July 8, 2026

European Commission
DG Environment
D3 Nature Conservation
Andrea Vettori
andrea.vettori@ec.europa.eu
ENV-CHAP-A@ec.europa.eu

Submission of concerns regarding the Natura 2000 derogation request by Finland for the Sakatti Mining project in Viiankiaapa (FI1301706)

Suomen luonnonsuojeluliitto (Finnish Association for Nature Conservation), Suomen luonnonsuojeluliiton Lapin piiri (Finnish Association for Nature Conservation Lapland) and Greenpeace Norden are writing to formally submit our concerns and scientific-environmental objections regarding the Natura 2000 derogation request submitted by the Finnish Ministry of the Environment under Article 6(4) of the Habitats Directive (92/43/EEC) concerning the Sakatti Mining project (27.5.2026, VN/15935/2026).

The proposed underground multi-metal mine by AA Sakatti Mining (Anglo American) is located directly beneath the Viiankiaapa mire (Natura 2000 site FI1301706) in Sodankylä, Finnish Lapland. Viiankiaapa is one of the last remaining large, pristine aapa mire ecosystems in Europe. It is protected under the EU Habitats Directive and Finnish Mire Conservation Act from 1988.

We urge the European Commission to reject the derogation request based on the following critical points regarding Article 6(4) requirements.

1. Significant harm to priority species and habitats in Natura 2000 site

All stakeholders in Finland agree that the project would cause significant harm to priority species and habitats of the Natura 2000 site. These adverse effects cannot be prevented by mitigation measures alone. For this reason, the Regional Council of Lapland has applied for a derogation regarding the regional plan for the mine.

- Both Metsähallitus, state-owned enterprise managing Finland's state-owned land and water areas and the regional state administrative authority Lapland Centre for Economic Development, Transport and Environment (The Lapland ELY Centre) have raised their concerns especially about the risks that the mine poses for the mire's delicate water balance (hydrology). In its statement, the ELY Centre strongly criticizes the results of the groundwater modeling used in Sakatti Mining's Natura assessment and draws attention to the uncertainties of the modeling.

  The ELY Centre states that 'When the inaccuracy associated with the groundwater modeling is this high, an exclusionary assessment is not possible without incorporating the uncertainty into the evaluation. **The scale of the error alone is such that it would produce effects on the mire equivalent to ditch drainage.**[1]

- The ELY Centre also concludes that: "The activity subject to the Natura assessment is in conflict with the conservation objectives of the Viiankiaapa Natura area. **The mining project threatens to compromise the natural processes of the Natura area, especially the hydrological cycle, in a way that may jeopardize the status of habitats and species as well as their environments,** and lead to a significant decline of several habitats and species that serve as the grounds for protection in the area."
- In 2025, Metsähallitus commented on Sakatti Mining's updated Natura assessment, stating that 'In its previous statement, **Metsähallitus has drawn attention particularly to the uncertainties related to the modeling of the groundwater level and, as its conclusion, stated that based on the Natura assessment, significant adverse effects of the project on the conservation grounds of the Viiankiaapa Natura area cannot be ruled out**.' [2]

---

1 Luonnonsuojelulain (1096/1996) 65 §:n mukainen lausunto, Sakatin monimetalliesiintymän kaivoshanke, AA Sakatti Mining Oy, Viiankiaavan Natura-alue (FI1301706, SAC/SPA), Sodankylä https://www.ymparisto.fi/sites/default/files/documents/Liite%201%20Luonnonsuojelulain%2065%20%C2%A7%20Natura-lausunto%20Sakatin%20kaivoshanke%20AA%20Sakatti%20Oy%20Viiankiaavan%20Natura-alue%2015.8.2023%20%282%29.pdf

2 Metsähallituksen lausunto Sakatin kaivoshankkeen Natura-arvioinnin täydennyksestä, Sodankylä, AA Sakatti Mining Oy https://www.metsa.fi/wp-content/uploads/2025/08/metsahallituksen_lausunto_sakatin_kaivoshankkeen_natura_arvioinnin_taydennyksesta.pdf

- Metsähallitus concludes that “**The Sakatti mine would significantly degrade the natural values of Viiankiaapa”**[3]

  “Metsähallitus considers the identification of risks related to groundwater discharge to be the most essential deficiency in the Natura assessment of the Sakatti mining project. If the vibrations caused by mining activities were to cause changes in groundwater discharge in Viiankiaapa, **there is a risk of the mires drying out**. This drying would significantly degrade the protected habitat types and plant species, meaning it would degrade the area's natural values.”

  “Metsähallitus considers that the implementation of the mining project would significantly degrade the majority of the 13 habitat types and five plant species that serve as the conservation grounds for the Viiankiaapa Natura area, which differs from what is presented in the Natura assessment. “

- In 2025, the Centre for Economic Development, Transport and the Environment for Lapland (Lapland ELY Centre) stated the following regarding the updated Natura assessment: '**Despite the mitigating measures, the Sakatti mining project is estimated to cause significant degradation to aapa mires, alkaline fens, and bog woodland, which serve as conservation grounds for the Viiankiaapa Natura area**, as well as to the broad-leaved bog moss and Lapland buttercup, which are species listed in Annex II of the Habitats Directive. It is possible that the implementation of the Sakatti mining project will compromise the integrity of the Viiankiaapa Natura area.' [4]
- Aapa mires and bog woodland are listed in Annex I of the Habitat Directive and are classified as EU priority habitat types. Lapland buttercup is a priority species.

3 Metsähallitus: Sakatin kaivos heikentäisi merkittävästi Viiankiaavan luontoarvoja https://www.metsa.fi/tiedotteet/metsahallitus-sakatin-kaivos-heikentaisi-merkittavasti-viiankiaavan-luontoarvoja/

4 Luonnonsuojelulain (9/2023) 35 §:n mukainen lausunto, Sakatin monimetallikaivos, AA Sakatti Mining Oy, Viiankiaavan Natura-alue (FI1301706, SAC/SPA), Sodankylä https://www.lapinliitto.fi/wp-content/uploads/2025/08/Lapin-ELY-keskuksen-luonnonsuojelulain-35-%C2%A7-Natura-lausunto-Sakatin-monimetallikaivos.pdf

2. Failure to Demonstrate the Absence of Alternative Solutions

Article 6(4) strictly dictates that a derogation can only be considered if *no alternative solutions* exist.

- The applicant argues that the deposit is fixed in location. However, "no alternative solution" must encompass the alternative of **not proceeding with the project** (*the zero-alternative*), especially given the irreplaceable ecological value of the surface ecosystem. The project alternatives have been examined solely from the perspective of mitigating adverse effects, not preventing them entirely.
- It is evident that the so-called zero-alternative or non-implementation has not been assessed properly nor in equal detail. It is also evident that the mine in Viiankiaapa is not truly unavoidable and alternative solutions such as circular economy and demand side management do exist. Thus based on case-law of the CJEU and the guiding principles of Commission itself the derogation from Natura 2000 protection can not be granted.
- The question of project alternatives, or the lack thereof, is also addressed in the following chapter.

3. Lack of "Imperative Reasons of Overriding Public Interest" (IROPI)

The justification of a private mining venture as an "Overriding Public Interest" is highly questionable.

- While the metals in question (including copper and nickel) are linked to the clean tech, digital industry, defence and aerospace industries mentioned as strategic end use in CRMA, a single private corporate project does not automatically constitute a vital public interest that overrides the permanent degradation of a pristine European ecosystem. Furthermore there is no evidence that AA Sakatti Mining would sell these minerals only to industries mentioned above. In fact, there are no policies in place which would ensure that the minerals mined in Viiankiaapa would be used in only industries mentioned explicitly in the Critical Raw Materials Act.
- The economic benefits of the mine are temporary (limited to the mine's lifespan of approximately 20 years), whereas the destruction of the peatland, carbon stored and future sequestration, and specific hydrology of Viiankiaapa will be permanent and irreversible. According to the Commissions guidelines[5] the public interest must be of a long duration to override the interests of long term conservation. This is not the case with the proposed mine.

5 Komission tiedonanto Natura 2000 -alueiden suojelu ja käyttö Luontodirektiivin 92/43/ETY 6 artiklan säännökset. Bryssel 21.11.2018 C(2018) 7621 final

- Furthermore it is questionable if the possible minerals in Viiankiaapa are even needed. According to the EU-funded Future Availability of Secondary Raw Materials - project and the final report published on 31st of May 2026, recycling could meet up to 56% of Europe's critical mineral needs by 2050. [6]
- The significance of Viiankiaapa in terms of nickel and copper supply has also been heavily exaggerated. According to Mikko Sipilä, a Professor at the Institute for Atmospheric and Earth System Research at University of Helsinki, "the proven copper reserves would be sufficient to meet global demand for just two days, and the nickel reserves for nine days. Even when inferred reserves are included, the entire deposit would provide copper for only 12 days and nickel for six weeks." [7]
- In a new report by the Finnish Climate Change panel and the Finnish Forest Bioeconomy Science Panel point that "The lignin derived from black liquor can be further refined into hard carbon for use in battery materials, for example, helping to reduce reliance on critical raw materials."[8]
- According to Article 6(4), subparagraph 2 of the Habitats Directive, on a site hosting a priority natural habitat type and/or a priority species, **the only considerations which may be raised as grounds for a derogation are those relating to human health or public safety**, **to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.** According to Article 1 of the Habitats Directive, priority species and habitat types refer to endangered species or those species or habitat types whose distribution within the territory of the Union is limited, and for the conservation of which the Community, according to Article 1(h), has 'particular responsibility'. Priority habitat types and species are listed in Annexes I and II of the Habitats Directive. The objective of the regulation is therefore that priority conservation should provide special protection for these habitat types and species listed in the Annex. [9] There are no human health nor public safety grounds for derogation and as it is shown no other imperatives either.

---

6 Iattoni, G., Yamamoto, T., Horne, J., Charytanowicz, M., Remmen, K., Kippert, K., Wagner, A., de Vries, H., Jayasinghe, B., Urvois, M., Monfort, D., Philippe, A., Heuss-Aßbichler, S., Jimenez, M., Rosmaninho, E., Seabra, S., Dorri, I., Herreras, L., Avila, M., Böcher, C., Das, D., Kalapos, N., Ljunggren, M., Maisel, F., Ravisandiran, S. M., Munizaga-Plaza, J. A., Santillán-Saldivar, J., van Stee, J., Tippner, M., Baldé, C.P. (2026). FutuRaM project final report. ISBN: 978-29-602-8199-6 (electronic), https://doi.org/10.5281/zenodo.19470905, May 31, 2026, FutuRaM Consortium.

7 Lapin "maailmanluokan aarre" onkin suuri huijaus, väittää professori: Näin vastaa kaivosyhtiö Helsingin Sanomat 26.5.2024 https://www.hs.fi/alueet/art-2000010427851.html

8 Koponen, K. et al 2026: The future of biogenic carbon dioxide in Finland. https://ilmastopaneeli.fi/en/resource-efficiency-value-added-and-climate-impacts-of-forest-and-wood-use-can-be-improved-simultaneously/

9 Väinölä, M (2026): Natura 2000 -suojelusta poikkeaminen luontodirektiivin 6(4) artiklan nojalla - Kriittisten raaka-aineiden saatavuus erittäin tärkeän yleisen edun kannalta pakottavana syynä, University of Lapland

- "The starting point for assessing the imperative nature of an individual project seeking a derogation from Natura 2000 protection is the position confirmed by the CJEU, **according to which the impacts of the so-called zero-alternative – the non-implementation of the project at hand – must also be assessed.** [10] On this basis, it is possible to determine what kinds of benefits the project would bring and what their value would be, and subsequently to weigh whether these benefits are 'imperative' in nature – as already stated above on the basis of the case-law of the CJEU regarding the assessment of project alternatives. [11] **In its guidance document on the interpretation of Article 6(4) of the Habitats Directive, the Commission states that it is the task of the competent national authorities to ensure that all feasible project alternatives by which the objectives of the project can be achieved have been examined in equal detail**." [12]
- "In its judgment WWF Italy Onlus and Others, [13] the CJEU goes slightly further in its reasoning than the previously mentioned requirement to examine the lack of alternatives, **stating that according to Article 6(4) of the Habitats Directive 'even justified impacts on the integrity of the special area of conservation are permitted only in cases where they are truly unavoidable, that is, in a situation where no alternative solutions exist**". [14]

3. Inability to Guarantee Ecological Compensation

Viiankiaapa is a carbon-sequestering, active aapa mire system. Its unique ecological features have developed over thousands of years.

- **Hydrological Collapse and Conservation Values:** Underground mining risks lowering the water table of the mire above. Even minor hydrological disturbances could lead to drainage of large areas and changes in biomass growth which could allow woody plants to spread in the open mire areas. The impacts of such a possibility could span beyond the conservation values and species included the Natura 2000 data form and have not even been properly investigated. As mentioned above, both Metsähallitus and ELY Centre of Lapland have stated that even with mitigating measures the mine would significantly weaken the natural values of Viiankiaapa. Metsähallitus has also informed that the Natura 2000 data form of Viiankiaapa has been last updated in 2018 and is lacking several species that should be included in the conservation species list.

---

10 C(2018) 7621 final, s. 57.

11 EUCJ, C-239/04, European Commission v. Portuguese Republic (Castro Verde), judgement 26.10.2006, 36–39

12 Väinölä, M (2026): Natura 2000 -suojelusta poikkeaminen luontodirektiivin 6(4) artiklan nojalla - Kriittisten raaka-aineiden saatavuus erittäin tärkeän yleisen edun kannalta pakottavana syynä, University of Lapland

13 EUT, C-411/19, WWF Italia Onlus & others., Judgment 16.7.2020

14 Väinölä, M (2026): Natura 2000 -suojelusta poikkeaminen luontodirektiivin 6(4) artiklan nojalla - Kriittisten raaka-aineiden saatavuus erittäin tärkeän yleisen edun kannalta pakottavana syynä, University of Lapland

- **Irreplaceability:** Regional Council of Lapland has proposed a compensation plan. The Ministry of the Environment has asked the Finnish Supervisory Agency (Lupa- ja valvontavirasto, former Lapland ELY Centre) and Metsähallitus for statements whether they think that it is enough. However, there are not yet any reservations for compensatory areas in the regional plan. This is unusual, considering that the application for a derogation concerns a regional plan. Such a plan sets out planning areas, along with the associated designations and regulations.
- In addition, from an ecological standpoint, an ancient, complex aapa mire cannot be "compensated" or recreated elsewhere. A collection of other areas never forms a similarly ecologically whole and functional entity.
- Buying and protecting another existing mire does not create *new* ecological value to offset the *loss* of Viiankiaapa; it merely results in a net loss of European biodiversity. Restoring areas around Viiankiaapa could turn out to be pointless if the mine would lead to drainage of the ecosystem. Furthermore, expanding the Viiankiaapa area from its fringes would not compensate for the losses if the drying of the mire caused by the mine were to inflict permanent damage on parts of the mire that are particularly rich in biodiversity. According to its own statements, AA Sakatti Mining (Anglo American) has acquired 2,000 hectares of additional land for the protection of Viiankiaapa, meaning low-productivity and scrub lands surrounding the conservation area. The company consider this to significantly increase the protection of the area.

In addition we note that based on the Article 6(3) of the Habitats Directive (92/43/EEC) ”the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”. Based on a survey commissioned by the Finnish Association for Nature Conservation 69 percent of Finns do not accept the mining project on Viiankiaapa.[15]

15 Opinion survey 11.6.2026: https://www.sll.fi/ajankohtaista/kyselytutkimus-suomalaisten-enemmisto-ei-hyvaksy-kaivosta-suojellulle-viiankiaavalle/

Conclusion

Allowing a massive industrial project to breach the integrity of a highly protected Natura 2000 site like Viiankiaapa would set a dangerous precedent for the entire EU Biodiversity Strategy. It signals that short-term economic exploitation can override the highest level of European environmental law. The case holds a precedential status as this would be the first time the economic interests of a multinational mining company would override the common interest to stop nature loss and to protect especially mire ecosystems that have vastly been destroyed from Finland and Europe. In Finland there are other mining companies searching for minerals in other Natura2000 areas so the current application might not be the last one of its kind. We also note that Viiankiaapa is also protected by national law, the Mire Conservation Act, since 1988 and thus the project is in conflict with existing law.

We respectfully request that the Directorate-General for Environment thoroughly scrutinize the hydrological data and independent scientific assessments of this case, and ultimately reject the Finnish government's request for a derogation.

Contact information

Executive Director Tapani Veistola
Suomen luonnonsuojeluliitto
Sörnäistenkatu 1, FI-00580 HELSINKI, Finland
Tel. +358 400 615 530
tapani.veistola@sll.fi

Yours sincerely,

SUOMEN LUONNONSUOJELULIITTO
(Finnish Association for Nature Conservation)

Hanna Halmeenpää	Tapani Veistola
Chair of the Board	Executive Director

SUOMEN LUONNONSUOJELULIITON LAPIN PIIRI
(Finnish Association for Nature Conservation Lapland)

Saara Laivamaa	Sisli Piisilä
Chair of the Board	Executive Director

GREENPEACE NORDEN

Touko Sipiläinen
Country Director Greenpeace Norden in Finland