



The Environmental Impact Assessment (EIA) process

Notification

- The project proponent/developer in charge of a Project listed in Appendix 1 and 2 to the EIA regulation¹ is required to submit a written notification regarding the Project to the Ministry of Agriculture, Self-Sufficiency, Energy and Environment.
- The notification must include information addressing the criteria listed in appendix 3 to the EIA regulation.

Decision on Whether an EIA is Required

- Based on the information contained in the notification, the Ministry then determines whether an EIA is required for the Project.
- If it is decided that an EIA is required, the project proponent/developer must then submit an application for EIA approval. This application consists, firstly, of 'Terms of Reference' followed by an actual EIA.
- Note: Projects listed in Appendix 1: EIA is *mandatory*!

Terms of Reference

- The Terms of Reference consist of a detailed description of the Project as well as the scope of the EIA.
- The purpose of the Terms of Reference is to delimit the environmental issues that will or will not be assessed in the EIA (must be scientifically well-founded).
- Additionally, the Terms of Reference must include a description of the surveys/data that will form the basis of the assessments in the EIA.
- The Minister of Agriculture, Self-Sufficiency, Energy and Environment must approve the Terms of Reference, before the commencement of the EIA itself.

The EIA

- The EIA must be prepared on the basis of the Terms of Reference.
- The EIA must describe and assess the various parts of the environment that may be impacted by the Project.
- The EIA must include, e.g., alternatives to the Project, and/or alternative locations for the Project.
- Additionally, the EIA must contain a description of the preventative measures, which may prevent or reduce any significant negative impacts on the environment.

¹ *Selvstyrets Bekendtgørelse nr. 5 af 27. marts 2013 om vurdering af visse anlægs virkninger på miljøet og betaling for miljøtilsyn*

- The EIA must contain the information set out in Appendix 4 to the EIA regulation.
- If an EIA is carried out, a separate so-called ‘Nature Impact Assessment’ under *Landstingslov nr. 29 af 18. december 2003 om naturbeskyttelse* (Nature Protection Act) is not required.

8-Week Public Consultation

- Once the Ministry has determined that the draft EIA is satisfactory, a Greenlandic and Danish version of the EIA is then subject to an 8-week public consultation. The consultation includes all appendices to the EIA.
- Members of the public may submit comments in response to the EIA throughout this 8 week period.
- During the consultation period, the Proponent is required to host one or several public meetings concerning the project.

EIA Approval

- Following the public consultation, a draft EIA approval is prepared.
- The draft EIA approval will set out terms, the purpose of which is to avoid or reduce any significant negative environmental impacts stemming from the project.
- The draft is subject to a stakeholder consultation, which must include the Proponent as well as relevant government authorities.
- Following the stakeholder consultation, the draft EIA approval is submitted to Naalakkersuisut for its political consideration.
- The EIA approval will contain a number of conditions, which must be complied with during the construction and operational phases of the project. These conditions typically include 1. an ‘Environmental Plan’ (re. the construction phase) and 2. an ‘Emergency Response Plan’ (re. the operational phase).
- A number of other permits may be incorporated in/covered by an EIA approval, such as a regular environmental approval, a dumping approval, an effluent discharge approval, etc.

6-Week Appeal Window

- If the project is approved by Naalakkersuisut, a 6-week appeal period will commence. The 6 weeks are counted from the date the EIA approval is made public and communicated to the Proponent.
- The Project must not be initiated until the expiry of this 6 week period.
- The Environmental Plan (re. the construction phase) and the Emergency Response Plan (re. the operational phase) as well as other such plans, which are incorporated as conditions in the EIA approval, must be prepared by the Proponent and be approved by the Ministry of Agriculture, Self-Sufficiency, Energy and Environment, prior to the initiation of the Project. It is recommended to use the 6-week appeal window to prepare the Environmental Plan and the Emergency Response Plan.

The Ministry would like to point out that the Proponent is required to cover all expenses incurred by the Minister of Agriculture, Self-Sufficiency, Energy and Environment related to: the handling and assessment of the EIA application; making the EIA available to the public; obtaining external advice; and oversight of the project.

The Ministry would also like to stress that during each phase of the EIA process – and while transitioning between phases – time must be set aside for the review of documents submitted, translation of relevant documents, and ensuring the quality of prepared documents, etc. Finalizing the draft EIA and initiating the 8-week public consultation is typically the most time-consuming phase.

Thoroughness is therefore recommended particularly when preparing the Terms of Reference, to avoid the inclusion of irrelevant topics in the EIA. Furthermore, the scientific quality of the draft EIA (i.e. scientifically well-founded reasoning) determines when the EIA will be ready for the 8-week public consultation. As a result, the entire EIA process for large-scale projects typically takes up to several years to complete.