



Greenland Minerals and Energy Ltd
P.O. Box 156, Narsaq
Greenland 3921

Decision regarding access to draft EIA report

On 9 September 2016, journalist Morten Frandsen from the Danish Public Service Broadcaster, DR News requested access to the environmental impact assessment report on the Kvanefjeld project submitted to the Greenland authorities.

The Environmental Agency for Mineral Resource Activities (EAMRA) decided on 4 October 2016 to grant journalist Morten Frandsen access to 73 documents regarding the environmental impact assessment report on the Kvanefjeld project submitted to the Greenland authorities.

By its letter of 5 October 2016, Greenland Minerals and Energy Ltd (GME) filed a complaint against EAMRA's decision of 4 October 2016.

By email of 13 October 2016, Journalist Andreas Lindqvist from the Greenland newspaper Sermitsiaq.AG requested access to the same documents as journalist Morten Frandsen from DR news was granted access to.

On 18 October 2016, the Greenland Government decided to suspend EAMRA's decision of 4 October 2016 until the Greenland Government had made a decision in the case.

On 2 December 2016, the Ministry of Nature, Environment and Energy informed GME and EAMRA that the Greenland Government had decided to set aside EAMRA's decision of 4 October 2016 and to remit the case to EAMRA.

By email of 7 February 2017, Mariane Paviassen from the society Urani Naamik, requested access to the environmental impact assessment report on the Kvanefjeld project.

Based on the Greenland Governments decision of 2 December 2016, EAMRA has reassessed the case and made a new decision in the case.

1. Comprised documents

The EAMRA has identified the following documents as comprised by journalist Morten Frandsen's access request (the Documents):

1. A157-14-M2191 Seismic Hazard Memo Rev.

1 March 2017
The Environmental Agency for
Mineral Resource Activities
(EAMRA)
Imaneq 1A 801
P.O. Box 1614
3900 Nuuk
Tlf. (+299) 34 50 00
E-mail: paian@nanoq.gl
www.naalakkersuisut.gl

2. 1100013092-13-005-1-PART II - Conceptual Design
3. 137645067-004-R-Rev0 Refinery Samples Testwork Report
4. 137645067-002-R-Rev0 Concentrator Tailings Golder Associates
5. 20160314_KrebsD_Tailings Returned to Pit_1
6. 20151109_DTU_Radiation Exposure from Kvanefjeld Mining_0
7. 20151006_Orbicon_Water Quality of Tailings Water & Waste Rock Leaches_1.1
8. 20150522_GMLAS Simple General Project Description_2
9. 20150514_Concentrator & Refinery Process Description_1
10. 20150201_Orbicon_Local Use Study_0
11. 20141115_IstakVerkis_Johan Dahl Hydropower PFS_0
12. 20140901_SmithO_Kvanfjeld hydrology and climate data_0
13. 20130106_AirQualityDK_Air Quality Baseline Monitoring_0
14. 20120509_BrehehyR_Radiological Surveys 2008-2011_0
15. 20120412_Orbicon_DrinkingWaterStudy_02012
16. 20120131_HS Analyse_Kuannersuit Local Use Study 2011
17. 20110627_AMECMinproc_Tailing Management Scoping Study_0
18. 20100624_Orbicon_Surface Water Hydrology_0 Asiaq
19. 20100326_RisoDTU_Radioactivity 2 Lake Water Samples
20. 406003-001 MEM-GMEL 15Dec2014 SENES Overview of Gamma Radiation Survey v2
21. 406003-000 SENES Draft Gap Report for GMEL - 11Sept2014
22. 3470-2 GME - Brief proposal description and technical data,
23. 20160208_GMEL_Gamma and Radon Results_P1
24. 20150303_BrehehyR_Radiation Survey 2014_0
25. 20140120_BrehehyR_Radiation Survey 2013_0
26. 20130314_BrehehyR_Radiation Survey 2012_0
27. 20120130_BrehehyR_Radiological Health & Safety 2011
28. 20080131_DTU_Po analysis 2007 Samples
29. 20071031_Orbicon_Baseline Survey 2007
30. 20070624_WRS_Radiation Management Plan 2007
31. 20070510_IAEA_Water Analysis Po-210_0
32. 406003 - GME Radiation Pathways Assessment revFinal (Sep2015) – Summary
33. Orbicon -Tailings_and_Waste_Rock stockpile_06Oct15_Final_draft
34. Orbicon - Noise assessment_draft
35. Orbicon - Natural Environment report_draft
36. Orbicon - Local Use report_draft
37. Orbicon - Hydrology and Climate Report_draft
38. Orbicon - Hydrocarbon and chemical spill report_draft
39. Orbicon - Geology Risk Assessment Taseq_draft
40. Orbicon - DrinkingWaterStudy_draft2007/
41. EIA Kvanefjeld_Draft_23October2015_draft
42. SGS Lakefield Oretest Job No: 10996 - Geochemical/Environmental Testwork on Kvanefjeld Materials_ 05/07/2013
43. Note on spray impact from tailings facility_22Sep2016
44. 20160810_KrebsD_DCE Waste Rock Leach Calc_0
45. Copy of 20160805_KrebsD_Waste Rock Leaching DCE Calc_P2-Excel file
46. 20160729_KrebsD_AI Precipitation in fjord_0 28 July 2016

47. 8498 NARSAQ High Volume Air Sampler (HVAS) Monitoring Data Analysis 2014 rev0
48. 406003_Arcadis_Radiation Monitoring Plan (final) 22Sep2015
49. 406003_Arcadis_Transportation Radiation Assessment (Final) 28Aug2015
50. 11814795-1 - Ecotoxicity Final Report – GME
51. 20150320 Kvanefjeld greenhouse gases assesment verA
52. 20150603 Radon Tracer results Excel file
53. 20150603_GMEL_Lake discharge composition_0
54. 20150622 Kvanefjeld AQA Final_Rev1
55. 20150622_GMEL_CO2 offset memo_0
56. 20150904 DHI Final report on marine discharges
57. A157-14-R2283-
Kvanefjeld_AMEC_Summary_Report_Rev_3_amended
58. Annex 1_20150713_AWydler_Kvanefjeld Tailings Facility Modelling Summary_1
59. Annex 2_September 2015
60. Annex 3_September 2015_merged_MSDS
61. Annex 4_Sampling overview_Sept15
62. KV55-HS-RP-0000-0001_PengH_Kvanefjeld Project Dust Control_0
63. Aktilag, id nr 1835559_ Radiation pathways
64. 20160523 Intro to [xxxx] – GMEL
65. 20160414_KrebsD_Water Recycling and Supply_P2_Orbicon rev_14April2016 –Kvanefjeld
66. Copy of 4CWS Test Results 20151022
67. Copy of 6Shake Flask Results 20150331
68. Copy of 20413BH COD and TN Results 20150723
69. Copy of 320150801 Head Assays and Solution Assays
70. 20160531_KrebsD_[xxxx] Enviro Modelling_P2
71. 20160602_KrebsD_Geochemical Testwork Kvanefjeld_0
72. 5Radionuclide Results_Greenland Minerals and Energy_sbn_21_05_15
73. MINEWPER00707AA-BA hydro_nl_2

Andreas Lindqvist and Mariane Paviassen have also requested access to the Documents. In the following, the three access requests are assessed together, because the requests concern the same Documents. Accordingly, the assessment to be made is the same.

2. Consultation of GME

In connection with the reassessment of the case, the EAMRA has consulted GME, whose interests might preclude access to the Documents.

GME has objected against the granting of public access to any of the Documents and, among other matters, stated that the Documents are draft documents regarding the environmental impact assessment on the Kvanefjeld project submitted to the Greenland authorities.

In its assessment of the access requests, the EAMRA has considered, among other matters, GME's comments.

3. The Transparency Act

Access to files is governed by Greenland Parliament Act No. 9 of 13 June 1994 on Transparency of Public Administration (the Transparency Act).

Section 4(1) of the Transparency Act reads as follows (unofficial translation):

"Subject to the exemptions in sections 7-14 of [the Transparency Act], any person may demand to see documents received or issued by an administrative authority in the course of case administration in connection with its activities. Any administrative authority may grant wider access to documents unless otherwise provided by rules on secrecy etc."

Accordingly, it follows from section 4(1) that anyone generally has the right to see all documents received or issued by an administrative authority in the course of case administration in connection with its activities. However, if documents or information therein are comprised by the exemptions in sections 7-14 of the Transparency Act, an administrative authority may decline access to the relevant documents or information.

The EAMRA has assessed whether the Documents or information therein are comprised by the exemptions in sections 7-14 of the Transparency Act.

It is the assessment of the EAMRA that the most relevant exemptions to the right of access in the Transparency Act to be considered in this case are to be found in sections 12(1)(2) and 13(1)(6).

Section 12(1)(2) of the Transparency Act reads as follows (unofficial translation):

"The right of access does not apply to [...] information on technical devices or processes or on business or operating procedures or the like, to the extent that it is of significant financial importance to the person or enterprise concerned that the request be refused."

It follows from section 12(1)(2), that access to information on technical devices or processes or on business or operating procedures or the like may be declined if it is reasonable assumed that the access might cause significant financial damage to an enterprise. For example, if it is reasonable assumed that such information might cause significant financial damage to an enterprise for competitive reasons.

Section 13(1)(6) of the Transparency Act reads as follows (unofficial translation):

"The right of access to documents may be limited to the extent necessary to protect considerations for [...] protecting private and public interests where the special nature of the matter means that secrecy is required."

Section 13(1)(6) has a limited scope of application. Generally, it is assumed that section 13(1)(6) only is applicable in special cases where exceptional circumstances means that secrecy is required for the purpose of protecting private and public interests.

4. EAMRA's reassessment and decision

Section 4(1) of the Transparency Act is applicable to the Documents. Accordingly, anyone generally has the right to see the Documents, unless the Documents or information therein are comprised by the exemptions in sections 7-14 of the Transparency Act.

The facts that access to the Documents will make publicly available many documents and much information, which are not in a final form, and which may be different from the final versions of the Documents do not in itself result in a refusal of the access requests.

EAMRA acknowledges that a disclosure of the draft versions of the Documents and the information therein may lead to public discussions regarding the Kvanefjeld project based on the draft versions of the Documents and that the Documents may be amended significantly or substantially. Furthermore, EAMRA acknowledges that such discussions may cause extra work and cost and expenses for GME. In particular, GME will have to deal with queries, comments etc. from the public. EAMRA also acknowledges that this may be inappropriate and have detrimental effects for GME.

However, in the opinion of EAMRA this does not in itself means that it is reasonable to assume that the access may cause significant financial damage to GME, see section 12(1)(2) of the Transparency Act.

When granting access to information regarding business activities, there is always a risk that the information might lead to public discussions which an enterprise will have to deal with. A lot of information regarding the project is already available to the public and GME may thus already have to deal with queries, comments etc. from the public, as part of the application process.

Furthermore, it is quite usual that draft documents are made available to the public as part of an EIA-process or other similar processes.

In its assessment of the case, the EAMRA has considered the fact that the Documents are to be published in connection with a public hearing regarding the EIA-report, subsequently. It is the assessment of EAMRA that this in itself does not provide a sufficient basis for either exempting the Documents from the right

of access or for granting fully access to the Documents. One of the reasons is that the present information and Documents in this case do not provide a sufficient basis for an assessment that access of the Documents may cause significant financial damage to GME. Another reason is that the project and accordingly also the Documents may be amended, before the public hearing.

It should be noted that GME is still able to amend the draft Documents as part of the EIA-process.

4.1. Information exempted from the right of access

EAMRA has assessed whether some information in the Documents is comprised by the exemptions in sections 7-14 of the Transparency Act. EAMRA has also taken into account sections 1002-1003 and 1101-1103 of the Standard Terms for Exploration Licences for Minerals (Excluding Hydrocarbons) in Greenland of 16 November 1998, as amended by amendment of 10 September 2010 regarding addition of sections 709-711 and amendment of 25 June 2013 regarding change of sections 303 and 602, (the Standard Terms).

Based on an assessment of the matters described in the following sections, EAMRA has decided to decline access to the Documents under section 14 of the Transparency Act and sections 1002-1003 and 1101-1103 of the Standard Terms.

Generally, the exempted information can be divided into the following groups of information.

1. Information on models, methods, processes and practices which are not generally known and used.
2. Information on business matters.
3. Reported information.

The comments, assessments and conclusions stated below in this section 4.1 on "reported information" apply to all the Documents and information therein, including the information on models, methods, processes and practices which are not generally known (see the subsection thereon) and information on business matters (see the subsection thereon).

In the opinion of EAMRA, there is no grounds for allowing more extensive access to information exempted from the right of access, see section 4(1)(2) of the Transparency Act.

Regarding no. 1 - information on methods, processes and practices which are not generally known and used

Some of the Documents contain information on models, methods, processes and practices which is not generally known and used.

For the purpose of the assessment, EAMRA has previously asked the Danish Centre for Environment and Energy (DCE) whether the Documents contain de-

scriptions (including analyses and methods) that can be characterised as generally known and used methods and practices within the mining area.

It is the assessment of DCE concerning environmental matters that the major part of the Documents are about generally known and used methods for environmental impact assessments. DCE emphasized however that the methods are used on a very unusual ore, lujavrite from Kvanefjeld. Further, DCE stated that Document no. 43 - Note on spray impact from tailings facility_22Sep2016 does describe a method that is not generally known. Document no. 43 is an assessment of the impact of heavy storms on the spreading of water in a future tailings depot in Taseq. This involves the use of a new method. Furthermore, DCE stated that three documents describe the project and the specific technical processes intended to be used in the production. That is document no. 8 - 20150522_GMLAS Simple General Project Description_2, document no. 9 - 20150514_Concentrator & Refinery Process Description_1 and document no. 22 - 3470-2 GME - Brief proposal description and technical data.

Based on DCE's answer and EAMRA's review of the Documents, it is the assessment of EAMRA that the Documents primarily contains information on generally known and used data, methods and practices. In relation to this information, it is the assessment of EAMRA that the said information is not comprised by the exemptions in sections 7-14 of the Transparency Act, in particular section 12(1)(2). Mainly because, it cannot be reasonable assumed that access to such information might cause significant financial damage to GME.

However, it is the assessment of EAMRA that some of the Documents contain information on models, methods, processes and practices which is not generally known and used within the mining sector or which are used in an unusual context.

It is the assessment of EAMRA that the information on these models, methods, processes and practices is comprised by section 12(1)(2) of the Transparency Act.

The information on these models, methods, processes and practices may be classified as information on technical devices or processes or on business or operating procedures or the like, cf. section 12(1)(2) of the Transparency Act.

These models, methods, processes and practices are developed or adjusted by or for GME. It is EAMRA's assessment that these models, methods, processes and practices might be used by competitive enterprises if the public is granted access to information regarding these models, methods, processes and practices. Furthermore, it is the assessment of EAMRA that these models, methods, processes and practices may be sold and thereby have a financial value.

Based on the above, it is the assessment of EAMRA that it is reasonable to assume that the access to these models, methods, processes and practices, which are developed or adjusted by or for GME, might cause significant financial damage to GME, see section 12(1)(2) of the Transparency Act.

Accordingly, EAMRA has decided to decline access to the said information to the extent that the information is comprised by section 12(1)(2) of the Transparency Act. In the following Documents, the concerned information is therefore exempted from the obligation to disclose information :

- Document no. 7 - 20151006_Orbicon_Water Quality of Tailings Water & Waste Rock Leaches_1.1
- Document no. 41 - EIA Kvanefjeld_Draft_23October2015_draft
- Document no. 43 - Note on spray impact from tailings facility_22Sep2016
- Document no. 58 - Annex 1_20150713_AWydler_Kvanefjeld Tailings Facility Modelling Summary_1
- Document no. 64 - 20160523 Intro to [xxxx] – GMEL
- Document no. 70 - 20160531_KrebsD_[xxxx] Enviro Modelling_P2

Regarding no. 2 - information on business matters

The Documents contain information on business matters regarding the Technical University of Denmark (DTU), Greenwave AS and GME.

DTU has prepared some of the reports which are attached to the Documents. The Documents contain letters with price information regarding these reports from DTU to GME.

Such price information may be classified as information on technical devices or processes or on business or operating procedures or the like, see section 12(1)(2) of the Transparency Act.

If these prices are published, it might weaken DTU in future negotiations with potential customers. Furthermore, the price information might be used by competing enterprises and thereby have a negative impact on DTU's competitiveness.

Based on the above, it is the assessment of the EAMRA that it is reasonable to assume that the access to DTU's price information might cause significant financial damage to DTU, cf. section 12(1)(2) of the Transparency Act.

Accordingly, the EAMRA has decided to decline access to the said information. In the following Documents, the prices are therefore exempted from the obligation to disclose information:

- Document no. 7 20151006_Orbicon_Water Quality of Tailings Water & Waste Rock Leaches_1.1, Appendix F
- Document no. 19 - 20100326_RisoDTU_Radioactivity 2 Lake Water Samples
- Document no. 44 - 20160810_KrebsD_DCE Waste Rock Leach Calc_0
- Document no. 46 - 20160729_KrebsD_AI Precipitation in fjord_0 28 July 2016
- Document no. 61 - Annex 4_Sampling overview_Sept15

In one of the Documents, price information regarding a software solution from Greenwave AS is stated.

Such price information may be classified as information on technical devices or processes or on business or operating procedures or the like, see section 12(1)(2) of the Transparency Act.

If these prices are published, it might weaken Greenwave AS in future negotiations with potential customers. Furthermore, the price information might be used by competing enterprises and thereby have a negative impact on Greenwave AS's competitiveness.

Based on the above, it is the assessment of EAMRA that it is reasonable to assume that the access to Greenwave AS's price information may cause significant financial damage to Greenwave AS, see section 12(1)(2) of the Transparency Act.

Accordingly, EAMRA has decided to decline access to the said information. In the following Document, the prices are therefore exempted from the obligation to disclose information:

- Document no. 2 1100013092-13-005-1-PART II - Conceptual Design

Some of the documents contain information on business matters regarding the Kvanefjeld project and GME, including information on the mineral reserves, possible buyers, details on the processing and refinery processes, the estimated production and export volume, estimated costs, project management, technical data on used chemicals, intended business acts and the like.

Such information may be classified as information on technical devices or processes or on business or operating procedures or the like, see section 12(1)(2) of the Transparency Act.

The said information is information regarding the commercial basis for GME's mining project, including among others the feasibility of the project, and the information is in the nature of confidential business information. It is the assessment of EAMRA that if this information is published it may be used by competing enterprises and thereby have a negative impact on GME's competitiveness.

Furthermore, some of the information is information on intended business acts. If GME's potential contracting parties become aware of such information it might weaken GME in potential future negotiations.

Therefore, it is the assessment of EAMRA that it is reasonable to assume that the access to this information may cause significant financial damage to GME, see section 12(1)(2) of the Transparency Act.

Accordingly, EAMRA has decided to decline access to the said information to the extent that the information is comprised by section 12(1)(2) of the Transpar-

ency Act. In the following Documents, this type of information is therefore exempted from the obligation to disclose information:

- Document no. 2 - 1100013092-13-005-1-PART II - Conceptual Design
- Document no. 5 - 20160314_KrebsD_Tailings Returned to Pit_1
- Document no. 7 20151006_Orbicon_Water Quality of Tailings Water & Waste Rock Leaches_1.1, Appendix F
- Document no. 8 - 20150522_GMLAS Simple General Project Description_2
- Document no. 9 - 20150514_Concentrator & Refinery Process Description_1
- Document no. 22 - 3470-2 GME - Brief proposal description and technical data
- Document no. 38 - Orbicon - Hydrocarbon and chemical spill report_draft
- Document no. 41 - EIA Kvanefjeld_Draft_23October2015_draft
- Document no. 54 - 20150622 Kvanefjeld AQA Final_Rev1
- Document no. 55 - 20150622_GMEL_CO2 offset memo_0
- Document no. 56 - 20150904 DHI Final report on marine discharges
- Document no. 57 - A157-14-R2283-Kvanefjeld_AMEC_Summary_Report_Rev_3_amended
- Document no. 59 - Annex 2_September 2015
- Document no. 65 - 20160414_KrebsD_Water Recycling and Supply_P2_Orbicon rev_14April2016 –Kvanefjeld
- Document no. 70 - 20160531_KrebsD_[xxxx] Enviro Modelling_P2
- Document no. 71 - 20160602_KrebsD_Geochemical Testwork Kvanefjeld_0

Regarding no. 3 – reported information

Section 14 of the Transparency Act contains a provision regarding the relation between the public authorities' obligation to grant access to information under the Transparency Act on the one hand and confidentiality obligations on the other hand.

Section 14 of the Transparency Act reads as follows (unofficial translation):

"The obligation to disclose information shall be limited by special provisions on the obligation to maintain secrecy laid down by law or pursuant to law applicable to persons employed as public servants or elected to public office. It shall not apply with regard to the ordinary obligation to maintain secrecy under the Criminal Code, the Public Administration Act and civil service legislation."

It follows from section 14 of the Transparency Act that the obligation to disclose information under the Transparency Act is limited by special provisions on the obligation to maintain secrecy laid down by law or pursuant to law. This means that information and documents which are confidential under special provisions set in or pursuant to statutory law (an act) are exempted from the obligation to disclose information under the Transparency Act.

Under Greenland law, the provisions of the Transparency Act must be construed in accordance with the preparatory works of the act, including the explanatory notes, and the ombudsman practice. In the construction of the Transparency Act, the Greenland authorities may take into account the construction of similar provisions under Danish law.

It follows from the explanatory notes to the Danish Transparency Act that section 14 concerns not only obligations to maintain secrecy or confidentiality laid down by law, but also obligations to maintain secrecy laid down by governmental orders or the like.

Sections 1101-1103 of the Standard Terms impose an obligation to maintain secrecy on the Greenland authorities.

The Standard Terms are set by the Greenland Government pursuant to Greenland Parliament Act no. 7 of 7 December 2009 on mineral resources and mineral resource activities, with subsequent amendments, (the Mineral Resources Act).

Accordingly, the obligation to maintain secrecy or confidentiality under sections 1101-1103 in the Standard Terms is laid down pursuant to law in accordance with section 14 of the Transparency Act.

Section 1101 of the Standard Terms reads as follows (unofficial translation):

"1101. Reporting submitted in accordance with sections 1001-1002 shall be treated as confidential by BMP for a period of 5 years from the date when the reporting was submitted to BMP. However, the period of confidentiality will terminate at the expiry of the exploration licence (or a new licence granted according to sections 302-303) as regards those areas not covered by an exploitation licence."

It follows from section 1101 of the Standard Terms that reporting submitted in accordance with sections 1001-1002 of the Standard Terms must be treated as confidential by Bureau of Minerals and Petroleum (BMP) for a period of 5 years from the date when the reporting was submitted to the BMP.

Section 1101 of the Standard Terms must be regarded as a special secrecy provision under section 14 of the Transparency Act.

Since the adoption of the Standard Terms, the administration within mineral resource area has been reorganized and the BMP does not exist anymore. The Mineral Resource Authority (MRA) under the Greenland Government is now the overall administrative authority for mineral resources. The MRA comprises among others the EAMRA, see section 3a(1) of the Mineral Resources Act. Accordingly, all references to the BMP in the Standard Terms must be read as references to the MRA, including the EAMRA.

Therefore, reporting submitted in accordance with sections 1001-1002 of the Standard Terms must be treated as confidential by EAMRA for a period of 5 years.

Sections 1001-1003 of the Standard Terms read as follows (unofficial translation):

"1001. Not later than 1 month after termination of field work the licensee shall forward a field report to BMP regarding the work including notice of any essential finds of mineral resources.

1002. The licensee shall forward reporting to BMP regarding all geological, geochemical, geophysical, technical, environmental and other investigations which have been carried out regarding the licence area during a calendar year. The reporting shall be submitted not later than April 1 in the following year. The reporting shall i.e. include the following:

- a. Description of the exploration performed including geological maps and profiles, maps of sample locations, drilling logs and geophysical maps and profiles.
- b. Reporting regarding any kind of analysis and data processing made on the samples collected including all raw data as well as the results of any beneficiation tests.
- c. An account (with documentation) of the expenses during the previous calendar year, cf. section 611.

At BMP's request the licensee shall submit geological samples to BMP.

1003. BMP may lay down rules concerning the reporting of activities carried out under exploration licences including specifications of the types of data and information which shall be included in the reporting under sections 1001-1002. BMP may demand further information from the licensee concerning the activities under a licence."

Under sections 1001-1002 of the Standard Terms, a licensee shall forward reporting to the MRA regarding all geological, geochemical, geophysical, technical, environmental and other investigations which have been carried out regarding the licence area or regarding any activities which have been or are to be performed in the licence area during a calendar year.

It is the assessment of EAMRA that section 1002 generally comprises all information and documents submitted to the MRA, including EAMRA, regarding geological, geochemical, geophysical, technical, environmental and other investigations which have been carried out under an exploration licence.

Furthermore, it follows from section 1003 of the Standard Terms that the MRA may set terms regarding reporting under an exploration licence, including specifications of the types of data and information which shall be included in the reporting under sections 1001-1002 of the Standard Terms.

In the MRA's Guidelines for preparing an Environmental Impact Assessment (EIA) report for mineral exploitation in Greenland (EIA Guidelines), the MRA has set some guidelines and terms regarding an EIA, including on the content of an EIA report.

Under part 15 of the Mineral Resources Act, 1409(b) of the Standard Terms and the EIA Guidelines, a Licensee must prepare an EIA regarding the specific exploitation in connection with the granting of an exploitation licence. The MRA may demand that the EIA shall be changed or expanded if it, in the opinion of MRA, is not sufficient. Thereby, a licensee is under an obligation to submit an EIA to the MRA under an exploration licence if the licensee applies for an exploitation licence.

All the Documents contain information regarding investigations which have been carried out under an exploration licence and submitted to the MRA as set out in part 15 of the Mineral Resources Act, the EIA Guidelines and 1409(b) of the Standard Terms. Furthermore, all the Documents have been submitted to EAMRA within the last five years.

It follows from section 1102 that confidential material may be released with the licensee's written consent and that the licensee cannot without good reason withhold such consent. As stated above, GME has objected against the granting of public access to any of the Documents.

It is the assessment of the EAMRA that GME has sufficient reasons for objecting against the granting of public access to any of the Documents. Among other things, GME has stated that premature disclosure of the draft documents may cause economic damage GME and affect investors' opinions about the GME.

Under section 1103 of the Standard Terms, the MRA is entitled to make general statements concerning the licence area and the activities under the licence. Furthermore, the MRA may without restrictions or conditions, make use (including publication) of material that in the opinion of the MRA has a general public interest, including data and considerations of an environmental and meteorological nature, topographical maps and aerial photographs.

At present, the EAMRA does not find that the exempted Documents have a general public interest to such an extent that this provides a sufficient basis for the access to the Documents. This assessment is also based on the fact that the EIA report and related documents at a later stage in the project will be published in connection with a public consultation regarding the environmental impact assessment on the Kvanefjeld project. Before that, GME must submit a project description to the Greenland Government. The project description must go out for public pre-consultation for a 35-day period before the contents of the EIA are determined. See part 18a of the Mineral Resources Act regarding the public consultation processes.

The public interest in being informed about the environmental matters regarding a mining project and being granted access to an EIA and related documents is

thus ensured by the detailed provisions on the public consultation processes in the Mineral Resources Act.

The comments, assessments and conclusions stated above in this subsection on reported information apply to all the Documents and information therein, including the information on models, methods, processes and practices which are not generally known (see the subsection thereon) and information on business matters (see the subsection thereon).

Based on the above, EAMRA has decided to decline access to the Documents under section 14 of the Transparency Act and sections 1002-1003 and 1101-1103 of the Standard Terms.

5. More extensive access to information

In the opinion of the EAMRA, there is no grounds for allowing more extensive access to information exempted from the right of access, see section 4(1)(2) of the Transparency Act

6. Appeal

The parties to the case may make an appeal against the decision. See section 15(2) of the Transparency Act and section 3b of the Mineral Resources Act.

The appeal period is 6 weeks and runs from the notification of this decision. If the period expires on a Saturday or a holiday, it will be extended to the following business day.

The Greenland Government decides whether an appeal should have suspensive effect in relation to the access decision.

An appeal must be submitted within the appeal period and in writing to the EAMRA by email to eamra@nanoq.gl or by mail to the Environmental Agency for Mineral Resource Activities (EAMRA), Imaneq 1A 801, P.O. Box 1614, 3900 Nuuk, Greenland. The EAMRA will send the appeal and the EAMRA's decision and comments on the appeal to the Greenland Government.

Yours sincerely,

Najaaraq Demant-Poort