

REGULATION No. 94/2004
on the operating procedures of accredited bodies performing ship inspection

Article 1
Application

Accredited bodies performing ship inspection may inspect all types of ships except:

- (a) Passenger ships of 24 m in length and over.
- (b) Passenger ships built later than 1 July 2001.
- (c) High speed craft, see the International Code of Safety for High-Speed Craft (HSC Code).
- (d) Ships of 400 gross tonnage or more.
- (e) Oil tankers of 150 gross tonnage or more.
- (f) Ships of 24 m in length and over, engaged in regular international voyages (built after 1966).
- (g) Initial inspection.
- (h) Inspections of newbuildings and major conversions of vessels of 15 m in length overall and over.
- (i) Thickness measurements of vessels, unless otherwise decided by the Icelandic Maritime Administration.

Article 2
Definitions

For the purposes of this Regulation:

Body performing inspection: An accredited inspection body, which is a holder of an operation licence to perform ship and shipborne marine equipment in accordance with relevant rules.

Inspector: An employee of an inspection body, fulfilling the standards of competency in accordance with the provisions of this Regulation and who is engaged in performing ship and shipborne marine equipment inspections.

Survey report: A document issued by the Icelandic Maritime Administration signed by an inspector verifying the condition of a ship and its shipborne marine equipment in accordance with the official requirements made to this effect.

Accreditation body: The Accreditation Division of the Consumer Agency or another recognized accreditation body within the European Economic Area.

Article 3
Ship inspections

Ship and shipborne marine equipment inspections shall be in accordance with applicable regulations on ship survey and other rules on ship and shipborne marine equipment inspections.

Article 4

A type accreditation

An inspection body performing inspections on ships and shipborne marine equipment shall have been accredited in accordance with the Icelandic standard ÍST EN 45004 and Act No. 100/1992 on Weight, Measurements and Accreditation.

Notwithstanding the provisions of paragraph (1), inspection bodies have up to 12 months from the date of submitting an operation licence to the Icelandic Maritime Administration to fulfil the provisions of this Article on accreditation, provided that these parties submit a complete plan describing the process of establishing quality systems and work procedures and other provisions of the standard and regulations. The plan shall be submitted to the Accreditation Division of the Consumer Agency for approval. The plan shall contain a description of in the timing of specific factors of the project and the Consumer Agency shall supervise the compliance of the plan.

Article 5

B type accreditation

A body performing inspection of specific items of shipborne marine equipment, i.e. inflatable liferafts, compasses, immersion suits, portable extinguishers, fixed fire-extinguishing installations, release and launching appliance, smoke-diving appliances, radio installations and fire detection and fire alarm equipment shall have been accredited in accordance with the standard ÍST EN 45 004 and Act No. 100/1992 on Weight, Measurements and Accreditation. Inspection bodies holding operation licences at the date of application of this Regulation may, however, until 30 June 2004 operate in accordance with older law and regulations. After that date they shall have been issued an operation licence in accordance with this Regulation and other regulations applicable for that operation.

Notwithstanding the provisions of paragraph (1), inspection bodies have a period of up to 24 months from the time of completion of the initial inspection on their part to fulfil the provisions of this Article on accreditation, provided that the inspection body submits a complete plan specifying how the implementation of a quality system and work procedures and other provisions of the standard and regulations will be carried out. The plan shall be submitted to the Consumer Agency for approval. The plan shall contain a description of in the timing of individual factors of the project and the Consumer Agency shall supervise the compliance of the plan.

Article 6

Impartiality

The operation of bodies performing inspection shall be carried out in such a way that their employees can be trusted to have no business, financial and other commercial interest, which could influence their work for the body performing inspection in question as well as other requirements in accordance with Article 8.

A type A inspection body may not undertake any counselling regarding vessels, vessel design, vessel repair, sale of spare parts for vessels or other services conflicting with the rules of impartiality of the Regulation and the standard ÍST EN 45004.

Article 7

Operation licence

The Icelandic Maritime Administration issues licences for the operation of bodies performing inspection of ships and shipborne marine equipment. Before an

operation licence is issued the Icelandic Maritime Administration shall examine whether individual parts of the body's quality system are efficient and whether the goals set in its operation are met. The Icelandic Maritime Administration shall examine whether the conditions of Article 6 on commercial interest are met.

Inspection bodies shall respond to all received requests for inspection and may undertake inspections in all parts of Iceland.

An operating licence for inspection bodies shall be valid for a term of five years. An operation licence is cancelled if an inspection body closes down. The transfer of an operation licence is not permitted.

The Icelandic Maritime Administration shall supervise the operations of inspection bodies, ensure proper consistency in their work and carry out audits, e.g. by undertaking unscheduled inspections of ships. Such supervision is independent of the supervision of an accreditation body.

Article 8

Conditions for operation licence

An individual who applies for a licence for the operation of an inspection body shall submit evidence stating that he has been accredited by the relevant accreditation division. Furthermore, he shall verify that the inspection body:

- (a) has permanently employed a technical manager with required expertise, in accordance with the provisions of Article 9, who is technically responsible for the performance of the inspections;
- (b) has permanently employed inspectors with sufficient knowledge to carry out inspections in accordance with Article 14;
- (c) has suitable facilities available;
- (d) has available suitable equipment, as appropriate;
- (e) participates in comparative inspections at the request of the Icelandic Maritime Administration and/or an accreditation body and obeys instructions on countermeasures in case of deviations between inspection bodies. The inspection body shall bear all costs relating to its participation as well as the measures taken by the inspection body;
- (f) will participate in joint projects when requested;
- (g) will submit records into the Icelandic Maritime Administration database according to appropriate requirements by the Administration and has the necessary computer equipment available;
- (h) can demonstrate enough financial ability/financial independence to carry out inspections of ships in a professional manner and in accordance with the above rules of impartiality;
- (i) that the operation is liability insured.

The Icelandic Maritime Administration can deprive an inspection body of its operation licence if it fails to fulfil the conditions for a licence. The same applies if an inspection body fails to obey the instructions of the Icelandic Maritime Administration, neglects its duties or is evident of a repeated carelessness in his work. The operation licence is automatically cancelled if the inspection body is deprived of its accreditation. The Icelandic Maritime Administration may caution inspection bodies for violations of the provisions of this Regulation.

Article 9

Technical manager

The technical manager of a body performing inspection shall be an engineer or a technical engineer with special knowledge on ships and shipborne marine equipment and have at least two years' work experience in that field. An exception may be made from the above conditions on university education if the person concerned has an education and training considered sufficient by the accreditation body.

Article 10

Inspectors

An inspector working for an inspector body shall fulfil one of the following conditions:

- (1) Shall have:
 - (a) a certificate of competency as master, enabling that person to take command of a ship of 1600 gross tonnage or more (see STCW, Regulation II/2) and have served for a period of not less than five years at sea as officer in the deck department; or
 - (b) a certificate of competency as chief engineer enabling him to take up that task on board a ship whose main power plant has a power equal or superior to 3,000 kW (see STCW, Regulation III/2) and have served for a period of not less than five years at sea as officer in the engine department; or
 - (c) have passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years; or
 - (d) apprenticeship and master journeyman's certificate in the area concerned (such as: shipbuilding, boilermaking, motor mechanics or electricity) and have worked as such for at least five years.

(2) Inspectors who do not fulfil the above standards can also be approved if they worked as ship inspectors before 1 March 2004.

An inspector shall have knowledge of the provisions of international conventions and the relevant procedures for ship and shipborne marine equipment inspections.

Article 11

Tariffs

The Minister of Transport and Communications may issue a tariff specifying the maximum levying of charges for ship inspections, after having received an opinion thereof from interested parties.

Inspection bodies performing inspections on ships shall collect fees and be responsible for their payment to the Icelandic Maritime Administration to cover the issue of certificates of seaworthiness by the Icelandic Maritime Administration, as a result of inspections performed by inspection bodies.

Article 12

Penalties

Violations of the provisions of this Regulation are subject to penalties in accordance with Act No. 47/2003 on Ship Surveys, i.e. fines or imprisonment of up to

two years. Cases arising from violations of this Regulation shall be handled as criminal cases.

Article 13

Entry into force

This Regulation, which is issued in accordance with Article 10 of the ship Survey Act No. 47/2003, is hereby ratified and shall enter into force immediately and is published for all those concerned to comply with.

Transitional provisions

The Regulation shall be reviewed within two years from its publication.

The Ministry of Transport and Communications, 5 February 2004.