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Swedish Environmental Protection Agency

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Your reference NV-06053-21 and “Nunasvaara South”

Consultation in accordance with Article 5 of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context regarding the plans for graphite mining at Nunasvaara South

In a letter dated 25 August 2021, Sweden notified Finland according to article 3 of the Espoo Convention regarding planned graphite mining at site Nunasvaara South. In its answer to the notification on 11 October 2021, the Ministry of the Environment stated that Finland would participate in the EIA. The letter also included a description of issues that Finland considered important to include in the assessment of transboundary impacts. Sweden sent selected material of the impact assessment of the project in a letter dated 5 May 2022. Finland answered in a letter on 15 August 2022 that it did not consider the assessment sufficient and wished to continue the consultations.

Sweden answered by sending additional material, mainly a response by the developer Talga AB to received comments. The dead line for Finland's answer was changed from 30 November till 9 December 2022. The material was made publicly available in Finland between 2-30 November 2022. Response was received from the Centre for Economic Development, Transport and the Environment in Lapland, the Fisheries authority of Centre for Economic Development, Transport and the Environment in Lapland, Regional Council of Lapland, Metsähallitus (Forststyrelsen), Natural Resources Institute of Finland, Finnish Association for Nature Conservation, Reindeer Herders' Association, Joint Property Management Association of the Water Area of Kukkola and Association for Rajat Lapin kaivoksille ry. The given response is enclosed and needs to be considered in its entirety.

The provided material and its adequacy to show transboundary impacts

Based on the provided material, the comments received, and reflecting its own views, the Ministry of the Environment considers that the transboundary environmental impact assessment is still not sufficient to form a view on the significance of the Nunasvaara South project's likely adverse impacts on Finland and reiterates its comments from the previous statement.



Finland considers that the transboundary consultations need to continue and therefore requests the Swedish Government to organize without delay a bilateral consultation meeting concerning the Nunasvaara South project to finalize the transboundary assessment and refers to article 5 of the Espoo Convention,

Article 5

CONSULTATIONS ON THE BASIS OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION

The Party of origin shall, after completion of the environmental impact assessment documentation, without undue delay enter into consultations with the affected Party concerning, inter alia, the potential transboundary impact of the proposed activity and measures to reduce or eliminate its impact. Consultations may relate to:

- (a) Possible alternatives to the proposed activity, including the no-action alternative and possible measures to mitigate significant adverse transboundary impact and to monitor the effects of such measures at the expense of the Party of origin;*
- (b) Other forms of possible mutual assistance in reducing any significant adverse transboundary impact of the proposed activity; and*
- (c) Any other appropriate matters relating to the proposed activity.*

The Parties shall agree, at the commencement of such consultations, on a reasonable time-frame for the duration of the consultation period. Any such consultations may be conducted through an appropriate joint body, where one exists.

Finland considers that the competent authority in Sweden cannot draw a reasoned conclusion on the project before the agreed conclusion of bilateral consultations. Sweden is also requested to analyse the feedback given by Finland, present a proposal for remedying shortcomings in the assessment of transboundary impacts and submit this proposal to Finland before the meeting. Finland invites Sweden to provide an immediate response to propose an agenda, participants and the meeting date for the meeting.

Finland wishes to note the Swedish Government, once again, that the EIA material from Sweden seems almost systematically lack information on transboundary impacts. It must be highlighted that the application of the Espoo Convention does not mean that the material is produced only from the national perspective and then translated. It seems that the Finnish Government is in consultation with the developer and not with the State Party to the Convention or Member State of the EU. Even though Finland has requested Sweden to take quick and concrete measures to improve the situation, there are no visible changes in practice. In order to affirm the implementation of the Espoo



Convention and article 7 of the EIA Directive as well as the practical application of these provisions, Finland requests the Swedish Government to organize a specific meeting without delay on the subject.

Juhani Damski
Permanent Secretary

Seija Rantakallio
Senior Ministerial Adviser

Enclosure

Response given in Finland

For information

Ministry of the Environment and Energy in Sweden

Ministry for Foreign Affairs in Sweden

Ministry for Foreign Affairs in Finland

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