

Unofficial consolidation of the Mineral Resources Act

Greenland Parliament Act No. 7 of 7 December 2009 on mineral resources and mineral resource activities (the “Mineral Resources Act”) as amended by

Greenland Parliament Act No. 26 of 18 December 2012 (marked in red)

Greenland Parliament Act No. 6 of 8 June 2014 (marked in blue)

Greenland Parliament Act No. 16 of 3 June 2015 (marked in green)

Greenland Parliament Act No. 34 of 28 November 2016 (marked in orange)

Greenland Parliament Act No. 16 of 27 November 2018 (marked in purple)

Greenland Parliament Act No. 39 of 28 November 2019 (marked in light blue)

Part 1

General rules

1.–(1) This Greenland Parliament Act aims to ensure appropriate exploitation of mineral resources and use of the subsoil for storage or purposes relating to mineral resource activities as well as regulation of matters of importance to mineral resource activities and subsoil activities.

(2) The Greenland Parliament Act aims to ensure that activities falling within the scope of the Act are carried out in a sound manner as regards safety, health, the environment, resource exploitation and social sustainability as well as appropriately and in accordance with acknowledged best international practices under similar conditions.

2.–(1) The Greenland Self-Government has the right to control and use mineral resources in the subsoil of Greenland.

(2) The following activities may be performed only under a licence granted by the Government of Greenland under the rules of the Greenland Parliament Act; but see sections 45-48 below:

(i) Prospecting, exploration and exploitation of mineral resources in Greenland as well as export of mineral resources from Greenland.

(ii) Use of the subsoil for storage or purposes relating to mineral resource activities.

(iii) Use of energy from wind or the subsoil for activities falling within the scope of the Greenland Parliament Act.

(iv) Establishment and operation of pipelines for activities falling within the scope of the Greenland Parliament Act.

(3) The Greenland Self-Government may perform scientific and practical surveys of a general or mapping nature relating to mineral resources, mineral resource activities, use of the subsoil for storage or purposes relating to mineral resource activities, related energy activities, related pipeline activities or other related activities.

(4) The Geological Surveys of Denmark and Greenland (GEUS) and the Danish Centre for Environment and Energy (DCE) may, however, conduct research of special relevance to mineral resource exploration in Greenland, to the extent and as long as the research is conducted to meet the Government’s obligation to make such research available to the Government of Greenland under section 9(4) of the Act on Greenland Self-Government.

3.–(1) The Mineral Resource Authority under the Government of Greenland is the overall administrative authority for the mineral resource area, including all matters relating to mineral resources, mineral resource activities, use of the subsoil for storage or purposes relating to mineral resource activities, related energy activities, related pipeline activities and other related activities.

(2) The Government of Greenland ensures that all matters relating to mineral resources, mineral resource activities, use of the subsoil for storage or purposes relating to mineral resource activities, related energy activities, related pipeline activities and other related activities are considered a single, integral whole by the Authority.

(3) The Authority considers all such matters on the basis of this Greenland Parliament Act and provisions laid down under the Act as well as on the basis of other acts and rules of relevance to mineral resources, mineral resource activities, use of the subsoil for storage or purposes relating to mineral resource activities, related energy activities, related pipeline activities and other related activities unless other acts or rules provide that other authorities must consider the matter. The Mineral Resource Authority is the administrative and competent authority under the other acts and rules with regard to mineral resources, mineral resource activities, use of the subsoil for storage or purposes relating to mineral resource activities, related energy activities, related pipeline activities and other related activities.

3a.–(1) The Mineral Resource Authority, see section 3(1), comprises the Mineral Licence and Safety Authority, see subsection (2), and the Environmental Agency for Mineral Resource Activities, see subsection (3).

(2) The Mineral Licence and Safety Authority is the overall administrative authority for mineral resource activities apart from matters relating to the environment, see subsection (3).

(3) The Environmental Agency for Mineral Resource Activities (the Environmental Agency) is the administrative authority for environmental matters relating to mineral resource activities, including protection of the environment and nature, environmental responsibility and environmental impact assessments.

(4) The assessments and decisions of the Mineral Resource Authority regarding environmental issues are based on assessments and proposals for decisions from one or more scientific and independent environmental institutions.

(5) Administration and regulatory processing relating to mineral resource activities are organised on the principle that licensees and other parties communicate with one specific authority and receive all notifications, documents and decisions, etc. from the said authority. The Mineral Licence and Safety Authority is responsible for the administrative communication regarding mineral resource activities in relation to licensees and other parties covered by this Greenland Parliament Act.

(6) The Mineral Licence and Safety Authority is the coordinating administrative authority and obtains necessary statements and decisions from the Environmental Agency. The Environmental Agency and the Mineral Licence and Safety Authority keep each other updated on regulatory processing and decisions.

3b.–(1) The decisions of the Mineral Licence and Safety Authority or the Environmental Agency may be appealed to the Government of Greenland. Persons entitled to appeal:

1) The parties to the case.

- 2) All who are deemed to have a material individual interest in the outcome of the case.
- 3) Associations and organisations which have a statutory objective to safeguard important recreational, environmental, nature or social interests.

(2) The time limit for appeals is six weeks. Time begins to run from the date of notification if the decision is notified to a party and from the date of publication if the decision is publicly announced. If the time limit expires on a Saturday or a public holiday, the time limit will be extended to the next business day.

(3) An appeal must be filed in writing to the authority which issued the decision. As soon as possible after the expiry of the time limit for appeals, the authority will send the appeal and the authority's decision and comments on the appeal to the Government of Greenland.

(4) An appeal regarding a licence, approval or exemption will not have a suspensive effect unless otherwise decided by the Government of Greenland.

(5) The Government of Greenland may decide that all rights under a licence, approval or exemption may not be exercised within the time limit for appeals.

(6) An appeal against a prohibitory or mandatory injunction will not have a suspensive effect unless otherwise decided by the Government of Greenland.

3c.–(1) The Government of Greenland may lay down specific provisions regarding the matters mentioned in sections 3-3b, including appeals and restrictions on the right to appeal certain decisions made by the Mineral Licence and Safety Authority or the Environmental Agency; but see subsections (2)-(5).

(2) Decisions to grant, significantly change, transfer, withdraw and approve the relinquishment of a mineral resource exploration or exploitation licence are made by the Government of Greenland.

(3) Decisions on matters that are likely to have significant social or environmental effects are made by the Government of Greenland unless the Government of Greenland has laid down provisions that specific decisions must be made by the Mineral Licence and Safety Authority or the Environmental Agency.

(4) The Government of Greenland lays down specific provisions regarding the functions and powers of the Mineral Licence and Safety Authority and the Environmental Agency, including their jurisdiction; but see subsections (2), (3) and (5).

(5) Decisions regarding a prospecting licence, see Part 4, or a small-scale mineral resource exploration or exploitation licence, see Part 8, are made by the Mineral Licence and Safety Authority or the Environmental Agency unless the decisions are likely to have significant social or environmental effects, see subsection (3).

3d.–(1) Decisions on matters falling within the scope of this Greenland Parliament Act may be brought before the courts within a time limit of one year. Time begins to run from the date of notification to a party if the decision is notified to a party. If the decision is publicly announced, time begins to run from the date of publication. If the time limit expires on a Saturday, Sunday or a public holiday, the time limit will be extended to the next business day.

(2) As regards a party to an appeal under section 3b, the time in subsection (1) begins to run on the date of notification of the decision in the appeal to the party.

(3) An appeal against a decision brought before the courts will not have a suspensive effect unless otherwise decided by the Government of Greenland.

(4) Decisions regarding matters falling within the scope of this Greenland Parliament Act

may be appealed only to the courts having jurisdiction in Greenland. A decision appealed to the courts must be brought before the Court of Greenland as the court of first instance.

4.–(1) Each year, the Government of Greenland presents to the Greenland Parliament a report on the licences granted, applications for licences and implemented and planned invitations to tender for licences.

(2) Each year, the Government of Greenland prepares a public report on the matters mentioned in subsection (1) above. The Government of Greenland submits the report to the Greenland Parliament.

(3) The Government of Greenland must inform a relevant committee under the Greenland Parliament about cases relating to issues which are likely to have significant social or environmental effects before reaching a decision in the cases.

Part 2

Definitions

Mineral resources

5.–(1) Mineral resources means hydrocarbons and minerals.

(2) Hydrocarbons means oil and natural gas; see subsections (3) and (4) below.

(3) Oil means all hydrocarbons that are in a liquid state at standard pressure (1.01325 bar) and temperature (15° Celsius).

(4) Natural gas means all hydrocarbons that are in a gaseous state at standard pressure (1.01325 bar) and temperature (15° Celsius). However, when taxes are calculated under this Greenland Parliament Act, natural gas also means other gases that are combined with and produced together with such gaseous hydrocarbons.

(5) Minerals means all mineral resources other than hydrocarbons.

(6) The Government of Greenland may lay down specific provisions on the definitions and matters mentioned in subsections (1)-(4) above, including on the definition of mineral resources, hydrocarbons and minerals.

Offshore facilities

6.–(1) In this Greenland Parliament Act offshore facilities means:

(i) Platforms or other installations:

(a) From which prospecting, exploration or exploitation (production) of hydrocarbons from the subsoil under the sea floor is carried out.

(b) Used for accommodation of persons employed on or at the installations mentioned in subpara (a) above.

(c) Used for piped transport of hydrocarbons or other substances or materials between the installations mentioned in subpara (a) above or between such installations and onshore installations.

(d) Attached to tidal energy installations for supply of energy to the installations mentioned in subparas (a), (b) and (c) above.

(ii) Installations that are used for storage or loading of hydrocarbons exploited from or produced on one of the installations mentioned in (i)(a) above and which are permanently attached to such installation.

(2) Ships are not covered by the definition in subsection (1) above except for drillships and floating processing, storage and shipping units.

(3) A mobile offshore unit means any offshore facility that can be moved from one position to another, whether it is self-propelled or has to be towed, and which is intended for use in several different positions in its lifetime.

(4) A fixed offshore unit means an offshore facility that is not a mobile offshore unit.

(5) Fixed offshore units that are mutually connected by bridges and which have the same licensee or owner are considered as one overall unit.

Accommodation vessels

7. Accommodation vessels means vessels and installations that are not offshore facilities, see section 6 above, and which hold accommodation facilities for persons working on offshore facilities.

Offshore vessels

8. Offshore vessels means vessels and other installations that are not offshore facilities or accommodation vessels, see sections 6 and 7 above, and which perform activities in relation to offshore facilities; see section 6 above.

Part 3

Scope

Geographic scope

9.-(1) The Greenland Parliament Act extends to the territorial land and territorial sea off Greenland and in the continental shelf area and the exclusive economic zone off Greenland.

(2) The rules of the Greenland Parliament Act on health and safety, see section 79 below, do not apply to the territorial land.

(3) The rules of the Greenland Parliament Act on the environment do not apply to the continental shelf area and the exclusive economic zone off Greenland unless otherwise provided by the Marine Environment Act.

Activities

10. The Greenland Parliament Act applies to:

- (i) Prospecting, exploration and exploitation of mineral resources as well as other activities related thereto.
- (ii) Prospecting and exploitation of energy from wind and subsoil for activities falling within the scope of the Greenland Parliament Act as well as other activities related thereto.
- (iii) Use of the subsoil for storage and purposes relating to mineral resource activities as well as other activities related thereto.
- (iv) Scientific, practical and other surveys of importance to the activities mentioned in paras (i)-(iii) above.

Facilities and installations

11. The Greenland Parliament Act applies to facilities and installations, etc. located on the territorial land, in the territorial sea or in the continental shelf area and which are used in connection with activities under this Act.

Offshore facilities and accommodation vessels

12.–(1) The Greenland Parliament Act applies to fixed and mobile offshore units, see section 6 above, in the territorial sea or in the continental shelf area.

(2) The Greenland Parliament Act applies to accommodation facilities on accommodation vessels, see section 7 above, where persons working on an offshore facility are accommodated, in so far as it is of importance to the safety or health of the persons accommodated.

Offshore vessels

13. In respect of offshore vessels, see section 8 above, the Greenland Parliament Act applies to the activities performed from such vessels and to the equipment used in so far as the activities or the equipment is of importance to the safety, health or environmental conditions in connection with the related offshore facilities.

Safety zones around offshore facilities and accommodation vessels

14.–(1) The Greenland Parliament Act applies in the safety zones around offshore facilities and accommodation vessels.

(2) Within the safety zones, the Greenland Parliament Act applies to ships, other marine vessels and aircraft, to mobile offshore units and other mobile facilities and installations that are sailing, being towed or anchoring in that connection as well as to fishing equipment, anchors, other mooring equipment, other equipment and other objects.

(3) Offshore facilities and accommodation vessels are surrounded by safety zones, unless the facilities or vessels are sailing or being towed.

(4) The safety zones extend 500 metres around the facilities or vessels, measured from any point on their outer edge or from any other marking used. In the vertical plane, the safety zone extends from the seafloor to 500 metres above the highest point of the facility or vessel. In the horizontal plane, the safety zone extends 500 metres from each point of the outer edge of the facility or vessel, at the position where such edge is located at any time.

(5) The Government of Greenland may decide to deviate from the size of the safety zones laid down in subsection (4) above.

(6) In danger or accident situations that may result in personal injury or loss of human lives, serious pollution, major damage to property or a significant production stop, the Government of Greenland may extend existing safety zones or establish new zones in so far as this is considered necessary to prevent, avoid or limit the above damaging effects.

Part 4

Prospecting

15.–(1) The Government of Greenland may grant a prospecting licence to prospect for mineral resources, mineral resource activities, use of the subsoil for storage or purposes relating to mineral resource activities or related activities. The licence is granted for periods of up to five years at a time.

(2) The granting of the licence referred to in subsection (1) above does not exclude that a similar licence may be granted to others for the same area.

(3) The Government of Greenland may stipulate terms for the licence, including terms on the payment of consideration.

(4) The Government of Greenland may lay down provisions on the payment of a fee for granting licences under subsection (1) above, submission of applications therefor and consideration by the authorities of such licences.

Part 5

Exploration and exploitation

16.–(1) The Government of Greenland may for a specific area and on specific terms grant an exclusive licence for exploration and exploitation of one or more mineral resources. Licences may be granted separately for exploration and exploitation, respectively.

(2) An exploration licence may specify terms on gradual reduction of the area covered by the licence and on the work commitments to be fulfilled by the licensee.

(3) An exploitation licence under subsection (1) above may only be granted to a limited liability company; but see section 32(2) below. The company may only perform activities covered by licences granted under this Greenland Parliament Act and must not be taxed jointly with other companies, unless joint taxation is compulsory. As a general rule, the company must have its registered office in Greenland. The company must not be more thinly capitalised than the group of which the company forms part, but the company's loan capital may always exceed the shareholders' equity up to a ratio of 2:1. The company must generally trade at arm's length prices and on arm's length terms. The licensee must have the expertise and financial background required for the exploitation activities in question.

(4) In the entire licence period, the licensee under an exploitation licence must meet the requirements stated in subsection (3) above, which includes having absolute control of its assets, not being in suspension of payments, bankruptcy or in a situation comparable therewith.

(5) An exploitation licence is valid for the periods mentioned in Parts 6 and 7. The total period is subject to a maximum of 50 years.

(6) An exploitation licence terminates when exploitation activities are discontinued and the closure referred to in section 42 below is completed; see section 43 below.

(7) The Government of Greenland may lay down provisions on the payment of a fee for granting licences under subsection (1) above, submission of applications therefor and consideration by the authorities of such licences.

17.–(1) The amount to be paid by the licensee to the Greenland Self-Government is laid down in a licence under section 16 above. The licence may include a provision to the effect that an annual fee is payable, calculated on the basis of the size of the area covered by the licence (area fee). Terms may also be laid down on the payment of a fee calculated on the basis of the mineral resources extracted, etc. (royalty) or terms on the payment to the

Greenland Self-Government of a share of the profits from the activities under the licence (profits fee).

(2) A licence under section 16 above may prescribe that a company controlled by the Greenland Self-Government will be entitled on specified terms to join as a participant in the activities covered by the licence.

(3) In connection with the determination of a licensee's payments to the Greenland Self-Government under subsections (1) and (2) above, the licensee may be granted exemption from taxation of the activities covered by the licence if the activities are subject to fees at least as onerous as the taxation would have been, and the fees are fully covered by section 7 of the Act on Greenland Self-Government.

18.-(1) A licence under section 16 **must** lay down the extent to which the licensee must use labour from Greenland. However, to the extent necessary for the activities, the licensee may use foreign labour if labour with similar qualifications does not exist or is not available in Greenland.

(2) A licence under section 16 **must** lay down the extent to which the licensee must use Greenland enterprises for contracts, supplies and services. Other enterprises may be used if Greenland enterprises are not technically or commercially competitive.

(3) A licence under section 16 may lay down the extent to which the licensee must process exploited mineral resources in Greenland. However, minerals may be processed outside Greenland if processing in Greenland would result in significantly higher costs or greater inconvenience.

(4) A mineral resource exploration and exploitation licence under section 16 may stipulate the extent to which the licensee must keep exploited minerals in Greenland and sell them to persons who are permanently residing and fully liable to pay tax in Greenland. Requirements to this effect may be laid down to the extent such persons themselves will process the minerals in Greenland or otherwise use the minerals commercially in Greenland. The licensee must sell the minerals at arm's length prices and on arm's length terms.

(5) A licence under section 16 above may determine the extent to which the licensee must conduct surveys and prepare and implement plans to ensure that exploration or exploitation of mineral resources is socially sustainable. The Government of Greenland must approve such surveys and plans.

(6) The Government of Greenland may lay down specific provisions regarding the matters referred to in subsections (1)-(5), including the extent of Greenlandic labour, Greenlandic enterprises **and persons covered by subsection (4).**

19. Before exploitation and measures relating thereto are initiated, the Government of Greenland must have approved an exploitation plan for the enterprise, including production organisation and related facilities. When so required by changed circumstances, the licensee must as soon as possible submit an amended plan to the Government of Greenland for approval.

20.-(1) When approving the exploitation plan under section 19 above, the Government of Greenland may on specified terms allow the licensee to establish and operate related power facilities that can supply the mining facility or the offshore facility and other related facilities with power from wind or other energy sources. The licence for related power facilities is

granted as part of an exploitation licence. A power facility must be approved according to section 19 above. In connection with the granting of a power licence, the location of power cables, etc. is also considered.

(2) In a power licence under subsection (1) above, the Government of Greenland may lay down terms on the power facility and its use, etc., including terms on reversion, coordination of the use by several licensees of the same power facility and the duty to supply power to others.

(3) In a power licence under subsection (1) above, the Government of Greenland may lay down terms to the effect that the licensee must pay consideration to the Greenland Self-Government. The licence may include a provision to the effect that an annual fee is payable, calculated on the basis of the size of the area covered by the licence (area fee), or on the basis of the energy resource exploited (volume fee) or the energy produced (royalty). Terms may also be laid down on the payment to the Greenland Self-Government of a share of the profits from the activities covered by the licence (profits fee).

21.–(1) When approving an exploitation plan under section 19 above, the Government of Greenland may on specified terms grant a licence to establish and operate related pipeline facilities that may be used for transport of liquid or gaseous substances to or from the mining facility, the offshore facility or a related power facility and other related facilities.

(2) In a pipeline licence under subsection (1) above, the Government of Greenland may lay down terms on the pipeline facility and its use, etc., including terms on reversion, coordination of the use by several licensees of the same pipeline facility and the duty to provide transport services to others.

(3) In a pipeline licence under subsection (1) above, the Government of Greenland may lay down terms to the effect that the licensee must pay consideration to the Greenland Self-Government. The licence may include a provision to the effect that an annual fee is payable, calculated on the basis of the amount of substances that is transported or can be transported through the pipeline or terms on the payment to the Greenland Self-Government of a share of the profits from the activities covered by the licence (profits fee).

Part 6

Special rules on exploration and exploitation of hydrocarbons

22.–(1) As regards hydrocarbons, licences under section 16 above for exploration and exploitation are granted for a period of up to ten years or, if special circumstances exist, for a period of up to 16 years. A licence may be extended with a view to exploration by up to three years at a time.

(2) When the terms stipulated in a licence under subsection (1) above have been fulfilled, the licensee is entitled to extension of the licence with a view to exploitation. The licence is extended for those parts of the area that contain commercially exploitable deposits which the licensee intends to exploit. The licence is extended for a period of 30 years. The Government of Greenland may stipulate as a condition for the extension that an application for approval under section 19 above must be submitted within a specified reasonable deadline.

(3) The period for exploitation laid down under subsection (2) above may be extended by the Government of Greenland if warranted by special circumstances; but see section 16(5) above.

23.–(1) Licences under section 16 above for exploration and exploitation of hydrocarbons are granted as provided by the Government of Greenland in one of the manners mentioned in subsections (2)-(5) below.

(2) A licence under section 16 above may be granted following a general public invitation to apply for licences (a licensing round). The Government of Greenland publishes a notice of the invitation for applications at least 90 days before expiry of the deadline on the Government of Greenland's website and in another manner.

(3) A licence under section 16 above may be granted following a special public invitation to apply for licences (a special licensing round) if an application for a licence for an area has been submitted without prior invitation pursuant to subsection (2) above and the Government of Greenland finds that the application should be considered. The Government of Greenland publishes a notice on the application and an invitation for other applications for licences in the same area. The notice is published not later than 90 days after receipt of the application on the Government of Greenland's website and in another manner. The deadline for submitting other applications is 90 days after publication of the notice.

(4) The Government of Greenland may determine that for a specified period a specified area must be open for the successive granting of licences under section 16 following applications to this effect (an open door procedure) if the Government of Greenland deems it inexpedient to apply the procedures mentioned in subsections (2) and (3) above. The Government of Greenland publishes a notice on the open door procedure on the Government of Greenland's website and in another manner. Changes in the open door procedure will be published in the same manner. Applications for licences under the open door procedure must be submitted 90 days after the publication of the notice at the earliest.

(5) A licence under section 16 above for a specified area may be granted according to a neighbouring block procedure to a licensee under a licence for a neighbouring area, without applying the procedures referred to in subsections (2)-(4) above if the Government of Greenland deems that such procedure is warranted by geological or exploitation-related considerations. The Government of Greenland sends a notice of the neighbouring block procedure to all licensees under licences for neighbouring areas. The notice of the neighbouring block procedure must include information on the application procedure, the deadline for applications and the licence terms.

(6) The Government of Greenland may refrain from granting a licence on the basis of applications submitted by the use of the procedures mentioned in subsections (2)-(5) above.

24.–(1) Licences under section 16 above for exploration and exploitation of hydrocarbons are granted on the basis of the selection criteria set out in subsections (2)-(6) below.

(2) One selection criterion is the applicant's expert knowledge, including:

- (i) The applicant's previous experience in exploration or exploitation of hydrocarbons.
- (ii) The applicant's previous experience in exploration or exploitation of hydrocarbons in areas with similar conditions.

(3) A second selection criterion is the applicant's financial background

(4) A third selection criterion is the way in which the applicant intends to perform exploration work and initiate exploitation in the area covered by the application, including:

- (i) The applicant's systems and procedures in connection with safety, health and the environment.
- (ii) The applicant's willingness and ability to perform thorough and efficient exploration for

hydrocarbons in the area covered by the application as shown by the exploration activities (work programme) offered by the applicant and related documentation.

(5) In the evaluation of an applicant, the Government of Greenland attaches importance – besides the criteria mentioned in subsections (2)-(4) above – to the applicant's non-efficiency or non-performance of obligations in connection with previous licences in Greenland.

(6) Moreover, the Government of Greenland may stipulate other relevant, objective and non-discriminatory selection criteria with a view to making the final choice between applicants deemed to be equal following an evaluation according to the selection criteria mentioned in subsections (2)-(5) above.

(7) When establishing the procedure for granting licences, the Government of Greenland may decide that the Government of Greenland may make up groups of enterprises that are granted licences jointly. The make-up is then made on the basis of one or more of the criteria mentioned in subsections (2)-(6) above.

(8) When establishing the procedure for granting licences, the Government of Greenland may decide that the Government of Greenland may appoint the operator of a group of enterprises that are granted a licence jointly. The appointment is then made on the basis of expert knowledge and possibly some of the other criteria mentioned in subsections (2)-(6) above.

(9) The criteria mentioned in subsections (2)-(6) above and provisions on the relative weighting of such criteria are published together with the invitation to submit applications mentioned in section 23(2)-(4) above and the notice of the neighbouring block procedure mentioned in section 23(5) above.

25.–(1) When resource, economic or social considerations so require, the Government of Greenland may order a licensee under this Greenland Parliament Act to submit, before a specified deadline, a satisfactory plan for exploitation measures, etc. under section 19 above for a deposit considered to be commercially exploitable. The Government of Greenland must approve the plan. Following approval of the plan, the Government of Greenland may order the licensee to initiate exploitation. At the same time, the licence is extended with a view to exploitation for the part of the licence area covering the deposit, for a period of 30 years.

(2) A licensee's obligations under an order to initiate exploitation, see subsection (1) above, must be fulfilled not later than three years after the issue of the order, unless the licensee has returned the parts of the licence area covered by the order or returned the licence before such date.

26.–(1) When approving the exploitation plan, see section 19 above, the Government of Greenland stipulates terms on the quantity to be exploited on the basis of the information in the exploitation plan and the exploitation starting date.

(2) Where considerations for appropriate and efficient exploitation so require or decisive social considerations so necessitate, the Government of Greenland may make changes in approved exploitation plans or determine a new quantity that may be exploited.

27.–(1) Where a hydrocarbon deposit extends through the areas of several licensees, the licensees must coordinate exploration and exploitation, if any. The Government of Greenland must approve agreements to this effect. If no agreement on a coordination agreement can be

reached within a reasonable time, the Government of Greenland may stipulate the terms of such coordination.

(2) Where a deposit stretches into the sovereignty of another nation, the Government of Greenland may, if an agreement is made with such other nation on coordination of exploration and exploitation, order the licensee of the Greenland part of the deposit to participate in such agreement and stipulate the terms thereof.

28. Where, based on resource, economic or social considerations, two or more hydrocarbon deposits should be exploited together, the Government of Greenland may issue an order to this effect following negotiations with the licensees. Under such order, a licensee may be ordered, against payment, to make processing and transport facilities available for such coordination. In the absence of agreement between the licensees, the Government of Greenland will determine the amount of such payment.

Part 7

Special rules on exploration and exploitation of minerals

29.-(1) As regards minerals, exploration licences under section 16 above are granted for a period of up to ten years or, if special circumstances exist, for a period of up to 16 years. A licence may be extended with a view to exploration by up to three years at a time. An extension for more than ten years may be granted on modified terms.

(2) A licensee who, under a licence under subsection (1) above, has discovered and delimited deposits that the licensee intends to exploit and who has otherwise met the terms of the licence is entitled to be granted an exploitation licence. The licence may be granted to a company designated by the licensee; see section 16(3) above. The licence is granted for those parts of the area that contain deposits which the licensee intends to exploit. The licence is granted for a period of 30 years, unless a shorter period has been laid down as a condition for granting the licence.

(3) The Government of Greenland may extend the period for exploitation stated in subsection (2) above; but see section 16(5) above.

(4) In an area covered by a licence under section 16 for exploitation of minerals, no parties other than the licensee may perform activities under a licence for prospecting, exploration or exploitation of minerals.

30. In a licence under section 16 above for exploitation of minerals, terms pursuant to section 17(1)-(2) above may only be laid down if stipulated in the exploration licence, or if section 17(3) above or a similar rule in Greenland tax legislation is applied.

(2) In a licence under section 16, for the exploitation of minerals, the Greenland Self-Government can stipulate terms on deadlines for matters of material importance to the execution of the exploitation activities and other activities under the licence. Naalakkersuisut can decide that a licence shall lapse or be revoked if a deadline or an extended deadline is not met.

31.–(1) The Government of Greenland may lay down specific provisions on minerals, including on exploration, exploitation, processing, storage, depositing, transport, trading, export, import and certification of minerals.

(2) The Government of Greenland may lay down provisions to the effect that certain minerals may only be processed and traded according to a licence or approval granted by the Government of Greenland. The Government of Greenland may lay down provisions or terms for such licences or approvals. Activities mentioned in subsection (1) above, which a licensee intends to perform pursuant to a licence under section 16 above, require only approval.

Part 8

Special rules on small-scale exploration and exploitation of minerals

32.–(1) The rules of this Greenland Parliament Act on exploration and exploitation of minerals also apply to small-scale exploration and exploitation of minerals, unless otherwise stated in this Part 8. The same applies to provisions laid down by the Government of Greenland on exploration and exploitation of minerals under this Greenland Parliament Act.

(2) Irrespective of section 16(3), a small-scale exploration and exploitation licence (small-scale licence) will only be granted to natural persons who meet the requirements in subsection (3) and museums which meet the requirements in subsection (6).

(3) A small-scale licence will only be granted to a natural person who meets the following requirements:

(i) The person has had his registered address in Greenland for at least the previous five consecutive years.

(ii) The person has his registered address in Greenland.

(iii) The person has been fully liable to pay tax in Greenland for a total period covering at least the previous five consecutive years.

(iv) The person is fully liable to tax in Greenland.

(v) The person is of full legal capacity and has the right to dispose of his assets, including not in suspension of payments, bankruptcy or in a comparable situation.

(4) The Government of Greenland may depart in full or in part from the minimum time requirements of 5-year periods under subsection (3)(i) and (iii) when deemed reasonable based on the person's connection with Greenland and when the person has lived outside Greenland for educational or similar reasons.

(5) A person who is a licensee under a small-scale licence must meet the requirements in subsection (3) for the duration of the licence.

(6) A small-scale licence may be granted to a museum which is the Greenland National Museum or an approved museum under the legislation applying to museums. A museum may only be granted a non-exclusive small-scale licence.

(7) A museum which is a licensee under a small-scale licence must meet the requirements in the first sentence of subsection (6) for the duration of the licence.

33.–(1) The Government of Greenland may grant exclusive or non-exclusive licences for small-scale exploration or exploitation of minerals on specific terms. A small-scale licence will not be granted for the exploration for or exploitation of radioactive minerals.

(2) Small-scale licences may be granted as licences for simultaneous exploration and exploitation or separately for exploration and exploitation, respectively. In small-scale

exploration licences, the licensee may be granted a preferential right to a small-scale exploitation licence. A small-scale exploration, exploitation or simultaneous exploration and exploitation licence may grant the licensee a preferential right to an ordinary exclusive mineral resource exploration or exploitation licence under section 16 and provide the terms relating thereto.

(3) The licensee under a small-scale licence must have the expertise and financial background required for the activities under the licence. The licensee must generally trade at arm's length prices and on arm's length terms.

(4) A small-scale licence may be granted to one person or several persons jointly if each of them meets the requirements to be a licensee as specified in section 32(3)-(5). However, a small-scale licence will not be granted to more than five persons.

(5) A person may not be a licensee under more than five small-scale licences in any one calendar year.

(6) Subject to approval by the Government of Greenland, a person granted a licence under subsection (1) above may organise guided tours for residents and non-residents with a view to presenting Greenland's geology.

34.-(1) The Government of Greenland may lay down provisions on a maximum number of small-scale licences that may be in force at any one time.

(2) A small-scale licence under section 33 is granted for a period of up to three years.

(3) A licensee who under an exclusive small-scale licence has demonstrated commercially exploitable deposits of minerals and initiated exploration of the deposits, and who otherwise meets the terms stated in the licence, is entitled to an extension of the licence period by up to ten years at a time. The total licence period is subject to a maximum of 30 years.

(4) The licence area for a small-scale licence is provided in the licence; but see subsections (5)-(7).

(5) The licence area for an exclusive small-scale licence may not be larger than 1 km².

(6) The licence area for an exclusive small-scale licence may not be granted for areas which at the time of grant of the small-scale licence are covered by an ordinary exclusive mineral resource exploration or exploitation licence under section 16 or another exclusive small-scale licence under section 33.

(7) The licence area for a non-exclusive small-scale licence does not include areas which at the time of grant of the small-scale licence currently are or later become covered by an ordinary exclusive mineral resource exploration or exploitation licence under section 16 or another exclusive small-scale licence under section 33; but see section 34a.

34a.-(1) A non-exclusive small-scale licence may be granted for an area covered by an ordinary exclusive mineral resource exploration or exploitation licence under section 16 or an exclusive small-scale licence under section 33 if written consent is granted by the licensee under the exclusive licence. The written consent must be evidenced to the Government of Greenland by submitting the consent document to the Government of Greenland if so requested by the Government of Greenland.

(2) The licensee under the exclusive licence granted under section 16 or section 33 may withdraw the consent granted under subsection (1) by notification to the licensee under the non-exclusive small-scale licence. After the withdrawal, the non-exclusive small-scale licence will not cover the area covered by the exclusive licence.

(3) The licensee under the non-exclusive small-scale licence is not entitled to make any claim for damages or other claims against the licensee under the exclusive licence or the Government of Greenland as a result of the withdrawal of the consent under subsection (1) or any loss incurred on that basis.

35.–(1) When the licensee is a natural person, the small-scale licence only covers exploration and exploitation carried out personally by the licensee or by members of the licensee's household; but see subsections (4) and (5).

(2) When the licensee is several natural persons, the small-scale licence only covers exploration and exploitation carried out personally by the licensees or by members of the licensees' households; but see subsections (4) and (5).

(3) When the licensee is a museum, the small-scale licence only covers exploration and exploitation carried out personally by members of the museum's management or by the museum's permanent staff; but see subsection (5).

(4) The Government of Greenland may issue a permit to a licensee under an exclusive small-scale licence to employ up to nine persons in the licence area at the same time; but see subsection (5). This applies regardless of whether the persons are employed by the licensee or carry out activities for the licensee without being employed by the licensee.

(5) No more than ten persons may perform activities in a licence area at the same time. This applies regardless of whether the persons are the licensee, members of the licensee's management, the licensee's employees, members of the licensee's or management's households or other persons employed by the licensee.

36.–(1) In small-scale licences, the Government of Greenland may lay down specific terms on the performance of activities under the licence, taking into account the licensee's planned mineral resource activities, including the nature and scope of the activities. When changed activities or circumstances so warrant, the Government of Greenland may modify the terms.

(2) In small-scale licences, the Government of Greenland may lay down specific terms on the activities that may be performed without special approval, that may be performed only according to special approval and that may not be performed, respectively.

(3) Under non-exclusive small-scale licences, mineral resource activities may be performed only by using handheld non-mechanical tools such as hammers, chisels, crowbars and pickaxes; but see subsection (4).

(4) In response to an application by the licensee under a non-exclusive small-scale licence, the Government of Greenland may grant a special approval to the effect that mineral resource activities under the licence may also be performed in one or more specific areas by using handheld mechanical tools such as drills, cutters and milling machines and by means of minor blasting activities. The Government of Greenland may lay down specific provisions on the approval of such activity and the relevant terms.

(5) The mineral resource activities under an exclusive small-scale licence may be performed by using non-mechanical and handheld mechanical tools.

(6) In response to an application by the licensee under an exclusive small-scale licence, the Government of Greenland may grant a special approval to the effect that mineral resource activities under the licence may also be performed by means of minor blasting activities. The Government of Greenland may lay down specific provisions on the approval of such activity and the relevant terms.

(7) The Government of Greenland may lay down specific provisions and terms on the performance of mineral resource activities, related activities, the use of tools, vehicles and facilities, etc.

36a.–(1) The Government of Greenland monitors and decides whether activities planned and performed under a small-scale licence are small-scale mineral resource activities or ordinary mineral resource activities which may only be performed under an ordinary mineral resource prospecting, exploration or exploitation licence under section 15 or sections 16 and 29.

(2) If planned mineral resource activities under a small-scale licence applied for are not small-scale mineral resource activities, the Government of Greenland may refuse an application for a small-scale licence and refer the applicant to apply for an ordinary licence under section 15 or sections 16 and 29.

(3) If mineral resource activities planned or performed under a granted small-scale licence are not small-scale mineral resource activities, the Government of Greenland may withdraw the small-scale licence and refer the applicant to apply for an ordinary licence under section 15 or sections 16 and 29. The licensee under a small-scale licence is not entitled to make any claim for damages or other claims against the Government of Greenland as a result of the withdrawal of the small-scale licence or any loss incurred on that basis.

(4) The Government of Greenland may lay down specific provisions, terms and make decisions on the matters mentioned in subsections (1)-(3), including about details and criteria of importance to the decision under subsection (1), about matters relating to the withdrawal of a small-scale licence under subsection (3) and about any right of the licensee to be granted an ordinary licence under section 15 or sections 16 and 29 subject to the licensee's performance of all of the relevant requirements and terms.

37.–(1) The rules of section 18(5) above on surveys on and plans for social sustainability do not apply to **small-scale licences**.

(2) The rules of Part 15 below on environmental impact assessment do not apply to **small-scale licences** and activities under such licences, except for activities assumed to have a potential significant impact on the environment.

38.–(1) A licensee who intends to exploit mineral resources must prepare a plan for the exploitation and activities, measures, etc. related thereto (an exploitation plan) and a plan for activities, measures, etc. in connection with the cessation of the exploitation and closure of any facilities, etc. (a closure plan). The Government of Greenland must approve the plans before the licensee initiates exploitation or activities and measures related thereto. The rules of sections 19, 42 and 43 apply by analogy.

(2) The rules of subsection (1) above do not apply if a licensee under a non-exclusive licence only intends to exploit mineral resources by using handheld non-mechanical tools such as hammers, chisels, crowbars and pickaxes. The licensee must then submit a declaration to this effect to the Government of Greenland. The declaration must be approved by the Government of Greenland before the licensee initiates exploitation or activities and measures related thereto.

38a.–(1) The Government of Greenland may lay down specific provisions and terms on small-scale mineral resource activities and small-scale licences, including on the matters

referred to in sections 32-38 about the payment of a fee for granting small-scale licences under section 33(1) above and the submission of applications therefor and payment of expenses in connection with the authorities' consideration and other regulatory processing concerning small-scale mineral source activities and small-scale licences.

(2) The Government of Greenland may lay down specific provisions and terms to the effect that agreements between a licensee under a small-scale licence and the licensee's employees, consultants, suppliers of goods and services, creditors and purchasers of minerals, etc. must be approved by the Government of Greenland and that the Government of Greenland may lay down the terms of such approval.

Part 9

Subsoil licences

39. The Government of Greenland may for a specific area and on specific terms grant a licence for use of the subsoil for storage or purposes relating to prospecting, exploration or exploitation of mineral resources. A subsoil licence may be granted for a period of up to 50 years. If required as a result of the permitted use of the subsoil or other very special circumstances, including storage of gases, a subsoil licence may, however, be granted for a specified longer period or after the granting of the licence be extended for a specified period.

40. In a subsoil licence under section 39 above, the Government of Greenland lays down the extent to which the licensee must pay consideration to the Greenland Self-Government. The licence may include terms to the effect that an annual fee is payable, calculated on the basis of the size of the area covered by the licence (area fee) or on the basis of the volume of gases, liquids, substances or materials stored in or otherwise injected into the subsoil (volume fee). Terms may also be laid down on the payment of a fee calculated on the basis of the use of the subsoil, etc. (usage fee) or terms on the payment to the Greenland Self-Government of a share of the profits from the activities under the licence (profits fee).

41. The Government of Greenland may lay down specific provisions on subsoil licences under section 39 above, including provisions to the effect that the rules of the Greenland Parliament Act on exploitation of mineral resources and exploitation licences must apply by analogy to subsoil licences.

Part 10

Cessation of activities under licences

42.—(1) In licences under this Greenland Parliament Act, specific provisions are laid down on the licensee's obligations on the cessation of activities to remove facilities, etc. established by the licensee and otherwise subsequently to clean up, monitor, etc. the affected areas; regarding exploitation, see also section 43 below.

(2) For approvals under sections 43 and 86 below, the Government of Greenland may lay down terms to ensure fulfilment of the licensee's obligations pursuant to subsection (1) above, including provision of security. When changed circumstances so require, including extension of facilities, the Government of Greenland may lay down modified terms, including on changed security.

(3) If the licensee does not comply with an order to implement the measures mentioned in subsection (1) above, the Government of Greenland may implement them for the licensee's account and risk.

43.–(1) In connection with an application for approval of exploitation measures, etc. under section 19 above, the licensee must submit a plan for steps to be taken on cessation of activities in respect of facilities, etc. established by the licensee, and how the affected areas will be left (closure plan). If the licensee plans to leave facilities, etc. in the area that for environmental, health or safety reasons will require maintenance or other measures after the closure, the closure plan must include plans for the maintenance or the measures and monitoring thereof.

(2) The closure plan must state how to ensure that the plan can be financially implemented.

(3) The Government of Greenland must approve the closure plan before exploitation and measures aimed at exploitation are initiated; see section 19 above. In connection with the approval, the Government of Greenland may lay down terms on protection of the environment and safety and health measures after the cessation of activities, including monitoring in a period after closure.

(4) The closure plan must be kept updated in relation to developments in the exploitation activities and in society. When changed circumstances so require, the Government of Greenland may decide that the plan and the security provided for its implementation must be altered. The Government of Greenland must approve updates and alterations of the closure plan and changes of the security provided for its implementation.

44.–(1) Suspension of exploitation activities for a period with a view to subsequent resumption of the activities is subject to approval by the Government of Greenland. The approval is intended to ensure that facilities, etc. are maintained and monitored while the exploitation activities are suspended and that the closure plan mentioned in section 43 above can be implemented at a later time if activities are not resumed. Approval must also ensure that plans for safety, health, the environment, etc. are adapted to the temporary suspension of exploitation activities and a possible subsequent final cessation of the exploitation activities. Approval may be granted for up to two years at a time. Renewed approval may be granted on modified terms.

(2) If temporary suspension has lasted six years, or if the terms for suspension are not met, the Government of Greenland may order the licensee to implement the closure plan mentioned in section 43 above.

Part 11

Collection and extraction of minerals without a licence

45.–(1) A person who is a permanent resident of and fully liable to pay tax in Greenland may carry out non-commercial collection of loose minerals without a licence being required; but see sections 45b-45d.

(2) If a permanent resident sells minerals which have been collected under subsection (1) above, processes such minerals and sells them or exports such minerals from Greenland with a view to selling or processing and selling, the collection of minerals is commercial and falls within the scope of section 45a. The same applies to the extent that the total value of the

minerals exceeds DKK 100,000 per year.

(3) A permanent resident may for non-commercial purposes export minerals from Greenland for own personal use without an export licence being required; but see sections 45c and 45d. A permanent resident may for non-commercial purposes also export minerals from Greenland for the personal and non-commercial use of others without an export licence being required, provided that the total value of the minerals does not exceed DKK 25,000 per year; but see sections 45c and 45d.

(4) A permanent resident may only export minerals from Greenland for commercial purposes if an export licence therefor has been obtained. The same applies to non-commercial export of minerals from Greenland in the situations falling outside the scope of subsection (3).

(5) The Government of Greenland may lay down specific provisions on the matters mentioned in subsections (1)-(4).

45a.-(1) A permanent resident, see section 45(1), may carry out commercial collection of loose minerals and extraction of minerals without a licence being required, if the total value of the minerals does not exceed DKK 100,000 per year; but see sections 45b-45d. The extraction may be performed only by using handheld non-mechanical tools such as hammers, chisels, crowbars and pickaxes.

(2) The value of minerals collected or extracted in accordance with subsection (1) is fixed at an amount corresponding to the selling price in a sale at arm's length prices and on arm's length terms.

(3) If the total value of minerals collected or extracted in accordance with subsection (1) exceeds DKK 100,000 per year, the minerals must be deposited with the Government of Greenland to the extent that their value exceeds DKK 100,000.

(4) A person who has deposited minerals in accordance with subsection (3) may apply for a small-scale licence to exploit the minerals pursuant to the rules in Part 8 for the area in which the minerals have been collected or extracted.

(5) If a small-scale licence is granted as specified in subsection (4), the Government of Greenland will hand over the deposited minerals to the licensee. If such a small-scale licence is not granted or is not applied for within twelve months from the date on which the minerals were deposited, the Government of Greenland will sell the deposited minerals. The proceeds from the sale of the minerals will accrue to the Treasury.

(6) A permanent resident intending to collect or extract minerals of a total value exceeding DKK 100,000 per year, see subsection (2), may apply for a small-scale licence to exploit the minerals pursuant to the rules in Part 8 for the area in which the resident intends to collect or extract the minerals. If the resident does not apply for or is not granted such a small-scale licence, subsections (1)-(5) will apply.

(7) With effect from 1 January of the year after the entry into force of this Greenland Parliament Act, the amount of DKK 100,000 in subsections (1), (2) and (6) will be adjusted annually in accordance with the Greenland consumer price index.

45b.-(1) Collection pursuant to section 45 may be carried out in an area covered by an ordinary exclusive mineral resource exploration licence under section 16 or an exclusive small-scale mineral resource exploration licence under section 33.

(2) Collection pursuant to section 45 may not be carried out in an area covered by an ordinary exclusive mineral resource exploitation licence under section 16 or an exclusive

small-scale mineral resource exploitation licence under section 33; but see subsection (4).

(3) Collection and extraction pursuant to section 45a may not be carried out in an area covered by an ordinary exclusive mineral resource exploration or exploitation licence under section 16 or an exclusive small-scale mineral resource exploration or exploitation licence under section 33; but see subsection (5).

(4) Collection pursuant to section 45 may be carried out in a licence area covered by an exclusive licence as mentioned in subsection (2) if written consent is granted by the licensee under the exclusive licence.

(5) Collection and extraction pursuant to section 45a may be carried out in a licence area covered by an exclusive licence as mentioned in subsection (3) if written consent is granted by the licensee under the exclusive licence.

(6) The written consent pursuant to subsections (4) and (5) must be evidenced to the Government of Greenland by submitting the consent document to the Government of Greenland if so requested by the Government of Greenland.

(7) The licensee under the exclusive licence may withdraw the consent granted under subsections (4) and (5) by notification to the recipient of the consent. After the withdrawal, no collection or extraction under sections 45 and 45a may be carried out in the area covered by the exclusive licence.

(8) The recipient of a consent granted under subsections (4) and (5) is not entitled to make any claim for damages or other claims against the licensee under the exclusive licence or the Government of Greenland as a result of the withdrawal of the consent or any loss incurred on that basis.

45c.—(1) The right to collect, extract and export minerals from Greenland under sections 45 and 45a does not extend to radioactive minerals.

(2) The Government of Greenland may lay down specific provisions to the effect that specific minerals are excluded from the right to collect, extract and export minerals from Greenland under sections 45 and 45a.

(3) The Government of Greenland may lay down specific provisions to the effect that minerals which have been collected or extracted under section 45 or section 45a may only be exported from Greenland if an export licence has been granted by the Government of Greenland.

(4) The Government of Greenland may lay down specific provisions to the effect that specific minerals may not be sold until their value has been determined.

45d. The Government of Greenland may lay down specific provisions regarding the collection of loose minerals and extraction of minerals under sections 45-45a, including processing, storage, depositing, transport, trading, export, import and certification.

45e.—(1) Non-residents, see section 45(1), may not collect or extract minerals; but see section 33(6).

(2) Only non-residents who have obtained a relevant export licence may export minerals; but see subsection (3).

(3) Non-residents may for non-commercial purposes export minerals from Greenland without an export licence being required, provided that the minerals have been purchased by a permanent resident and the purchase can be documented.

(4) The right to export minerals from Greenland under subsections (2) and (3) does not extend to radioactive minerals.

(5) The Government of Greenland may lay down provisions to the effect that specific minerals are excluded from the right to export minerals from Greenland under subsections (2) and (3).

~~45f. Non-residents and tourists may not collect minerals with a view to taking them out of Greenland.~~

46.–(1) The Government of Greenland may approve that local authorities collect and extract gravel, stone and similar minerals to be used locally as road and building materials etc. for the establishment and maintenance of common roads, open spaces, quays, houses, buildings, etc.; but see subsection (2) below. The Government of Greenland may in connection with an approval stipulate terms on all matters relating to exploitation. If exploitation is approved, it may be carried out without an exploitation licence to the extent and on the terms set out in the approval. Exploitation must be carried out in a sound manner as regards safety, health and the environment.

(2) Exploitation under subsection (1) above may not be carried out in areas where a licence has been granted under section 16 or section 33 above and may only be carried out subject to subsoil licences under section 39 above.

47.–(1) The Government of Greenland may approve that enterprises that manufacture and supply concrete, concrete articles as well as gravel, stone and similar minerals for use in Greenland as road and building materials, etc. collect and extract such minerals for such use; but see subsections (2) and (4) below. The Government of Greenland may in connection with an approval stipulate terms on all matters relating to exploitation. If exploitation is approved, it may be carried out without an exploitation licence to the extent and on the terms set out in the approval. Exploitation must be carried out in a sound manner as regards safety, health and the environment.

(2) Exploitation under subsection (1) above may not be carried out in areas where a licence has been granted under section 16 and section 33 above and may only be carried out subject to subsoil licences under section 39 above.

(3) Enterprises that have for a minimum of two years before the commencement of this Greenland Parliament Act met the requirements of subsection (1) above and carried on the activities mentioned in that subsection will be granted approval under subsection (1).

(4) Areas in towns and settlements for the purpose of the activities mentioned in subsection (1) above are allocated by the district council pursuant to the rules of the land use legislation.

48. The Government of Greenland may lay down specific provisions on the collection and extraction of minerals under sections 45-47 above, including provisions to the effect that certain areas are exempted from collection and extraction under sections 45-47.

Part 12
Scientific surveys

49.–(1) Geological, geophysical, glaciological, hydrological and other surveys of a scientific nature of importance to the activities mentioned in section 2(2)(i)-(iv) above are permitted only according to licences granted by the Government of Greenland under this Greenland Parliament Act; but see section 2(3) and (4) above.

(2) The Government of Greenland may lay down specific provisions on scientific surveys, including on payment of expenses in connection with rescue operations and insurance cover or provision of security for such payments. ~~Before the Government of Greenland lays down provisions, the Cabinet will consult the Commission for Scientific Surveys in Greenland (KVUG).~~

Part 13

General rules on environmental protection

Environmental protection, climate protection, nature conservation and responsibility for such protection and conservation

50. The rules of this Greenland Parliament Act on environmental protection cover also protection of the climate and conservation of nature unless otherwise provided in this Greenland Parliament Act. The same applies to the rules of the Greenland Parliament Act on liability in damages and other liability for pollution and other environmental impact as well as compensation for environmental damage.

Environmental protection

51.–(1) The rules of this Greenland Parliament Act on environmental protection aim to help protect nature and the environment so that society can develop on a sustainable basis respecting human conditions of life and respecting preservation of animal and plant life.

(2) The environmental protection rules aim to prevent, limit and combat pollution of and other impact on nature and the environment caused by activities that may:

- (i) Endanger human health.
- (ii) Damage animal or plant life or natural or cultural values on or in the soil, in the sea or in the subsoil.
- (iii) Obstruct the rightful utilisation of the soil, the sea, the subsoil or natural resources.
- (iv) Impair recreational values or activities.

(3) In connection with the contents of subsection (2) above, the aim is specifically to:

- (i) Prevent, limit and combat pollution of the soil, the sea, the sea floor, the subsoil, water, air, adverse effects on the climate as well as vibration and noise nuisances.
- (ii) Limit the use and waste of raw materials and other resources.
- (iii) Promote the use of cleaner technology.
- (iv) Promote recycling and limit problems in relation to the disposal of waste.

52.–(1) Through the application and administration of the rules of this Greenland Parliament Act on environmental protection, importance must be attached to what is attainable through the use of the best available techniques, including less polluting facilities, machinery,

equipment, processes, technologies, raw materials, substances and materials and the best possible measures for combating pollution. In this assessment, particular importance must be attached to preventive measures through the use of cleaner technology.

(2) In the evaluation of the scope and type of measures to prevent and combat pollution, importance must be attached to the nature of the external environment and the probable impact of pollution on this and the complete cycle of substances and materials, with a view to limiting the waste of resources as much as possible.

53.–(1) Any party who intends to commence activities under this Greenland Parliament Act and who may cause pollution must choose such a place for carrying on the activities as to limit the danger of pollution as much as possible. In the choice of location, allowance must be made for the nature of the area, including the present and planned future utilisation as well as for the possibilities of appropriate disposal of waste water, waste and other polluting substances and materials.

(2) Anyone who intends to commence, commences or performs activities that may cause pollution must take measures that can prevent such pollution and plan the establishment, organisation and performance of the activities in a manner so that the activities cause the least possible pollution; see section 52 above. In connection with the choice, establishment and arrangement of the facilities, etc. for the activities, including machinery, equipment and any accommodation facilities and in connection with the organisation of operations, including the choice of exploration, exploitation, application or working processes, raw materials, substances and materials for use in connection with the operations as well as emergency and pollution abatement procedures, it must be ensured that pollution, emissions, the generation of waste and the use of resources will be reduced in the best possible manner.

(3) When under this Greenland Parliament Act an enterprise or a person has obligations concerning the protection of the environment or abatement, reduction or control of pollution, the party concerned must in connection with meeting the obligations ensure and promote the use of the best available techniques, including less polluting facilities, machinery, equipment, processes, technologies, raw materials, substances and materials and the best possible measures for the abatement of pollution in so far as this is technically, practically and financially possible for the party concerned; see subsections (1) and (2) and section 52 above.

(4) When under this Greenland Parliament Act an enterprise or a person must ensure that environmental risks are identified, assessed and reduced as much as is practically possible, the party concerned must also, as regards the protection of the environment, ensure and promote the use of the best available techniques, including less polluting facilities, machinery, equipment, processes, technologies, raw materials, substances and materials and the best possible measures for the abatement of pollution in so far as this is technically, practically and financially possible for the party concerned; see subsections (1) and (3) and section 52 above.

(5) The rule of subsection (4) above applies equally with regard to the following situations:

(i) When an enterprise or a person must ensure that another party plans and performs work or other activities in a manner so that environmental risks are identified, assessed or reduced as much as practically possible.

(ii) When an enterprise or a person must ensure supervision of another party planning and performing work or other activities in a manner so that environmental risks are identified, assessed and reduced as much as practically possible.

- (iii) When an enterprise or a person must contribute to identify, assess and reduce environmental risks as much as practically possible.
- (iv) When an employer or other enterprise or person must ensure that an employee receives the necessary training and instructions in performing the work in a manner so that environmental risks are identified, assessed and reduced as much as practically possible.
- (v) When an enterprise or a person must ensure elimination or reduction of environmental risks.
- (vi) When an enterprise or a person must ensure the environmental soundness of a facility, a device, a ship or other vessels and the construction, arrangement and equipment, etc. of the object.

54. The Government of Greenland may lay down specific provisions on environmental protection and the matters mentioned in sections 51-53 above, including provisions on the application of national or international rules, agreements or guidelines concerning environmental protection.

Climate protection

55.–(1) The rules of this Greenland Parliament Act on climate protection aim to help protect the climate so that society can develop on a sustainable basis respecting human conditions of life and respecting preservation of animal and plant life.

(2) The rules on climate protection of this Greenland Parliament Act aim to prevent, limit and combat pollution and other impacts on the climate from activities that may directly or indirectly:

- (i) Endanger human health.
- (ii) Damage animal or plant life or natural or cultural values on or in the soil, in the sea or in the subsoil.
- (iii) Obstruct the rightful utilisation of the soil, the sea, the subsoil or natural resources.
- (iv) Impair human conditions of life.
- (v) Impair recreational values or activities.

56. When the Government of Greenland makes a decision on the granting of a licence for or approval of an activity or the establishment and operation of a facility that is subject to this Greenland Parliament Act, the Government of Greenland attaches importance to, for example, the consideration for avoiding impairment or any other negative impact on the climate.

57. If an activity or a facility that is subject to this Greenland Parliament Act must be presumed to have a significant negative impact on the climate, a licence or an approval may be granted only on the basis of an assessment of the impact of the activity or facility on the climate and after the public and authorities and organisations affected have had an opportunity to express their opinion on it. The assessment is made according to the rules on environmental impact assessments; see Part 15.

58. The Government of Greenland may lay down specific provisions on climate protection and the matters mentioned in sections 55-57 above, including provisions on the application of national or international rules, agreements or guidelines concerning climate protection.

Nature conservation

59. The rules of this Greenland Parliament Act on nature conservation aim to help protect nature and the environment so that society can develop on a sustainable basis respecting human conditions of life and respecting preservation of animal and plant life.

60. When the Government of Greenland makes a decision on the granting of a licence for or approval of an activity or the establishment and operation of a facility that is subject to this Greenland Parliament Act, the Government of Greenland attaches importance to, for example, the consideration for avoiding impairment of nature and the habitats of species in designated national and international nature conservation areas and disturbance of the species for which the areas have been designated.

61.–(1) If an activity or a facility that is subject to this Greenland Parliament Act must be presumed to have a significant impact on nature, a licence or an approval may be granted only on the basis of an assessment of the impact of the activity or facility on nature and after the public and authorities and organisations affected have had an opportunity to express their opinion on it. The assessment is made according to the rules on environmental impact assessments; see Part 15.

(2) If an activity or a facility that is subject to this Greenland Parliament Act must be presumed to have significant impacts on a designated national or international nature conservation area, a licence or an approval may be granted only on the basis of an assessment of the impacts of the activity or facility on the location considering the conservation objectives for the location. If deemed expedient by the Government of Greenland, the general public must be given an opportunity to express its opinions on the assessment of the impacts on the location before a licence or an approval is granted.

(3) In the instances mentioned in subsections (1) and (2) above, a licence or an approval may be granted only if the activity or facility does not damage the integrity of a national or international nature conservation area, or if important public interests, including interests of a social or economic nature, make it imperative to perform the activity or establish and operate the facility; but see subsection (4) below.

(4) If an activity or a facility must be presumed to have a significant impact on a national or international nature conservation area with a prioritised habitat or a prioritised species, the Government of Greenland may in the instances mentioned in subsection (3) above grant a licence for or an approval of the activity or facility only if it is necessary considering human health, public safety or the achievement of significant beneficial environmental impacts, or if other important public interests make it imperative to perform the activity or establish and operate the facility.

(5) When a licence or an approval is granted under subsection (3) or subsection (4) above, the Government of Greenland will lay down appropriate compensatory measures also in relation to terms of the licence or the approval. Expenses for any compensatory measures will be covered by the licence or approval applicant.

62. The Government of Greenland may lay down specific provisions on nature protection and the matters mentioned in sections 59-61 above, including provisions on the application of national or international rules, agreements or guidelines concerning nature protection.

Part 14

Environmental liability

63.–(1) Under the rules on environmental impact in sections 63-66, environmental damage means:

- (i) Pollution of the soil, the sea, the sea floor, the subsoil, water or air.
- (ii) Pollution of or other negative impact on the climate.
- (iii) Pollution of or other significant negative impact on nature, including human beings, fauna or flora.
- (iv) Significant disturbance of matters mentioned in (iii) above because of noise, vibrations, heat, light, etc.

(2) The responsible party means the party performing, managing or supervising the performance of an activity subject to this Greenland Parliament Act. If the party concerned is a party other than the licensee under a licence relating to the activity, the licensee is also responsible for the activity. The two parties are then jointly (jointly and severally) committed and liable and the responsible party under the rules of sections 64-67 below.

(3) The party liable for environmental damage or imminent danger of environmental damage means the party under subsection (2) above who is responsible for an activity that has caused or contributed to the damage or the imminent danger of damage. This provision applies irrespective of how the damage or the imminent danger of damage has arisen and even though the damage or the imminent danger of damage has arisen as a result of fortuitous circumstances.

64.–(1) The party responsible for an imminent danger of environmental damage must immediately initiate necessary preventive measures that can avert the imminent danger of environmental damage and notify the Government of Greenland of the danger and initiate measures. The party responsible for environmental damage must immediately initiate any practically feasible measure that can limit the scope of the damage and prevent any further damage and notify the Government of Greenland of the damage and the measures taken.

(2) The Government of Greenland supervises the fulfilment of the obligations and may issue enforcement notices concerning fulfilment of the obligations and the adoption of measures in relation thereto.

65.–(1) The Government of Greenland may issue an enforcement notice to the responsible party to provide information of importance for an assessment as to whether environmental damage or an imminent danger of environmental damage has occurred. For example, an enforcement notice may be issued to the effect that the responsible party must for its own account conduct studies, make analyses and take measurements of substances or materials or the like with a view to clarifying the cause and effect of pollution that has occurred.

(2) Enforcement notices may be issued irrespective of the responsible party not exercising control of the property or the area where pollution has occurred. The enforcement notice may

lay down an obligation to restore the polluted property or the polluted area, etc.

(3) If the responsible party does not exercise control of the property or the area, the Government of Greenland may issue an enforcement notice to the party controlling the property or the area to the effect that the party concerned must tolerate the responsible party or others conducting studies or restoring the property or area, etc.

(4) Enforcement notices under subsection (3) above are binding on the party who is at any given time controlling the property or the area where pollution has been demonstrated.

66.–(1) In the event of environmental damage or imminent danger of environmental damage that is subject to the rules of sections 63-65 above, the Government of Greenland will reach a decision on the matter and on any measures etc. according to the rules of sections 63-65.

(2) The Government of Greenland will publish its decision. The publication of a decision that environmental damage has occurred or that there is imminent danger of environmental damage is for the account of the responsible party. The Government of Greenland may lay down specific provisions on such publication.

(3) The Government of Greenland may lay down specific provisions on environmental liability, including provisions on the matters mentioned in subsections (1)-(2) and sections 63-65 above.

Compensation for environmental damage

67.–(1) The rules of sections 68-72 below on compensation for environmental damage apply to damage caused by pollution of the soil, the sea, the sea floor, the subsoil, water or air as part of the activities under the Greenland Parliament Act.

(2) The rules of sections 68-72 below apply by analogy to pollution and any other negative impact on the climate or nature as well as disturbances in the form of noise, vibrations, heat, light or the like. Such pollution, impact or disturbance is also covered by the rules on pollution of sections 68-72 below

68. Pursuant to the rules of section 67 and sections 69-72, compensation will be granted for the following types of damage:

(i) Personal injury and loss of dependency.

(ii) Damage to property.

(iii) Other financial loss.

(iv) Reasonable costs of

(a) measures to prevent and abate damage or injury;

(b) restoration of the environment and nature; and

(c) mitigation and neutralisation of pollution and any other negative impact on the environment, climate and nature.

69.–(1) The party who is responsible for environmental damage under section 63 above and causes pollution in connection with an activity under the Greenland Parliament Act must compensate the damage caused by the pollution even if the cause of damage is accidental. If the party concerned is a party other than the licensee under a licence relating to the activity, the licensee is also responsible for the activity. The two parties are then jointly (jointly and severally) committed and liable and the responsible party under the rules of subsections (2)-

(4) and sections 70-72 below.

(2) Liability under subsection (1) above will not be incurred if the responsible party proves that the activity was performed in accordance with indispensable directions laid down by a public authority, unless the directions follow from enforcement notices or instructions that are due to the responsible party's own activities or circumstances.

(3) Compensation for personal injury or loss of dependency may be reduced or lapse if the injured or deceased person intentionally contributed to the damage. Moreover, the compensation may be reduced and in special cases lapse if the injured or deceased person contributed to the damage by gross negligence.

(4) In other cases, compensation may be reduced or lapse if the injured person intentionally or due to gross negligence contributed to the damage.

70.–(1) An agreement concerning derogation from the rules of the Greenland Parliament Act on compensation for environmental damage is invalid if the agreement was concluded before the occurrence of the damage and the derogation is to the detriment of the aggrieved party.

(2) The rule of subsection (1) above does not apply to an agreement between the responsible party and a businessman who acts as part of his trade in so far as the agreement concerns the mutual relationship between the contracting parties. In so far as such an agreement directly or indirectly concerns the relationship of the contracting parties with others, the rule of subsection (1) above applies.

71. The rules of sections 67-70 and section 72 on compensation for environmental damage do not limit the access of the aggrieved party to compensation according to the general law of contractual damages and of non-contractual damages or in pursuance of other provisions laid down in the Greenland Parliament Act or other legislation.

72. The Government of Greenland may lay down specific provisions on compensation for environmental damage and the matters mentioned in sections 67-71 above, including provisions on the application of national or international rules, agreements or guidelines concerning environmental damage.

Part 15

Environmental impact assessment (EIA)

73.–(1) A licence for and approval of one of the following activities can be granted only when an assessment has been made of the impact on the environment (EIA) of the performance of the activity and a report thereon (EIA report) has been approved by the Government of Greenland:

(i) Exploitation of hydrocarbons.

(ii) Exploitation of minerals except small-scale exploitation of minerals under Part 8 and collection and extraction of minerals without a licence under Part 11.

(iii) Use of the subsoil for storage or purposes relating to mineral resource activities.

(iv) Use of energy from wind or the subsoil for activities subject to this Greenland Parliament Act.

(v) Establishment or location and use of large facilities used for activities subject to this Greenland Parliament Act, including fixed offshore units, mobile offshore units,

accommodation vessels, mining facilities, subsoil facilities, related power facilities and related pipeline facilities.

(vi) Cessation of an activity or the operation of a facility, etc. mentioned in subparas (i)-(v) above or dismantling (removal) or closure of a facility, etc. mentioned in subpara (v) above.

(2) If an activity subject to this Greenland Parliament Act and not to subsection (1) above must be assumed to have a potential significant impact on the environment, a licence to and approval of the activity can be granted only when an environmental impact assessment has been made and an EIA report approved by the Government of Greenland.

(3) The Government of Greenland decides whether, in the cases mentioned in subsection (2) above, an environmental impact assessment must be made and an EIA report prepared. The Government of Greenland lays down specific provisions on the criteria to be used for the decision.

74.–(1) The applicant must make the environmental impact assessment, prepare the EIA report and submit it to the Government of Greenland when an approved EIA report is required under the rules of section 73 above. The applicant must also prepare a non-technical summary of the EIA report.

(2) The Government of Greenland may decide that additional material for the environmental impact assessment (EIA) must be provided, or that the EIA responsible party must make additional further studies or assessments of specific conditions of importance to the environmental impact assessment.

(3) The Greenland Parliament lays down specific provisions on the performance of environmental impact assessments as well as the preparation and approval of EIA reports, including on the material to be provided for the purpose of the environmental impact assessments.

75.–(1) Information about the submission of an EIA report will be published on the Government of Greenland's website or in another suitable manner.

(2) Similarly, information is published on the decision of a case, including any terms, the most important reasons and considerations forming the basis of the decision and, if necessary, a description of the most significant measures to avoid, limit or mitigate negative impacts.

Part 16

Social sustainability assessment (SSA) and social sustainability agreements

76.–(1) If an activity subject to this Greenland Parliament Act must be assumed to have a potential significant impact on social conditions, a licence for and approval of the activity can be granted only when a social sustainability assessment (SSA) has been made of the performance of the activity and an SSA report has been approved by the Government of Greenland.

(2) The Government of Greenland decides whether, in the cases mentioned in subsection (1) above, an SSA must be made and an SSA report prepared. The Government of Greenland lays down specific provisions on the criteria to be used for the decision.

77.–(1) The applicant must make an SSA, prepare an SSA report and submit it to the Government of Greenland when an approved SSA report is required under the rules of section 76 above. The applicant must also prepare a non-technical summary of the SSA report.

(2) The SSA report must appropriately demonstrate, describe and assess the direct and indirect impacts of the activity on social conditions as well as the interaction between the conditions, mutual impact between the conditions and cumulative effects of impacts on the conditions.

(3) The Government of Greenland lays down specific provisions on the performance of social sustainability assessments as well as the preparation and approval of SSA reports, including on the material to be provided for the purpose of an SSA.

(4) Information about the submission of an SSA report will be published on the Government of Greenland's website or in another suitable manner.

78. The Government of Greenland may decide that additional material for an SSA must be provided, or that the SSA responsible party must make additional studies or assessments of specific conditions of importance to the social sustainability assessment.

78a.–(1) In a licence under section 16, the Government of Greenland must specify terms on the extent to which a licensee must enter into and comply with a social sustainability agreement and other socio-economic issues.

(2) The agreement referred to in subsection (1) may relate to agreements on the licensee's compliance with obligations pursuant to section 18(1)-(4) and on the education or training of Greenlandic manpower.

Part 17

Safety and health on offshore facilities

79.–(1) The licensee must ensure that safety and health risks in relation to offshore facilities used for exploration, exploitation or transport of hydrocarbons have been identified, assessed and reduced as much as is practically possible.

(2) The licensee must ensure that supervision is exercised of the operation of an offshore facility taking place in accordance with this Greenland Parliament Act, other legislation and rules issued under the Greenland Parliament Act and other legislation.

(3) The licensee must ensure that the enterprise that on behalf of the licensee performs or checks and is in charge of the performance of activities under the licence is given the opportunity to meet the safety and health obligations imposed on the licensee. The licensee must also ensure that the enterprise in question ensures and supervises that the health and safety risks are identified, assessed and reduced as much as is practically possible, and that activities under the licence are performed in accordance with this Greenland Parliament Act, other legislation and provisions laid down in pursuance of the Greenland Parliament Act and other legislation.

(4) The Government of Greenland may lay down provisions on safety and health in connection with offshore facilities located in the territorial sea or the continental shelf area off Greenland. For example, provisions may be laid down on the responsibility and obligations of the licensee, the allocation of responsibilities among the enterprises and persons performing or engaged in offshore hydrocarbon activities as well as on the preparation of safety and

health report as documentation that the requirements of subsections (1)-(3) above have been met.

Moreover, provisions may be laid down on the management of safety and health, on safety and protection zones, on the construction and dismantling of offshore facilities as well as on equipment, approvals, supervision, emergency preparedness, life-saving measures, training requirements, working hours, etc.

Emergency committee and accident investigation board

80.–(1) The Government of Greenland will set up an emergency committee with the task of coordinating the action of the authorities in the case of accidents and emergencies, including war, on offshore facilities. The members of the emergency committee will supervise the measures taken by those responsible for offshore facilities and will coordinate the authorities' preventive, life-saving and control measures.

(2) The Government of Greenland will lay down rules of procedure for the emergency committee.

81.–(1) The Government of Greenland may set up an accident investigation board with the purpose of investigating major events on and near offshore facilities that have caused damage to facilities or serious injury or damage to persons, property, living or non-living resources or the environment.

(2) The Government of Greenland may order the accident investigation board to investigate events that must be presumed to be of interest for safety, health or the environment in connection with the use of an offshore facility and may lay down specific provisions for the activities of the accident investigation board, including the rights and obligations of the accident investigation board in relation to investigation of the matters mentioned in subsection (1) above.

82.–(1) Those to whom duties have been assigned under this Greenland Parliament Act must upon request provide the Government of Greenland, the emergency committee and the accident investigation board with all information they consider necessary for performing their activities under this Part. This provision also applies to persons who are acting on behalf of those to whom duties under the Greenland Parliament Act have been assigned.

(2) Those to whom duties have been assigned under this Greenland Parliament Act must render the Government of Greenland, the emergency committee and the accident investigation board all necessary assistance during their investigations under this Part.

Part 18

Authority consideration, etc.

83. Activities covered by licences granted under the Greenland Parliament Act must be performed in accordance with acknowledged best international practices in the area under similar conditions. Activities must be performed appropriately as well as in a sound manner as regards safety, health, the environment, resource utilisation and social sustainability.

84.–(1) Subject to legislation whereby powers have been assigned to other authorities, the Government of Greenland may lay down provisions on the performance of activities covered by licences under the Greenland Parliament Act in and outside the area covered by the licence as well as on other activities and matters under the Greenland Parliament Act. The Government of Greenland may lay down provisions on technical matters, matters relating to health and safety in connection with offshore activities as well as environmental matters, resource utilisation and social sustainability.

(2) In a licence, the Government of Greenland may specify terms on all matters relating to the licence in accordance with section 83 and the purposes stated in section 1 and to the same extent lay down provisions on licence terms, including standard terms and model licences.

85.–(1) The Government of Greenland may lay down provisions on export and import of mineral resources.

(2) The Government of Greenland may lay down provisions or make decisions with a view to implementing or applying international agreements or rules on matters under this Greenland Parliament Act in Greenland.

(3) The Government of Greenland may lay down provisions on export and import of rough diamonds and activities relating to rough diamonds as well as provisions aimed at implementing or applying international agreements or rules on rough diamonds, including meeting requirements under the Kimberly Process Certification Scheme.

86.–(1) Activities covered by licences granted under this Greenland Parliament Act, including establishment of buildings, facilities and installations, etc. in and outside the area covered by the licence and measures in connection with temporary suspension of exploitation activities must be approved by the Government of Greenland before implementation in accordance with the terms laid down in the licence. The same applies to measures to satisfy obligations on termination of activities covered by licences under this Greenland Parliament Act. Works performed in connection with activities under this Greenland Parliament Act, including drilling, shaft sinking, driving of drifts, etc. must in each case be approved by the Government of Greenland before implementation.

(2) The Government of Greenland supervises the activities of licensees and others under this Greenland Parliament Act, including provisions and terms laid down in pursuance of this Act. The Government of Greenland may issue an order to ensure compliance with the Greenland Parliament Act, provisions laid down in pursuance of the Act and licence terms. Orders may be issued to licensees or others covered by the Greenland Parliament Act. Supervisory authority employees have at all times, on proof of identity and without a court order, access to all parts of enterprises and activities under this Greenland Parliament Act to the extent required for the purpose of carrying out the supervision.

(3) Licensees and others under this Greenland Parliament Act must submit any information required for the authorities' consideration of their operations or activities under the Act. The Government of Greenland may for the purpose of authority consideration under this Greenland Parliament Act order licensees and others to submit the information in the way and in the form deemed necessary by the Government of Greenland. ~~The Government of Greenland may lay down specific conditions regarding or determine that a licensee must ensure that the licensee's contractors, service providers, suppliers, etc. provide information~~

~~and documents relating to tax issues and make tax payments in accordance with the rules in force in Greenland at any time.~~

(4) Licensees must regularly submit reports on the activities performed and their results. Terms on such reporting and on confidentiality in this connection are laid down in the licences.

(5) Licensees and others under this Greenland Parliament Act pay any expenses incurred in connection with consideration by the authorities under the Greenland Parliament Act. Payment may be charged in the form of fees or reimbursement of expenses. The Government of Greenland lays down specific provisions to this effect.

86a.–(1) The Government of Greenland may lay down specific provisions for the purpose of ensuring that a licensee and its contractors, suppliers, service providers, etc. provide information and documents concerning tax matters and make tax payments in accordance with the rules in force in Greenland at any time.

(2) The Government of Greenland may under subsection (1) lay down provisions to the effect that a licensee must ensure that its contractors, suppliers, service providers, etc. provide information and documents concerning tax matters and make tax payments in accordance with the rules in force in Greenland at any time.

(3) The Government of Greenland may furthermore under subsection (1) lay down provisions to the effect that a licensee must cease its activities under a licence granted under this Greenland Parliament Act until the licensee and its contractors, suppliers, service providers, etc. have provided information and documents concerning tax matters and made tax payments in accordance with the rules in force in Greenland at any time.

(4) The provisions mentioned in subsections (1)–(3) may be laid down in orders, licences, approvals and decisions, etc.

87.–(1) Consideration by the authorities, including approvals, under this Greenland Parliament Act does not exempt licensees and others under the Act from obtaining approvals or permits required under other legislation.

(2) A licence under this Greenland Parliament Act does, however, exempt the licensee and others from meeting requirements on area allocation in and outside the licence area for buildings and facilities; but see section 47(4) above. A licence under this Greenland Parliament Act also entitles the licensee to perform activities covered by the licence as well as other directly related activities.

Part 18a

Pre-consultation and consultation

87a.–(1) If a project must be assumed to have a potential significant environmental or social impact, see sections 73 and 76, the applicant or licensee must prepare a project description to be reported and submitted to the Government of Greenland.

(2) The project description must go out for public pre-consultation for a 35-day period before the contents of the environmental impact assessment (EIA) and the social sustainability assessment (SSA) are determined.

(3) The Government of Greenland may lay down provisions on the contents of the project description and the deadline for submission to the Government of Greenland.

87b.–(1) The Government of Greenland will send out the environmental impact assessment (EIA) and the social sustainability assessment (SSA) for public consultation.

(2) The consultation period is eight weeks. The consultation period begins to run on the date when the Government of Greenland has made all consultation material available to the public. If the consultation period expires on a Saturday, Sunday or a public holiday, the consultation period will be extended to the next business day.

(3) The consultation period must be extended if it proves impracticable to conduct the public consultation meetings or if the Government of Greenland is unable to attend.

87c. During the consultation period, the Government of Greenland must conduct public consultation meetings in towns and villages particularly affected by the activities. If the activities are geographically far away from towns and villages or located outside the municipal boundaries, the Government of Greenland will decide in which towns and villages public consultation meetings are to be held.

87d.–(1) The Government of Greenland will convene public consultation meetings at a minimum notice of 14 days.

(2) The notice convening the public consultation meetings must be advertised in local newspapers and other relevant media.

(3) Minutes must be taken of the consultation meetings. The Government of Greenland will subsequently publish the minutes.

(4) In addition to a general dialogue, time must be allowed at the consultation meetings for stakeholders to read out their statements on the project.

(5) The Government of Greenland will appoint a moderator of the consultation meetings.

Part 19

Other rules

88. Direct or indirect transfer of a licence under this Greenland Parliament Act to a third party is subject to approval by the Government of Greenland.

(2) A licence under this Greenland Parliament Act cannot be attached by creditors.

89. Licences under this Greenland Parliament Act must stipulate the circumstances under which the licence is forfeited or may be withdrawn by the Government of Greenland.

90. A licence may stipulate that a dispute between the Government of Greenland and the licensee as to whether the terms of a licence have been complied with must be brought before a court of arbitration whose decision will be final.

91. The licence must stipulate the extent to which the licensee's obligations remain upon termination of the licence.

92.–(1) A licensee must compensate damage caused in connection with operations or activities under the licence even if the cause of damage is accidental.

(2) The compensation under subsection (1) above may be reduced or lapse if the injured party intentionally or due to gross negligence contributed to the damage.

(3) The licence may stipulate that the licensee's liability must be covered by insurance or another type of security.

(4) The rules of subsections (1)-(3) above apply by analogy to activities performed by others under this Greenland Parliament Act, including licensees under approvals granted pursuant to the Act in so far as their activities are covered by the Act.

(5) The Government of Greenland may lay down provisions to the effect that, in so far as their services are used for operations or activities under the licence, the liability of contractors, suppliers and service providers must be covered by insurance or another type of security.

93.-(1) The Government of Greenland may to the necessary extent allow steps to be taken for compulsory acquisition of real property with a view to activities under this Greenland Parliament Act.

(2) Compulsory acquisition under subsection (1) above is effected in accordance with the rules of the Greenland Parliament Act on compulsory acquisition.

94. The amount of fees, etc. which are paid to cover expenses incurred by the Mineral Resource Authority may be fixed with partial coverage of the expenses.

95. The Government of Greenland may decide that authority tasks under this Greenland Parliament Act must be performed by other public authorities or private parties to a specific extent; but see section 3(1) and (2). Unless otherwise provided in the authorisation, the authorised public authorities or private parties and their employees thus have the same powers as the Government of Greenland and its employees would have in performing the task in question.

95a.-(1) The Government of Greenland will set up a fund from which affected citizens, local communities and relevant organisations in Greenland can apply for funding to initiate assessments and seek advice to identify any special problems in relation to specific mineral resource projects in Greenland as well as to hold meetings about the social and environmental impact of the project.

(2) Applications for funding may be made after a project description has gone out for pre-consultation.

(3) The Government of Greenland may lay down specific provisions on the fund.

Part 20

Sanctions, commencement, etc.

96.-(1) A fine is imposed on anyone who performs activities as mentioned in section 2(2) without a licence under this Greenland Parliament Act.

(2) A fine may be imposed on anyone who intentionally or due to gross negligence:

(ii) Misrepresents or misinforms or fails to disclose information to which an authority is entitled under this Greenland Parliament Act or according to provisions and terms laid down in pursuance of this Act.

(ii) Collects or extracts minerals contrary to section 45, the second sentence of section 45a(1), sections 45b-45c and sections 46-47.

(iii) Fails to deposit excess minerals under section 45a(3).

(iv) Is in breach of terms of licences or approvals granted under this Greenland Parliament Act or provisions laid down pursuant to this Act.

(v) Fails to comply with orders or enforcement notices issued under this Greenland Parliament Act or provisions issued in pursuance of the Act.

(3) Provisions laid down pursuant to this Greenland Parliament Act may provide that infringements of the provisions may render offenders liable to fines or other sanctions under the Criminal Act for Greenland.

(4) Where the violation has been committed by a business owned in whole or in part by the Greenland Self-Government, the state, a local authority or a local authority community covered by the Greenland Parliament Act on local councils, settlement councils, etc., a public limited company, a private limited company, a cooperative society or the like, liability under criminal law may be imposed on the business, etc. as such. The same applies if the violation has been committed by the Greenland Self-Government, a local authority or a local authority community covered by the Greenland Parliament Act on local administration.

(5) Fines imposed in pursuance of this Greenland Parliament Act or provisions laid down in pursuance of this Act accrue to the provincial treasury.

97.–(1) The Government of Greenland may confiscate mineral resources that have been collected, extracted or exploited without a licence contrary to section 2(2)(i) or sections 45-47 or contrary to the terms of a licence or an approval or provisions laid down in pursuance of the Greenland Parliament Act.

(2) Confiscated mineral resources are sold by the Government of Greenland. The proceeds accrue to the provincial treasury.

98.–(1) This Greenland Parliament Act takes effect on 1 January 2010.

(2) At the same time Act No. 335 of 6 June 1991 on Mineral Resources, etc. in Greenland is repealed.

(3) In respect of Greenland, the following amendments are also made in the Act on the Continental Shelf, see Consolidation Act no. 1101 of 18 November 2005 as amended:

1. Section 1, section 2, section 3(2), section 4(5) and section 5(1) are repealed.

2. In section 3(1) "but see subsection 2" is deleted.

3. Section 6 will have the following wording:

"6. Facilities and safety zones, see section 3, that are located in or have been established within the Greenland part of the continental shelf are subject to the law otherwise applying to Greenland. The Greenland Parliament exercises the powers laid down in section 4 in compliance with the rules of the Greenland Parliament Act on mineral resources and mineral resource activities (the Mineral Resources Act)."

(4) Prospecting licences and licences to explore for or exploit mineral resources in Greenland that have been granted when this Greenland Parliament Act takes effect remain valid and will be regulated under the Greenland Parliament Act.

(5) The provisions on mineral resource activities and application procedures and standard licence terms applying on 1 January 2010 remain in force with the amendments concerning the administrative authority that follow from this Greenland Parliament Act until the

provisions, etc. are repealed or replaced by new provisions laid down in pursuance of this Greenland Parliament Act.

Unofficial consolidation