



# LEGAL ASPECTS OF MINING IN SWEDEN

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

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# 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 co-existence possible?)

**Gállok/Kallak** (Sami interest/mining)  
Government decision – appealed to Supreme Administrative 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 deterioration 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 overriding 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 supply 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 *overriding public interest* (Article 7 of CRM), (“one-stop-shop” Article 8), Max 2 years (Article 10).

*Proposal for an updated Industrial Emission Directive (IED)* (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?*

