

UNOFFICIAL TRANSLATION

Greenland Parliament Act on tourism activities and on zoning, etc. for commercial activities

Part 1

Scope and definitions

- 1.–(1) This Greenland Parliament Act applies to tourism activities.
- (2) Furthermore, this Greenland Parliament Act applies to commercial activities.
- (3) This Greenland Parliament Act does not apply to activities covered by concessions pursuant to the Greenland Parliament Act on Concession for Tourism Activities in Certain Areas (*Inatsisartutlov om koncession til turistvirksomhed i udvalgte områder*).
- (4) This Greenland Parliament Act does not apply to natural or legal persons providing passenger transportation services to or from or within Greenland without tourism activities being carried out in connection therewith, but see section 15.
- (5) The Government of Greenland may lay down more detailed provisions on industries not subject to this Greenland Parliament Act.

2.–(1) For the purposes of this Greenland Parliament Act, tourism activities means those economic activities and operations the purposes of which are to offer primarily to tourists services in the form of experiences in Greenland offered as:

- 1) One-day trips without overnight accommodation; and
- 2) Trips lasting two or more days.

(2) For the purposes of this Greenland Parliament Act, a tourist operator means a natural or legal person holding a valid tourism activities licence under section 3(1).

(3) For the purposes of this Greenland Parliament Act, a tourist means a person who travels to a place away from their normal place of residence or domicile and where all or part of the trip is for pleasure, recreational or holiday purposes, and to whom services under subsection (1) are provided in that connection.

Part 2

Tourism activities licence

3.–(1) Tourism activities may be carried out only by a person holding a valid licence, see subsection (2).

(2) The Government of Greenland issues tourism activities licences to natural or legal persons who fulfil the conditions set out in sections 7-10. If special circumstances weigh in favour of doing so, a tourism activities licence may be issued for a limited period of time.

(3) The tourism operator must fulfil the conditions in sections 7-10 for the entire term of the licence. In the event of the tourism operator's failure to fulfil the conditions, an order may be issued against the tourism operator under section 14(1) of this Greenland Parliament Act. For purposes of public safety and protecting wildlife and areas of nature, the Government of Greenland may lay down rules on additional conditions which tourism operators must fulfil during the licence period in order to carry out certain types of tourism activities.

(4) A tourism activities licence may be assigned to third parties subject to the Government of Greenland's written consent.

(5) The Government of Greenland may make tourism activities licences public.

(6) Notwithstanding subsection (1), the requirement for a tourism activities licence does not apply when the total revenue generated by the tourism operator from one or more tourism activities does not exceed DKK 50,000 annually.

4.–(1) Applicants for tourism activities licences and tourism operators must provide all information necessary for the administrative processing of activities falling within the scope of this Greenland Parliament Act and tourism activities licences as well as in connection with the supervision thereof.

(2) For statistical purposes, the Government of Greenland may share the information in depersonalised form, see subsection (1), with public authorities and companies owned by the Government.

(3) For the purpose of delegating the management of the tourism activities licence scheme, the Government of Greenland may share the information, see subsection (1), with the public authority or company owned by the Government to which the obligations and powers of the Government of Greenland have been delegated pursuant to section 6(1).

5.–(1) The Government of Greenland may lay down more detailed rules on the requirements and procedures for licensing of tourism activities in Greenland, including requirements concerning tourism operators' reporting duty and duty of information in general.

6.–(1) The Government of Greenland may assign its obligations in connection with issuing and powers to issue tourism activities licences under section 3, supervisory powers under section 13, issuance of orders under section 14(1) and revocation of tourism activities licences under section 14(2) of this Greenland Parliament Act to a company owned by the Government or a local council.

(2) A company owned by the Government or a local council to which obligations and powers have been assigned under subsection (1) will, in relation to such obligations and powers, be subject to the rules and principles of administrative law applying to public administration under the Government of Greenland, including the Greenland Parliament Act on Case Administration in the Public Sector (*landstingslov om sagsbehandling i den offentlige forvaltning*), the Greenland Parliament Act on Open Administration (*landstingslov om offentlighed i forvaltningen*) and the Act on Processing of Personal Data (*lov om behandling om personoplysninger*).

(3) The Government of Greenland may lay down more detailed rules on supervision and the right of complaint in the event of assignment of the obligations and powers to a company owned by the Government or a local council.

Part 3

Licensees

7.–(1) A tourism activities licence may be granted only to natural persons:

- 1) whose registered address is in Greenland;
- 2) who are fully liable to tax in Greenland; and
- 3) who are capable of managing their own affairs and are not subject to bankruptcy, insolvency or liquidation proceedings.

8.–(1) A tourism activities licence may be granted only to legal persons:

- 1) who are corporations or partnerships resident in Greenland;
- 2) who are not subject to bankruptcy, insolvency or liquidation proceedings;
- 3) if at least 2/3 of the capital of the corporation is owned directly or indirectly by natural persons fulfilling the requirements of section 7, paras 1)-3);
- 4) if at least 2/3 of the voting rights in the corporation are held directly or indirectly by natural persons fulfilling the requirements of section 7, paras 1)-3); and
- 5) if at least 2/3 of the members of a partnership fulfil the requirements of section 7, paras 1)-3).

Part 4

Safety plans

9.–(1) Applicants for a tourism activities licence must have completed a written safety plan for the services falling within the scope of this Greenland Parliament Act which the applicant intends to offer.

(2) The safety plan must be available to tourists in Greenlandic and English at all times.

(3) A safety plan must be composed of a risk assessment and emergency response plan and be up to date.

(4) The risk assessment must be suitable for providing tourists with clear and comprehensive information on the main risk factors associated with the activity falling within the scope of this Greenland Parliament Act. In the organisation of an activity, the risk assessment must form the basis for the selection of employees, including tour guides, the timing of the tour, the assessment of external conditions, choice of equipment, etc.

(5) The emergency response plan must be based on the risk assessment of the activity and must include:

1) A description of measures to be taken in case of imminent danger or accident;

2) Information on the knowledge, experience and skills required of the employees involved in the activity; and

3) Information on how the applicant's employees should respond to danger, including with regard to communication.

(6) The provisions of subsections (1) to (5) only apply in the absence of other legislation or established practice regulating safety requirements relating to the performance of the activity concerned to which the applicant is subject.

Part 5

Insurance cover and provision of other security

10.–(1) Tourism activities falling within the scope of this Greenland Parliament Act must be covered by professional liability insurance or other security.

(2) Subsection (1) does not apply where it is not possible to take out professional liability insurance covering the type of tourism activities in question and where no other form of security is available.

(3) The Government of Greenland may lay down more detailed requirements for the provision of insurance cover and security under subsection (1).

Part 6

Exemption

11.–(1) In special circumstances, the Government of Greenland may grant exemptions from the requirements in sections 7-10 and provisions laid down pursuant to sections 3(4), 5, 6(3), 10(3) and 15 of this Greenland Parliament Act. An exemption is valid for two years, but may be extended for up to two years at a time upon application. The Government of Greenland may attach conditions to an exemption and to extensions thereof.

Part 7

Fees

12.–(1) The Government of Greenland may charge a fee from applicants for tourism activities licences, see section 3(2), as well as from tourism operators to cover processing costs.

(2) The Government of Greenland may lay down more detailed rules on the payment of fees under subsection (1).

Part 8

Supervision, orders and revocation of tourism activities licences

13.–(1) The Government of Greenland is charged with supervising compliance by tourism operators etc. with this Greenland Parliament Act and rules laid down pursuant to this Act.

14.–(1) The Government of Greenland may instruct tourism operators etc. to comply with this Greenland Parliament Act and provisions laid down pursuant to this Act.

(2) The Government of Greenland may revoke a tourism activities licence issued under this Greenland Parliament Act in the event of the tourism operator's failure to comply with an order under this Act.

Part 9

Zoning, etc. for commercial activities

15.–(1) The Government of Greenland may lay down more detailed rules restricting commercial activities to specific areas, during specific periods or under specific terms and conditions, and on the procedures for designating these areas.

Part 10

Sanctions

16.–(1) A fine under the rules of the Criminal Code for Greenland (*Kriminallov for Grønland*) may be imposed on any person who:

- 1) Carries out tourism activities without a valid tourism activities licence pursuant to section 3(1);
- 2) Provides incorrect or misleading information or withholds information to which an authority is entitled under this Greenland Parliament Act or under provisions or terms set under this Act; or
- 3) Fails to comply with orders issued under section 14(1).

(2) Where this Greenland Parliament Act or regulations issued hereunder provide for a fine to be imposed, such fine may be imposed on a legal person under the provisions of the Criminal Code for Greenland.

(3) For regulations issued pursuant to sections 5, 10(3) and 15, measures may be imposed in the form of a fine under the provisions of the Criminal Code for Greenland.

(4) Violation of this Greenland Parliament Act or rules laid down pursuant to this Act may result in seizure under the provisions of the Criminal Code for Greenland. Any assets seized will belong to the Greenland Treasury.

(5) Fines imposed pursuant to this Greenland Parliament Act or rules laid down in pursuance of this Act will accrue to the Greenland Treasury.

Part 11

Judicial review

17.–(1) Decisions on matters falling within the scope of this Greenland Parliament Act may be brought before the courts within a time-limit of six months after the date of notification of the decision to the party.

(2) Proceedings falling within the scope of this Greenland Parliament Act must be brought before the Court in Greenland as the court of first instance.

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

Part 12

Provisions as to entry into force and transitional provisions

18.–(1) This Greenland Parliament Act enters into force on 1 January 2025.

(2) Until 1 January 2027, this Greenland Parliament Act does not apply to tourism activities lawfully carried out at the time immediately before the entry into force of the Greenland Parliament Act.

The Government of Greenland, 25 November 2024

Múte Bourup Egede (signed)
Premier of the Government of Greenland

UNOFFICIAL TRANSLATION