

Part 1

Scope of application

1. - (1) With the exception of the harbours with land installations specified in section 2, the construction and operation of harbours with land installations used for the commercial handling of goods, passengers or fish landings may take place only subject to a licence granted by Naalakkersuisut [Greenland Government], cf. section 5.

(2) Naalakkersuisut may determine rules on exceptions and physical delimitation of harbours with land installations and harbour basins.

2. - (1) This Greenland Parliament Act shall not apply to harbours with land installations that:

(i) are used solely by the Danish State as part of the national defence activities in Greenland;

(ii) are covered by a licence granted under the “Råstofloven” [Mineral Resources Act] for preliminary surveys, exploration and exploitation of mineral resources, subject to section 4;

(iii) are intended or used for the transfer of oil and fuel to land-based tank facilities constituting part of the supply system for villages and settlements, subject to section 4;

(iv) are located within the defence facility areas at Pituffik;

(v) are partly or fully owned by parties other than the Greenland Self-Government or municipalities in Greenland at the time when this Greenland Parliament Act enters into force.

3. - (1) This Greenland Parliament Act shall not apply to harbours with land installations used for recreational purposes.

(2) If a harbour with land installations is used for the commercial handling of goods and passengers or fish landings and is at the same time used for recreational purposes, the overall use is deemed to fall within section 1.

4. - (1) Sections 17 to 19 shall also apply to harbours with land installations falling within section 2(1)(ii), (iii) and (v).

Part 2

Construction and operation of harbours with land installations

5. - (1) Naalakkersuisut may grant a licence for the construction, expansion, conversion and altered use and operation of harbours with land installations, cf. section 1. A licence may be granted as an exclusive right.

(2) Existing municipal harbours with land installations may be granted a licence to continue operating under the auspices of a municipality. Naalakkersuisut may grant a licence for a possible expansion, conversion or altered use of existing municipal harbour facilities. Naalakkersuisut may lay down conditions for such licences.

Sections 7 to 12 and rules determined on the basis thereof shall apply with the necessary amendments and adjustments resulting from municipal ownership and operation.

6. - (1) A licence under section 5(1) may be granted to harbour companies domiciled in Greenland and organised as private or public limited companies. The sole object of the harbour companies shall be to engage in activities falling within this Greenland Parliament Act.

7. - (1) A licence under section 5(1) shall be granted only to the owner of the physical facilities and installations falling within the licence under section 5(1).

(2) The holder of a licence under section 5(1) may engage in other harbour-related activities on a commercial basis, including the construction, operation and lease of harbour infrastructure, storage areas and real property.

(3) Naalakkersuisut may grant the holder of a licence under section 5(1) a licence to engage in activities other than those mentioned under (1) and (2) to a specified extent and on specific conditions.

8. - (1) A municipality may participate as a shareholder in a private or public limited harbour company subject to the prior grant of a licence by Naalakkersuisut. In such a licence, Naalakkersuisut shall lay down the conditions for participation by the municipality, including requirements in respect of the owner share of or capital contribution by the municipality and in respect of the financing and management etc. of the harbour company.

9. - (1) Naalakkersuisut processes applications for licences under section 5(1) on the basis of documented business principles as well as a business plan with associated budgets and financial commitments.

(2) Applicants for licences and licence holders shall provide all information deemed necessary by Naalakkersuisut for the processing of applications by the authorities in compliance with this Greenland Parliament Act.

(3) Naalakkersuisut may determine rules on the provision of information, including rules stipulating in what form applications for licences under section 5(1) may be filed.

10. - (1) A licence under section 5(1) may be granted if the total investments in harbours with land installations reflect a documented demand for the handling of goods, passengers or fish landings or any other harbour-related activity, cf. section 7(2).

(2) A licence under section 5(1) is granted for a specific location. The licence shall specify provisions on the location, extent, capacity etc. of the harbour.

11. - (1) A licence under section 5(1) may be granted for a period of up to 40 years and with a right of reversion to the Greenland Self-Government with full title and without any consideration. A licence may be extended by a period of up to 20 years twice. In exceptional cases and subject to approval by the Finance and Tax Committee of Inatsisartut [Greenland Parliament], Naalakkersuisut may grant a licence for a period of up to 60 years as well as a licence for an indefinite period of time. Licences under section 5(2) may be granted without any right of reversion to the Greenland Self-Government.

(2) Naalakkersuisut may determine rules on the right of reversion.

12. - (1) In licences granted under section 5(1), Naalakkersuisut may lay down conditions, including conditions on the obligation to ensure that persons or enterprises engaging in business activities have access and opportunity to conduct business activities at the harbour, conditions on the expiry of licences, conditions on the revocation of licences and conditions on the provision of security for expenses for the decommissioning or demolition, in whole or in part, and disposal of a harbour with land installations or parts thereof.

(2) Naalakkersuisut may lay down conditions for licences granted under section 5(1) and any alteration thereof.

13. - (1) If the holder of a licence granted under section 5(1) and (2) fails to comply with the licence conditions, Naalakkersuisut may issue an order to remedy the situation or an order for a temporary decommissioning of the harbour with land installations.

(2) Naalakkersuisut may issue an order to the effect that a harbour with land installations must be temporarily decommissioned when it is no longer used.

Part 3

Access to and payment for the use of harbours with land installations

14. - (1) The holder of a licence granted under section 5(1) and (2) is obliged to accept vessels to the extent permitted by space and safety considerations unless otherwise specified in the licence.

(2) Safety considerations permitting, the holder of a licence granted under section 5(1) and (2) is obliged to receive vessels covered by a licence for the carriage of goods to, from and within Greenland, cf.

“Landstingsforordning” [Greenland Parliament Act] on carriage by sea to, from and within Greenland.

(3) Safety considerations permitting, the holder of a licence granted under section 5(1) and (2) is obliged to receive vessels used as part of the national defence activities in Greenland.

15. - (1) The holder of a licence granted under section 5(1) and (2) is obliged, to the extent necessary and with his own equipment, to assist vessels and provide stevedore services unless otherwise specified in the licence.

16. - (1) Harbour companies may charge fees for the use of harbours with land installations.

(2) Rates and rate principles are determined on the basis of the total activities of each individual harbour company, including costs in connection with the establishment, operation, payment of interest on and depreciation of the harbour with land installations.

(3) Rates and rate principles as well as any alterations therein must be approved by Naalakkersuisut.

Naalakkersuisut is entitled to require alterations to rates and rate principles.

(4) Harbour companies are obliged from time to time to provide Naalakkersuisut with all information deemed necessary by Naalakkersuisut in connection with the approval or alteration of rates and rate principles.

Naalakkersuisut may lay down rules on the provision of such information, including rules to the effect that information must be provided at fixed intervals or in compliance with specific formal requirements.

(5) Naalakkersuisut may decide that harbour companies are to keep separate accounts of activities covered by section 5(1) and section 7(2) and (3). Naalakkersuisut may determine rules on the presentation of financial

statements.

Part 4

International obligations etc.

17. - (1) Naalakkersuisut may lay down rules or make decisions with a view to implementing or enforcing international conventions on matters covered by this Greenland Parliament Act. Naalakkersuisut shall lay down rules on the issue of orders and bans and on duties of disclosure if such rules are necessary to implement or enforce international conventions on matters covered by this Greenland Parliament Act.

18. - (1) Naalakkersuisut may lay down rules in respect of or decide on security measures to protect harbours with land installations. Naalakkersuisut may also decide that tasks involving security measures to protect harbours with land installations may be handled by private enterprises to a specified extent.

(2) Employees of the Greenland Self-Government and other parties who are involved in working out vulnerability assessments and security plans and who receive information in compliance with rules laid down under (1) are liable and obliged under “Kriminallov for Grønland” [the Greenland Criminal Code] to keep such information secret from third parties, subject to (3).

(3) The information may be passed on to Danish and foreign authorities and international organisations where this follows from the international obligations of the Greenland Self-Government.

19. - (1) Holders of a licence granted under section 5(1) and (2) and owners of harbours falling within section 2(1)(ii), (iii) and (v) are obliged to assist in the drafting and administration of rules and provisions in compliance with sections 17 and 18 free of charge. Any party in charge of operating a harbour with land installations on behalf of the owner shall also be bound by such obligation.

Part 5

Greenland Self-Government and municipal harbours

20. - (1) Naalakkersuisut determines provisions on the administration, maintenance and operation of harbours with land installations owned by the Greenland Self-Government.

21. - (1) The Greenland Self-Government is entitled to charge fees for the use of harbours with land installations.

(2) Naalakkersuisut may determine the rates and rate principles to cover, in part or in full, the costs involved in the operation and maintenance of a harbour with land installations. An overall assessment shall be made of the rates for each individual harbour where importance may be attached to, for example, the security of supply, goods and passenger turnover and the impact of the harbour on the local community.

(3) Efforts must be made to ensure to the greatest extent possible that competition between harbours owned by harbour companies and harbours owned by the Greenland Self-Government and the municipalities is not distorted owing to the rates.

(4) Subsections (2) and (3) shall similarly apply to municipal harbours, cf. section 5(2). A municipality is entitled to charge fees for the use of harbours with land installations. Rates and rate principles shall be determined by Naalakkersuisut in compliance with (2).

22. - (1) The central harbour authority shall be exercised by Naalakkersuisut.

(2) Subject to agreement with an enterprise established on a private-law basis and possessing the relevant knowledge within the fields of harbour and shipping activities, Naalakkersuisut may authorise such enterprise to exercise the local harbour functions authority at one or several of the harbour facilities owned by the Greenland Self-Government. Naalakkersuisut may impose such authority on the private enterprise as a duty.

(3) The local harbour functions authority under (2) may make decisions on behalf of Naalakkersuisut, inclusive of charging fees for using harbours with land installations. The central harbour authority is authorised to issue instructions to and shall supervise the local harbour functions authority.

(4) Naalakkersuisut may lay down rules governing the exercise of local harbour functions authority.

(5) In municipal harbours which are granted a licence under section 5(2), the municipal council shall exercise the central harbour authority. By agreement, the municipal council may delegate the local harbour functions authority to a company in compliance with the rules stipulated in (2) to (4), with the municipal council performing the functions in lieu of Naalakkersuisut.

Part 6

Regulations

23. – (1) Naalakkersuisut may lay down regulations for harbours with land installations.

(2) Naalakkersuisut may lay down individual regulations for each harbour with land installations.

(3) Naalakkersuisut shall supervise compliance with the regulations.

Part 7

Other provisions

24. - (1) Any transfer, whether direct or indirect, of a licence granted under section 5(1) and (2) or of a harbour with land installations covered by a licence granted under section 5(1) and (2) must be approved by Naalakkersuisut.

(2) A licence granted under section 5(1) and (2) cannot be subject to a charge or provided as security or be made the object of any kind of enforcement proceedings.

Part 8

Complaint

25. - (1) Any complaint in respect of berths awarded, in respect of assistance for loading and unloading as well as in respect of access to running a business at the harbour, cf. sections 12, 14 and 15, may be filed with Naalakkersuisut.

(2) Any party on whom the decision imposes an obligation or who otherwise has any individual legal interest in the decision is entitled under (1) to file a complaint.

(3) A complaint must be filed no later than 4 weeks after the decision complained about has reached the party entitled to complain.

26. - (1) Complaints about decisions by the local harbour functions authority under section 22(3) may be filed with Naalakkersuisut.

(2) Complaints about decisions by the local harbour functions authority under section 22(5), cf. (3), may be filed with the municipal council.

(3) Any party on whom the decision imposes an obligation or who otherwise has any individual legal interest in the decision is entitled under (1) and (2) to file a complaint.

(4) A complaint must be filed no later than 4 weeks after the decision complained about has reached the party entitled to complain.

27. - (1) Naalakkersuisut may lay down rules governing complaints about decisions made in compliance with regulations, cf. section 23. For harbours with land installations covered by a licence granted under section 5(1), Naalakkersuisut may lay down rules to the effect that such decisions cannot be brought before any higher administrative authority.

Part 9

Sanctions and entry into force

28. - (1) Any party constructing or operating a harbour with land installations without holding a licence under section 1(1) may be liable to a fine, forfeiture of rights and seizure under the provisions of the Greenland Criminal Code.

(2) Any party constructing or operating a harbour with land installations in violation of a licence under section 5(1) and (2) may be liable to a fine, forfeiture of rights and seizure under the provisions of the Greenland Criminal Code.

29. - (1) Any party violating section 13(1) to (2), section 16(3) and section 24(1) may be liable to a fine, forfeiture of rights and seizure under the provisions of the Greenland Criminal Code.

30. - (1) Any party violating rules and regulations laid down pursuant to section 1(2), section 9(3), section 11(2), section 12(2), section 16(4) and (5), sections 17 and 18, section 22(4) and section 23(1) and (2), may be liable to sanctions in the form of a fine, forfeiture of rights and seizure under the provisions of the Greenland Criminal Code.

(2) Where this Greenland Parliament Act or rules and regulations laid down pursuant to this Act authorise the sanctions in the form of a fine, forfeiture of rights or seizure, measures may be imposed on a legal entity under the provisions of the Greenland Criminal Code.

(3) Legal proceedings involving violation of this Greenland Parliament Act or rules and regulations laid down pursuant to this Act shall be instituted before the Court of Greenland as the court of the first instance.

(4) Fines and assets seized under this Greenland Parliament Act or under rules and regulations laid down pursuant to this Act shall accrue to the Greenland Treasury.

31. - (1) This Greenland Parliament Act enters into force on 1 June 2015. At the same time

“Landstingsforordning” [Greenland Parliament Act] No. 4 of 29 October 1999 on the construction, maintenance and operation etc. of the Greenland Home Rule Government's harbour installations is repealed.

(2) “Hjemmestyrets Bekendtgørelse” [Greenland Order] No. 14 of 14 May 2002 on the exercise of harbour and “Hjemmestyrets Bekendtgørelse” [Greenland Order] No. 1 of 4 January 2000 on harbour regulations remain in force until replaced or repealed by rules laid down under the authority of this Greenland Parliament Act or other Greenland acts of Parliament.

Greenland Self-Government, 3 June 2015

[signed]

Kim Kielsen