

# REGULATION

No. 80/2013 of 16 January 2013  
on the Maritime Traffic Service and Vessel Traffic Monitoring

## CHAPTER I General Provisions

### Article 1

#### *Central administration, purpose and role*

The Minister of maritime affairs is ultimately responsible for affairs concerning the Maritime Traffic Service and the Icelandic Maritime Administration administers their implementation.

The objective of this Regulation is to ensure the safety of navigation within the Icelandic exclusive economic zone (EEZ), the safety of passengers and their crews and enhance measures to prevent marine pollution from ships.

To achieve this objective, the Icelandic Maritime Administration has established the Maritime Traffic Service which shall carry out tasks in accordance with the Maritime Traffic Service Act. The Maritime Traffic Service operates a vessel traffic monitoring and information system with a view to enhancing the safety and efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to enhanced safety of mariners and a better prevention and detection of pollution by ships. The Maritime Traffic Service shall also control and take all necessary and appropriate measures to ensure that ship masters, operators or shipping agents as well as shippers or the owners of dangerous or polluting goods which are shipped with such vessels fulfil the requirements of this Regulation.

The Icelandic Maritime Administration may enter into a service agreement on the operations of the Maritime Traffic Service and the tasks which it shall carry out and the co-operation of these parties is provided for in this service agreement.

### Article 2

#### *Application*

This regulation applies to all ships operating within the Icelandic exclusive economic zone (EEZ), unless provided otherwise.

The provisions of chapter II of the Regulation on ship reporting and control applies to vessels of 300 gross tonnage or over, unless provided otherwise.

Unless provided otherwise, the provisions of Annex II do not apply to:

- (a) warships, naval auxiliary or other ships owned or operated by the State and engaged only on governmental non-commercial service;
- (b) fishing vessels, traditional ships and recreational craft with a length of less than 45 metres;
- (c) bunkers on ships below 1.000 gross tonnage and ships' stores and equipment for use on board all ships.

The provisions of chapter IV of the Regulation on the automatic reporting system of Icelandic ships apply to all Icelandic ships.

### Article 3

#### *Definitions*

For the purposes of this Regulation:

- (a) "relevant international instruments": the following instruments, in their up-to-date versions:
  - MARPOL Convention: the International Convention for the Prevention of Pollution from Ships, 1973 and the 1978 Protocol thereto;
  - SOLAS Convention: the International Convention for the Safety of Life at Sea together with their Protocols and the amendments thereto;
  - the International Convention on Tonnage Measurement of Ships 1969;

- the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 and its 1973 Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil;
  - the SAR Convention: International Convention on Maritime Search and Rescue, 1979;
  - the ISM Code: the International Management Code for the Safe Operation of Ships;
  - the IMDG Code: the International Maritime Dangerous Goods Code;
  - IBC Code (chemical tanker code): the IMO International Code for the construction and equipment of ships carrying dangerous chemicals in bulk;
  - IGC code (liquefied-gas tanker code): the IMO International Code for the construction and equipment of ships carrying dangerous chemicals in bulk;
  - BC Code: the IMO Code of Safe Practice for Solid Bulk Cargoes;
  - INF Code: the IMO Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on board Ships;
  - IMO Resolution A.851(20): IMO Assembly Resolution A.851(20) with the title “General principles for ship reporting systems and ship reporting requirements, including Guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants”;
  - IMO Resolution A.917(22): International Maritime Organisation Resolution 917(22) entitled “Guidelines for the onboard use of AIS”, as amended by International Maritime Organisation Resolution A.956(23);
  - IMO Resolution A.949(23): International Maritime Organisation Resolution 949(23) entitled “Guidelines on places of refuge for ships in need of assistance”;
  - IMO Resolution A.950(23): International Maritime Organisation Resolution 950(23) entitled “Maritime assistance services (MAS)”;
  - IMO guidelines on the fair treatment of seafarers in the event of a maritime accident: the guidelines as annexed to Resolution 3(91) (LEG.3(91)) of the IMO Legal Committee of 27 April 2006 and as approved by the Governing Body of the International Labour Organisation (ILO) in its 296th session of 12 to 16 June 2006”.
- (b) “operator”: the owner or manager of a ship;
- (c) “agent”: any person mandated or authorised to supply information on behalf of the operator of the ship;
- (d) “shipper”: any person by whom or in whose name or on whose behalf a contract of carriage of goods has been concluded with;
- (e) “company”: a company within the meaning of Regulation 1(2) of Chapter IX of the SOLAS Convention;
- (f) “ship”: any sea-going vessel or craft;
- (g) “dangerous goods”:
- goods classified in the IMDG Code,
  - dangerous liquid substances listed in Chapter 17 of the IBC Code (chemical tanker code),
  - liquefied gases listed in Chapter 19 of the IGC Code (liquefied-gas tanker code),
  - solids referred to in Appendix B of the BC Code.
- In addition, goods which are subject to the relevant requirements on the carriage pursuant to paragraph 1.1.3 of IBC International Regulations (chemical tanker code) or paragraph 1.1.6 of the IGC Code (liquefied-gas tanker code);
- (h) “polluting goods”:
- oils as defined in Annex I to the MARPOL Convention;
  - noxious liquid substances as defined in Annex II to the MARPOL Convention;
  - harmful substances as defined in Annex III to the MARPOL Convention;
- (i) “cargo transport unit”: a road freight vehicle, a railway freight wagon, a freight container, a road tank vehicle, a railway wagon, or portable tank;
- (j) “address”: the name and the communication links whereby contact may, where necessary, be made with the operator, agent, port authority, competent authority or any other authorised person or body in possession of detailed information regarding the ship's cargo;

- (k) “competent authorities”: the authorities which the Member States of the EEA Agreement have designated to perform functions under Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, as amended, as specified in the relevant articles of this Regulation;
- (l) “port authority”: port director or other party designated by the municipality to receive and forward the information communicated in accordance with this Regulation;
- (m) “place of refuge”: a port, the part of a port or another protective berth or anchorage or any other sheltered area identified by the Icelandic Maritime Administration (IMA) to accommodating ships in distress;
- (n) “coastal station”: any of the following entities designated by the Member States in accordance with Directive 2002/59/EC: vessel traffic services; a shore-based installation responsible for a mandatory reporting system approved by the IMO; or a body responsible for coordinating search and rescue operations or operations to tackle pollution at sea. The Icelandic Government has established a special organization around such operations, namely the “Maritime Traffic Service” providing ships that navigate within the Icelandic exclusive economic zone (EEZ), among other things, safety-based services in accordance with the Maritime Traffic Service Act. Furthermore, the Maritime Traffic Service receives communications on the carriage of dangerous substances, cf. the Act on the Conservation of Sea and Shores;
- (o) “vessel traffic service”: service intended to enhance the safety and efficiency of maritime traffic and to preserve the marine environment, and is capable of carrying out interactive communication with the ships and can response to traffic conditions which may occur in the vessel traffic area;
- (p) “ships' routeing system”: a system of one or more routes or routeing measures aimed at reducing the risk of casualties. It includes traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas and deep-water routes;
- (q) “traditional ships”: all kinds of historical ships and their replicas including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique;
- (r) “casualty”: casualty within the meaning of the IMO Code for the investigation of marine casualties and incidents, cf. the Act providing for the on Investigation of Marine Accidents;
- (s) “SafeSeaNet system”: an electronic notification systems of Member States on ship arrivals, developed by the European Commission in collaboration with the EEA States to ensure the application of legislation under the EEA Agreement;
- (t) “scheduled service”: navigation between two or more ports, either according to a published timetable or so regular or frequent that may be considered regular voyages;
- (u) “fishing vessel”: any vessel used commercially for exploiting aquatic resources;
- (v) “Ship in need of assistance”: a ship in circumstances that could give rise to loss of the ship or to an environmental or navigational hazard, cf. the provisions of the SAR Agreement;
- (w) “Long Range Identification and Tracking (LRIT)”: a system for the long-range identification and tracking of ships in accordance with SOLAS regulation V/19-1.

## CHAPTER II

### A. Mandatory ship reporting and monitoring

#### Article 4

##### *Mandatory reports before entering port in Iceland*

The operator, agent or master of the ship en route to a port in Iceland shall communicate the information specified in paragraph 1. of Annex I of this Regulation to the Maritime Traffic Service:

- (a) at least 24 hours in advance; or
- (b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours, or;

(c) if the port of call is not known or it is changed during the voyage, as soon as this information is available.

Ships arriving from ports of non-EEA Member States and which are en route to a port Iceland carrying a dangerous or polluting cargo shall fulfil the ship reporting requirements pursuant to Article 13.

#### Article 5

##### *Monitoring of ships entering the area of mandatory ship reporting systems*

The Maritime Traffic Service shall monitor and take all necessary and appropriate measures to ensure that all ships entering the area of a mandatory ship reporting system conform to its rules, without prejudice to additional information required in accordance with IMO Resolution A. 851(20). Mandatory ship reporting system shall be approved by the International Maritime Organisation according to Regulation 11 Chapter V of the SOLAS Convention and operated by one or more States, of which at least one is an EEA Member State, in accordance with the relevant guidelines and criteria developed by the IMO.

When submitting a new mandatory ship reporting system to the IMO for adoption or a proposal to amend an existing reporting system, the information referred to in Article 4 of Annex I of this Regulation shall at least be included.

#### Article 6

##### *The use of the Automatic Identification System (AIS)*

Any ship calling at an Icelandic port must, in accordance with the timetable set out in paragraph 1 of Annex II, be fitted with an identification system (AIS) which meets the performance standards drawn up by the IMO, cf. Annex 3 of IMO Resolution MSC.74(69).

Ships fitted with an AIS, shall maintain it in operation at all times except where international agreements, rules or standards provide for the protection of navigational information.

#### Article 6a

##### *Use of automatic identification systems (AIS) by fishing vessels*

Any foreign fishing vessel with an overall length of more than 15 metres and flying the flag of an EEA Member State and registered in the Community, or operating in the internal waters or territorial sea of an EEA Member State, or landing its catch in an EEA Member State's port shall, in accordance with the timetable set out in Annex II, part I(3), be fitted with an AIS (Class A) which meets the performance standards drawn up by the IMO.

All Icelandic fishing vessels must be equipped with an automatic identification system (AIS-A device) that meets the performance standards drawn up by the IMO. However, fishing vessels of 15 m or less in overall length may send notifications through the Automatic Identification System (AIS-B equipment), cf Article 27(1) of this Regulation.

Fishing vessels fitted with AIS shall always have the system running. In exceptional circumstances, AIS may be switched off where the master considers this necessary in the interest of the safety or security of his vessel. The master shall immediately report any such incidents to the Maritime Traffic Service and also regularly on the position, course and speed of the ship, until the AIS is switched on again. The captain of a fishing vessel is not permitted to leave the port if the AIS is inoperative without the approval of the Maritime Traffic Service. Until the equipment is operational again, information on position, courses and speed shall be sent by other means at 6-hour intervals to the Maritime Traffic Service.

#### Article 6b

##### *Use of systems for the long-range identification and tracking of ships (LRIT)*

Ships to which SOLAS regulation V/19-1 and the performance standards and functional requirements adopted by the IMO apply shall carry LRIT equipment complying with that regulation, when calling at a port in Iceland:

1. passenger ships;
2. ships of 300 gross tonnage and over, and
3. mobile offshore drilling units.

#### Article 7

##### *Use of ships' routeing systems*

The Maritime Traffic Service shall monitor and take all necessary and appropriate measures to ensure that all ships entering the area of a mandatory ships' routing system use the system in accordance with the relevant guidelines and criteria developed by the International Maritime Organization. The ships' routeing system shall be approved by the International Maritime Organisation according to Regulation 10 Chapter V of the SOLAS Convention and operated by one or more States, of which at least one shall be an EEA Member State.

The Icelandic Maritime Administration shall when implementing a ship's routeing system, under its responsibility, which has not been adopted by the IMO, take into account, wherever possible, the guidelines and criteria developed by the IMO and promulgate all information necessary for the safe and effective use of the ship's routeing system

#### Article 8

##### *Monitoring of the compliance of ships with vessel traffic services and mandatory reporting requirements*

The Maritime Traffic Service shall monitor and take all necessary measures to ensure that:

- (a) a ship entering the vessel traffic service area within the territorial waters of Iceland shall participate and comply with the laws and regulations on the Vessel Traffic Service that have been adopted in accordance with IMO Guidelines;
- (b) a ship flying the flag of an EEA Member State or a ship bound for a port in Iceland and entering the Vessel Traffic Service area outside the territorial sea of Iceland shall comply with laws and regulations on the Vessel Traffic Service that have been adopted in accordance with IMO Guidelines;
- (c) a ship flying the flag of a non-EEA Member State and is not bound for a port in Iceland and entering the Vessel Traffic Service area outside the territorial sea of Iceland shall comply with laws and regulations on the Vessel Traffic Service, as appropriate.

The Maritime Traffic Service shall inform the vessel's flag state of obvious and serious violations of the Maritime Traffic Service laws and regulations applicable within Iceland's Maritime Traffic Service area.

#### Article 9

The Icelandic Maritime Administration shall take all necessary and appropriate measures to provide itself, on a time-schedule compatible with the timetable set out in Annex II(I) of this Regulation, with appropriate equipment and shore-based installations for receiving and utilising the AIS information system taking into account a necessary range for transmission of the reports.

The Icelandic Maritime Administration shall ensure that the Maritime Traffic Service in charge of monitoring the compliance with vessel traffic services and ships' routing systems have sufficient and properly qualified staff available, as well as appropriate means of communication and ship monitoring and that they operate in accordance with relevant IMO guidelines.

#### Article 10

##### *Voyage data recorder systems (VDR)*

With regard to port State control, the Icelandic Maritime Administration shall monitor and take all necessary and appropriate measures to ensure that ships calling at a port in Iceland are fitted with a voyage data recorder (VDR) system in accordance with the rules laid down in Annex II(II).

Data which have been collected from a VDR system shall be made available to the EEA Member State concerned in the event of an investigation following a casualty occurring within the waters under the jurisdiction of Iceland. It shall be ensured that such data are used in the

investigation and are properly analysed The Commission of Enquiry into Accidents at Sea shall ensure that the findings of the investigation are published as soon as possible after its conclusion, under the Act on Investigation of Marine Accidents, as amended.

#### Article 11

[This should be blank, cf. Article 24 of Directive 2009/18/EC.]

### **B. Notification of dangerous or polluting goods on board ships (Hazmat)**

#### Article 12

##### *Information requirements concerning the transport of dangerous goods*

No dangerous or polluting goods shall be offered for carriage or taken on board any ship, irrespective of its size, in an Icelandic port unless a declaration has been delivered to the master or operator before the goods are taken on board containing the following information:

- (a) information specified in Annex I(2) to this Regulation,
- (b) for the substances referred to in Annex I to the MARPOL Convention, the safety data sheet detailing the physico-chemical characteristics of the products, including, where applicable, their viscosity expressed in cSt at 50 °C and their density at 15 °C and the other data contained in the safety data sheet in accordance with IMO Resolution MSC.286(86),
- (c) the emergency numbers of the shipper or any other person or body in possession of information on the physico-chemical characteristics of the products and on the action to be taken in an emergency.

Ships coming from a port outside an EEA Member State and calling at a port in Iceland which have dangerous or polluting goods on board shall be in possession of a declaration, as provided for by the shipper, containing the information required under paragraph 1(a), (b) and (c).

It shall be the duty and responsibility of the shipper to deliver to the master or operator such a declaration pursuant to paragraph 1, and to ensure that the shipment offered for carriage is indeed the one declared in accordance with paragraph 1.

#### Article 13

##### *Notification of dangerous or polluting goods carried on board*

The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods and leaving a port of an EEA Member State shall, at the latest at the moment of departure, notify the information indicated in Annex I(3) of the Regulation to the Maritime Traffic Service.

The operator, agent or master of a ship, irrespective of its size, carrying dangerous or polluting goods coming from a port located outside EEA Member States and bound for a port in Iceland or an anchorage located in the territorial waters of Iceland shall, at the latest upon departure from the loading port or as soon as the port of destination or the location of the anchorage is known, if this information is unavailable at the moment of departure, notify the information indicated in Annex I(3) to the Maritime Traffic Service.

The Maritime Traffic Service may put in place a procedure authorising the operator, agent or master of a ship referred to in paragraphs 1 and 2 to notify the information listed in Annex I(3) to the port authority of the port of departure in an EEA Member State or port of destination in Iceland, as appropriate.

The procedure put in place pursuant to paragraph 3 must ensure that the Maritime Traffic Service has access to the information indicated in Annex I(3) at all times should it be needed. To this end, the port authority concerned shall retain the information listed in Annex I(3) of this Regulation long enough for it to be usable in the event of an incident or accident at sea. The port authority shall take the necessary measures to provide this information electronically and without delay to the Maritime Traffic Service, 24 hours a day upon request.

The operator, agent or master of the ship must communicate the cargo information indicated in Annex I(3) of this Regulation to the port authority or to the Maritime Traffic Service.

The information must be transferred electronically whenever practicable. The electronic message exchange must use the syntax and procedures set out in Annex III.

## Article 14

*Computerised exchange of data between Iceland and EEA Member States*

The Icelandic Maritime Administration shall cooperate with EEA Member States to ensure the interconnection and interoperability of the national systems used to manage the information indicated in Annex I. Communication systems (SafeSeaNet) set up pursuant to the first subparagraph must display the following features:

- (a) data exchange must be electronic and enable messages notified in accordance with Article 13 to be received and processed;
- (b) the system must allow information to be transmitted 24 hours a day;
- (c) the Maritime Traffic Service must be able, upon request, to send information on the ship and the dangerous or polluting goods on board without delay to the competent authority or the local authority of another EEA Member State through SafeSeaNet, and if needed for the purpose of maritime safety or security or the protection of the maritime environment.

## Article 15

*Dispensations*

Member States may exempt scheduled services performed between ports located on their territory from the requirements of Articles 4 and 13 provided the following conditions are met:

- (a) the company operating the scheduled services maintains and updates a list of the the ships concerned and sends it to the Maritime Traffic Service,
- (b) for each voyage performed, the information listed in Annex I(1) or (3) is kept available for the Maritime Traffic Service upon request. The company shall establish an internal system to ensure that, upon request 24 hours a day and without delay, such information can be sent to the Maritime Traffic Service electronically, in accordance with Article 4(1) or Article 13(4), as appropriate,
- (c) any deviations from the estimated time of arrival at the port of destination or pilot station of three hours or more are notified to the port of arrival or to the Maritime Traffic Service in accordance with Article 4 or Article 13, as appropriate,
- (d) exemptions are only granted to individual vessels as regards a specific service.

The service pursuant to paragraph 1(a) shall not be regarded as a scheduled service unless it is intended to be operated for a minimum of one month.

Exemptions from the requirements of Articles 4 and 13 shall be limited to voyages of a scheduled duration of up to 12 hours.

When an international scheduled service is operated between Iceland and other states, including EEA Member States, any of the EEA Member States involved may request the Icelandic Maritime Administration to grant an exemption to that service on behalf of Iceland. Member States shall cooperate with other EEA Member States concerned, including the relevant coastal States, in granting exemptions in accordance with the conditions in the first paragraph.

The Icelandic Maritime Administration shall regularly verify that the conditions of an exemption under this Article are met. If one of the above conditions are no longer met, the exemption shall be immediately revoked.

The Icelandic Maritime Administration shall communicate to the EFTA Surveillance Authority a list of companies and ships granted exemption under this Article, as well as any updating of that list.

**C. Monitoring of hazardous ships and intervention  
in the event of incidents and accidents at sea**

## Article 16

*Transmission of information concerning certain ships*

Ships meeting the criteria set out below shall be considered to be ships posing a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment:

- (a) ships which, in the course of their voyage:

- have been involved in incidents or accidents at sea as referred to in Article 17; or
  - have failed to comply with the notification and reporting requirements imposed by this Regulation; or
  - have failed to comply with the applicable law and regulations on ships' routing systems and VTS placed under the responsibility of the Maritime Traffic Service;
- (b) ships in respect of which there is proof or strong presumptive evidence of deliberate discharges of oil or other infringements of the MARPOL Convention in waters under the jurisdiction of Iceland;
- (c) ships which have been refused access to ports of the EEA Member States or which have been the subject of a report or notification by an EEA Member State in accordance with the Regulation on port state control;
- (d) ships which have not submitted a notification or not holders of a certificate of insurance or financial collateral under the EEA legislation and international regulations;
- (e) Ships which have been reported by pilots or port authorities or bodies as having apparent anomalies which may prejudice their safe navigation or pose a threat of harm to the environment.

The Maritime Traffic Service holding relevant information on the ships referred to in paragraph 1 shall communicate it to the coastal stations concerned in the other EEA Member States located along the planned route of the ship.

The Maritime Traffic Service shall ensure that the information communicated to them under paragraph 2 is transmitted to the relevant port authorities and/or other authorities nominated by an EEA Member State. Within the limits of its available staff capacity, the Icelandic Maritime Administration shall carry out any appropriate inspection or verification in its ports either on its own initiative or at the request of another EEA Member State, without prejudice to any port State control obligation. The Administration shall inform all EEA Member States concerned of the results of the action they take.

#### Article 17

##### *Reporting of incidents and accidents at sea*

Without prejudice to international law and with a view to preventing or mitigating any significant threat to maritime safety, the safety of individuals or the environment, the Maritime Traffic Service shall monitor and take all appropriate measures to ensure that the master of a ship sailing within the exclusive economic zone, immediately reports the following to Maritime Traffic Service:

- (a) any incident or accident affecting the safety of the ship, such as collision, running aground, damage, malfunction or breakdown, flooding or shifting of cargo, any defects in the hull or structural failure;
- (b) any incident or accident which compromises shipping safety, such as failures likely to affect the ship's manoeuvrability or seaworthiness, or any defects affecting the propulsion system or steering gear, the electrical generating system, navigation equipment or communications equipment;
- (c) any situation liable to lead to pollution of the waters or shore of a Member State, such as the discharge or threat of discharge of polluting products into the sea;
- (d) any slick of polluting materials and containers or packages seen drifting at sea.

The report message sent in application of paragraph 1 shall include at least the ship's identity, its position, the port of departure, the port of destination, the address from which information may be obtained on the dangerous and polluting goods carried on board, the number of persons aboard, details of the incident and any relevant information referred to in IMO Resolution A.851(20).

The Maritime Traffic Service shall inform the Marine Accident Investigation Board on the notifications under paragraph 1 of this Article. Furthermore, the Maritime Traffic Service shall immediately send information on notifications pursuant to paragraph 1(a-d) to the Icelandic Coast Guard Coordination Centre and the Environmental Agency.



## Article 18

*Measures in the event of exceptionally bad weather and/or sea state*

Where the Maritime Traffic Service considers, in the event of exceptionally bad weather or sea conditions, that there is a serious threat of pollution of Iceland's shipping areas or coastal zones, or of the shipping areas or coastal zones of other States, or that the safety of human life is in danger it shall:

- (a) where possible, fully inform the master of a ship which is in the port area concerned, and intends to enter or leave that port, of the sea state and weather conditions and, when relevant and possible, of the danger they may present to his/her ship, the cargo, the crew and the passengers;
- (b) take, without prejudice to the duty of assistance to ships in distress and in accordance with Article 20, any other appropriate measures, in consultation with and under the responsibility of the Icelandic Coast Guard, which may include a recommendation or a prohibition either for a particular ship or for ships in general to enter or leave the port in the areas affected, until it has been established that there is no longer a risk to human life and to the environment;
- (c) take appropriate measures, in consultation with and under the responsibility of the Icelandic Coast Guard, to limit as much as possible or, if necessary, prohibit the bunkering of ships in Iceland's exclusive economic zone in accordance with the Act on the Conservation of Sea and Shores and any regulation adopted hereunder.

The master shall inform the company of the appropriate measures or recommendations referred to under paragraph 1. These do not however prejudice the decision of the master on the basis of his/her professional judgement corresponding to the SOLAS Convention. Where the decision taken by the master of the ship is not in accordance with the measures referred to under paragraph 1, he/she shall inform the Maritime Traffic Service of the reasons for his/her decision.

The appropriate measures or recommendations, referred to under paragraph 1, shall be based upon a sea state and weather forecast provided by the Icelandic Maritime Administration or the Icelandic Meteorological Office. Furthermore, account the information from Icelandic Coast Guard Patrol flights by the Icelandic Coast Guard and Notices to Mariners on sea ice, and other relevant information.

## Article 18a

*Measures in the event of risks posed by the presence of ice*

Where the Maritime Traffic Service considers, in view of ice conditions, there is a serious threat to the safety of human life at sea or to the protection of shipping areas or coastal zones of Iceland, or of the shipping areas or coastal zones of other States:

- (a) it shall supply the master of a ship which is in its area of competence, or intends to enter or leave one of Iceland's ports, with appropriate information on the ice conditions, the recommended routes and the icebreaking services in its area of competence,
- (b) it may, without prejudice to the duty of assistance to ships in need of assistance and other obligations flowing from relevant international rules, request that a ship which is in the area concerned and intends to enter or leave a port or terminal or to leave an anchorage area document that it satisfies the strength and power requirements commensurate with the ice situation in the area concerned.

The measures taken pursuant to paragraph 1 shall be based, as regards the information concerning the ice conditions, upon ice and weather forecasts provided by the Icelandic Meteorological Office.

## Article 19

*Measures relating to incidents or accidents at sea*

In the event of incidents or accidents at sea as referred to in Article 17, the Maritime Traffic Service may take any appropriate measures in accordance with national and international law, where necessary to ensure the safety of shipping and of persons and to protect the marine and coastal environment, as included in the list set out in Annex IV, which is non-exhaustive.

The operator, the master of the ship and the owner of the dangerous or polluting goods carried on board must, in accordance with national and international law, cooperate fully with the Maritime Traffic Service and the competent national authorities with a view to minimising the consequences of an incident or accident at sea. To this end they shall communicate to the competent national authorities in each EEA Member State, on request, the information referred to in Article 12.

The master of a ship to which the provisions of the ISM Code (International Safety Management Code) are applicable shall, in accordance with that Code, inform the company of any incident or accident, as referred to in Article 17(1), which occurs at sea. As soon as it has been informed of such a situation, the company must contact the Maritime Traffic Service and place itself at its disposal as necessary.

The relevant provisions of the IMO guidelines on the fair treatment of seafarers in the event of a maritime accident in the Icelandic exclusive economic zone (EEZ) shall be taken into account.

#### Article 20

##### *Competent authorities for the accommodation of ships in need of assistance*

The Icelandic Maritime Administration (IMA), the Icelandic Coast Guard and the Environment and Food Agency of Iceland shall take independent decisions on their own initiative concerning the accommodation of ships in need of assistance in accordance with law and regulations of the respective authorities.

The authority or authorities referred to in paragraph 1 may, as appropriate and in particular in the event of a threat to maritime safety and protection of the environment, take any of the measures included in the list set out in Annex IV, which is non-exhaustive.

The authorities under paragraph 1 shall meet regularly to exchange expertise and improve and improve measures taken pursuant to this Article.

#### Article 20a

##### *Plans for the accommodation of ships in need of assistance*

The Icelandic Maritime Administration (IMA), the Icelandic Coast Guard and the Environment and Food Agency of Iceland shall draw up plans for the accommodation of ships in order to respond to threats presented by ships in need of assistance in the waters under Icelandic jurisdiction, including, where applicable, threats to human life and the environment. The organization of rescue operations when lives are at risk is subject to the Regulation on management of search and rescue operations in Icelandic search and rescue regions with regard to mariners and aircraft. The Act on the Conservation of Sea and Shores and relevant regulations provide for response to pollution at sea or on the shores. The authorities referred to above shall participate in drawing up and carrying out those plans.

The plans referred to in paragraph 1 shall be prepared in accordance with the Act on the Conservation of Sea and Shores after consultation of the parties concerned, on the basis of IMO Resolutions A.949(23) and A.950(23), and shall contain at least the following:

- (a) the identity of the authority or authorities responsible for receiving and handling alerts
- (b) the identity of the authority or authorities responsible for assessing the situation and taking a decision on acceptance or refusal of a ship in need of assistance in the place of refuge selected,
- (c) information on the coastline of Iceland and all elements facilitating a prior assessment and rapid decision regarding the place of refuge for a ship, including a description of environmental, economic and social factors and natural conditions,
- (d) the assessment procedures for acceptance or refusal of a ship in need of assistance in a place of refuge,
- (e) the resources and installations suitable for assistance, rescue and combating pollution,
- (f) procedures for international coordination and decision-making,
- (g) the financial guarantee and liability procedures in place for ships accommodated in a place of refuge.

Member States shall publish the name and contact address of the authority or authorities referred to in Article 20(1) and of the authorities appointed for receiving and handling alerts.

In implementing the procedures provided for in the plans for accommodatingships in need of assistance, the Icelandic Maritime Administration shall ensure that relevant information is made available to the parties involved in the operations.

Authorities under paragraph 1 may make disclosure of information provided for in this Article subject to confidentiality.

The Icelandic Maritime Administration shall notify the EFTA Surveillance Authority no later than 30 November 2012, on the measures taken to implement this Article.

#### Article 20b

##### *Decision on the accommodation of ships*

Intervention because of acute pollution of waters within Iceland's pollution jurisdiction is provided for in the Act on the Conservation of Sea and Shores. Authorities under Article 20(1) shall decide on the acceptance of a ship in a place of refuge following a prior assessment of the situation carried out on the basis of the plans referred to in Article 20a. The authorities shall ensure that ships are admitted to a place of refuge if they consider such an accommodation the best course of action for the purposes of the protection of human life or the environment. Search and rescue of mariners is provided for by the Icelandic Coast Guard Act and the Regulation on management of search and rescue operations in Icelandic search and rescue regions with regard to mariners and aircraft.

#### Article 20c

##### *Financial security and compensation*

The absence of an insurance certificate within the meaning of Article 6 of Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims shall not exonerate the authorities under Article 20(1) from the preliminary assessment and decision referred to in Article 20b, and shall not in itself be considered sufficient reason to refuse to accommodate a ship in a place of refuge.

Without prejudice to paragraph 1, when accommodating a ship in a place of refuge, the authorities may request the ship's operator, agent or master to present a insurance certificate within the meaning of Article 6 of Directive 2009/20/EC, cf. the Icelandic Maritime Act. The act of requesting the certificate shall not lead to a delay in accommodating the ship.

#### Article 20d

[This should be blank.]

#### Article 21

##### *Information of the parties concerned*

The Maritime Traffic Service shall, as necessary, broadcast within the relevant areas any incident or accident notified under Article 17(1) and information with regard to any ship that poses a threat to maritime safety, the safety of individuals or the environment.,

The Maritime Traffic Service holding information notified in accordance with Articles 13 and 17 of this Regulation shall provide such information at any time upon request for safety reasons by the competent authority of another EEA Member State.

In case the competent authorities of Iceland which have been informed, pursuant to this Regulation or in some other way, of facts which involve or increase the risk for another EEA Member State of a hazard being posed to certain shipping areas and coastal zones, shall take the appropriate measures to inform any interested EEA Member State thereof as soon as possible and consult it regarding the action being envisaged. Where appropriate, competent authorities in Iceland shall cooperate with a view to pooling the arrangements for joint action.

The Maritime Traffic Service shall make the necessary arrangements to use fully the reports which ships are required to transmit to them pursuant to Article 17 of this Regulation.

## **D. Accompanying measures**

### Article 22

#### *Designation and publication of a list of competent bodies*

The Maritime Traffic Service shall receive the notifications required by this Regulation. The Maritime Traffic Service shall communicate the notification to other competent authorities as appropriate and where provided for pursuant to service agreements each time.

The Icelandic Maritime Administration shall ensure that the shipping industry is properly informed and regularly updated, notably via nautical publications, regarding the authorities and stations designated pursuant to paragraph 1, including where appropriate the geographical area for which they are competent, and the procedures laid down for notifying information required by this Regulation.

The Icelandic Maritime Administration shall send the EFTA Surveillance Authority a list of the authorities and stations they designate pursuant to paragraph 1, as well as any updating thereof.

### Article 22a

#### *SafeSeaNet*

The Icelandic Maritime Administration shall establish maritime information management systems, at national or local level, to process the information referred to in this Regulation.

The systems set up under paragraph 1 shall allow the information gathered to be used operationally and shall satisfy, in particular, the conditions laid down in Article 14.

To guarantee an effective exchange of the information referred to in this Regulation, the Icelandic Maritime Administration shall ensure that national or local systems set up to gather, process and preserve that information can be interconnected with SafeSeaNet. The description and principles of SafeSeaNet are laid down in Annex III.

Without prejudice to paragraph 3, where operating under intra-EEA agreements or in the framework of cross-border interregional or transnational projects within the EEA, the Icelandic Maritime Administration shall ensure that information systems or networks comply with the requirements of this Regulation and are compatible with and connected to SafeSeaNet.

### Article 23

#### *Cooperation between the Icelandic Maritime Administration and the EFTA Surveillance Authority*

The Icelandic Maritime Administration and the EFTA Surveillance Authority shall cooperate in attaining the following objectives:

- (a) making optimum use of the information notified pursuant to this Regulation, notably by developing appropriate telematic links between the Maritime Traffic Service and port authorities with a view to exchanging data relating to ships' movements, their estimated times of arrival in ports and their cargo;
- (b) developing and enhancing the effectiveness of telematic links between the coastal stations of the EEA Member States with a view to obtaining a clearer picture of traffic, improving the monitoring of ships in transit, and harmonising and, as far as possible, optimizing, streamlining the reports required from ships en route;
- (c) extending the cover of the EEA Member States' vessel traffic monitoring and information system, and/or updating it, with a view to enhanced identification and monitoring of ships, taking into account developments in information and communication technologies. To this end the Icelandic Maritime Administration and the EFTA Surveillance Authority shall work together to put in place, where necessary, mandatory reporting systems, mandatory shipping services and appropriate ships' routing systems, with a view to submitting them to the IMO for approval. They shall also collaborate, within the regional or international bodies concerned, on developing long-range identification and tracking systems;
- (d) drawing up, if appropriate, concerted plans to accommodate ships in distress;
- (e) ensuring the interconnection and interoperability of the systems used for managing the information referred to in Annex I, and developing and updating SafeSeaNet.

## Article 23a

[This should be blank.]

## Article 24

*Confidentiality of information*

The Maritime Traffic Service may provide police authorities and other official control authorities with information necessary for control and investigation of cases.

The Maritime Traffic Service and competent authorities shall take the necessary measures to ensure the confidentiality of information sent to them pursuant to this Regulation.

## Article 25

*Monitoring the implementation of this Regulation*

The Icelandic Maritime Administration shall carry out regular inspections and any other action required to check the functioning of the shore-based telematic systems set up to meet the requirements of Regulation, and in particular their capacity to meet the requirements of receiving or sending without delay, 24 hours a day, information notified pursuant to Articles 13 and 15.

The Maritime Traffic Service shall, without delay, inform the flag State and any other State concerned of measures taken in respect of ships not flying their flag pursuant to Articles 16 and 19 of this Regulation.

Where the Maritime Traffic Service finds, on the occasion of an incident or accident at sea referred to in Article 19, that the company has not been able to establish and maintain a link with the ship or with the Maritime Traffic Service, it shall so inform the State which issued the ISM document of compliance and associated safety management certificate, or on whose behalf it was issued.

Where the seriousness of the failure shows the existence of a major incidence of non-compliance in the functioning of the safety management system of a company established in an EEA Member State, the EEA Member State which issued the document of compliance or safety management certificate to the ship shall immediately take the necessary measures against the company concerned with the view to having the document of compliance and the associated safety management certificate withdrawn.

## CHAPTER III

**Maritime Traffic Service**

## Article 26

*Tasks*

The Maritime Traffic Service operates a monitoring, control and information system for maritime traffic with a view to enhancing the safety and efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, and contributing to a better prevention and detection of pollution by ships. Furthermore, it shall receive all notifications required by this Regulation and monitor and take all necessary and appropriate measures to ensure that ship masters, operators or shipping agents as well as shippers or the owners of dangerous or polluting goods which are shipped on board such vessels fulfil the requirements of this Regulation.

The Maritime Traffic Service is also responsible for the following tasks, as provided for in a service agreement:

- monitoring the international automatic identification systems (AIS),
- monitoring, operating and maintaining the Global Maritime Distress and Safety System (GMDSS),
- reception and dissemination of:
  - distress calls from ships
  - notification by passenger ships for the purpose of counting and registering passengers,
  - notification by ships carrying dangerous or polluting goods,

- notification on incidents or accidents at sea,
  - registering of ships which are subject to port State control,
  - notification on the arrival of ships into Icelandic harbours,
  - notification and information on malfunctions in the lighthouse system and on obstacles at sea,
  - information on places of refuge and communication with the ports that the Icelandic Maritime Administration has designated as places of refuge.
- Other tasks that the Icelandic Maritime Administration delegates to the Maritime Traffic Service.
  - Tasks for the benefit of third parties authorized by the Icelandic Maritime Administration.

#### CHAPTER IV

#### **Automatic identification systems for Icelandic ships (AIS)**

##### Article 27

##### *Ship position-reporting*

All Icelandic ships shall report their departure from and arrival into port as well as their position through an identification system system, pursuant to Article 29. The notifications shall be sent through the automatic identification system of ships (AIS-A equipment). However, ships of 15 m or less in overall length may send notifications through the automatic identification system (AIS-B equipment).

Operators of ships which solely navigate within the service area of the automatic identification system (AIS) on the VHF channel shall fit their ships with the necessary instruments for the operation of the automatic Identification System (AIS).

Operators of ships which navigate outside the service area of the automatic identification system (AIS) on the VHF channel shall fit their ships with the necessary instruments for communicating notifications via satellite service. Where the Maritime Traffic Service becomes aware of the fact that instruments on board a ship are not functioning correctly the master of the ship shall be notified and the master shall ensure that the instrument is repaired as soon as possible and not later than when the ship leaves the next port. If the notification pursuant to Article 29 is not received by the ship regularly the Maritime Traffic Service shall react immediately and identify the reasons for this. The emergency response levels are:

*Normal state:* Notifications are received automatically from the ship pursuant to Article 29.

*Emergency response state:* A notification in accordance with Article 29 has not been received from a ship.

The Maritime Traffic Service shall contact the ship within 30 minutes from the time that the notification should have been received. If the ship can not be contacted, the next phase shall be activated – state of emergency.

*Distress phase:* If a vessel has not been located after an emergency response state has been activated, the Maritime Traffic Service shall notify the Icelandic Coast Guard Coordination Centre/JRCC-Iceland which shall immediately commence search and rescue operation subject to the Regulation on management of search and rescue operations in Icelandic search and rescue regions with regard to mariners and aircraft. The Coast Guard shall activate all the parties responsible for search and rescue according to the law, including the relevant rescue units, where applicable.

##### Article 28

##### *Sea areas*

Sea areas as defined in this Regulation are according to definitions of the International Maritime Administration (IMO) in SOLAS, cf. Article 2 of the Ships' Radio Equipment and Radiocommunications Regulation No. 53/2000.

*Sea area A1:* an area within the radiotelephone coverage of a VHF coast station in which continuous DSC alerting is available.

*Sea area A2:* an area, excluding sea area AIS and/or A1, within the radiotelephone coverage of an MF coast station in which continuous DSC alerting is available).

*Sea area A3:* an area, excluding sea areas AIS, A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available, i.e. between latitude 70° N and latitude 70° S.

*Sea area A4:* an area, excluding sea areas AIS, A1, A2 and A3.

*Automatic ship reporting system area:* an area within the radiotelephone coverage the Automatic Ship Reporting System (AIS) on the VHF channel.

Ships and boats carrying equipment for transmitting notifications within the service area of the automatic ship reporting system on the VHF channel may not navigate outside that sea area.

#### Article 29

All Icelandic ships shall report their departure from and arrival into port as well as their position through the automatic ship identification system. They shall inform their position in the following manner as a minimum:

- a. Ships of 24 m in length and over shall report at one-hour intervals.
- b. Ships less than 24 metres in length which may navigate outside the service area of the service area reporting system on the VHF channel shall report at one-hour intervals.
- c. Ships of less than 24 m in length and navigating within the service area of the automatic identification system on the VHF channel shall report at not less than 15-minute intervals.
- d. Passenger ships engaged in commercial operations shall report at 15-minute intervals.

Coast Guard ships and ships engaged in non-commercial operations are exempted from the provisions of paragraph 1. The Icelandic Maritime Administration may grant ships and boats exemptions from complying with paragraph 1 if they are solely engaged in commercial fishing operations within 1.5 nautical miles from the shore where conditions on board do not allow for carrying the necessary equipment for sending automatic notifications, provided that the Administration considers that this will not affect the safety of the ship and crew. Upon granting such an exemption the Icelandic Maritime Administration shall endorse the permissible area of operation on the vessel's certificate of seaworthiness.

### CHAPTER V Miscellaneous items

#### Article 30

##### *Penalties and entry into force*

Infringement of the provisions of this Regulation is subject to the provisions of Article 18 of the Maritime Traffic Service Act. No. 41/2003.

#### Article 31

##### *Entry into force and implementation*

This regulation is issued under Article 17(1) of the Maritime Traffic Service Act No. 41/2003 and as authorized by Article 21(1) of the Harbour Act No. 61/2003, Article 3(4) of the Icelandic Maritime Administration Act No. 6/1996, Article 1(4) of the Ship Survey Act No. 47/2003 and Article 16(2) of the Investigation of Marine Accidents Act No. 68/2000 and enters into force at the time of publication. As of the same time the Regulation on the Maritime Traffic Service and Vessel Traffic Monitoring Act No. 672/2006, as amended, is repealed.

With this regulation, the following European Union acts are implemented into Icelandic law:

- a. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, published in the EEA Supplement to the Official Journal of the European Union no. 56, 11 November 2004, p. 174, cf. Decision of the EEA Joint Committee No. 13/2003 of 31 January 2003 amending Annex XIII (Transport) to the EEA Agreement, which was published in the EEA Supplement to the Official Journal of the European Union no. 19, 10 October 2003, p. 16.
- b. Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and

- information system, EEA Supplement to the Official Journal of the European Union no. 54 of 27 September 2012, p. 311, cf. Decision of the EEA Joint Committee No. 59/2012 of 30 March 2012 amending Annex XIII (Transport) to the EEA Agreement, which was published in the EEA Supplement to the Official Journal of the European Union no. 43, 2 August 2012, p. 47.
- c. Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council, published in the EEA Supplement to the Official Journal of the European Union no. 54 of 27 September 2012, p. 326, cf. Decision of the EEA Joint Committee No. 62/2012 of 30 March 2012 amending Annex XIII (Transport) to the EEA Agreement, which was published in the EEA Supplement to the Official Journal of the European Union no. 43, 2 August 2012, p. 51.
- d. Commission Directive 2011/15/EU of 23 February 2011 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system, published in the EEA Supplement to the Official Journal of the European Union no. 24 of 26 April 2012, p. 168, cf. Decision of the EEA Joint Committee No. 60/2012 of 30 March 2012 amending Annex XIII (Transport) to the EEA Agreement, which was published in the EEA Supplement to the Official Journal of the European Union no. 43, 2 August 2012, p. 48.

*Ministry of the Interior, 16 January 2013*

**Ögmundur Jónasson**

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*Ragnhildur Hjaltadóttir.*



## ANNEX I

**List of information to be notified**

1. Information to be notified in accordance with Article 4. — General information:
  - (a) ship identification (name, call sign, IMO identification number or MMSI number),
  - (b) port of destination,
  - (c) estimated time of arrival at the port of destination or pilot station, as required by the Maritime Traffic Service, and estimated time of departure from that port,
  - (d) total number of persons on board.
2. Information to be notified in accordance with Article 12. — Cargo information:
  - (a) the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes and, where appropriate, the class of the ship needed for INF cargoes as defined in Regulation VII/14.2, the quantities of such goods and, if they are being carried in cargo transport units other than tanks, the identification number thereof,
  - (b) address from which detailed information on the cargo may be obtained.
3. Information to be notified in accordance with Article 13:
  - A. General information:
    - (a) ship identification (name, call sign, IMO identification number or MMSI number),
    - (b) port of destination,
    - (c) for a ship leaving a port in a EES Member State: estimated time of departure from the port of departure or pilot station, as required by the competent authority, and time of arrival at the port of destination,
    - (d) for a ship coming from a port located outside the EEA Member States and bound for a port in Iceland: time of arrival at the port of destination or pilot station, as required by the Maritime Traffic Service,
    - (e) total number of persons on board.
  - B. Cargo information:
    - (a) the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the IMO hazard classes in accordance with the IMDG, IBC and IGC Codes and, where appropriate, the class of the ship as defined by the INF Code, the quantities of such goods and their location on board and, if they are being carried in cargo transport units other than tanks, the identification number thereof,
    - (b) confirmation that a list or manifest or appropriate loading plan giving details of the dangerous or polluting goods carried and of their location on board the vessel,
    - (c) address from which detailed information on the cargo may be obtained.
4. Information referred to in Article 5:
  - A. ship identification (name, call sign, IMO identification number or MMSI number),
  - B. date and time,
  - C. or D. position in latitude and longitude or true bearing and distance in nautical miles from a clearly identified landmark,
  - E. course,
  - F. speed,
  - I. port destination and estimated time of arrival,
  - P. cargo and, if dangerous goods present on board, quantity and IMO class,
  - T. address for the communication of cargo information,
  - W. total number of persons on board,
  - X. various information:
    - characteristics and estimated quantity of bunker fuel, for ships of more than 1.000 gross tonnage,
    - navigational status.

5. The master of the ship must forthwith inform the Maritime Traffic Service or port authorities concerned of any change to the information notified pursuant to this Annex.

## ANNEX II Requirements applicable to on-board equipment

### I. FISHING VESSELS

Fishing vessels with a length of more than 15 m overall shall be fitted with an automatic identification system (AIS) as provided for in Article 6a according to the following timetable.

- fishing vessels of 24 m in length overall and over but less than 45 m: not later than 31 May 2012,
- fishing vessels of 18 m in length overall and over but less than 24 m: not later than 31 May 2013,
- fishing vessels of 15 m in length overall and over but less than 18 m not later than 31 May 2014,
- new built fishing vessels of overall length exceeding 15 m are subject to the carrying requirement laid down in Article 6a as from 30 November 2010.

### II. SHIPS ENGAGED ON INTERNATIONAL VOYAGES

Passenger ships, irrespective of size, and all ships, other than passenger ships, of 300 gross tonnage and upwards engaged on international voyages, which call at a port in Iceland shall be fitted with an automatic identification system (AIS) in accordance with the technical and performance standards laid down in Chapter V of SOLAS. Passenger ships, irrespective of size, and all ships other than passenger ships, of 3.000 gross tonnage and upwards engaged on international voyages, which call at a port in Iceland shall be fitted with a voyage data recorder (VDR) in accordance with the technical and performance standards laid down in Chapter V of SOLAS. In case of cargo ships constructed before 1 July 2002 the VDR may be a simplified voyage data recorder (S-VDR), which shall comply with the technical and performance standards developed in accordance with Chapter V of SOLAS).

### III. SHIPS ENGAGED ON NON-INTERNATIONAL VOYAGES

#### 1. Automatic identification systems (AIS).

Passenger ships, irrespective of size, and all other ships of 300 gross tonnage and upwards engaged on a non-international voyage shall be fitted with an automatic identification system (AIS) which complies with the technical and performance standards laid down in Chapter V of SOLAS.

#### 2. Voyage data recorder (VDR) systems

- a) Passenger ships, irrespective of size, and ships other than passenger, 3.000 gross tonnage and upwards, constructed 1 July 2002 or later and are not engaged in international voyages, shall be fitted voyage data recorder (VDR) that meets the technical standards and the standards of performance that have been developed in line with the Chapter V of SOLAS.
- (b) Cargo ships, 3.000 gross tonnage and upwards, constructed before 1 July 2002 and do not engage in international voyages, shall be fitted with a VDR or simplified voyage data recorder (VDR) that meets the technical standards and the standards of performance that have been developed in line with the Chapter V of SOLAS.

### IV. EXEMPTIONS

#### 1. Exemptions from the requirement to carry AIS

- (a) The Icelandic Maritime Administration may exempt passenger ships below 15 m in length or 300 gross tonnage engaged on non-international voyages from the application of the requirements concerning AIS laid down in this Annex,

- (b) The Icelandic Maritime Administration may exempt ships, other than passenger ships, of 300 gross tonnage and upwards but less than 500 gross tonnage sailing exclusively within the internal waters of a Member State and outside routes normally used by other ships fitted with AIS, from the carriage requirements for AIS laid down in this Annex.

## **2. Exemptions from the requirement to carry a VDR or S-VDR on board**

The Icelandic Maritime Administration may exempt the following ships from the requirement to carry a voyage data recorder (VDR) or simplified voyage data recorder (VDR):

- (a) passenger ships engaged only in domestic voyages in sea areas other than those covered by Class A, as referred to in Article 4 of Directive 2009/45/EC of the European Parliament and of the Council, may be exempted from the requirement to be fitted with a Voyage data recorders (VDR),
- (b) ships, other than ro-ro passenger ships, constructed before 1 July 2002 may be exempted from the requirement to carry a voyage data recorder (VDR) where it can be demonstrated that interfacing a voyage data recorder (VDR) with the existing equipment on the ship is unreasonable and impracticable,
- (c) cargo ships constructed before 1 July 2002, engaged on international or non-international voyages, may be exempted from the requirement to carry an S-VDR if such ships are to be taken permanently out of service within two years of the implementation date specified in Chapter V of SOLAS.

### ANNEX III

## **ELECTRONIC MESSAGES AND SAFESEANET**

### **1. General concept and architecture.**

The SafeSeaNet, shall enable the receipt, storage, retrieval and exchange of information for the purpose of maritime safety, port and maritime security, marine environment protection and the efficiency of maritime traffic and maritime transport.

SafeSeaNet is a specialised system established to facilitate the exchange of information in an electronic format between EEA Member States and to provide the Commission/EFTA Surveillance Authority with the relevant information in accordance with the EEA Agreement. It is composed of a network of national SafeSeaNet systems in EEA Member States and a SafeSeaNet central system acting as a nodal point.

The SafeSeaNet network shall link all national SafeSeaNet systems in EEA Member States and include the SafeSeaNet central system.

### **2. Management, operation, development and maintenance of SafeSeaNet.**

#### **2.1.1. SafeSeaNet systems in each EEA Member State.**

The Icelandic Maritime Administration shall establish and maintain a national SafeSeaNet system allowing for the exchange of maritime information between authorised users under the responsibility of each EEA Member State. The Icelandic Maritime Administration shall be responsible for the management of the national system, which shall include the national co-ordination of data users and data providers as well as ensuring that UN LOCODES are designated and that the necessary national IT infrastructure and the procedures described in the interface and functionalities control document referred to in point 2.3 are established and maintained.

The national SafeSeaNet system shall enable the inter-connection of users authorised under the responsibility of each EEA Member State and may be made accessible to identified shipping actors (shipowners, agents, masters, shippers and others) when authorised by a competent authority in an EEA Member State, in particular in order to facilitate the electronic submission of reports in accordance with the EEA Agreement.

### 2.1.2. Central SafeSeaNet system

The Commission is responsible for the management and development at policy level of the central SafeSeaNet system and for the oversight of the SafeSeaNet system, in cooperation with EEA Member States, while, in accordance with Regulation (EC) No 1406/2002 of the European Parliament and of the Council, the European Maritime Safety Agency (EMSA), in cooperation with the EEA Member States and the Commission, is responsible for its technical implementation.

The central SafeSeaNet system, acting as a nodal point, shall interconnect national SafeSeaNet systems in each EEA Member States and shall establish the necessary IT infrastructure and procedures as described in the interface and functionalities control document referred to in point 2.3.

### 2.2 Principles of management

[This should be blank]

### 2.3 Interface and functionalities control document and SafeSeaNet technical documentation

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## 3. Exchange of data through SafeSeaNet

The system shall use industry standards and be able to interact with public and private systems used to create, provide or receive information within SafeSeaNet.

The Commission/EFTA Surveillance Authority and the EEA Member States shall cooperate in order to examine the feasibility and development of functionalities that as far as possible will ensure that the data providers, including masters, owners, agents, operators, shippers and relevant authorities, need to submit information only once. The information submitted shall be available for use in all relevant reporting, notification and VTMIS systems.

Electronic messages exchanged in accordance with this Regulation and the EEA Agreement, shall be distributed through SafeSeaNet. To this end, the necessary interfaces for automatic transmission of data by electronic means to the SafeSeaNet shall be developed and maintained.

Where internationally-adopted rules allow routing of LRIT information concerning third country vessels, SafeSeaNet networks shall be used to distribute amongst EEA Member States, with an appropriate level of security, the LRIT information received in accordance with Article 6b of this Regulation.

## 4. Security and access rights

The central and the national SafeSeaNet systems shall comply with the requirements of this Regulation concerning confidentiality of information, as well as with the security principles and specifications described in the IFCD, in particular as regards access rights.

The Icelandic Maritime Administration shall identify all users to which a role and a set of access rights is attributed in compliance with the IFCD.

## ANNEX IV

### Measures available to Member States in the event of a threat to maritime safety and the protection of the environment

(pursuant to Article 19(1))

Where, following an incident or circumstance of the type described in Article 17 affecting a ship, the Maritime Traffic Service deems, within the framework of international law, that it is necessary to avert, lessen or remove a serious and imminent threat to its coastline or related interests, the safety of other ships and their crews and passengers or of persons on shore or to protect the marine environment, the Maritime Traffic Service shall immediately contact the Coast Guard or Icelandic Maritime Administration which may, in particular:

- (a) restrict the movement of the ship or direct it to follow a specific course. This requirement does not affect the master's responsibility for the safe handling of his ship,

- (b) give official notice to the master of the ship to put an end to the threat to the environment or maritime safety,
- (c) send an evaluation team aboard the ship to assess the degree of risk, help the master to remedy the situation and keep the Maritime Traffic Service informed thereof,
- (d) instruct the master to put in at a place of refuge in the event of imminent peril, or cause the ship to be piloted or towed;

provided that the measures under points (a) to (d) are implemented pursuant to international law.

In the case of a ship which is towed under a towage or salvage agreement, the measures taken by the Coast Guard or the Icelandic Maritime Administration under points (a) and (d) may be also addressed to the assistance, salvage and towage companies involved.

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