

| GREENLAND*  |   |  |  |
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| COMPETITION FRAMEWORK   |   |  |  |
| Competition Law   | The Landsting Act no. 16 was enacted on November 19, 2007 and entered into force on March 1, 2008.  |  |  |
| Competition Authority   | The “Konkurrencenævnet” (“Competition Commission”), started functioning on January 1, 1993.<br><b>Website:</b><br><a href="http://dk.nanoq.gl/Emner/Landsstyre/Departementer/Departement_for_erhverv/Styrelsen%20for%20Raad%20og%20Naevn/Konkurrencetilsynet.aspx">http://dk.nanoq.gl/Emner/Landsstyre/Departementer/Departement_for_erhverv/Styrelsen%20for%20Raad%20og%20Naevn/Konkurrencetilsynet.aspx</a> |  |  |
| STATUS OF THE COMPETITION AUTHORITY   |   |  |  |
| <b>Accountability</b>   |   |  |  |
| Does the Competition Authority have obligations before the executive?   | No  | X  | Obligations to report to the executive on on-going investigations upon request.                    |
|   |   | X  | The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch. |
|   |   | X  | The Competition Authority has to report on an annual basis to the executive.                       |
| Does the Competition Authority have obligations before the legislature?   | Yes   | √  | Obligation to publish an annual report on its activities.  |
|   |   | X  | Obligation to stand before parliament and to respond to congressmen on an annual basis.            |
|   |   | X  | Its activities are monitored by an independent auditor or by oversight committees.                 |
| <b>Other obligations/comments:</b> The obligation to publish an annual report is stated in the Home Rule Order no. 2 of 1 February 2008, section 5. |   |  |  |
| Does the Competition Authority have obligations before the judiciary?   | Yes   | √  | Decisions of the Competition Authority are subject to judicial review.                             |
|   |   | <b>Other obligations/comments:</b> Decisions of the Competition Board may be appealed to the Court of Greenland. <i>See</i> Landsting Act, section 26.   |  |
| <b>Independence</b>   |   |  |  |
| Are the criteria for appointment and removal of the head/board members clear and transparent?   | No  | <i>See</i> Landsting Act, section 17, the Government determines these rules.   |  |
| Does the executive have powers to decide on specific cases based on public interest?  | No  |  |  |
| Does the executive retain decision-making powers over the Competition Authority?  | No  |  |  |
| Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?  | Yes   | <i>See</i> Landsting Act, section 15.  |  |
| Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?                         | Yes   |  |  |
| Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?  | Yes   |  |  |
| GOVERNANCE OF THE COMPETITION AUTHORITY   |   |  |  |
| Is the Competition Authority governed by a single chairman or by a collegiate body?   | Chairman  | According to the Landsting Act, section 18, the Commission is composed by the chairman—elected independently—and six other members.  |  |
| Are the heads appointed by a minister?  | Yes   | They are appointed by the government (“Naalakkersuisuit”).   |  |
| Are the heads appointed by representatives of more than one government branch?  | No  |  |  |
| Is there a fixed period during which removal is prohibited?   | Yes   | For 4 years. <i>See</i> Landsting Act, section 18.   |  |
| Is the tenure of the heads renewable?   | Yes   | There is no limit specified for renewal.   |  |
| Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?  | Yes   | All members of the Competition Commission are asked to have comprehensive knowledge of public and private employment, including legal, economic, financial and consumer issues, no minimum amount of years of experience are required. <i>See</i> Landsting Act, section 18. |  |
| ARCHITECTURE  |   |  |  |
| Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?        | Part of a bigger entity   | It is part of the “Styrelsen for Råd og Nævn” (“Agency for Council and Board, which is part of the Ministry of Industry and Labor”) and it is located in the same building.  |  |
| POLICY-MAKING AGENTS<br>-DIVERSIFICATION-   |   |  |  |
| How many agencies are responsible for competition enforcement?  | One agency.   |  |  |

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| Do sector regulators have competition policy enforcement mandate?  | Not applicable.               |  |  |
| Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?                                   | Telecommunications regulator  | No   |  |
|  | Energy regulator              | No   |  |
|  | Transport regulator           | No   |  |
|  | Other                         | Any regulator has to coordinate competition matters with the Competition Commission.   |  |
| <b>POLICY DUTIES</b>   |                               |  |  |
| Does the Competition Authority have exclusive mandate on competition or multiple mandates?   | Exclusive competition mandate | X  | Concurrent consumer protection mandate.                          |
|  |                               | X  | Concurrent IP mandate  |
|  |                               | <b>Other mandates:</b> Not applicable.   |  |
| <b>PORTFOLIO INSTRUMENTS</b>   |                               |  |  |
| <b>Law Enforcement</b>   |                               |  |  |
| Does the Competition Authority have powers to investigate cartels?   | Yes                           | <i>See</i> Landsting Act, section 30.  |  |
| Does the Competition Authority have powers to conduct dawn raids at premises?  | Yes                           | According to Landsting Act, section 22, this action requires previous authorization of the High Court of Greenland, and police assistance.   |  |
| Can the Competition Authority investigate <i>ex officio</i> cases?   | Yes                           | Home Rule Order no. 2 of 1 February 2008, section 5.   |  |
| Does the Competition Authority have powers to accept leniency applications?  | Yes                           | <i>See</i> Landsting Act, section 30.  |  |
| Does the Competition Authority have powers to accept seek criminal punishment?   | Yes                           | <i>See</i> Landsting Act, section 29.  |  |
| <b>Advocacy</b>  |                               |  |  |
| Can the Competition Authority issue opinions on draft legislation?   | Yes                           | The opinions are not binding, but the Government has to respond to the Commission on the comments made in a term of four months with a reasoned opinion.                           |  |
| Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition? | Yes                           | Home Rule Order no. 16 of 27 June 2008. Government authorities can regulate competition, as long as they notify the Competition Commission.  |  |
| <b>Rulemaking</b>  |                               |  |  |
| Can the Competition Authority issue guidelines or other type of secondary legislation?   | Yes                           | X  | Guidelines on the calculation of fines.                          |
|  |                               | √  | Guidelines on merger control.                                    |
|  |                               | X  | Guidelines on the economic analysis of abuse of dominance cases. |
| <b>Research &amp; Reporting</b>  |                               |  |  |
| Can the Competition Authority carry out market studies?  | Yes                           |  |  |
| Can the Competition Authority report to the legislature on the results of market studies?  | Yes                           | Their annual report includes the results of the studies made.  |  |
| <b>DECISION-MAKING FUNCTIONS</b>   |                               |  |  |
| <b>Aggregated Functions</b>  |                               |  |  |
| Does the Competition Authority make the decision to investigate and to prosecute cases?  | Yes                           |  |  |
| Does the Competition Authority make guilty findings?   | Yes                           |  |  |
| Does the Competition Authority impose punishments?   | Yes                           |  |  |
| Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?  | No                            | <i>See</i> Landsting Act, section 17, provides that the Competition Authority (“Konkurrencetilsynet”), which is the secretariat of the Commission, carries out the investigations. |  |
| Can the Competition Authority’s decisions be appealed to a court?  | Yes                           |  |  |
| <b>Disaggregated Functions—Prosecutorial Model</b>   |                               |  |  |
| Are there different authorities that make the decision to investigate and to prosecute cases?  | No                            |  |  |
| Are disputes presented for decision to a separate entity/tribunal?   | No                            |  |  |
| * Data based on public sources.  |                               |  |  |