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A decision by the administrative court concerning a matter of administrative constraint under this Act shall be delivered via verifiable service as 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 as 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 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 as 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 subsection 1 of Section 56 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

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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 as referred to in subsections 1 and 3, amend it, or otherwise prohibit the execution of the decision. 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 as 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 as 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 subsection 2 of Section 144, 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 of the impact 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.

More specific provisions concerning the notification procedure may be laid down in a 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 Accident Investigation Act (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.

More specific provisions concerning the notification procedure may be laid down in a Government decree.

Section 175

Payments

Provisions concerning charges for performances by State authorities under this

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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).

The municipality shall make decisions concerning charges for measures by local authorities under this Act, and the amount of the charges, in compliance with the provisions laid down in Chapter 2 of 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 charges.

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 court judgement or decision in the order laid down in the **Act on Enforcement of Taxes and Payments** (706/2007).

PART VII

FINAL PROVISIONS

Chapter 19

Entry into force and transitional provisions

Section 176

Entry into force

This Act shall enter into force on **xx** of **xxxxx** 20**xx**.

Actions required for the implementation of this Act may be taken before the Act enters into force.

Section 177

Repeal provisions

This Act shall repeal the Mining Act issued on the 17th of September 1965 (503/1965), hereinafter 'the Act to be repealed', alongside later amendments.

Whenever other Acts and regulations issued under them refer to the Act to be

repealed, the reference shall apply to this Act after it has entered 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 Safety Technology Authority and 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, subsection 2 of Section 62, 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.

Moreover, the provisions set forth 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, subsection 3 of Section 24, and sections 27–30 on gold panning shall apply to the activity. The claimholder shall submit a report as 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

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shall submit notification as 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 paragraph 8 of subsection 1 of Section 46 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 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 concession. A mining right granted under the Act to be repealed shall remain valid under the terms specified in the concession regulation and concession certificate. Moreover, the provisions set forth 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 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 financial value of mining minerals, and of the agreement on the matter concluded by the parties involved.

The mining right as referred to in Section 73 of the Act to be repealed shall remain valid under the terms specified in the decision concerning the 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 made in subsection 2 of Section 20 and in subsection 2 of Section 32 of the mentioned Act shall apply to the 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 concession area a claim fee for each year no later than on 31 January. The claim fee shall be paid to landowners in full. Instead of the provisions for a claim fee and excavation fee paid for a mining right, the provisions laid down in subsections 1, 2, 5, and 6 of Section 100 of this Act on excavation fees shall apply, should any of the parties concerned so require.

Correspondingly, the provisions set forth 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. However, sections 143–145 of this Act shall apply to a mining right under which gold panning is undertaken, according to the provisions laid down hereinafter. A mining right can be pledged in compliance, correspondingly, with the provisions set forth 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. More specific provisions about the account may be laid down in a Government decree.

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The mining authority shall, no later than within two 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 two 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 subsection 3 of Section 52 and with Section 125 of this Act, and define an interval for revising the regulations in compliance with the regulations laid down in subsection 2 of Section 62 and with subsection 2 of Section 127 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 subsection 1 of Section 56 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 challenge to a decision by the mining authority shall be made by way of appeal 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.

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 as 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 compliance with subsection 3 of Section 68, the provisions set forth in subsections 3–6 of Section 100 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 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 eight years have passed since this Act came into force. The mining right holder shall restore the area and remove any buildings and other constructions there prior to the expiry of mining right, as well as, immediately after the expiry of the right, notify the mining authority of the measures undertaken. 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.

As concerns assignment of mining rights, the provisions laid down in sections 73 and 74 on the assignment of a mining permit shall apply.

Section 183

Applying for an exploration permit on the basis of a reservation

The provisions laid down in subsection 3 of Section 32 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 subsection 2 of Section 32 of this Act.

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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, and a mining right as referred to in Section 73 of the Act to be repealed, will correspondingly be taken into account in application of subsection 2 of Section 44, paragraphs 3–5 of Section 46's subsection 1, and subsections 2 and 3 of Section 47 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 as referred to in paragraph 3 or 4 of subsection 1 to Section 46 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 as 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 as referred to in Section 73 of the Act to be repealed,

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

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

3) a ban issued under subsection 2 of Section 144, or an order issued under Section 148 or subsection 4 of Section 181

shall be condemned, unless a more severe punishment is imposed elsewhere in the Act, to a fine for violating *mining regulations*.

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

A public 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 subsection 1 of Section 178 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 as referred to in subsection 1 of Section 181 of this Act, the provisions of sections 89–93 of the Redemption Act on appeals shall apply correspondingly.

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