

## **Act of 19 June 2009 No. 101 relating to the acquisition and extraction of mineral resources (the Minerals Act)**

This translation is for information purposes only. Legal authenticity remains with the official Norwegian version as published in Norsk Lovtidend. (*Translation May 2010*)

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## **Chapter 1 Introductory provisions**

## **Section 1. Purpose of the Act**

The purpose of the Act is to promote and ensure socially responsible administration and use of mineral resources in accordance with the principle of sustainable development.

## **Section 2. Considerations relating to the administration and use of mineral resources**

Within the framework of section 1, the administration and use of mineral resources pursuant to this Act shall ensure that the following interests are safeguarded:

- value creation and industrial and commercial development;
- the foundation of Sami culture, commercial activity and social life;
- the surroundings and nearby areas while operations are being carried out;
- the environmental consequences of extraction; and
- long-term planning relating to subsequent use or reclamation of the area.

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## **Section 3. Substantive scope**

The Act applies to activities conducted with the objective of surveying mineral resources for the purposes of extraction.

The Act applies to any extraction of mineral deposits. However, the Act does not apply to extraction that primarily forms part of other exploitation of the land. The Ministry may issue regulations specifying the activities and extraction covered by the Act. The Directorate of Mining may make corresponding determinations by way of individual decision.

## **Section 4. Geographical scope**

The Act applies on Norwegian territory, with the exception of Svalbard. At sea, the Act does not apply outside the boundaries of private property.

## **Section 5. Relationship with other legislation**

Permits issued pursuant to this Act do not replace requirements in other legislation for permits, approvals, land-use plans or licences. Searches for, exploration of, extraction of and operations on, mineral deposits may only take place subject to the limitations imposed by this Act and other legislation.

## **Section 6. Relationship with international law**

The Act shall be applied in accordance with the rules of international law relating to indigenous peoples and minorities.

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## **Section 7. Categories of minerals used in the Act**

In this Act, "minerals owned by the State" means:

- a. metals with a specific gravity of 5 grammes/cm<sup>3</sup> or greater, including chromium, manganese, molybdenum, niobium, vanadium, iron, nickel, copper, zinc, silver, gold,

- cobalt, lead, platinum, tin, zinc, zirconium, tungsten, uranium, cadmium and thorium, and ores of such metals. Alluvial gold, however, shall not fall within the definition;
- b. the metals titanium and arsenic, and ores of these;
  - c. pyrrhotite and pyrite.

In this Act, “minerals owned by a landowner” means all minerals that are not minerals owned by the State pursuant to the first paragraph. However, this shall not apply to petroleum pursuant to the Act of 4 May 1973 No. 21 relating to exploration and extraction of petroleum located in the ground on Norwegian onshore territory.

## Chapter 2 Searching

### Section 8. Right to search

Any party may search for mineral deposits on another party’s land, subject to the limitations set out in this Act and other legislation. The right to search does not include the collection of minerals that fall outside the purpose and scope of the Act. A search shall not obstruct the exploration, extraction or operations of other parties pursuant to this Act.

### Section 9. Scope of the right to search

The searching party may undertake such works on the surface of the land as are necessary to establish the existence of mineral deposits.  
Measures that may cause damage of significance may not be implemented without the consent of the landowner and the user of the land.

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### Section 10. Duty to give notice

The searching party shall give notice to the landowner and the user of the land one week before a search is begun, at the latest. Notice may be given orally or in writing. If oral or written notification would cause unreasonable inconvenience, notice may be given by means of an announcement in a newspaper that is commonly read in the area.

In the case of a search in Finnmark, the searching party shall in addition give written notice to the Sameting (the Sami Parliament), Finnmarkseiendommen (the Finnmark Estate) where it is landowner, and the relevant area board and district board for reindeer management. Whenever practically possible, the siidas, see section 51 of the Act of 15 June 2007 No. 40 relating to reindeer management (the Reindeer Management Act), shall be given oral notice. Notice shall be given as early as possible, and at the latest two weeks before a search is begun.

The Ministry may issue regulations concerning the duty to give notice and exceptions from the duty.

## Chapter 3 Exploration of minerals owned by a landowner

### Section 11. Agreement granting an exploration permit

Any party wishing to explore deposits of minerals owned by a landowner must enter into an agreement with the landowner. If no agreement is reached, an application may be made for compulsory acquisition, see [section 37](#).

## **Section 12. Pilot extraction**

In addition to an agreement with the landowner, pilot extraction requires a special permit from the Directorate of Mining. "Pilot extraction" shall mean extraction that is necessary to assess the commercial viability of a deposit. Except in special cases, a permit for pilot extraction not be granted for the extraction of more than 2,000 m<sup>3</sup> of matter. The permit may be made subject to conditions.

Before a permit is granted, the Directorate of Mining shall give the landowner, the user of the land, the county governor, the county municipality and the municipality an opportunity to comment.

The exploring party shall give written notice to the Directorate of Mining at least three weeks before work is begun. The Directorate of Mining shall give notice to the municipality, the county municipality and the county governor.

The second to sixth paragraphs of [section 17](#) apply correspondingly to pilot extraction in Finnmark.

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## **Chapter 4 Exploration of minerals owned by the State**

### **Section 13. Application for an exploration permit**

A party that wishes to secure a right to explore deposits of minerals owned by the State shall apply to the Directorate of Mining for an exploration permit. An exploration permit may only be refused if the applicant has previously breached material provisions imposed by or pursuant to this Act.

The exploring party may only be granted one exploration permit for a given area.

A party that holds an extraction permit for deposits of minerals owned by the State may not apply for an exploration permit for any part of the same area.

In Finnmark, the Directorate of Mining shall inform the landowner, the Sameting (the Sami Parliament), the relevant area board and district board for reindeer management, and the municipality of the permit.

### **Section 14. Relationship with other right holders**

Exploring parties with the same priority in respect of an area shall have an equal right to undertake exploration.

An exploring party may not, without consent, undertake exploration in the area of another exploring party with better priority or of a party that is extracting a deposit of minerals owned by the State.

### **Section 15. Exploration area**

The Ministry may issue regulations concerning the exploration area, including as to its shape and size.

## **Section 16. Priority**

The priority of the exploring party in respect of an exploration area shall be calculated from the day on which the application for an exploration permit is received by the Directorate of Mining.

The Ministry may issue regulations concerning the calculation of the priority of the exploring party.

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## **Section 17. Applications relating to exploration in Finnmark**

In Finnmark, an exploration permit does not confer a right to undertake exploration or pilot extraction until the Directorate of Mining has granted a special permit for such activities.

An exploring party shall take reasonable steps to obtain information about directly affected Sami interests in the area that is to be explored.

A special permit may be refused if granting the application would be contrary to Sami interests. In the assessment, special consideration shall be given to the interests of Sami culture, reindeer management, commercial activity, and social life. If the application is granted, conditions may be imposed to safeguard these interests.

When processing the application, the Directorate of Mining shall give the landowner, the Sameting (the Sami Parliament), the municipality, and the relevant area board and district board for reindeer management an opportunity to comment.

If the Sameting or the landowner opposes the granting of an application, the Ministry shall decide the application.

If the Ministry grants an application in a case as described in the fifth paragraph, an appeal to the King by the Sameting or the landowner shall have a suspensive effect.

## **Section 18. Duty to give notice**

An exploring party shall give written notice of exploration to the Directorate of Mining, the landowner and the user of the land at least three weeks before work is begun. The Directorate of Mining shall give notice to the municipality, the county municipality and the county governor.

In Finnmark, an exploring party shall in addition give written notice to the Sameting (the Sami Parliament) and the relevant area board and district board for reindeer management. Whenever practically possible, the siidas, see section 51 of the Reindeer Management Act, shall be given oral notice.

The notice shall contain a plan for the work to be carried out and for access to and within the exploration area, and an account of any damage that may be caused and the measures that are to be implemented to prevent such damage.

The Ministry may issue regulations concerning the duty to give notice.

## **Section 19. Content of the exploration permit**

An exploring party may undertake the exploration needed to assess whether there is a deposit of minerals of such an abundance, size and nature that the deposit may be assumed to be commercially viable, or to become commercially viable within a reasonable period of time. The exploration permit grants such access to the land (including temporary storage space) as is necessary to undertake the exploration. The exploration permit does not grant a right of way.

Measures in the ground that may cause considerable damage may only be implemented with the consent of the landowner and the user of the land.

## **Section 20. Pilot extraction**

Pilot extraction requires a special permit from the Directorate of Mining. "Pilot extraction" shall mean extraction that is necessary to assess the commercial viability of the deposit. Except in special cases, a permit for pilot extraction may not be granted for the extraction of more than 2,000 m<sup>3</sup> of matter. The permit may be made subject to conditions. The second and third paragraphs of [section 12](#) apply correspondingly.

The second to sixth paragraphs of [section 17](#) apply correspondingly to pilot extraction in Finnmark.

## **Section 21. Provision of security**

The exploring party shall, at the request of the owner or the user of the land, provide security for the costs of safety measures pursuant to [section 49](#), clean-up works pursuant to [section 50](#) or the liability that may arise pursuant to [section 52](#).

Disputes about the size of the security to be provided shall be settled through valuation proceedings, see [section 53](#). Until such a dispute is resolved, exploration may not take place without the consent of the valuation tribunal.

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## **Section 22. Expiry of an exploration permit**

An exploration permit expires once seven years have passed since the date on which the permit was issued, or upon the expiry of an extended deadline pursuant to [section 23](#). The seven-year period shall only begin to run on the date on which the exploring party obtains best priority in respect of the exploration area.

If an application for an extraction permit or the extension of an exploration permit is received by the Directorate of Mining before the deadline pursuant to the first paragraph has expired, the exploration permit expires, at the earliest, 30 days after refusal of the application or, at the earliest, at the time that the extraction permit is granted.

## **Section 23. Extension of an exploration permit**

The Directorate of Mining may extend the deadline specified in [section 22](#), first paragraph, first sentence, by up to three years if the applicant substantiates that exploration cannot be completed before the deadline due to extraordinary circumstances that are not the fault of the applicant.

If a dispute has arisen about the exploration permit or about the right to undertake

exploration, the Directorate of Mining may, upon application, extend the deadline specified in [section 22](#), first paragraph, first sentence, by a period corresponding to the period for which work has been prevented due to the dispute.

Extension applications must be received by the Directorate of Mining before the expiry of the deadlines specified in [section 22](#).

#### **Section 24. Quarantine period in connection with the expiry of an exploration permit or an extraction permit**

A party that has previously held an exploration permit with best priority shall not be granted a new exploration permit for the same exploration area earlier than one year after the expiry of the exploration permit.

A party that has previously held an extraction permit for deposits of minerals owned by the State shall not be granted a new exploration permit for the same extraction area earlier than one year after the expiry of the extraction permit.

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#### **Section 25. Exploration reports, measurement data and sample materials**

The Ministry may issue regulations concerning an exploring party's duty to prepare, store and submit exploration reports, measurement data and sample materials.

#### **Section 26. Transfer of an exploration permit**

An exploration permit may be transferred. The transfer requires the approval of the Directorate of Mining. [Sections 13](#) and [27](#) apply correspondingly in the event of a transfer. An application for approval shall be sent to the Directorate of Mining without undue delay once a transfer agreement has been concluded.

If a party acquires more than 50 per cent of the total number of shares or voting shares in a company that holds an exploration permit, and the acquirer or another person or company as mentioned in [section 27](#), first paragraph, already holds an exploration permit for the same or an overlapping area, the party shall either dispose of one of the permits or apply for its cancellation.

The Directorate of Mining shall set a deadline for disposal or an application for cancellation. If the deadline has passed, the Directorate of Mining shall cancel one of the permits.

#### **Section 27. Identification of persons and companies with an applicant**

The following persons and companies shall be identified with the applicant in cases in which [Section 13](#), second and third paragraphs, and [Section 24](#) apply:

- a. spouse or a person with whom the applicant is living in a marriage-like relationship;
- b. relatives in the direct line of ascent or descent, and siblings, of the applicant;
- c. relatives in the direct line of ascent or descent, and siblings, of a person mentioned in sub-paragraph a);
- d. companies in the same group as the applicant;



- e. companies in which the applicant either directly or jointly with a party mentioned in sub-paragraphs a) to d) owns more than 50 per cent of the total number of shares or voting shares; and
- f. a party who either directly or jointly with a party mentioned in sub-paragraphs a) to e) owns more than 50 per cent of the total number of shares or voting shares in the applicant.

The Directorate of Mining may make exceptions from the first paragraph by way of individual decision.

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## **Chapter 5. Extraction permits for minerals owned by a landowner**

### **Section 28. Agreement granting an extraction permit**

Any party wishing to extract deposits of minerals owned by a landowner must enter into an agreement with the landowner. If no agreement is reached, an application may be made for compulsory acquisition, see [Section 37](#).

## **Chapter 6 Extraction permits for minerals owned by the State**

### **Section 29. Application for an extraction permit**

The exploring party with best priority may apply to the Directorate of Mining for an extraction permit. An extraction permit shall be granted if the applicant substantiates that the exploration area contains a deposit of minerals owned by the State that is of such an abundance, size and nature that the deposit may be assumed to be commercially viable, or to become commercially viable within a reasonable period of time. Multiple extraction permits may not be granted for the same area.

If the application relates to areas that are not covered by the area of the exploration permit, the application shall also count as an application for an exploration permit. The application shall have priority from the date on which it was received by the Directorate of Mining.

Exploring parties with identical priority shall have an equal right to apply for an extraction permit. If extraction permits are granted to more than one party, the parties shall hold the permit jointly, unless they agree on a different arrangement. In the event of disagreement regarding the exploitation of the extraction permit, any party may demand dissolution of the joint ownership. Section 15 of the Act of 18 June 1965 No. 6 relating to co-ownership shall apply insofar as it is relevant.

The Ministry may issue regulations concerning procedures for the granting of extraction permits.

### **Section 30. Extraction permits relating to Finnmark**

The provisions of [Section 17](#) shall apply correspondingly to extraction permits relating to Finnmark.

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## **Section 31. Extraction area**

The Ministry may issue regulations concerning the extraction area, including as to its shape, size and marking.

## **Section 32. Content of an extraction permit**

The extracting party may extract and utilise all deposits of minerals owned by the State in the extraction area. Deposits of minerals owned by a landowner may be extracted to the extent that this is necessary to extract deposits of minerals owned by the State.

The extracting party may utilise deposits of minerals owned by a landowner that are extracted in accordance with the first paragraph. However, this does not apply if the Directorate of Mining determines, before operations begin, that the mineral deposits clearly can be exploited independently. The landowner, or a party that derives its right from the landowner, shall in such cases be entitled either to take over the extracted minerals in return for making a compensation payment to the party that is extracting a deposit of minerals owned by the State, or to allow the party that is extracting a deposit of minerals owned by the State to exploit the deposit in return for a compensation payment. Disputes concerning the amount of the compensation payment shall be settled through valuation proceedings, see [section 53](#).

## **Section 33. Expiry of an extraction permit**

An extraction permit expires if:

- a. an operating license pursuant to [section 43](#) is not granted within 10 years of the date on which the extraction permit was granted;
- b. the extraction does not require an operating license pursuant to the Act, and more than 10 years have passed since the date on which the extraction permit was granted without operations being initiated;
- c. an extended deadline pursuant to [section 34](#) has expired; or
- d. one year has passed since the operating license lapsed.

If an application has been made for an operating license pursuant to [section 43](#) or for an extension pursuant to [section 34](#) and the application is refused, the extraction permit expires, at the earliest, 30 days after the refusal. The extracting party shall retain its permit for the part of the extraction area that is not covered by the application for an operating license until the expiry of the deadline pursuant to sub-paragraph a) of the first paragraph or an extended deadline pursuant to [section 34](#).

## **Section 34. Extension of an extraction permit**

The Directorate of Mining may extend the deadlines specified in [section 33](#), first paragraph, sub-paragraphs a) and b), by up to ten years at a time. Deadline extensions shall normally be granted if the deposit must be deemed a reasonable reserve for the applicant's operations. Extension applications must be received by the Directorate of Mining before the deadlines specified in [section 33](#), first paragraph, sub-paragraphs a) to c).

## **Section 35. Transfer of an extraction permit**

[Section 26](#) shall apply correspondingly to a transfer of an extraction permit.

## **Section 36. Registration**

An extraction permit shall be registered in the Land Register.

Transfers of, and the creation of charges over, extraction permits are afforded legal protection when registered in the Land Register. The same applies to other legal rights created over an extraction permit unless otherwise provided in regulations issued pursuant to the third paragraph.

The Ministry may issue regulations concerning registration pursuant to the first and second paragraphs.

## **Chapter 7 Compulsory acquisition**

### **Section 37. Compulsory acquisition of minerals owned by a landowner**

Any party may apply to the Directorate of Mining for a permit to acquire compulsorily the land and rights needed to explore whether there is a deposit of minerals owned by a landowner that is of such an abundance, size and nature that the deposit may be assumed to be commercially viable, or to become commercially viable within a reasonable period of time.

Any party may apply to the Ministry for a permit to acquire compulsorily:

- a. a deposit of minerals owned by a landowner;
- b. the land and rights needed for extraction, including access to the deposit;
- c. the land and rights needed for processing of minerals owned by a landowner.

In the assessment of whether or not compulsory acquisition should be granted, emphasis shall be given to whether the applicant has explored the deposit.

A compulsory-acquisition permit may be made subject to conditions.

### **Section 38. Compulsory acquisition of land and rights for the exploration and extraction of minerals owned by the State**

An exploring party may apply to the Directorate of Mining for a permit to acquire compulsorily the land and rights needed to be able to undertake exploration. If another exploring party has better priority in respect of the exploration area, the compulsory-acquisition permit shall only be granted if that party gives its consent.

A party that is extracting a deposit of minerals owned by the State may apply to the Ministry for a permit to acquire compulsorily:

- a. the land and rights needed for extraction; and
- b. the land and rights needed for the processing of minerals.

The compulsory-acquisition permit may be made subject to conditions.

## Section 39. Compensation

In the event of the compulsory acquisition of a right to extract a deposit of minerals owned by a landowner pursuant to [section 37](#), second paragraph, sub-paragraph a), compensation shall be set on the basis of the market price and without regard to the foreseeability requirement in sections 5 and 6 of the Act of 6 April 1984 No. 17 relating to compensation in connection with the compulsory acquisition of real property (the Compulsory Acquisition Compensation Act). The compensation shall take the form of a charge per extracted unit of the mineral, unless special reasons indicate that a different solution is appropriate. A minimum charge may be set that is to be paid regardless of the production volume.

In the event of compulsory acquisition pursuant to [section 37](#), first paragraph, or second paragraph, sub-paragraphs b) and c), or [section 38](#), compensation shall be paid pursuant to the Compulsory Acquisition Compensation Act.

Awarded compensation shall be set as annual payments. However, a one-off compensation payment may be set if there are special reasons for doing so.

Either party may request that the compensation be set by means of new valuation proceedings once 10 years have passed since the compensation was set.

If operations are shut down, the duty to pay compensation ceases as of the calendar year following the shutdown.

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## Section 40. General rules on compulsory acquisition

Unless specified otherwise in this chapter, the provisions of the Act of 23 October 1959 No. 3 relating to the compulsory acquisition of real property (the Compulsory Acquisition Act), and the Compulsory Acquisition Compensation Act shall apply insofar as they are relevant to cases of compulsory acquisition pursuant to [section 37](#) or [section 38](#).

If conditions have been imposed that state that a right that is acquired compulsorily must be used in a particular manner before a certain deadline, and the deadline passes, the original owner or the original right holder may request that the compulsory-acquisition decision be set aside.

The provisions in [section 17](#), second to sixth paragraphs, apply correspondingly to the processing of applications for compulsory-acquisition permits relating to Finnmark.

## Chapter 8 Operations

### Section 41. Good mining practice

Operations on mineral deposits shall be carried out in accordance with good mining practice.

### Section 42. Extraction subject to notification

The Directorate of Mining shall be notified of the extraction of more than 500 m<sup>3</sup> of matter. The notice shall be sent at least 30 days before works are begun.

In special cases, the Directorate of Mining may require the submission of a plan of operations. The Directorate of Mining may decide that operations may not begin until the plan of operations has been approved.

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### **Section 43. Extraction subject to licensing (operating license)**

The extraction of mineral deposits totalling more than 10,000 m<sup>3</sup> of matter requires an operating license from the Directorate of Mining. Any extraction of natural stone requires an operating license. Pilot extraction pursuant to [sections 12](#) and [20](#) does not require an operating license.

An operating license may only be granted to a party that holds an extraction permit. In the assessment of whether an operating license should be granted, emphasis shall be given to whether the applicant is qualified to extract the deposit. The licence may be made subject to conditions. The area of operation shall be fixed in the licence. An application for an operating license shall contain a plan of operations.

A licence may be limited in time. The licence may be made subject to review after a specified period of time. The licence may in any event be reviewed every tenth year.

The provisions in [section 17](#), second to sixth paragraphs, apply correspondingly to the processing of applications for operating licenses in Finnmark.

The Ministry may issue regulations concerning:

- a. operation licences and exceptions from the requirement for an operating license;
- b. the required professional qualifications of personnel who are in charge of the working of mineral deposits pursuant to this Act, and rules relating to the approval of corresponding expertise on the part of nationals from the EEA area.

### **Section 44. Notification of commencement and suspension of operations**

The Directorate of Mining shall be notified before operations relating to measures that are subject to licensing pursuant to [section 43](#) are commenced, temporarily suspended or permanently shut down.

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### **Section 45. Expiry of an operating license**

An operating license expires if operations have not begun, at the latest, within five years of the operating license being granted. The same applies if operations are discontinued for more than one year. The Directorate of Mining may extend the deadlines in the first and second sentences. The deadline in the second sentence may be extended by up to three years at a time. The extension may be made subject to conditions.

An operation licence shall also lapse if:

- a. the extraction permit is cancelled;
- b. the agreement granting the right to exploit the deposit of minerals owned by the landowner is terminated; or
- c. valuation proceedings are not requested within one year after a compulsory-acquisition permit pursuant to [section 37](#), second paragraph, sub-paragraph a), is granted.

## **Section 46. Information on operations**

The Ministry may issue regulations concerning the duty to submit an operational report to the Directorate of Mining, and concerning the contents of the report.

## **Chapter 9 General provisions**

## **Section 47. Areas exempted from searching and exploration**

Searching and exploration is prohibited in areas covered by the Act of 5 June 2009 No. 35 relating to natural amenities in Oslo and surrounding municipalities (the Natural Amenities Act).

A searching party or an exploring party may not, without the consent of the landowner, the user of the land and the relevant authority, search or explore:

- a. cultivated land;
- b. industrial areas, including soil extraction sites, quarries and mines in operation;
- c. areas lying less than 100 metres from buildings used as permanent or temporary residences, including holiday cabins;
- d. areas belonging to facilities that are of public utility, and locations lying less than 20 metres from such facilities;
- e. areas belonging to military facilities or used for military exercises;
- f. abandoned mining areas, including waste rock tips and tailing dams or landfills.

The Ministry may issue regulations specifying that the second paragraph shall apply correspondingly to areas other than those mentioned in the second paragraph.

The Directorate of Mining may, upon application, decide that deposits of minerals owned by the State and located in the areas mentioned in the second paragraph may be explored if the advantages associated with exploration are greater than the damage and inconvenience that will be inflicted on the landowner and the user of the land.

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## **Section 48. Duty to exercise caution**

Operations carried out pursuant to this Act shall be performed with caution, so that the damage caused is no greater than necessary, and so that the operations do not result in unnecessary pollution or unnecessary damage to the environment.

## **Section 49. Duty to implement safety measures**

The exploring party, the extracting party and the working party in respect of a mineral deposit shall implement and maintain safety measures for the entire area, so that the operations do not pose a danger to humans, farm animals or domesticated reindeer. The extracting party and the working party shall have a corresponding duty to implement safety measures in connection with mine openings, tips and extracted deposits of waste rock that are located outside the permit area but are linked to it.

The duty of the extracting party and the working party pursuant to the first paragraph to implement safety measures shall also apply to operations carried out earlier by other parties.

The area shall be permanently secured once operations are completed.

The Ministry may issue regulations concerning how openings in the ground and other interventions in the terrain are to be secured, and about the maintenance of safety measures.

### **Section 50. Duty to clean up**

The exploring party, the extracting party and the working party in respect of a mineral deposit shall ensure that the area is properly cleaned up, both while operations are in progress and after they have been completed. The Directorate of Mining may set a deadline for the completion of clean-up works.

### **Section 51. Coverage of clean-up costs and safety-measure costs**

The Directorate of Mining may order a party that wishes to undertake, or has initiated, exploration (including sample extraction), or operations on mineral deposits to provide financial security for the implementation of safety measures pursuant to [section 49](#) and clean-up measures pursuant to [section 50](#).

The Ministry may issue regulations concerning the requirement to provide security.

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### **Section 52. Duty to compensate**

A searching party shall, without regard to guilt, pay compensation for damage caused by works to land, buildings or facilities. The first sentence shall apply correspondingly to inconvenience caused to the landowner or the user of the land.

The first paragraph shall apply correspondingly to parties that are exploring deposits of minerals owned by the State. The same shall apply to parties that are exploring deposits of minerals owned by a landowner, unless liability is regulated in an agreement with the landowner.

Disputes relating to claims for compensation shall be settled through valuation proceedings, see [section 53](#).

### **Section 53. Valuation proceedings**

Valuation proceedings pursuant to [sections 21, 32, 52 and 57](#) shall take the form of a court hearing.

The searching party, the exploring party and the extracting party shall cover the necessary expenses imposed by the legislation in connection with valuation proceedings pursuant to [sections 21, 32, 52 and 57](#). However, in the case of a valuation review by a higher court, section 54a of the Act of 1 June 1917 No. 1 relating to valuation proceedings and compulsory-acquisition cases shall apply.

The valuation tribunal may undertake such examination of the property as it considers necessary. If the examination causes loss or inconvenience, compensation for this shall be set during the valuation proceedings.

#### **Section 54. Requirements relating to applications and the use of electronic means of communication**

The Ministry may issue regulations concerning:

- a. what information applications shall contain, the use of particular application forms and the applicant's duty to provide additional information; and
- b. the use of electronic means of communication.

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### **Chapter 10 Charges and fees**

#### **Section 55. Processing and supervision charges**

The Ministry may issue regulations concerning charges for the processing of applications and for supervision pursuant to this Act.

#### **Section 56. Annual fees paid to the State**

Parties that are exploring or extracting deposits of minerals owned by the State shall pay an annual fee to the State for their exploration permits and extraction permits. The size of the fees shall be set by regulation pursuant to the third paragraph.

The fees shall be paid in advance to the Directorate of Mining, by 15 January. If the fees are not paid before the deadline, an additional fee of 50 per cent shall be paid by 30 April of the same year. The Directorate of Mining may in special cases make exceptions from this provision. The permit lapses if the additional fee is not paid before the deadline.

The Ministry may issue regulations concerning the size of the annual fees pursuant to the first paragraph, and concerning payment of the fees.

The Ministry may issue regulations specifying that a party that extracts a deposit of minerals owned by the State shall pay an annual fee to the State.

#### **Section 57. Annual landowner fee**



A party that is extracting a deposit of minerals owned by the State shall pay the landowner an annual fee of 0.5 per cent of the sales value of that which is extracted. The fee for each year shall fall due for payment on 31 March of the following year.

If there are several landowners in the extraction area, the fee shall be divided among them in proportion to the land owned by each of them in the extraction area.

Disputes relating to the calculation or division of the fee shall be settled through valuation proceedings, see [section 53](#).

The Ministry may issue regulations concerning the calculation of the annual fee and concerning the duty to keep a record of the calculation.

### **Section 58. Increased landowner fee in Finnmark**

In the case of extraction of minerals owned by the State from land owned by Finnmarkseiendom, the Ministry may by regulation set a higher annual landowner fee than that specified in [section 57](#), first paragraph, first sentence.

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## **Chapter 11 Supervision**

### **Section 59. Supervision**

The Directorate of Mining shall supervise the following matters:

- a. that exploration, including pilot extraction, and operations are undertaken in accordance with good mining practice pursuant to the requirements of the Act;
- b. that conditions, approved plans of operations and orders given in or pursuant to this Act are complied with;
- c. that the duty to implement safety measures and the duty to clean up are complied with; and
- d. that operations do not result in unnecessary pollution or unnecessary damage to the environment.

### **Section 60. Inspection and the right to information in connection with supervision**

The Directorate of Mining shall, while conducting inspections, be given unhindered access to areas and facilities, and be allowed to conduct necessary examination of such areas and facilities.

The operating party shall, if ordered to do so, submit to the Directorate of Mining information, documents and other materials significant to supervision. If special circumstances indicate that it is necessary, other parties may be ordered to submit such information.

The costs of inspections may be claimed from the party that is the subject of the inspections.

## **Section 61. Internal control**

The Ministry may issue regulations concerning internal control and internal control systems to ensure compliance with requirements laid down in or under this Act.

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## **Chapter 12 Administrative measures and administrative sanctions**

### **Section 62. Orders**

The Directorate of Mining may order a party to remedy or stop circumstances that breach provisions or decisions issued in or under the Act. The order shall set a deadline for compliance.

### **Section 63. Immediate implementation by the Directorate of Mining**

If the responsible party does not comply with an order to implement a measure issued in or under the Act, the Directorate of Mining may ensure that the measure is implemented.

A measure may be implemented without a preceding order if it is necessary to avert an imminent risk, or if identifying the responsible party would be unreasonably burdensome in the given circumstances.

The costs of implementation may be claimed from the responsible party. A claim for coverage of costs shall constitute a basis for enforcement of the claim through execution proceedings.

### **Section 64. Temporary suspension of operations**

If a responsible party fails to comply with an order to implement measures issued in or pursuant to the Act, the Directorate of Mining may require the temporary suspension of operations.

The Directorate of Mining may implement a temporary suspension of operations without a preceding order if this is necessary to avert an imminent risk.

The costs of suspending operations may be claimed from the responsible party. A claim for coverage of costs shall constitute a basis for enforcement through attachment proceedings.

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### **Section 65. Amendment and revocation of permits, etc.**

The Ministry and the Directorate of Mining may cancel or amend the conditions of a permit granted pursuant to the Act or regulations issued pursuant to the Act, or impose new conditions or, if necessary, revoke a permit if:

- a. there is gross or repeated breach of provisions issued in or under this Act;

- b. the holder of the permit does not comply with an order issued pursuant to [section 62](#);
- c. the permit was granted on the basis of incorrect or incomplete information concerning matters of material significance;
- d. material assumptions on which the grant of the permit was based have fallen away; or
- e. this is required by other revocation rules currently in force.

Amendment and revocation of a permit pursuant to the first paragraph may be made subject to a time limit. A time-limited amendment or revocation may be made conditional upon the remediation or amendment of specified matters.

When decisions are made pursuant to this section, account shall be taken of the financial loss and inconvenience that an amendment or revocation must be expected to cause the holder of the permit, and any other advantages and disadvantages that the amendment or revocation will entail.

The Ministry may issue regulations containing more detailed provisions on the amendment and revocation of permits.

## **Section 66. Enforcement penalty**

To ensure that the provisions of the Act and decisions made pursuant to the Act are implemented, the Directorate of Mining may issue enforcement penalties that accrue to the Treasury.

An enforcement penalty may be imposed when a breach of the Act or a decision made pursuant to the Act is discovered. The enforcement penalty becomes effective if the responsible party fails to comply with the deadline for remedying the situation. An enforcement penalty may be imposed in advance if it is warranted for particular reasons, in which case it shall become effective from the time any breach commences. It may be determined that the enforcement penalty shall accrue for as long as the unlawful situation persists, or that it shall be payable each time a breach occurs. However, an enforcement penalty shall not accrue if the lack of compliance is due to matters outside the control of the

responsible party. An enforcement penalty may take the form of an accruing penalty or a lump-sum penalty.

An enforcement penalty shall be imposed on the party responsible for the breach. If the breach has been committed on behalf of a company or other organisation, the enforcement penalty shall normally be imposed on that entity. If an enforcement penalty has been imposed on a company that is part of a group of companies, accrued amounts may also be recovered from the parent company. If the decision to impose an enforcement penalty states that several parties are responsible, those parties shall be jointly and severally liable for payment of the enforcement penalty.

The imposition of an enforcement penalty shall constitute a basis for enforcement through attachment proceedings. The Directorate of Mining may in special cases reduce or waive accrued enforcement-penalty amounts.

The Ministry may issue regulations containing more detailed provisions on enforcement penalties, including as to the size and duration of enforcement penalties, the determination of enforcement penalties and the waiver of accrued enforcement-penalty amounts.

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## **Section 67. Infringement penalty**

The Directorate of Mining may order a party that has breached provisions introduced in or pursuant to this Act to pay a sum of money to the Treasury (penalty charge). Physical persons may only be ordered to pay infringement penalties for wilful or negligent breaches. A business shall not be ordered to pay a penalty charge if the breach is due to matters outside the control of the business.

In the assessment of whether a penalty charge should be imposed, and in the assessment of the amount, emphasis shall be given to, among other things, the severity of the breach and the degree of fault.

A decision to impose a penalty charge shall constitute a basis for enforcement through attachment proceedings.

The Ministry may issue regulations containing more detailed provisions on infringement penalties, including on the conditions for imposing an infringement penalty, on the amount of the infringement penalty, on interest and additional charges if the infringement penalty is not paid when it falls due, and on waiver of an imposed penalty charge.

## **Chapter 13 Entry into force and transitional provisions**

### **Section 68. Entry into force**

The Act enters into force on the date determined by the King.

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### **Section 69. Transitional provisions**

1. Applications under the following pieces of legislation which are received by the correct body before the entry into force of this Act shall be dealt with pursuant to the stated legislation: the Act of 30 June 1972 No. 70 relating to mines (the Mines Act), the Act of 3 July 1914 No. 5 relating to the acquisition of limestone deposits (the Limestone Act), the Act of 17 June 1949 No. 3 relating to the acquisition of quartz deposits (the Quartz Act), the Act of 21 March 1952 No. 1 relating to the surrender of land, etc. for the working of non-claimable mineral deposits (the Minerals Surrender Act), the Act of 28 November 2003 No. 98 relating to concession in the acquisition of real property (the Concession Act), etc., and Chapter II (see also Chapter V), of the Act of 14 December 1917 No. 16 relating to the acquisition of waterfalls, mines and other real property, etc. (the Industrial Concession Act).
2. Prospecting licences issued pursuant to Chapter 3 of the Mines Act shall, as of the entry into force of this Act, confer the same right as an exploration permit issued pursuant to this Act, and shall have the same priority as prospecting licences had pursuant to section 16 of the Mines Act. The deadline in [section 22](#), first paragraph, shall be calculated from the date that the prospecting licence is issued.

3. Claims made pursuant to Chapter 4 of the Mines Act shall, as of the entry into force of this Act, confer the same right as an extraction permit issued pursuant to this Act. The deadline in [section 33](#), first paragraph, sub-paragraph a), shall run from the granting of the claim. The provisions of [section 45](#), first paragraph, shall apply as of the entry into force of the Act unless otherwise provided in concession conditions imposed before this point in time.
4. The provision in [section 20](#) shall not prevent a party that has initiated pilot extraction under the provisions of the Industrial Concession Act prior to the entry into force of this Act from continuing such works for up to one year after the entry into force of this Act.
5. Operations that have been initiated under a licence issued pursuant to section 13 of the Industrial Concession Act, or under an acquisition licence issued pursuant to the Limestone Act, the Quartz Act or the Concession Act, may continue without regard to [section 43](#) on the terms specified in the licence. However, licence terms that are inconsistent with other provisions of this Act (with the exception of [section 45](#), first paragraph), shall not be valid. The Directorate of Mining may, upon application, amend the licence terms. If special circumstances indicate that it is necessary, the Directorate of Mining may nevertheless require an operating party to apply for an operation licence pursuant to [section 43](#).
6. Upon the entry into force of this Act, parties that are working mineral resources that are not covered by paragraph 5 shall send notice and a plan of operations to the Directorate of Mining. Works on mineral resources that have been initiated and that are not covered by paragraph 5 shall satisfy the requirements of section 43 within five years of the entry into force of this Act. The Directorate of Mining may relax this time limit in individual cases.
7. Parties that have already initiated operations shall become subject to section 51 five years after the entry into force of this Act.
8. The Ministry may provide that the annual landowner fee in respect of initiated works on deposits of minerals owned by the State shall gradually be increased during the first five years after the entry into force of this Act.

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## **Section 70. Amendments to other acts**

When this Act enters into force, the following amendments shall be made to other acts:

[The following acts have been repealed by the Minerals Act:

- Act of 3 July 1914 No.5
- Act of 17 June 1949 No. 3
- Act of 21 March 1952 No. 1
- Act of 30 June 1972 No. 70.]