

KOPI

***Seat Agreement
between the European Commission, the Government of the Kingdom of
Denmark together with the Government of Greenland
on the Establishment of the Office of the European Commission in
Greenland***

The European Commission and the Government of the Kingdom of Denmark together with the Government of Greenland,

Noting that the Act on Greenland Self-Government, which entered into force on 21 June 2009, replaced the Act on Greenland Home Rule, changing the status of Greenland within the Kingdom of Denmark and vesting the Government of Greenland with the authority to assume fields of legislative and executive responsibilities;

Recalling the close and lasting links between the European Union and Greenland that were established by the Treaty amending, with regard to Greenland, the Treaties establishing the European Community in 1985¹;

Recalling the Joint Declaration by the European Union, on the one hand, and the Government of Greenland and the Government of Denmark, on the other, on relations between the European Union and Greenland, signed in Brussels on 19 March 2015, in which the sides stated their intention to further strengthening relations and cooperation based on broadly shared interests and to endow their mutual relations with a long-term perspective;

Recalling Council Decision (EU) 2021/1764 on the Overseas Association, including Greenland², and the objective to preserve the close and lasting links between the Union, Greenland and Denmark, the acknowledgement of the geostrategic position of Greenland, the importance of policy dialogue between Greenland, Denmark and the Union, and the potential cooperation on Arctic issues;

Desirous of further strengthening and developing the friendly relations and cooperation between on the one hand the European Commission, and on the other hand the Government of the Kingdom of Denmark together with the Government of Greenland;

Wishing to lay down terms concerning the establishment of an European Commission Office in Greenland, administratively attached to the Representation of the European Commission in Denmark, and concerning the privileges and immunities of that Office, have agreed as follows;

¹ OJ L 29, 1.2.1985, p. 1.

² OJ L 355, 7.10.2021, p. 6.

Definitions

ARTICLE 1

For the purpose of this Agreement:

- a) "Dependent members of their families" means the following persons forming part of the household in Greenland: a spouse, civil or cohabiting partner, children under 21 years of age, and children and other relatives in special circumstances agreed between the Parties upon the request of the European Commission;
- b) "Head of the Office" means the Official of the Union or the Other Servant who is in charge of the Office, or an authorized representative;
- c) "Local Staff" means staff engaged in Greenland according to local practice for manual or service duties, assigned to a post not included in the list of posts appended to the section of the EU budget relating to each EU institution and paid from the total appropriations for the purpose under that section of the EU budget. Staff engaged in Greenland for duties other than those mentioned above which, in the interests of the Commission, could not be assigned to an Official of the Union or Other Servant position shall also be regarded as local staff³;
- d) "The Office" means the building and premises made available to or occupied, maintained or used by the European Commission in Nuuk;
- e) "Official of the Union" means any person who has been appointed, as provided for in the EU Staff Regulation, to an established post on the staff of one of the institutions of the Union by an instrument issued by the Appointing Authority of that institution;
- f) "Other Servants" means all persons (other than Official of the Union and Local Staff) assigned to the Office and engaged by the European Commission and that are subject to the EU Staff Regulation;
- g) "Parties" means the Government of the Kingdom of Denmark together with the Government of Greenland and the European Commission collectively;
- h) "Party" means the Government of the Kingdom of Denmark together with the Government of Greenland or the European Commission individually;

³ Article 4 of the conditions of employment of other servants of the European Union - EEC/EAEC Council: Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (*OJ 45, 14.6.1962, p. 1385-1386*). Hereafter the "EU Staff Regulation".

- i) "Property and assets of the Office" means all property, including funds, income and other assets belonging to the Office or held or administered by it in furtherance of its functions.

Subject matter

ARTICLE 2

The Government of the Kingdom of Denmark together with the Government of Greenland hereby agree to the establishment of an Office of the European Commission in Greenland.

Property, funds, assets and operations of the Office

ARTICLE 3

The European Commission shall have the capacity to conclude contracts, to acquire and dispose of immovable and movable property as necessary for the effective fulfilment of its duties, in accordance with the administrative requirements imposed by Greenlandic and Danish laws and regulations applicable in Greenland and may be a party to legal proceedings.

ARTICLE 4

The Office shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Office shall not be the subject of any administrative or legal measure of constraint without the authorisation of the European Commission.

In case of a fire or other emergency requiring prompt protection action, the consent of the Head of the Office to any necessary entry into the Office shall be presumed if the Head of the Office cannot be reached in time.

ARTICLE 5

The archives of the Office shall be inviolable.

Taxation and customs duties

ARTICLE 6

The Office, its assets, revenues and other property shall be exempt from all direct and indirect taxes, including but not limited to, income tax, capital tax, corporate tax, custom duties. No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of Greenland by persons contracting with the Office.

ARTICLE 7

The Office shall be exempt from all prohibitions and restrictions on imports and exports in respect of articles intended for its official use.

The Office shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of its publications.

Communications and Laissez-Passer

ARTICLE 8

For its official communications and the transmission of all their documents, the Office shall enjoy the treatment accorded to consular missions in Greenland.

Official correspondence and other official communications of the Office shall not be subject to censorship.

ARTICLE 9

Laissez-passer, which shall be recognised as valid travel documents by the relevant Greenlandic and Danish authorities, may be issued to Officials of the Union and Other Servants assigned to the Office by the President of the Commission. These *laissez-passer* shall be issued to Officials of the Union and Other Servants under conditions laid down in the EU Staff Regulation.

Officials of the Union and Other Servants assigned to the Office

ARTICLE 10

In Greenland, and whatever their nationality, Officials of the Union and Other Servants of the Office shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of Officials of the Union and Other Servants towards the Union and, on the other hand, to the jurisdiction of the Court of Justice of the European Union in disputes between the Union and its officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens⁴;

⁴ I.e. the privileged persons under this agreement are not subject to § 9 (regarding the conditions for a residence permit i.e. as a family member or a worker) or § 13 (regarding a requirement to hold a work permit to take employment) of the Royal Decree No 150 of 23 February 2001 on entry into force of the Aliens Act, cf. § 45 of the Royal Decree, which reads as follows: "By agreement with foreign governments or international organisations or through directions issued by the Minister for Immigration and Integration, the rules on residence and work permits may be relaxed in relation to certain countries and certain groups of aliens."

- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the Government of Greenland;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the Government of Greenland.

ARTICLE 11

Officials of the Union and Other Servants assigned to the Office by the European Commission shall be liable to a tax for the benefit of the Union on salaries, wages and emoluments paid to them by the Union, in accordance with the conditions and procedure laid down by the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Union.

ARTICLE 12

In the application of income tax, wealth tax and death duties, Officials of the Union and Other Servants assigned to the Office who, solely by reason of the performance of their duties in the service of the European Commission, establish their residence in Greenland at the time of entering the service of the Office, shall in Greenland be considered as having maintained their domicile for tax purposes outside of Greenland as long as the country of domicile for tax purposes continues to maintain such status.

In cases, where the country of domicile for tax purposes ceases to maintain the status as a domicile for tax purposes, the Official of the Union or Other Servant assigned to the Office is to be considered as having established tax residence in Greenland in accordance with the tax laws in Greenland (income-tax law) from the time where such status ceases to exist.

This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in Greenland where they are staying shall be exempt from death duties in Greenland insofar such movable property is subject to death duties in another Jurisdiction. Such property shall, for the assessment of such duty, be considered as being in the other jurisdiction for tax purposes, subject to the rights of third countries

and to the possible application of provisions of international conventions on double taxation.

This Article applies during the period where the Official of the Union or the Other Servant is maintaining their residence in Greenland by reason of their duties in the service of the European Commission.

ARTICLE 13

Officials of the Union and Other Servants assigned to the Office can have access to health services and social security schemes in accordance with the legislation of Greenland.

ARTICLE 14

The names, grades, categories and addresses of Officials of the Union and Other Servants assigned to the Office shall be communicated periodically to the Government of the Kingdom of Denmark and the Government of Greenland.

Without prejudice to Article 10 (b), Officials of the Union and Other Servants of the Office and dependent members of their families enjoying privileges and immunities under this Agreement are subject to registration with the Ministry of Foreign Affairs of Denmark, Protocol Department, resulting in a residence and work permit being issued⁵.

Significant changes to the staffing of the Office is subject to prior information to the Government of the Kingdom of Denmark and the Government of Greenland.

General provisions

ARTICLE 15

Without prejudice to their privileges and immunities, it is the duty of the Office and Officials of the Union and Other Servants assigned to the Office enjoying privileges and immunities under this Agreement to respect Greenlandic and Danish laws and regulations applicable in Greenland.

ARTICLE 16

Privileges, immunities and facilities under this Agreement shall be accorded to Officials of the Union and Other Servants of the European Commission solely in the interests of the Union.

The European Commission shall be required to waive the immunity accorded to an Official of the Union or an Other Servants wherever it considers that the waiver of such immunity is not contrary to the interests of the Union.

⁵ Cf. § 45 of the Royal Decree referred to in footnote 4 above.

ARTICLE 17

The European Commission shall, for the purpose of applying this Agreement, cooperate with the responsible Greenlandic and Danish authorities concerned.

Settlement of disputes

ARTICLE 18

Any dispute concerning the interpretation or application of this Agreement shall be settled amicably between the Parties by direct negotiations.

Where the dispute cannot be settled amicably by direct negotiation in accordance with the first paragraph, the dispute shall be submitted to a mediation panel composed of five members, the Government of the Kingdom of Denmark, the Government of Greenland and the European Commission appointing one member each, the fourth and the fifth member being appointed by mutual agreement.

ARTICLE 19

The present Agreement shall be applied provisionally from the date of its signature and shall enter into force on the date on which Denmark together with Greenland notify the European Commission of the completion of the relevant internal procedures.

ARTICLE 20

Either Party can denounce the present Agreement at any time within twelve months' notice by means of written notification to the other Party.

ARTICLE 21

This Agreement is drawn up in triplicate in the English language.

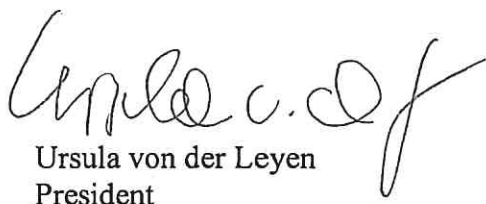
IN WITNESS WHEREOF, the undersigned, duly authorised to this effect, have signed this Agreement.

Done at Nuuk on 15 March 2024.

For the European Commission

For the Government of Greenland

For the Government of the
Kingdom of Denmark



Ursula von der Leyen
President



Múte Bourup Egede
Prime Minister



Mette Frederiksen
Prime Minister