

Act on the Maritime Traffic Service

No. 41 of 20 March 2003, as amended

Entered into force 3 April 2003.

The EEA Agreement: ANNEX XIII of Directive 2002/59/EC.

CHAPTER I

General provisions

Article 1

Central Administration

The Minister is ultimately responsible for affairs concerning the Maritime Traffic Service and the Icelandic Maritime Administration administers their implementation as provided for in this Act.

Article 2

Objective and role

The objective of this Act is to ensure the safety of navigation within the Icelandic exclusive economic zone (EEZ), the safety of ships, passengers and crews and enhance measures to prevent marine pollution from ships. To achieve this objective, the Icelandic Maritime Administration shall establish a Maritime Traffic Service providing the following services to ships that navigate within the Icelandic exclusive economic zone (EEZ):

- a) monitoring and controlling the Automatic ship reporting system for Icelandic ships (STK), including the international automatic identification systems (AIS),
- b) reception and dissemination of notifications from ships carrying dangerous and/or polluting goods,
- c) reception and dissemination of distress calls to the appropriate bodies as well as notifications on incidents or accidents at sea,
- d) reception and dissemination of notifications by passenger ships for the purpose of counting and registering passengers,
- e) monitoring the Global Maritime Distress and Safety System (GMDSS) and editorial assignments for the international service broadcasts for ships (NAVTEX),
- f) registering of ships which are subject to port State control,
- g) notifications and information on malfunctions in the lighthouse system and on obstacles at sea,
- h) communication with the ports that the Icelandic Maritime Administration has designated as places of refuge,
- i) other tasks for the benefit of third parties authorized by the Icelandic Maritime Administration,
- j) other tasks considered matters of public interest by the Minister.

If a notification is not received from a ship at the regular time or if the Maritime Traffic Service receives information giving rise to initiating enquiries about, search for or rescue of a ship within the Icelandic exclusive economic zone (EEZ) it shall take the necessary measures and co-operating with all those who can assist on enquiries, search or rescue.

The Icelandic Maritime Administration may put the operation of a Maritime Traffic Service up for tender. The tender may be split into individual sections.

Article 3

Definitions

For the purposes of this Act:

1. *Ship*: Any craft six metres in length and over, measured between stem and stern, and which is used on sea.
2. *Offshore pilot*: Any person who has been certified to pilot ships in a specific area or in particular circumstances.
3. *Compulsory pilotage*: Requirement to have a pilot on board a ship while sailing in a specified area or in particular circumstances.
4. *Harbour pilot*: A pilot who is a holder of a certificate to pilot ships in specific harbour areas.
5. *Compulsory harbour pilotage*: Requirement to have a harbour pilot on board a ship while sailing in a specified harbour area or in particular circumstances.
6. *Harbour areas*: Harbour area specified in a regulation on the particular harbour.
7. *Shipper*: Any person by whom or in whose name or on whose behalf a contract of carriage of goods has been concluded with a carrier;
8. *Agent*: Any person who acts as an intermediary between the operator of the ship and the government.
9. *Dangerous goods” means*: Goods classified in the IMDG Code, dangerous liquid substances listed in Chapter 17 of the IBC Code or in Chapter 19 of the IGC Code, including radioactive substances referred to in the INF Code.
10. *Polluting goods” means*: Oils as defined in Annex I to the MARPOL Convention, noxious liquid substances as defined in Annex II to the MARPOL Convention and harmful substances as defined in Annex III to the MARPOL Convention.

CHAPTER II

Notification of ships

Article 4

Reports which ships are required to transmit in accordance with this Act shall be transmitted to the Maritime Traffic Service or another party specified in a regulation.

A. Ship position-reporting

Article 5

The purpose of the automatic ship reporting system is to ascertain which ships are at sea and that their position is known and to ensure quick response to any inquiry, search and rescue if a ship is in distress at sea.

The information obtained by the Maritime Traffic Service may be used for other purposes, e.g. fishery inspection, ship surveying and sea pollution control. The Icelandic Maritime Administration can decide and negotiate on a fee to be paid for accessing information and/or other services that the Maritime Traffic Service provides to a third party.

For services in the automatic ship reporting system the owner of each ship shall pay an annual fee, which is used to cover operating costs relating to the automatic ship reporting system.

Article 6

All Icelandic ships shall report their position through the automatic reporting system at specific intervals as specified in a regulation¹⁾. Coast Guard ships and ships engaged in non-commercial operations are exempted from the provision. Furthermore, the Minister may decide in a regulation that ships engaged in fisheries inshore are exempted from the provision.

This shall be notified to ships flying foreign flags, which travel in the Icelandic exclusive economic zone (EEZ). The notification shall contain the name of the ship, port of registry, nationality, owner and operator if he is not the owner, master and agent of the operator in Iceland.

B. Notifications on arrival

Article 7

Notifications prior to entry into port

Ships of 300 gross tonnage and upwards, except Coast Guard Ships and fishing vessels of less than 45 m in length bound for a port, shall report their arrival to the Maritime Traffic Service with a notice provided for in a Regulation.

C. Notifications involving dangerous goods

Article 8

Notifications prior to entry into port

Ships entering the area of the Icelandic exclusive economic zone (EEZ) carrying dangerous or polluting goods in larger quantities than specified in a regulation, shall notify their entry and provide information, including on the ship identification, port of destination, departure time of ship, estimated arrival and the correct technical names of the dangerous or polluting goods.

Article 9

Obligations on the shipper

No dangerous or polluting goods may be offered for carriage or taken on board any ship in an Icelandic port unless a declaration has been delivered to the master or operator containing the correct technical names of the dangerous or polluting goods, the United Nations (UN) numbers where they exist, the hazard classes and the quantities of such goods and, if they are being carried in haulage units other than tanks, the identification numbers thereof.

It shall be the duty of the shipper to deliver to the master or operator a declaration stating that the goods offered for carriage is indeed the one declared in compliance with paragraph 1.

Article 10

Exemptions

The Icelandic Maritime Administration may exempt companies operating scheduled services between domestic ports from the reporting requirement under Article 8, provided that the following conditions are met:

¹⁾ [Regulation No. 672/2006 on the Maritime Traffic Service, as amended.](#)

- a) that the company keeps and updates a list of the ships participating in those services and sends it to the Maritime Traffic Service as specified in a regulation, and
- b) that cargo information is always available.

Where two or more European Economic Area (EEA) Member States are concerned in an international scheduled service operated by a single company, they may collaborate in granting an exemption to the company concerned in accordance with the requirements laid down by this Article.

D. Reporting incidents and accidents at sea.

Article 11

Reporting incidents and accidents at sea

The master of a ship which navigates within the territorial sea or exclusive economic zone (EEZ) of Iceland shall, as specified in a regulation, report any incident or accident affecting the safety of the crew, passengers and ship, which compromises shipping safety and is liable to lead to pollution of the waters or shores of Iceland.

CHAPTER III

Harbour and offshore pilotage

Article 12

Harbour pilotage

All ships carrying dangerous or polluting goods in cargo spaces or on deck in larger quantities than specified in a regulation shall have a harbour pilot on board a ship while sailing in a specified harbour area. The port management may exempt locally knowledgeable masters from compulsory pilotage.

Harbour managements employ pilots to harbours where pilotage is compulsory.

Article 13

Offshore pilotage

To ensure maritime safety and the prevention of marine pollution the Minister may in a regulation provide for ships in a while sailing in a specified area or in particular circumstances. The Minister may in the framework of a regulation²⁾ entrust the Maritime Traffic Service to manage ships' routeing through specific areas or in particular circumstances.

The Icelandic Maritime Administration issues certificates for offshore and harbour pilots. The certificate is valid for a specific sea area and is valid for a period of five years, however never longer than until the day that the certificate holder becomes 70 years of age. A regulation shall provide for specific requirements regarding certificates.

A person who meets the following requirements is eligible for a certificate as harbour pilot and offshore pilot:

1. Is 25–69 years of age.
2. Is a holder of a satisfactory health certificate.
3. Has completed 3rd grade officers' and masters' training (examination for master and chief mate on foreign-going vessels of any size) or a corresponding education

²⁾ Regulation No. 524/2008 on the Delimitation of Shipping Routes, Areas to be Avoided and Mandatory Reporting of Ships off the Southwest Coast of Iceland.

and has a seagoing service record as master or navigating officer on a ship in the area which is specified in the certificate and has thorough knowledge of the sea routes in the area.

4. Has completed a special course on harbour and offshore pilotage as specified in a regulation.

The requirements of paragraph 3 shall also be fulfilled after the certificate has been issued.

The Icelandic Maritime Administration may in special circumstances grant a dispensation of limited duration from the requirements of paragraph 3.

Article 14

The duties of an offshore pilot

An offshore pilot shall assist authorities such as the police, customs, health, maritime and harbour authorities in carrying out their work. He must also assist in any way officers of the ships that he pilots and give guidance on the navigation of the ship in order to choose the most favourable route between destinations. Furthermore, the pilot shall assist in the mooring of a ship when the harbour in question does not provide a special harbour pilot.

Special caution shall be taken in order to avoid marine and coastal pollution caused by dangerous substances and a pollution incident shall be reported immediately. A pilot is responsible for delivering the report to the right parties and shall try by all available means to minimize the distribution of the pollution.

The pilot is not responsible for the navigation of the ship that he pilots but only the guidance.

Article 15

Shipping agent

The operator of a ship sailing through the Icelandic exclusive economic zone (EEZ), carrying dangerous or polluting goods in cargo spaces or on deck in larger quantities than specified in a regulation, intending to call at an Icelandic port in Iceland shall have an agent in Iceland. If the ship is operated by an Icelandic operator, the operator shall be considered the agent. The agent is responsible for providing pilots to guide the ship.

If it is deemed necessary, a financial security may be required to cover any damage that the ship may cause in Icelandic waters. The agent shall act as intermediary in providing such a financial security.

Article 16

Exemptions

Excluded from the provisions of this Act on harbour pilotage, offshore pilotage and agent are ships, which intend to enter a port due to immediate danger or to seek land-based medical help for seriously ill or injured persons.

CHAPTER IV
Additional Provisions

Article 17

Regulation

The Minister shall, in a regulation³⁾, adopt specific provisions on the implementation of this Act, including on compulsory harbour and offshore pilotage, ships' agents and ship reporting, ship positions, carriage of dangerous and polluting goods and incidents and accidents.

A fee shall be paid for the issue of certificates pursuant to this Act and the fees shall cover the costs incurred by the Administration in processing applications. Fees shall be specified in the Administration's tariff.

Article 18

Penalties

A violation of this Act or rules adopted hereunder is subject to fines or imprisonment for a period of up to two years. Provisions of the general penal code shall be applied in case of attempt and participation.

If an infringement of this Act or rules adopted hereunder leads to a grounding of a ship, collision of ships or other marine casualties the person concerned shall be subjected to punishment and, where appropriate, the loss of certification as master, navigating officer or engineer officer, pursuant to Article 238 of the Maritime Act No. 34/1985, as amended.

A holder of a certificate issued pursuant to this Act shall be deprived of the right to serve in the capacity specified in the certificate if he is guilty of seriously infringing this Act or regulations issued hereunder or if it is believed that according to the nature of the fraud or other conduct of the certificate holder that it is deemed inadvisable that he be allowed to exercise rights according to the certificate.

The deprivation of the right to serve in a capacity shall be for a particular time, not shorter than three months and for life if the infringement is serious or repeated.

Article 19

The Icelandic Maritime Administration may withdraw a certificate in case the holder of the certificate no longer fulfils the requirements of this Act for acquiring or holding such a certificate.

In case the Icelandic Maritime Administration considers that the conditions pursuant to paragraph 3 of Article 18 are valid for the deprivation of certification the Administration may temporarily deprive the person concerned of his certification. Such a deprivation shall be on a temporary basis or for until the time when the final deprivation ruling of a court is given. A temporary deprivation subject to this provision shall be deducted from the final deprivation period according to a ruling.

Article 20

Entry into force

This Act enters into force immediately.

³⁾ Regulation 320/1998 on the Pilotage of Ships, and
[Regulation No. 672/2006 on the Maritime Traffic Service, as amended.](#)