

“Inatsisartutlov” [Greenland Parliament Act] No. 17 of 3 June 2015 on SIKUKI Nuuk Harbour A/S and the construction of a harbour at Nuuk

Founding and objects

1. - (1) Naalakkersuisut [Greenland Government] shall found a public limited company with a share capital of up to DKK 100 million.
- (2) The name of the company shall be SIKUKI Nuuk Harbour A/S. The company may engage in business activities under other secondary names.
- (3) The share capital of the company is subscribed by Naalakkersuisut and held by the Greenland Self-Government. The share capital shall consist of assets in the form of the existing harbour in Nuuk and cash capital contributions of up to DKK 70 million.
- (4) The objects of the company are to construct, own and operate the harbour with land installations in Nuuk on a commercial basis and to engage in activities related hereto.
- (5) Moreover, the objects of the company are to ensure cost-effective harbour operation and thus contribute to efficient carriage by sea to, from and within Greenland.

Board of directors and board of management

2. - (1) The board of directors shall jointly possess general commercial and management skills as well as management skills associated with harbour operations and insights into the carriage by sea and other shipping business.
 - (2) A person cannot be a member of the board of directors if the said person:
 - (i) is a member of Inatsisartut [Greenland Parliament] or Naalakkersuisut;
 - (ii) is or becomes subject to insolvency proceedings or suspends his of payments;
 - (iii) has committed an act which renders the person in question unworthy of continuing as a member of the board of directors;
 - (iv) has turned out to be incapable of holding the office of member of the board of directors owing to long-term disease or other enfeeblement or has turned out to be clearly unfit;
 - (v) has been convicted of serious offences under tax law or of offences under the rules on economic crime of “Kriminallov for Grønland” [Greenland Criminal Code].
 - (3) If a director does not meet the requirements stipulated in (2) for being a director, such director shall forthwith notify the board of directors thereof and forthwith resign from the board of directors.
 - (4) Subsections (2) and (3) shall apply similarly to alternate members of the board of directors.
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3. - (1) If a director no longer meets the requirements stipulated in section 2(2) for being a director or if a director may otherwise resign from the board of directors, the board of directors shall convene an extraordinary general meeting with a view to appointing a new member of the board of directors for the rest of the term of office.

4. - (1) Only a person generally possessing skills equalling the skills of the members of the board of directors may be employed as general manager, cf. section 2(1).

(2) Any person falling within section 2(2)(i) to (v) cannot be a general manager.

Installations

5. - (1) SIKUKI Nuuk Harbour A/S shall be in charge of the design and construction of the new harbour in Nuuk. The new harbour shall be constructed on Umiarsualiviup qeqertaanni.

(2) The new harbour shall be constructed with quay installations, internal transport routes and areas for storing and handling goods. A map of the new harbour in Nuuk with land installations is enclosed as schedule 1. The map included as a schedule is a guideline. The scope, location and layout may be altered in the final design and construction process.

6. - (1) SIKUKI Nuuk Harbour A/S may construct a number of buildings at the new harbour in Nuuk, inclusive of warehouses, workshops, office buildings etc. The buildings may be let as part of the harbour operations.

7. - (1) As part of its handling of national planning interests, Naalakkersuisut may enter into agreement on and defray costs of the municipal development of land in connection with the construction of the new harbour in Nuuk.

(2) A map illustrating the planned road and line siting is included as schedule 2. The map included as a schedule is a guideline. The scope, location and design may be altered in the final design and construction process.

8. - (1) In a national planning directive, Naalakkersuisut may decide the detailed provisions governing the construction of the new harbour in Nuuk with land installations and buildings.

(2) Naalakkersuisut may decide that a national planning directive with detailed provisions on the use of a sub-area for the construction of a new harbour in Nuuk with land installations and buildings shall have the same legal effect as a municipal plan.

Compulsory acquisition

9. - (1) Naalakkersuisut may, through compulsory acquisition, acquire any real property required for the construction of the installations referred to in this Act, if necessary. Compulsory acquisition shall take place in compliance with the “Landstingslov” [Greenland Parliament Act] on compulsory acquisition.

Financing

10. - (1) SIKUKI Nuuk Harbour A/S may raise loans for financing the design and construction of the new harbour in Nuuk as well as the design and construction of a number of buildings at the harbour. Any loan raised by the company must be approved by the general meeting.

11. - (1) Documents, loan instruments, transcripts and certificates etc. issued in connection with the installations referred to in this Act are exempt from stamp duties to the public authorities.

Governing law and jurisdiction in legal proceedings

12. - (1) Legal proceedings against the company may be instituted only before the Court of Greenland as the court of the first instance unless otherwise provided by international treaties or unless the company agrees otherwise with its suppliers or service providers.

(2) Legal proceedings for claims concerning the company's activities, including claims under private law, against parties domiciled in Greenland or abroad may be instituted by the company before the Court of Greenland as the court of the first instance unless otherwise provided by international treaties or unless the company agrees otherwise with its suppliers or service providers.

(3) Proceedings under (1) and (2) shall be governed by the laws of Greenland unless otherwise provided by international treaties.

Entry into force

13. - (1) This Greenland Parliament Act enters into force from the time of promulgation of the Act. However, section 11 enters into force on 23 December 2013.

Greenland Self-Government, 3 June 2015

[signed]

Kim Kielsen