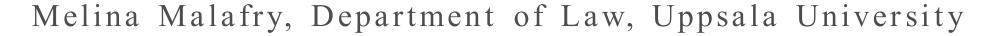
LEGAL ASPECTS OF MINING IN SWEDEN

The electrical energy system's dependence on critical materials – Availabilities, technology, environmental consequences, and solutions

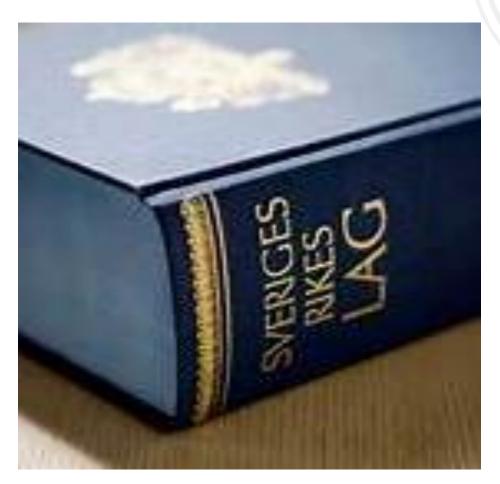
StandUp 19 October 2023





Mining in Sweden – applicable laws and required permits

- The Mineral Act (exploration permits and exploitation concession)
 - Mining Inspectorate
- The Environmental Code (EC) (permit for environmental hazardous activity/water activity)
 - Environmental Court
- Relevance of EU-law?
 - Water Framework Directive
 - Habitats Directive and Birds Directive
 - Natura 2000-permit?
 - Species protection?





Conflicting land-use interests?

Conflicts with Sami rights/reindeer husbandry (avoidance effects, calving areas, winter grazing)

Relevance of international law

• "in the application of national legislation, due consideration shall be given to indigenous customs and customary law" (NJA 2020 s 3)

National interests (Chapter 3-4 EC)

• Mining vs. reindeer husbandry (is coexistence possible?)

Gállok/Kallak (Sami interest/mining) Government decision – appealed to Supreme Adminstrative Court





Other sustainability conflicts – suitable location?

National law – Chapter 2 (rules of consideration) 3 and 4 EC (rules on land use)

• Mineral deposits site specific?

EU-law (nature protection directives)

- Natura 2000-permit? If "risk" of negative impact
- Species protection? If killing or disturbing protected species activity forbidden
- Water status affected? Permit can not be granted if the project leads to a detoriation of water status or jeopardizes the achievement of good status

If these issues are at risk – derrogation is needed from the respective provisions

- No alternative?
- project of overiding public interest?



Push for mining critical raw materials at EU level, what's happening next?

Proposal for a EU Regulation establishing a framework for ensuring a secure and sustainable suppply of critical raw materials (COM(2023) 160 final)

- Goal: 10 % by 2030 (CRM extracted in the EU)
- Fast track processes for projects mining strategic materials (CRM) projects of *overiding public interest* (Article 7 of CRM), ("one-stop-shop" Article 8), Max 2 years (Article 10).

 $Proposal for \ an \ updated \ Industrial \ Emission \ Directive \ (IED) \ ({\rm COM/2022/156} \ final/3)$

• Now also includes mining of critical materials and battery industry, etc.

A hinderance for the Green Transition or a safety mechanism for sustainable mining in the EU?

