) a geological and rock engineering description of the deposit;
- 4) the mining methods used and the filling and filling materials of stopes;
- 5) the rock hoisting system.

Moreover, an account as to whether the applicant has been entered in the prepayment register in accordance with the Act on prepayment of tax (Ennakkoperintälaki 1118/1996), in the employer register, and in the register of persons liable to pay value added tax in accordance with the Value Added Tax Act (1501/1993), alongside a certificate of payment of taxes, a certificate of tax liabilities, or an account of a payment plan for tax liabilities having been made, shall be appended to the application. If the applicant is a foreign company, it shall provide the corresponding information in an extract from a register complying with the legislation of the company's country of location or a corresponding certificate, or do so in another generally accepted manner.

Further provisions on mining safety permit applications may be given by government decree.

Section 123

Procedures concerning a mining safety permit application

The mining authority shall request a statement on the mining safety permit application from the appropriate industrial safety authority and the local rescue authority; the Radiation and Nuclear Safety Authority; and, if necessary, other authorities securing the public interest in their field of activity. Moreover, the mining authority shall acquire other statements and reports that are necessary as regards permit consideration.

The provisions laid down in section 39 concerning the procedure as regards complaints and opinions shall apply to the handling of the mining safety permit

application. As concerns communication about the mining safety permit application, the provisions in section 40 concerning publicity of the permit application shall apply. The provisions laid down in section 42 for hearing the applicant shall apply to hearing the applicant in response to statements and complaints. As concerns the content of the mining safety permit decision, the provisions laid down in section 56(1) shall apply.

Section 124

Prerequisites for granting a mining safety permit, and criteria for consideration of a permit

The prerequisites for granting a mining safety permit are as follows:

- 1) the planning of the mine and the mining activities comply with the provisions laid down in sections 112–116 and 120;
- 2) the obligations concerning the organisation, personnel, and person in charge have been met in compliance with the provisions of sections 117 and 118.

A mining safety permit will be granted if the applicant proves that even the other prerequisites laid down in this Act will be met.

A mining safety permit shall not be granted before the mining permit has become legally valid and, if the mining area and the auxiliary area to the mine are not in the possession of the mining operator, the operator has gained possession of said areas. Provisions on gaining possession are laid down in section 82.

Section 125

Orders to be issued in the mining safety permit

A mining safety permit shall include the necessary provisions for securing public and private interests concerning the following:

- 1) measures required to implement mining safety;
- 2) an internal rescue plan for the mine;
- 3) training, guidance, and instruction of the person in charge and other key personnel as regards mining safety;
- 4) the mine map;
- 5) taking account of the termination of mining activity
- 6) the deadline to be set for submission of any further specifications related to verifying the permit regulations;
- 7) other specifications that are necessary in view of public and private interests and pertaining to the implementation of permit conditions.

Section 126

Issuing of the decision concerning a mining safety permit, and informing thereof

The decision concerning a mining safety permit shall be issued in compliance with the provisions laid down in section 57 on issuing a permit decision.

The provisions laid down in section 58 on informing of a permit decision shall apply to communication about a mining safety permit decision.

Section 127

Validity of a mining safety permit

A mining safety permit shall remain valid until further notice after becoming legally valid. A mining safety permit can also be granted for a fixed period, if this is justified in consideration of the expected duration of mining activities, ensuring of mining safety, and other factors that have emerged in connection with handling of the application. However, at maximum, the permit is to be granted for the same term as the mining permit.

The mining authority shall review the regulations of a fixed-term mining safety permit at a maximum interval of 10 years. The mining authority must include the interval for review in the permit. In order to secure essential public or private interests, or

for another special reason, the mining authority may ordain regular review of a permit that is valid for a fixed term.

Section 128

Extending the validity of a mining safety permit

The mining authority may grant extension to a fixed-term mining safety permit until further notice or for a fixed period, in compliance, correspondingly, with the provisions laid down in section 127(1).

A prerequisite for extending the validity of a mining safety permit is that the permit holder has complied with the obligations set forth in this Act, alongside permit regulations.

For extension of validity, an application to extend the validity of the permit must be submitted to the mining authority prior to the expiry of the permit, alongside the necessary and reliable reports for the purpose of permit consideration, in compliance, correspondingly, with the provisions laid down in section 122.

Further provisions concerning the application may be given by government decree.

Section 129

Expiration of a mining safety permit

A mining safety permit shall expire at the end of the designated fixed term.

The mining authority shall decide that a mining safety permit is to expire in the event of either of the following:

1) the mining safety permit expiring or being cancelled;

2) the mining operator submitting to the mining authority an application requesting this.

Section 130

Revision of a mining safety permit

The mining authority shall, at its own initiative, or upon application of the relevant authority overseeing public interests in its

field, or a concerned party suffering damage, alter the mining safety permit if:

1) there are substantial deficiencies in mining safety;

2) conditions have fundamentally changed since granting of the permit, and revision of the permit's conditions is essential in order to protect public or private interests.

The mining operator shall apply for revision of the mining safety permit if such changes occur in mining activity that have other than minor impact on mining safety. Moreover, the provisions laid down in section 122 concerning a mining safety permit application shall apply to this application.

If a mining permit has been assigned under section 73, the mining authority shall revise the mining safety permit accordingly as regards the mining operator. Simultaneously, the mining authority shall revise the permit conditions if necessary in order to ensure mining safety.

Section 131

Cancellation of a mining safety permit

The mining authority can cancel a mining safety permit if

1) in the application or appendices thereto, such incorrect or incomplete information has been given that has essentially affected the conditions set for granting a permit, or the permit consideration in other ways;

2) the permit holder no longer meets the requirements for granting of a permit;

3) the permit holder has materially neglected or violated the obligations concerning mining safety laid down in this Act, or a restriction or the permit terms.

If the deficiencies, neglect, or violations can be corrected or are insignificant, the mining authority shall, prior to making a decision under subsection 1(2) or (3), set a time limit for the permit holder in question to rectify the defect, violation, or neglect.

Section 132

Handling of a matter related to extension to the validity of a mining safety permit, or its expiry, alteration, or cancellation

A matter related to extension of the validity of a mining safety permit, or to its expiry, alteration, or cancellation, shall be handled in compliance, correspondingly, with the provisions laid down in this Act on the permit procedure, permit consideration, the permit decision, and the validity thereof regarding a mining safety permit.

Chapter 13

Mining machinery and equipment

Section 133

Definitions of mining machinery and equipment

In this Act, *a hoisting installation* refers to a fixed installation moving in the mine between levels, intended for transporting people or goods, with which the load is transported mechanically along guides in a shaft, and the related auxiliary devices and surface constructions.

Mining machinery and equipment refers in this Act to the hoisting installations; the equipment and machinery necessary in the mine for the purposes of mining activity; and machines, machinery, and equipment on the ground, immediately connected to the operations of the mine, and combinations thereof.

Section 134

Planning and construction of a hoisting installation

A hoisting installation shall be designed and constructed so that it is safe in ordinary

use, and in potential foreseeable exceptional situations, and will not endanger the health, safety, or property of any party. The design and construction shall take into consideration the account and assessment compiled in accordance with section 114.

The design and construction of a hoisting installation shall pay particular attention to the hoisting installation as an operational entity and ensure in particular that:

1) the strength and dimensioning of the hoisting installation are sufficient;

2) the support and suspension devices of the cage, and the fastenings thereof, ensure a sufficient level of safety;

3) monitoring of the load, any excessive speed, slowing down, emergency brakes, and other such elements essential in terms of safe operations is organised;

4) the machinery will work even in potential exceptional situations without endangering safety;

5) the headframe, shaft and related constructions are durable and fireproof;

6) the control system of the hoisting installation works reliably;

7) the ventilation of passenger hoist installations will work even in exceptional situations;

8) the passenger hoist installations are equipped with the communication devices required for communicating;

9) the necessary prevention and rescue measures can be carried out in dangerous situations involving the passenger hoist installation.

Further provisions concerning the design and construction of the hoist installation may be given by a Ministry of Employment and the Economy decree.

Section 135

Inspection of a hoisting installation

The mining operator shall ensure that the hoisting installation is inspected by an authorised inspection body, referred to in Chapter 14, prior to its commissioning, and thereafter at a minimum interval of one year, considering the account and assessment compiled in accordance with section 114.

Moreover, the mining operator shall ensure that the safety of the hoisting installation is ensured on a continuous basis, considering that same account and assessment.

Further provisions on the inspection of the hoisting installation may be given by a Ministry of Employment and the Economy decree.

Section 136

Placement of mining machinery and equipment

The mining operator shall place and, if necessary, protect the mining machinery and equipment such that these are safe in ordinary use and in potential foreseeable exceptional situations and such that they will not endanger the health or safety of any party. The design and construction shall take into consideration the account and assessment compiled in accordance with section 114.

Furthermore, the mining machinery and equipment shall be placed so as to facilitate their appropriate usage, maintenance, and inspection.

Further provisions about the placement of mining machinery and equipment may be given by government decree.

Chapter 14

Inspection bodies

Section 137

Approval of an inspection body

Upon application, the mining authority will approve a Finnish organisation or foundation or a part thereof as an inspection body.

The approval decision shall specify the area of competence of the inspection body and lay down the regulations concerning the operation of the body necessary for securing public and private interests in order to ensure the appropriate performance of duties. A decision can be issued for a fixed period.

An inspection body approved by a state

belonging to the European Economic Area corresponds to an inspection body referred to in subsection 1 if the approval procedure has complied correspondingly with the provisions laid down in section 138 concerning approval as an inspection body.

Section 138

Conditions for approval as an inspection body

The preconditions for approval as an inspection body are as follows:

- 1) the body is independent in its activities under its duties as an inspection body;
- 2) the body has enough professional staff at its disposal, the independence of whom in operations has been ensured as concerns inspection body duties;
- 3) the body has the equipment, tools, and systems required for its activities;
- 4) in view of the quality and extent of operations, the body has sufficient liability insurance or a corresponding arrangement that can be considered sufficient.

An inspection body will be approved if it proves compliance in accordance with the procedures laid down in the Act on verifying the validity of assessment services (Laki vaatimustenmukaisuuden arviointipalvelujen pätevyyden toteamisesta 920/2005) in keeping with the preconditions set forth in subsection 1.

Section 139

Duties of an inspection body

The inspection body shall perform the commissioning inspections and periodic inspections of hoisting installations in compliance with best inspection practices and in observance of the regulations and recommendations concerning the subject of inspection.

The inspection body shall follow the development of regulations and standards in its line of business and work in co-operation with other inspection bodies in its line of business insofar as is necessary to ensure uniformity of operating methods.

When carrying out the public

administrative duties referred to in this Act, the inspection body shall observe the provisions laid down in the Act on the Openness of Government Activities (621/1999), the Act on Electronic Services and Communication in the Public Sector (13/2003), the Administrative Procedure Act, the Language Act (423/2003) and the Sámi Language Act (1086/2003). Provisions concerning penal liability for acts in official capacity shall apply to an employee of an inspection body when performing an inspection assignment. Provisions for liability for damages are laid down in the Tort Liability Act (412/1974).

The inspection body shall inform the mining authority of changes that could affect meeting of the conditions mentioned in section 138(1).

The inspection body shall submit a report on the inspection activities and results thereof to the mining authority annually.

Section 140

Cancellation of inspection body approval

Should an inspection body no longer meet the conditions mentioned in section 138, or should it fail to comply with the regulations issued in the decision referred to in section 137, or otherwise function materially contrary to the provisions laid down in this Act, the mining authority shall specify a time limit for the inspection body that is sufficient for rectification of the matter.

The mining authority shall cancel its approval if the inspection body has failed to correct deficiencies, misconduct, or neglect within the specified time limit or if the inspection body no longer meets a condition set in section 137(1) herein.

Section 141

Authority to issue a decree concerning inspection bodies

Further provisions on the approval procedure applicable for an inspection body, the preconditions for approval and the assessment of these, the performance thereof,

and the duty to report concerning inspection activity and the results thereof may be given by government decree.

PART V

TERMINATION OF MINING ACTIVITY

Chapter 15

Regulations concerning termination of mining activity

Section 142

Time of termination of mining activity

Mining activity ends when the mining permit expires or is cancelled.

If the mining permit is altered such that the area of the mining area or auxiliary area to a mine decreases or the content of rights of use and other special rights involving the auxiliary area to a mine is reduced, the provisions concerning termination of mining activity shall correspondingly apply to operations to be terminated.

Section 143

Restoring of the area

No later than within two years of the termination of mining activity, the mining operator shall restore the mining area and the auxiliary area to the mine to a condition

complying with public safety; ensure their restoration, cleaning, and landscaping; and perform the measures specified in the mining permit.

Section 144

Removal of excavated mining minerals and of buildings and other constructions

The mining operator may leave in place the mining minerals excavated from the mine, and the buildings and other constructions on the ground for up to two years after termination of mining activity. Thereafter, they shall be transferred, free of charge, to the landowner, who may demand their removal at the operator's cost.

Contrary to subsection 1 above, the mining authority can temporarily prohibit the removal of buildings and other constructions related to mining activity if that would hamper or endanger the potential future usage of the mine, or excavation work. A temporary ban can remain valid no longer than until the decision concerning termination of mining activity has become legally valid.

Further provisions on the removal of excavated mining minerals, buildings, and other constructions may be given by government decree.

Section 145

Notification of mine-closure measures

The mining operator shall submit notification in writing to the mining authority immediately after the fundamental bulk of the measures referred to in section 143 and section 144(1) have been completed. However, this notification shall be submitted no later than two years after the termination of mining activity.

The notification shall include an account of the measures performed, the geological documentation concerning the mine and the mining area, and a mine map corresponding to the time of termination.

Further provisions on the notification procedure may be given by government

decree.

Section 146

Final inspection

Having received the notification referred to in section 145, the mining authority shall arrange a final inspection unless this can be regarded *prima facie* as unnecessary. The final inspection shall establish whether the fundamental bulk of the measures referred to in section 143 and in section 144(1) have been completed, and the elements necessary for protection of public and private interests shall be assessed.

The mining authority shall inform the following about the final inspection:

1) the operator and other parties concerned that the matter particularly concerns;

2) the local authority of the municipality where the mine is located, and other municipalities in the areas of which environmental or safety-related impacts pertaining to termination of mining activity may arise;

3) the Centre of Economic Development, Transport and the Environment in the operating area of which the environmental impacts pertaining to the termination of mining activity may arise;

4) if necessary, other authorities supervising public interests in their fields;

5) in the Sami Homeland, the Sami Parliament; in the Skolt area, the Skolt village meeting; and in a special reindeer herding area, the local reindeer owners' associations.

As concerns communication about the final inspection, the provisions laid down in section 40 concerning publication of the permit application shall apply.

Should the mining operator neglect obligation referred to in sections 143–145, the mining authority shall undertake the necessary measures in order to arrange a final inspection.

An inspection report shall be compiled on the final inspection, including a report of the course of the inspection and observations made during the inspection, alongside the key parts of any reminders and opinions

issued.

Further provisions on the final inspection may be given by government decree.

Section 147

Decision to terminate mining activity

The mining authority shall request a statement of the mining operator's accounts and the inspection report compiled on the final inspection, in compliance, correspondingly, with the provisions laid down in section 37 concerning statements to be requested in conjunction with a mining permit application. The provisions laid down in section 42 shall apply to hearing of the parties concerned as regards the statements.

The mining authority shall make a decision to terminate mining activity once the fundamental bulk of the measures referred to in section 143 and section 144(1) have been completed in a manner that protects public and private interests. However, if the mining activity in question is carried out for the purpose of producing uranium or thorium, the mining authority shall not make a decision to terminate activity before the Radiation and Nuclear Safety Authority has found the termination measures appropriately completed in terms of radiation and nuclear safety and approved them.

As concerns the content of the decision to terminate mining activity, the provisions laid down in section 56(1) on the contents of a permit decision shall apply. The inspection report compiled on the final inspection shall be appended to the decision.

The decision on terminating mining activity shall be issued in compliance with the provisions laid down in section 57 on issuing a permit decision. As concerns communication about the decision, the provisions set forth in section 58 concerning permit application publication shall apply.

The mining authority shall ensure that an entry is made in the Land Information System in Finland on the decision to terminate mining activity.

Section 148

Orders to be issued in the decision to terminate mining activity

The decision to terminate mining activity shall include the orders necessary in terms of public and private interests concerning completion of termination measures within the given time limit, monitoring of the mining area and auxiliary area to the mine, buildings and other constructions referred to in section 144(2), and other elements whose consideration is necessary in terms of protecting public and private interests.

The mining operator is entitled to access the mining area and auxiliary area to the mine in order to fulfil the obligations referred to in subsection 1.

The decision shall specify the impact area of the mine in which, for reasons of public safety or prevention of detrimental environmental impact, restrictions on land use may be necessary. The mining authority shall ensure that an entry is made in the Land Information System of Finland about this impact area. When permit applications concerning construction or other projects within the impact area of the mine are handled, the competent permit authority shall, whenever necessary, request a statement from the mining authority.

Section 149

Returning possession of a mining area

Once a decision to terminate mining activity has become legally valid, the mining operator's right of use and right of possession to the mining area shall be terminated alongside the right of use and other rights to the auxiliary area of the mine. At the same time, the areas in question will be returned to the possession of the landowner, free of charge.

Section 150

Obligation to monitor and implement corrective measures

After termination of mining activity, the mining operator shall remain responsible for monitoring of the mining area and auxiliary area to the mine, in compliance with the orders issued in the mining permit, or those in the decision to terminate mining activity, alongside the necessary corrective measures and the costs incurred therein. The operator is entitled to access the mining area and auxiliary area to the mine in order to fulfil these obligations.

The mining operator shall inform the mining authority of all significant detrimental impacts on public safety detected during monitoring, and implement, without delay, the necessary corrective measures. The mining authority may issue orders concerning the corrective measures necessary.

Should the mining operator no longer exist, should it be unavailable, or if it cannot be made to comply with the obligation, where monitoring of the mining area or auxiliary area to the mine is necessary for reasons related to public safety, the possessor of the area shall be responsible for the monitoring and corrective measures required. However, the possessor of the area shall be held responsible for monitoring only if the possessor knew or should have known the condition of the area when acquiring it and the responsibility for monitoring and required corrective measures is not apparently unreasonable. When the possessor of the area cannot be obliged to assume responsibility, or the area in question is one for which the right of possession and use have been returned to the landowner under section 149, the mining authority shall nevertheless be responsible for monitoring and corrective measures.

Section 151

Compensation for the maintenance costs of buildings and constructions

If the removal of buildings and other constructions is prohibited in the decision to terminate mining activity, the party responsible for their maintenance shall be entitled to receive compensation from the

State for maintenance costs, and from the mining operator for any inconvenience and damage caused.

The parties concerned can agree on the payment and amount of compensation as is described in subsection 1, and on other aspects of compensation. The agreement shall be made in writing.

Unless compensation is agreed on, the claim for compensation shall be set forth in proceedings establishing a mining area referred to in Chapter 8, held subject to application by the party claiming compensation, or the mining operator. Proceedings shall be applied for within three years of the decision to terminate mining operations being issued. If the damage or inconvenience appears later, proceedings shall be applied for within three years of the damage or inconvenience appearing.

PART VI

SUPERVISION, APPEAL, AND MISCELLANEOUS PROVISIONS

Chapter 16

Supervision, administrative constraint and sanctions

Section 152

The authority's right of access to information

The mining authority has the right to gain information necessary for monitoring of compliance with the provisions of this Act from the parties whom the obligations in this Act concern.

The mining authority, the Centre of Economic Development, Transport and the Environment, the industrial safety authority, and the Radiation and Nuclear Safety Authority have the right, any confidentiality obligations notwithstanding, to obtain from each other information necessary for the purposes of the supervision of exploration, mining activity, and gold panning, and to use samples acquired by other of these parties. The local competent rescue authority has the right, notwithstanding any confidentiality

obligations, to obtain from the mining authority information concerning mining safety that is necessary in terms of rescue operations.

Notwithstanding any confidentiality obligations, inspection bodies are obliged to provide information necessary for the purpose of co-operation between inspection bodies to other inspection bodies referred to in this Act, and information necessary for the purpose of supervision, to the mining authority.

Regardless of any confidentiality obligations, information gained in management of the duties referred to in this Act may be disclosed to a prosecutor and the police in order to prevent and solve a crime.

Section 153

The mining authority's right of inspection

The mining authority has the right to access an area where activity referred to in this Act is being engaged in or has previously been engaged in, provided that this is necessary as regards supervision as described in this Act, and to conduct inspections, take samples, and engage in other measures required for supervision purposes there. The inspection shall comply with the provisions laid down in section 39 of the Administrative Procedure Act.

However, supervision measures can be extended to premises intended for permanent residential purposes only if there is reason to doubt that a crime has been committed as referred to in the Penal Code (39/1889), Chapter 16, section 8, Chapter 24, sections 1—4, Chapter 28, section 11, Chapter 35, sections 1 and 2, Chapter 47, section 1, Chapter 48 or Chapter 48a, section 3, and the inspection is necessary in order to investigate whether the action is punishable.

Section 154

Periodic supervision of mining safety

The mining authority shall supervise mines

in order to ensure that the mining operator complies with the provisions laid down in this Act concerning mining safety, and those made in the mining safety permit.

The mining authority shall conduct systematic periodic supervisory inspections of mines to the extent required by their activity. Instead of supervisory inspections, the mining authority may approve other measures suitable for supervision of activity, enabling it to ensure compliance with regulations concerning mining safety and those issued in the mining safety permit.

Further provisions on the content of supervisory inspections, their prescribed frequency and times of execution, notification of other authorities, co-operation of authorities, and division of duties in inspections conducted because of a serious accident or dangerous situation and other practical implementation of inspections may be given by government decree.

Section 155

Executive assistance

If necessary, the police are obliged to provide executive assistance in order to supervise compliance with the provisions laid down in this Act and orders issued under it. The customs and border guard authorities are under similar obligation within their line of duty.

Section 156

Rectification of an offence or neglect

The mining authority may:

1) prohibit a party that violates this Act or an order issued under it from continuing or repeating the procedure in breach of the regulation or order;

2) order a party that violates this Act or an order issued under it to fulfil his or her obligation.

Moreover, the mining authority may prohibit the use of mining machinery or equipment that can be considered to cause a serious threat to human health or safety and may order the mining operator to implement

the required repairs within a set time limit.

Should the mining authority find that the person in charge of mining safety is managing his or her duties inadequately such that this may endanger mining safety, the mining authority may order the mining operator to appoint a new person in charge, who meets the proficiency requirements.

Section 157

Temporary prohibition of operations

The mining authority may, on a temporary basis, prohibit operations based on an exploration permit, mining permit, or gold panning permit, or impose temporary restrictions, if the holder of the permit in question has not rectified a violation or neglect regardless of a ban or order issued under section 156(1), or there is other reason to suspect that the conditions set for cancellation of a permit exist. The ban or restriction shall remain valid no longer than until the matter related to cancellation of the permit has been legally solved.

The mining authority shall, on a temporary basis, prohibit operations based on an exploration permit, mining permit, or gold panning permit if payment of compensation as laid down in Chapter 8 or 9, or provision of collateral ordered under Chapter 10, has been neglected. The ban shall remain valid until the said neglect has been rectified or the matter concerning the cancellation of a permit has been legally solved.

The mining authority shall ban the usage of a mine or part thereof, or impose a temporary restriction on mining activity, if serious defects have been found in the mining operator's implementation of the measures required in terms of mining safety, or in determination and assessment of dangers, or a ban or regulation issued under section 156(2) or (3) has not been complied with. The ban or restriction shall remain valid no longer than until the matter concerning cancellation of a mining safety permit has been legally solved.

If a serious accident occurs or a dangerous situation arises in a mine, the mining authority may impose temporary interruption

of operations in the mine or part thereof until the reason for the accident or dangerous situation and the measures necessary to ensure the safety of future operations have been determined. On the basis of accounts, the mining authority may conduct inspections in the mine or require the inspection of the hoisting installation, and order that revision of the mining safety permit be applied for. Moreover, in order to ensure safety, the mining authority may impose restrictions and conditions on starting mining activity after a serious accident or dangerous situation has occurred.

Section 158

Conditional fine and threat of action and suspension

The mining authority may intensify a ban or order issued under this Act by imposing a conditional fine or a threat of action or suspension as prescribed in the Act on conditional fines (UHKasakkolaki 1113/1990).

Section 159

The right to initiate proceedings

Unless proceedings described in section 156(1) have been instituted on the mining authority's own initiative, they can be instituted in writing by:

- 1) a party concerned suffering damage;
- 2) a registered association or foundation whose purpose is to promote protection of the environment or health, nature conservation, or the pleasantness of the living environment, and in whose operating area, in compliance with regulations, the environmental impact in question appears;
- 3) the municipality in which the activity is located, or another municipality in the area of which the detrimental impacts appear;

4) a Centre for Economic Development, Transport and the Environment or another authority on the matter that is charged with protecting the public interest in its field;

5) the Sami Parliament, if the detrimental impact appears in the Sami Homeland;

6) the Skolt village meeting, if the detrimental impacts appear in the Skolt area.

Section 160

Violation of mining regulations

Anyone who, on purpose or through negligence, violates

1) an obligation, ban, or restriction laid down in sections 9–11, 15–18, 22–24, 26, 29, 143–145, 150, or 168;

2) an obligation, ban, or restriction laid down in section 7, 8, 112–115, 117–119, or 134–136; or

3) an order issued under section 51, 52, 54, 62, 125, 127, 148, or 169, or a ban issued under section 144(2),

shall be sentenced, unless a more severe punishment is provided by law, to paying a fine for violating *mining regulations*.

However, punishment shall not be meted out for an act referred to above in subsection 1(2) or (3) if the act, the inconvenience and damage caused by it, and other elements related to the act, judged as a whole, can be considered insignificant.

Section 161

The right to institute criminal proceedings

The prosecutor may not press charges for an act referred to in section 160, if the act has only violated the interests or rights of a private party, unless the injured party announces it for pressing charges.

Chapter 17

Appeal and enforcement of decision

Section 162

Appeal against a decision by the mining authority

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

As concerns a payment charged for a decision by the mining authority, an appeal shall be lodged in the same order as for the main issue.

A decision by the mining authority concerning the release of collateral may not be challenged by appeal.

Section 163

Appeal against a Government decision

A decision by the Government on a matter concerning application for a redemption permit for a mining area or a mining permit shall be challenged by way of appeal in the manner prescribed in the Administrative Judicial Procedure Act, unless otherwise provided hereinafter.

Section 164

Appeal against a decision by an inspection body

A decision by an inspection body may not be challenged by appeal. Rectification of a decision of an inspection body may be applied for with the inspection body within 30 days of notification of the decision being issued. The decision must be accompanied by instructions for demanding rectification.

Any appeal against the decision made by the inspection body in accordance with the rectification procedure shall be lodged in an administrative court in accordance with the provisions laid down in the Administrative Judicial Procedure Act.

Section 165

Right of appeal

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

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

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

Section 166

A decision by the administrative court

A decision by the administrative court on a matter of application referred to in this Act shall be issued after public notice. Those entitled to object by way of appeal shall be considered to have been informed of the decision at the time of issue. The decision process must be announced in advance in compliance with the provisions laid down in section 57(2) on issuing a permit decision.

The administrative court shall ensure that the municipality in which the activity is located, and another municipality in the area of which the detrimental impacts of activities appear, publishes the decision without delay in the manner provided for in the Act on Public Notices.

The administrative court shall submit to the appellant the decision issued. Moreover, the administrative court shall submit a copy of the decision to the mining authority and the parties concerned that have requested it, and the permit holder, if the permit holder is not the appellant.

A decision by the administrative court concerning a matter of administrative constraint under this Act shall be delivered via verifiable service referred to in the Administrative Procedure Act.

Section 167

Appeal against decisions made in the proceedings establishing a mining area

The provisions laid down in sections 89–93 of the Redemption Act on appeals shall apply correspondingly to appeals against decisions made in the proceedings establishing a mining area.

Section 168

Enforceability of a decision

Measures based on an exploration or gold panning permit may be initiated once the entitling permit decision has become legally valid, and the collateral prescribed in the

permit in question has been provided. However, if performance of the measures in question is subject to a permit required under other legislation, the measures may only be initiated once the permit decision in question has become legally valid, or the initiation of activity has been authorised by the authority competent in the matter.

Measures based on a mining permit may be initiated when:

- 1) the mining permit decision is legally valid;
- 2) the terms issued in the mining permit concerning initiation of measures have been fulfilled;
- 3) the redemption decision referred to in section 84 is legally valid, and the final compensation determined for the permit holder in the decision has been paid;
- 4) collateral has been provided as specified in the mining permit;
- 5) the permits significant for the measures in question that are required by other legislation are legally valid, or the authority competent in the matter has authorised initiation of activity.

However, construction of a mine and productive activities there shall not be initiated before the mining safety permit has become legally valid.

An appeal concerning compensation as ordained in the proceedings establishing a mining area shall not prevent the initiation of measures based on a mining permit and mining safety permit.

Section 169

Enforcement of a decision regardless of appeal

For a justified reason, the mining authority may, upon the request of the applicant, issue an order in the decision on extending the validity of an exploration permit or a mining permit or mining safety permit that measures individualised in the permit can be undertaken regardless of an appeal, in compliance with the permit decision. The above shall not apply to a mining permit concerning the production of uranium or thorium.

A precondition for the order is that the

enforcement does not render appeal useless and that the applicant provide the collateral prescribed by the mining authority in order to compensate for the losses of benefits and costs that nullification of the decision or revision of permit regulations could cause. Correspondingly, the provisions laid down in Chapter 10 shall apply to collateral. As concerns the mining permit and mining safety permit, a further precondition for the order is that possession of the mining area and auxiliary area to the mine have been claimed by the permit holder in accordance with section 82, unless the areas belong to the permit holder.

The mining authority may, by its decision, issue an order referred to in subsection 1, with the same preconditions, within the appeal period or within 14 days of the end of the appeal period, upon a separately submitted application. The provisions laid down in sections 37–40 and 42 on handling of a permit application shall apply to handling of such an application. The provisions made in section 56(1) on the content of permit decision, in section 57 on issuing a permit decision, and in section 58 on informing of a permit decision shall apply to the decision. Moreover, the mining authority shall, without delay, submit a copy of the decision to the administrative court concerned and appellants. An appellant having lodged an appeal against the permit decision in question can seek nullification of the order or amendment thereto with an administrative court without having to appeal against it separately.

The court of appeal can, on account of an appeal, nullify the order referred to in subsections 1 and 3, or amend it, or otherwise prohibit the execution of the decision referred to in subsections 1 and 3. The administrative court decision on a matter concerning enforcement may be appealed against by petitioning the Supreme Administrative Court only in connection with the principal claim.

The exploration permit holder shall pay the exploration fee no later than the 30th day after the mining authority has issued the order referred to in subsection 1 or 3. In other respects, the provisions laid down in section

99 shall apply to the exploration fee. The obligation to pay an excavation fee commences when the mining authority has issued an order referred to in subsection 1 or 3. In other respects, the provisions in section 100 shall apply to the excavation fee.

Section 170

Enforcement of a decision on administrative constraint

Regardless of appeal, a ban imposed by the mining authority under section 144(2), and a ban and order under sections 156 and 157, shall be complied with unless otherwise provided by the court of appeal.

Chapter 18

Miscellaneous provisions

Section 171

Reporting an accident

The mining operator shall inform the mining authority, without delay, of any serious accident, dangerous situation, or incident that has occurred in the mine.

The notification shall describe the accident, dangerous situation, or incident and provide information to facilitate limiting the impacts of the accident, or preventing of dangerous situations or incidents, and assess and limit the extent of the damage that has already occurred or may arise. Moreover, the notification shall provide other necessary information as regards supervision measures.

Further provisions on the notification procedure may be given by government decree.

Section 172

Accident investigation

The mining authority shall investigate a serious accident that has occurred in a mine if such an investigation is necessary in order to establish the reason for the accident or to prevent future accidents. The mining authority can also investigate other accidents and seriously dangerous situations that have occurred in the mine, if this is necessary in order to establish the reason for the accident or incident, or to prevent future accidents.

Provisions on the investigation of major accidents are laid down in the Act on investigating major accidents (Laki suuronnettomuoksien tutkinnasta 373/1985).

Section 173

Borders of areas as concerns depth

The borders of an exploration area, mining area, or gold panning area shall be read vertically in depth terms.

Section 174

Pledge

The permit holder can pledge the right to exploit mining minerals, based on a mining permit, or the privilege under an exploration permit.

The right to pledge becomes effective when the mining authority receives written notification of the pledging from the permit holder. The mining authority issues the permit holder with a certificate of receipt of the notification.

Further provisions on the notification procedure may be given by government decree.

Section 175

Payments

Provisions concerning charges for performances by State authorities under this Act, and the general grounds for the amount

of charges made for performances, and other grounds for charges are laid down in the Act on Criteria for Charges Payable to the State (150/1992).

Municipalities are entitled to charge a fee for measures based on this Act. The grounds for any fees must comply with the provisions laid down in the Act on Criteria for Charges Payable to the State. The tariff approved by the local authority lays down more-specific provisions concerning the grounds for fees charged by the municipality.

Handling of a matter initiated by an authority or party concerned suffering damage shall not be subject to a charge. However, charges can be made if the initiation of the matter is considered *prima facie* unjustified.

Payments and charges in compliance with this Act may be collected without a court judgement or decision, in the order provided in the Act on enforcement of taxes and payments (Laki verojen ja maksujen täytäntöönpanosta 706/2007).

PART VII

FINAL PROVISIONS

Chapter 19

Entry into force and transitional provisions

Section 176

Entry into force

This Act enters into force on 1 July 2011.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 177

Repeal provisions

This Act repeals the Mining Act (503/1965), hereinafter *the Act to be repealed*.

Whenever other Acts and regulations issued under them refer to the Act to be repealed, the reference shall apply to this Act after its entry into force.

Section 178

General transitional provision

Matters pending with the Ministry of Employment and the Economy under the Act to be repealed shall be transferred to the mining authority once this Act enters into force. The matters shall be handled and decisions made on them in compliance with the provisions valid when this Act entered into force, unless otherwise provided hereinafter.

Provisions valid when this Act entered into force shall apply to matters pending with the Finnish Safety and Chemicals Agency or a court of law when this Act entered into force, unless otherwise provided hereinafter.

If, after this Act has entered into force, a court of appeal reverses a decision to which provisions in force when this Act enters into force shall apply and returns the matter in full for handling again, the matter shall be handled and decisions be made on it in compliance with the provisions laid down in this Act.

Section 179

Provisions to be applied to exploration and gold panning

Claim rights granted under the Act to be repealed shall remain valid under the terms specified in the prospecting licence.

The provisions laid down in sections 12 and 15, section 62(2), and section 63 of the Act to be repealed shall continue to apply to activity taking place under a claim right. The annual amount of claim compensation shall be 20 euros per hectare.

Moreover, the provisions laid down in sections 6, 12, 14, and 15 of this Act shall apply, correspondingly, to activity taking place under a claim right. If gold panning is undertaken under a claim right, the provisions laid down in section 6, section

24(3), and sections 27–30 on gold panning shall apply to the activity. The claimholder shall submit a report referred to in sections 14 and 28 of this Act for the first time no later than within one year of the entry into force of this Act. The claimholder shall submit notification referred to in section 15 of this Act no later than within five years of the expiry or cancellation of the claim right.

Section 180

Expiry and cancellation of a claim right, extension of the validity of a claim right, and assignment of a claim right

The provisions laid down in sections 67, 70, and 72 of this Act on the expiry and cancellation of an exploration permit or gold panning permit shall apply to the expiry and cancellation of a claim right granted under the Act to be repealed.

The provisions made in section 61, 66, and 72 of this Act on extending the validity of an exploration permit shall apply to extending the validity of a claim right, and when gold panning is undertaken under the claim right, the provisions laid down in sections 65, 66, and 72 of this Act on extending the validity of a gold panning permit shall apply. Permit consideration shall take into account any neglect of the Act to be repealed, or regulations or orders issued under it, when section 46(1)(8) of this Act is applied. The maximum term of validity of an exploration permit shall include the validity period of the claim right.

As concerns assignment of claim rights, the provisions laid down in sections 73 and 74 on the assignment of an exploration permit or gold panning permit shall apply.

Section 181

Provisions to be applied to mining activity

A mining concession regulation granted under the Act to be repealed shall remain valid under the terms specified in the regulation. Furthermore, the provisions laid down in sections 27–38 of the Act to be repealed shall apply to the execution of a

mining concession. A mining right granted under the Act to be repealed shall remain valid under the terms specified in the mining concession regulation and mining concession certificate. Moreover, the provisions laid down in sections 44 and 45 of the Act to be repealed shall apply to mining rights, and the provisions laid down in section 22 of the Act to be repealed shall apply to the mining concession area and the auxiliary area to it. The annual amount of the mining concession fee is 50 euros per hectare. If the grounds influencing the financial value of the mining mineral have substantially changed, the party concerned has the right to file for the mining authority's adjustment of the amount of the excavation fee paid for the mining right for a calendar year. In this case, the mining authority shall take account of the grounds influencing the economic value of mining minerals, and of the agreement on the matter concluded by the parties involved.

The mining right referred to in section 73 of the Act to be repealed shall remain valid under the terms specified in the decision concerning the mining concession area. As concerns a mining right, the provisions laid down in the Mining Act (273/1943) in sections 48–53 on the claim fee and section 57 on the excavation fee shall apply, and the provisions laid down in section 20(2) and in section 32(2) of the mentioned Act shall apply to the mining concession area and areas outside it. The original annual amount of the claim fee is 50 euros per hectare. The holder of mining rights shall pay the landowners in the mining concession area a claim fee for each year no later than on 31 January. The claim fee for 2011 shall, however, be paid no later than on 30 November 2011. The claim fee must be paid in full to the landowners. Instead of the provisions for a claim fee and excavation fee paid for a mining right, the provisions laid down in section 100(1–3), (6) and (7) of this Act on excavation fee shall apply, should any of the parties concerned so require.

Correspondingly, the provisions laid down in sections 6, 17, 18, 97, 101, and 108–111; chapters 11 and 13–15; and sections 171 and 172 shall further apply to activity undertaken under a mining right. A mining right can be

pledged in compliance, correspondingly, with the provisions laid down in section 174 of this Act. The mining right holder shall, no later than within two years of this Act entering into force, render an account to the mining authority of how requirements concerning mining safety have been taken into consideration. Further provisions on the account may be given by government decree.

The mining authority shall, no later than within three years of this Act entering into force, determine the type and amount of collateral, and set a time limit of a maximum of one year for the mining right holder to provide collateral. Furthermore, no later than within three years of this Act entering into force, the mining authority shall issue the mining right holder with regulations necessary as regards public and private interests, in compliance, correspondingly, with the provisions laid down in section 52(3) and section 125 of this Act, and define an interval for revising the regulations in compliance with the regulations laid down in section 62(2) and in section 127(2) of this Act on defining the interval for review. Unless a regulation is essential as regards mining safety or an overriding public interest, it shall not in any significant way decrease the benefit gained from the mining project. As concerns the preparation of a decision on issuing a regulation, the provisions laid down in sections 37–40 and 42 of this Act on handling of a mining permit application shall apply. The provisions made in this Act in section 56(1) on the content of a permit decision, in section 57 on issuing a permit decision, and in section 58 on informing of a permit decision shall apply to the decision. Any appeals against a decision by the mining authority shall be made in compliance with the provisions laid down in sections 162 and 165 of this Act. Regardless of appeal, a decision defining collateral shall be complied with, unless otherwise provided by the court of appeal.

Notwithstanding the provisions of this Act, excavation of calcite and dolomite may be carried out under a mining right based on the Act to be repealed, if the excavation has continued without interruption and possession of areas is based on a mining

concession area pursuant to the Act to be repealed, ownership by a mining company, or agreements made with landowners.

Section 182

Expiry, amendment, cancellation, and assignment of mining rights

As concerns the expiry, amendment, and cancellation of a mining right granted under the Act to be repealed, and of a mining right referred to in section 73 of the Act to be repealed, the provisions laid down in sections 68–70 and 72 of this Act on the expiry, amendment, and cancellation of a mining permit shall apply. If the expiry of a mining right is postponed in accordance with section 68(3), the provisions laid down in section 100(4–7) of this Act shall apply correspondingly; in this case, postponements granted under section 50 of the Act to be repealed shall be taken into account. Should the need arise to extend the usage area indicated in the mining concession regulation, the provisions laid down in sections 69 and 72 of this Act on amendment of a mining permit shall apply.

However, a mining right under which gold panning is undertaken, shall expire after nine years have passed since this Act came into force. The holder of such a mining right shall have a privilege to a gold panning permit if the permit application is submitted in the manner specified in section 34 of this Act prior to the expiry of said mining right.

The provisions laid down in sections 73 and 74 on the assignment of a mining permit shall apply to the assignment of mining rights.

Section 183

Applying for an exploration permit on the basis of a reservation

The provisions laid down in section 32(3) of this Act on the privilege granted by a reservation notification shall apply to a privilege granted by reservation notification made under the Act to be repealed. A reservation decision made under the Act to

be repealed will expire as its validity ends. Furthermore, a reservation decision will expire when an exploration permit is applied for on the basis of the privilege it entails, in the manner laid down in section 34 of this Act.

Section 184

Applying for a mining permit under a claim right

A claim right granted under the Act to be repealed will, correspondingly, grant a privilege to a mining permit as provided for in section 32(2) of this Act.

Section 185

A reservation, claim right, or mining right as impediment to granting of a permit

A reservation made under the Act to be repealed, or a claim right and mining right granted under it, or a mining right referred to in section 73 of the Act to be repealed, will correspondingly be taken into account in application of section 44(2), section 46(1)(3–5) and section 47(2) and (3) of this Act.

However, a claim right or mining right under which gold panning has been undertaken shall not constitute an impediment to granting of a gold panning permit referred to in section 46(1)(3) or (4) of this Act.

Section 186

Application of provisions concerning supervision and administrative constraint

Sections 152–159 and 170 of this Act, concerning supervision and administrative constraint, shall apply, correspondingly, to activity undertaken under a claim right and mining right granted under the Act to be repealed, and under a mining right referred to in section 73 of the Act to be repealed.

Section 187

Violation of mining regulations in activity undertaken under claim and mining rights

After the entry into force of this Act, anyone who on purpose or through neglect violates, in activity undertaken under claim rights and mining rights granted under the Act to be repealed and under mining rights referred to in section 73 of the Act to be repealed,

1) an obligation, ban, or restriction laid down in section 15, 17, or 18, section 24(3), section 29, 143–145, or 150;

2) an obligation, ban, or restriction laid down in sections 112–115, 117–119, or 134–136; or

3) a ban issued under section 144(2), or an order issued under section 148 or section 181(4),

shall be condemned, unless a more severe punishment is provided by law, to a fine for violating *mining regulations*.

However, a punishment shall not be imposed for an act referred to above in subsection 1(2) or (3) if the act, considering the inconvenience and damage caused by it, and other aspects of it, judged as a whole, can be considered insignificant.

A prosecutor may not press charges for an act referred to in subsection 1 if the act has only violated the interests or rights of a private party, unless the injured party reports it for pressing of charges.

Section 188

Application of provisions to matters pending

As concerns matters transferred to the mining authority under section 178(1) of this Act, the provisions laid down in sections 57, 58, 74, and 75 of this Act on issuing a decision and informing thereof; in sections 162 and 165 on appeal; and in section 166 on issuing of an administrative court decision shall apply correspondingly.

As concerns appeals against the decisions made in the execution of a concession referred to in section 181(1) of this Act, the provisions of sections 89–93 of the

Redemption Act on appeals shall apply correspondingly.

Helsinki, 10 June 2011

President of the Republic

TARJA HALONEN

Mauri Pekkarinen, Minister of Economic Affairs