

REGULATION
on the Maritime Traffic Service and vessel traffic monitoring and information
system, No. 672/2006, as amended by regulations 565/2009 and 948/2010.

Entered into force 18 July 2006

CHAPTER I
General provisions

Article 1

Central administration, purpose and role

The Minister 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), vessel traffic safety, passengers and crews and to enhance measures to prevent marine pollution. To achieve this objective, the Icelandic Maritime Administration has entered into a service agreement with the Icelandic Coast Guard, the Emergency Line Ltd. and the Icelandic Association for Search And Rescue (ICE-SAR) on the operation of a Maritime Traffic Service which is responsible for carrying out tasks pursuant to the Maritime Traffic Service Act No. 41/2003 and other tasks as specified in the service agreement.

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 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 on board such vessels fulfil the requirements of this Regulation.

Article 2

Application

This Regulation applies to all vessels navigating within the Icelandic exclusive economic zone (EEZ) unless stated otherwise and for the purpose of search and rescue in the Icelandic search and rescue region as defined by the International Maritime Organization (IMO).

The provisions of chapter II of the Regulation on ship reporting and control apply to vessels of 300 gross tonnage or over, unless stated otherwise. The provisions of the chapter 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 below 5,000 tons, ships' stores and equipment for use on board ships.

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 purpose of this Regulation:

- (a) "Relevant international instruments": the following instruments:
- "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, 1978 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;
 - "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.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";
- (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 the IBC Code (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 and organisations designated by the EEA States (European Economic Area) to receive and pass on information reported pursuant to 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) "Maritime Traffic Service": designated by the Icelandic Government in accordance this Regulation and providing vessel traffic service, i.e. a shore-based installation responsible for a mandatory reporting system approved by the IMO, or a body responsible for coordinating search and rescue operations, cf. 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' routing system": a system of one or more routes or routing 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" means 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 Regulation on Investigation of Marine Accidents.

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 an Icelandic port 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 States and which are en route to an Icelandic port 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.

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 automatic identification systems (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 automatic identification system (AIS) which meets the performance standards drawn up by the IMO.

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

**The use of the Automatic Identification System (AIS)
on board fishing vessels.**

Any fishing vessel with an overall length of more than 15 m flying the flag of, registered in, operating in the internal waters or territorial sea of or landing its catch in the port of an EEA Member State shall, in accordance with the timetable set out in Annex II, part I(4), be fitted with an AIS (Class A) which meets the performance standards

drawn up by the International Maritime Organization (IMO).

Fishing vessels fitted with AIS shall always have the system running.]¹

Article 7

Use of ships' routing 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' routing 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 ships' routing 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 ships' routing system.

Article 8

Monitoring of the compliance of ships with vessel traffic services

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

- (a) ships entering the area of a vessel traffic service participate in, and comply with, the rules of that vessel traffic service. It shall be operated by one or more States, of which at least one is an EEA Member State, within their territorial sea and based on the guidelines developed by the IMO;
- (b) ships flying the flag of an EEA State or ships bound for a port in Iceland and entering the area of such a vessel traffic service outside the territorial sea of Iceland, which is based on the guidelines and criteria developed by the IMO, shall follow the rules of that vessel traffic service;
- (c) ships flying the flag of a third State and not bound for a port in Iceland entering a vessel traffic service area outside the territorial sea of Iceland, follow the rules of that vessel traffic service wherever possible. The Maritime Traffic Service shall report to the flag State concerned any apparent serious breach of those rules in such a vessel traffic service area.

Article 9

The organization of mandatory ship reporting systems, ships' routing systems and vessel traffic services

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 AIS information taking into account a necessary range for transmission of the reports.

The installation of appropriate equipment and shore-based installations to implement this Regulation shall have been concluded before the end of the year 2007. The Icelandic

¹) Regulation No. 565/2009, Article 1.

Maritime Administration shall ensure that the appropriate equipment for relaying and sharing the information to the national systems of EEA Member States shall be operational at the latest one year thereafter.

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 the 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.

Article 11

Casualty investigation

Without prejudice to Article 12 of Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services the Commission of Enquiry into Accidents at Sea shall comply with the provisions of the IMO Code for the investigation of marine casualties and incidents when conducting any marine casualty or incident investigation involving a ship referred to in this Regulation. The Commission shall cooperate with other casualty investigation commissions in the investigation of marine casualties and incidents involving ships flying their flag, cf. the Act and Regulation on Investigation of Marine Accidents.

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

Article 12

Obligations on the shipper

No dangerous or polluting goods may be offered for carriage or taken on board any ship, irrespective of its size, in a port of an EEA Member State unless a declaration has been delivered to the master or operator containing the information listed in Annex I(2).

It shall be the duty of the shipper to deliver to the master or operator such declaration and to ensure that the shipment offered for carriage is indeed the one declared in compliance with subparagraph a of Annex I(2).

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 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 of another EEA Member State.

Article 15

Exemptions

The Icelandic Maritime Administration may exempt scheduled services performed between domestic ports from the requirement laid down in Article 13 where the following conditions are met:

- (a) the company operating the scheduled services referred to above keeps and updates a list of the ships concerned and sends it to the Maritime Traffic Service,
- (b) for each voyage performed, the information listed in Annex I(3) is kept available for the Maritime Traffic Service upon request. The company must establish an internal system to ensure that, upon request 24 hours a day and without delay, the said information can be sent to the Maritime Traffic Service electronically, in accordance with Article 13(4).

When an international scheduled service is operated between Iceland and EEA Member States, any of the EEA Member States involved may request the Icelandic Maritime Administration that an exemption be granted to that service on behalf of Iceland. All EEA Member States involved, including the coastal States concerned, shall collaborate in granting an exemption to the service concerned in accordance with the conditions laid down in paragraph 1.

The Icelandic Maritime Administration and the EEA Member States concerned shall periodically check that the conditions laid down in paragraphs 1 and 2 are being met. Where at least one of these conditions is no longer being met, they shall immediately withdraw the privilege of the exemption from the company concerned.

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 rules in 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 Annex I-1 to Regulation No. 589/2003 on port state control of maritime transport, as amended.

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. 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 its exclusive economic zone, immediately reports to the 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 Commission of Enquiry into Accidents at Sea on the notifications under paragraph 1 of this Article.

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 and/or sea state, that there is a serious threat of pollution of Icelandic 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) 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, 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 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.

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 all appropriate measures consistent with Annex IV of this Regulation, 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.

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.

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.

Article 20

Places of refuge

The Icelandic Maritime Administration, having consulted the Icelandic Coast Guard and the Environment and Food Agency of Iceland, shall draw up, taking into account relevant guidelines by IMO, plans to accommodate, in the waters under Icelandic jurisdiction, ships in distress. Such plans shall contain the necessary arrangements and procedures taking into account operational and environmental constraints, to ensure that ships in distress may immediately go to a place of refuge subject to authorisation by the harbour authorities or landowners concerned or other interested parties. Where the Icelandic Maritime Administration, having consulted the Icelandic Coast Guard and the Environment and Food Agency of Iceland, considers it necessary and feasible, the plans must contain arrangements for the provision of adequate means and facilities for assistance, salvage and pollution response.

Plans for accommodating ships in distress shall be made available upon demand in Icelandic and English on the Web sites of the Maritime Traffic Service and the Icelandic Maritime Administration.

Article 21

Information of the parties concerned

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 make adequate arrangements to provide such information at any time upon request for safety reasons by the competent authority of another EEA Member State.

Any EEA Member State the competent authorities of 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, EEA Member States 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 the 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 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 coastal stations 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, streamlining the reports required from ships en route;
- (c) extending the cover of and/or updating the EEA Member States' vessel traffic monitoring and information systems with a view to enhanced identification and monitoring of ships. 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 vessel traffic services and appropriate ships' routing systems, with a view to submitting them to the IMO for approval;
- (d) drawing up, if appropriate, concerted plans to accommodate ships in distress.

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 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 this 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 and to Article 27 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 coastal stations concerned, 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 shall function as a maritime search and rescue co-ordination centre for Icelandic waters in accordance with the International Convention on Maritime Search and Rescue. The Icelandic Coast Guard administers the expert management of the Maritime Traffic Service according to a service agreement, is responsible for the central administration of search and rescue co-ordination from the Maritime Traffic Service and thus provides it with a role of maritime search and rescue co-ordination centre (MRCC) for rescue units in Iceland in accordance with the

International Convention on Maritime Search and Rescue, cf. a co-operation agreement on the operation of a search and rescue centre.

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

- monitoring, operating and maintaining the Automatic ship reporting system for Icelandic ships (STK)
- monitoring the international automatic identification systems (AIS)
- monitoring, operating and maintaining the Global Maritime Distress and Safety System (GMDSS)
- general radio communication services for ships
- reception and dissemination of:
 - o distress calls from ships
 - o notifications by passenger ships for the purpose of counting and registering passengers
 - o notification by ships carrying dangerous or polluting goods
 - o notifications on incidents or accidents at sea
 - o registering of ships which are subject to port State control
 - o notifications on the arrival of ships into Icelandic harbours
 - o notifications and information on malfunctions in the lighthouse system and on obstacles at sea
 - o 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 Ship Reporting System for Icelandic Ships (STK)

Article 27

Ship position-reporting

All Icelandic ships shall report their departure from and arrival into port as well as their position through an automatic ship reporting system, pursuant to Article 29. From 1 July 2009, ships fitted with DSC-VHF radio equipment that complies with minimum international requirements for Class D equipment (EN 301 025), can send such notifications through the Automatic Identification System (AIS). Ships fitted with an automatic ship reporting systems (STK) may send such notifications until 1 January 2011, when all ships are required to carry DSC-VHF radio equipment and send notifications through the Automatic Identification System (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 ship reporting system on the VHF channel shall fit their ships with the necessary instruments for the operation of the automatic reporting system.

Operators of ships which navigate outside the service area of the automatic ship reporting system 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.

State of emergency: If vessel has not been located after an emergency response state has been activated search and rescue operations shall be initiated according to procedures laid down by the Maritime Traffic Service. Where a ship has activated the distress alert button of the shipboard instrument, search and rescue operations shall be initiated according to the named procedures. The Maritime Traffic Service shall activate all the parties responsible for search and rescue according to the law.

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

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

Sea area A3: Means an area, excluding sea areas STK/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: Means an area, excluding sea areas STK/AIS, A1, A2 and A3.

Automatic ship reporting system area: Means an area within the radiotelephone coverage the Automatic Ship Reporting System for Icelandic Ships (STK) on VHF.

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 reporting system. They shall inform their position in the following manner as a minimum:]²

- a. Ships of 24 m in length and over shall report at one-hour intervals.
- b. Ships of less than 24 m in length which may navigate outside the service area

²⁾ Regulation No. 948/2010, Article 1.

of the automatic ship 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 ship reporting system on the VHF channel shall report at 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.]³⁾

CHAPTER V Miscellaneous provisions

Article 30

Infringements, etc.

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, etc.

This Regulation, which is adopted in accordance with the Maritime Traffic Service Act No. 41/2003, the Icelandic Maritime Administration Act No. 6/1996, the Ship Survey Act No. 47/2003, the Act on the Conservation of Sea and Shores 33/2004 and Act on Investigation of Marine Accidents, No. 68/2000, is hereby ratified and shall enter into force immediately for all those concerned to comply with.

The Regulation is adopted to implement 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, which has been published in the EEA Appendix No. 19/2003, p. 16 and decision of the EEA Joint Committee No. 13/2003, which has been published in the EEA Appendix No. 56/2004, p. 174.

At the same time, Regulation No. 220/2001 on the Icelandic Mandatory Ship Reporting System is repealed as well as Regulation No. 710/1998 on the Mandatory Reporting of Ships Carrying Dangerous Goods.

Ministry of Transport, Telecommunications and Tourism, 18 July 2006.

³⁾ Regulation No. 565/2009, Article 2.

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) 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 estimated 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: estimated time of arrival at the port of destination or pilot station, as required by the competent authority,
 - (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 of the vessel is on board,
 - (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 carrying more than 5,000 tons of bunker fuel,
- navigational status.

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

ANNEX II PRESCRIPTIONS APPLICABLE TO ON-BOARD EQUIPMENT

I. Automatic identification systems (AIS)

1. Ships built on or after 1 July 2002.

Passenger ships, irrespective of size, and all ships of 300 gross tonnage and upwards built on or after 1 July 2002 which call at a port in Iceland are subject to the carrying requirement laid down in Article 6.

2. Ships built prior to 2 July 2002.

Passenger ships, irrespective of size, and all ships of 300 gross tonnage and upwards built prior to 1 July 2002 which call at a port in Iceland are subject to the carrying requirement laid down in Article 6 according to the following timetable:

- (a) passenger ships: not later than 1 July 2003;
- (b) tankers: not later than the first survey for safety equipment after 1 July 2003;
- (c) ships, other than passenger ships and tankers, of 50,000 gross tonnage and upwards: not later than 1 July 2004;
- (d) ships, other than passenger ships and tankers, of 10,000 gross tonnage and upwards but less than 50,000 gross tonnage: not later than 1 July 2005 or, as regards ships engaged in international voyages, any earlier date decided within the framework of the IMO;
- (e) ships, other than passenger ships and tankers, of 3,000 gross tonnage and upwards but less than 10,000 gross tonnage: not later than 1 July 2006 or, as regards ships engaged in international voyages, any earlier date decided within the framework of the IMO;
- (f) ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 3,000 gross tonnage: not later than 1 July 2007 or, as regards ships engaged in international voyages, any earlier date decided within the framework of the IMO.

3. The Icelandic Maritime Administration may exempt passenger ships below 300 gross tonnage engaged in domestic trade from the application of the requirements concerning AIS laid down in this Annex.

[4. Fishing vessels.

Fishing vessels of 15 m in length overall and over are subject to the carrying requirement laid down in Article 6 A, 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 overall length exceeding 15 m but less than 18 m: not later than 31 May 2014.

New built fishing vessels of 15 m in length overall and over are subject to the carrying requirement laid down in Article 6 A as from 30 November 2010.]⁴

II. Voyage data recorder (VDR) systems

1. Ships in the following classes must, inasmuch as they call at a port in Iceland, be fitted with a voyage data recorder system meeting the performance standards of IMO Resolution A.861(20) and the testing standards set by Standard No. 61996 of the International Electronics Commission (IEC):

- (a) passenger ships built on or after 1 July 2002, not later than 1 July 2002;
- (b) ro-ro passenger ships built before 1 July 2002: not later than the first survey 1 July 2002 or later;
- (c) passenger ships other than ro-ro passenger ships, built before 1 July 2002, not later than 1 January 2004;
- (d) ships other than passenger ships, of 3,000 gross tonnage and upwards, built on or after 1 July: not later than 5 August 2002.

2. Ships in the following classes and built before 2 July 1 must, inasmuch as they call at a port in Iceland, be fitted with a voyage data recorder system meeting the relevant IMO standards:

- (a) cargo ships of 20,000 gross tonnage and upwards, not later than the date fixed by the IMO or, in the absence of a decision in IMO, not later than 1 January 2007;
- (b) cargo ships of 3,000 gross tonnage and upwards but less than 20,000 gross tonnage, not later than the date fixed by the IMO, or, in the absence of a decision in IMO, not later than 1 January 2008.

3. The Icelandic Maritime Administration may exempt passenger ships engaged only in domestic voyages in sea areas other than those covered by Class A, as referred to in Article 4 of Regulation on the safety of passenger ships engaged on domestic voyages No. 666/2001, as amended, cf. Article 4 of Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships, from the voyage data recorder requirements laid down in this Regulation.

ANNEX III ELECTRONIC MESSAGES

1. The Icelandic Maritime Administration shall develop and maintain the necessary infrastructure to enable transmission, reception and conversion of data between systems using XML or EDIFACT syntax, based on Internet or X.400 communication facilities.

2. The Commission shall develop and maintain, in consultation with the Member States, an "Interface Control Document" which describes the system facilities in terms of the message scenario, the message functions and the relation between the messages. The message timing and performance shall be detailed, as well as data interchange protocols

⁴) Regulation No. 565/2009, Article 3.

and parameters. The Interface Control Document shall further specify the data content of the required message functions and describe those messages.

3. These procedures and infrastructure should incorporate, whenever practicable, reporting and information exchange obligations resulting from other Directives, such as Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, cf. Regulation No. 792/2004 on the reception of waste from ships.

ANNEX IV

Measures available 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 Iceland's 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 Icelandic Coast Guard or the Icelandic Maritime Administration may, inter alia:

- 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.