

# **Act concerning the Treatment of Commercial Marine Stocks<sup>1)</sup>**

**No. 57, 3 June 1996**

*<sup>1)</sup>The Act was amended by Act. No. 144/2008. The amendments take effect on 1 Feb. 2009.*

**Entered into force 11 June 1996.** Amended by Act No. 82/1998 (entered into force 1 Oct. 1998), Act No. 161/2000 (entered into force 29 Dec. 2000), Act No. 162/2000 (entered into force 29 Dec. 2000), Act No. 24/2001 (entered into force 16 May 2001), Act No. 13/2002 (entered into force 03 April 2002), Act No. 65/2004 (entered into force 18 June 2004), Act No. 22/2005 (entered into force 25 May 2005), Act No. 61/2005 (entered into force 30 May 2005), Act No. 163/2006 (entered into force 30 Dec. 2006) and Act No. 88/2007 (entered into force 1 Jan. 2009 with the exception of Temporary Provision VII, which entered into force 21 June 2008).

## **CHAPTER I General provisions Article 1**

The objective of this Act is to improve treatment of commercial marine stocks and encourage their sustainable utilisation to ensure maximum long-term return for the Icelandic nation.

## **CHAPTER II Fishing Article 2**

[Fishing shall be carried out in such manner that the catch is not damaged in the fishing gear. The Minister may, in a Regulation, set detailed provisions on the use of specific types of fishing gear.

All catch obtained by the fishing gear of a vessel must be retained and landed. The Minister may, in a Regulation, decide that live catch which is under a specific length or weight, or which is caught using certain types of fishing gear, must be released. The Minister may also decide, in a Regulation<sup>1)</sup> that fish of no value, together with entrails, heads and other waste resulting from processing aboard fishing vessels, may be discarded at sea.

The Minister may decide that catch caught by a vessel's fishing gear, which has been damaged by seals or other manner and which cannot be avoided in certain types of fishing, shall not be included in calculating the vessel's catch quota. Such catch must be kept separate from other catch of the vessel and weighed and recorded specifically. The Minister shall set further rules on the implementation of this paragraph, including rules on the authorised utilisation of such catch.]<sup>2)</sup>

*<sup>1)</sup>Reg. 601/2003. <sup>2)</sup>Act No 13/2002, Article 1.*

## **Article 3**

The Directorate of Fisheries shall monitor the composition of catches of the fishing fleet, in order to have always available the most accurate information on the composition of vessels' catches according to the size and type of the vessel, the type and

construction of fishing gear, fishing areas and times of fishing. Each year, the Directorate of Fisheries shall compile and publish a summary of the catch breakdown of the fishing fleet during the last fishing year.

A vessel holding a commercial fishing permit may not commence a fishing trip unless the vessel has catch quotas which can be expected to be sufficient for the catch of that trip, having regard to the fishing gear being used.

#### **Article 4**

Nets and other fishing gear which are left out at sea must be retrieved again in a proper and regular manner, as conditions permit in each instance.

The Directorate of Fisheries may confiscate fishing gear which has not been retrieved in timely or proper manner or have this gear confiscated. The same shall apply to fishing gear remaining in the water after the conclusion of a fishing period, as well as gear which is illegal or found in areas where its use is unauthorised.

The Directorate of Fisheries shall demand that owners of fishing gear, which is confiscated as authorised in the second paragraph, pay the cost thereof. If no information is available as to who the owner of the fishing gear is, the Directorate of Fisheries may sell the fishing gear and the value, after deducting cost incurred, shall accrue to the Marine Research Institute.

### **CHAPTER III**

#### **Weighing of marine catch**

#### **Article 5**

All catch which Icelandic vessels harvest from stocks which are found partly or fully within Iceland's exclusive economic zone must be landed in Iceland and weighed in a domestic port. The Minister may, in a Regulation, authorise that iced catch be landed in foreign ports, provided it is sold at an official fish auction market whose weighing practices and surveillance are recognised by the Directorate of Fisheries. [The Minister may also authorise, in a Regulation, that catch from stocks which are found partly within Iceland's exclusive economic zone be landed abroad, provided that surveillance of its landing and weighing is considered satisfactory.]<sup>1)</sup> In exceptional cases, e.g. due to serious engine breakdown, the Directorate of Fisheries may allow vessels processing their catch aboard ship to land catch abroad. Such authorisation shall be conditional on the vessel operator paying the cost of travel of an inspector to supervise landing from the ship abroad or the cost of other comparable supervision measures which the Directorate of Fisheries deems necessary.

<sup>1)</sup>Act No 65/2004, Article 1.

#### **Article 6**

All catch must be weighed on a port scale in the port of landing immediately upon landing. A validated scale must be used for the weighing. Weighing must be carried out by a port employee who has been accredited for the purpose. If a fishing station does not have a port scale, or if there are special reasons for so doing, the Directorate of Fisheries may approve other means of weighing.

Notwithstanding the provisions of the first paragraph, the Directorate of Fisheries may grant individual parties weighing permits without catch being weighed on a port

scale after having received the opinion of the port authorities at the place of landing. Such a permit shall only be granted if there are substantial obstacles to weighing catch on a port scale, if harbour supervision is sufficient and the internal checks and controls of the party concerned are reliable, the weighing equipment is validated and weighing carried out by an accredited scale operator. [The Directorate of Fisheries may also, after having obtained the opinion of the port authorities at the place of landing, grant individual parties permits to weigh catch, provided it has previously been weighed on a harbour scale.]<sup>1)</sup>

Ports must fulfil the requirements made of facilities for weighing marine catches and supervision provided for in a Regulation. The Ministry of Fisheries may prohibit the landing of marine catches in certain ports which do not satisfy the requirements of this paragraph.

Notwithstanding the provisions of the third paragraph, the Ministry of Fisheries may, under exceptional circumstances, for instance due to sailings from distant locations, grant exemptions from the requirement of landing in an approved port. The condition for this exemption is that the weighing of catch and reporting are satisfactory.

<sup>1)</sup>*Act No 163/2006, Article 1.*

#### **Article 7**

Accredited scale operators, who weigh marine catch, must take care that they comply in all respects with rules on carrying out weighing, recording information and reporting it.

#### **Article 8**

Inspectors of the Directorate of Fisheries and employees of port authorities are authorised to access fishing vessels, transport vehicles, fish processing plants and storage facilities as necessary to weigh catch or supervise its weighing. Port authorities shall send information on landed catch promptly to the Directorate of Fisheries in such form as the Minister prescribes in a Regulation.

The Ministry shall, after consulting with the Ministry of Transport and the Association of Municipalities' Ports (Icel. *Hafnasamband sveitafélaga*), set out in a Regulation the details of how catch shall be weighed and information on the quantity of landed catch gathered.

#### **Article 9**

The master of a fishing vessel must keep the catch aboard the vessel separated according to species. If this is not possible due to the small size of the vessel, catch must be separated by species upon landing. The master of a fishing vessel must have each species weighed separately. [If the Minister decides, based on the Fisheries Management Act, that fish under a specified size or weight shall only be partly included in catch quotas, the Minister shall set rules on how such catch shall be handled aboard fishing vessels and weighed.]<sup>1)</sup> The master must ensure that correct and satisfactory information on catch is received by the scale operator.

[In fishing of pelagic species, it is not mandatory to separate by-catch from pelagic catch. By-catch shall, however, be included in the catch quota of the fishing vessel concerned, and the Minister shall set rules<sup>2)</sup> on how the party receiving catch or weighing permit holder is to carry out sampling and calculation of by-catch when pelagic species are landed. If fees are assessed pursuant to Act No. 37/1992, on special fees for

illegal marine catches, as subsequently amended, for fish species caught as by-catch in pelagic fishing, the fee may never be less than equivalent to 70% of the average fish price for the same species during the month prior to levying of the fee.]<sup>3)</sup>

The master of a fishing vessel shall keep a special catch log book provided by the Directorate of Fisheries. Masters of vessels processing catch aboard the vessel must also keep a special processing log book, provided by the Directorate of Fisheries, on the processing of catch.

<sup>1)</sup>Act No. 65/2004, Art. 2. <sup>2)</sup>Reg. 246/2008, cf. 891/2008. <sup>3)</sup>Act No. 61/2005, Art. 1.

### **Article 10**

A driver transporting unweighed catch, must drive directly from the dockside to a port scale, except in such instances where the Directorate of Fisheries has granted exemptions from weighing on a port scale, cf. the second paragraph of Art. 6. The driver must acquaint him- or herself with the composition of the load to the extent possible and provide the scale operator with information on it.

### **Article 11**

Employees of port scales must verify that details on the species of weighed catch are correct, for instance, by directly inspecting a sample of the landed catch as appropriate. The same applies to catch reported as undersize. They are to regularly give the Directorate of Fisheries a summary of sample inspections and their results.

### **Article 12**

The buyer of catch must verify that catch which it receives has been weighed in accordance with applicable rules on weighing of marine catches.

The buyer of catch shall fill out and deliver reports on the disposal of catch in such form and manner as the Ministry decides.

## **CHAPTER IV**

### **Implementation and sanctions**

### **Article 13**

The Directorate of Fisheries and inspectors in its service shall be responsible for ensuring the proper implementation of this Act. The Directorate of Fisheries may also seek the assistance of the police and the Icelandic Coast Guard for this purpose.

[If the Directorate of Fisheries deems that the catch of a specific vessel differs in terms of the size breakdown, species composition or quality from that of other vessels carrying out similar fishing, the Directorate of Fisheries shall place an inspector aboard the vessel to specifically monitor its fishing. If a fishing inspector has been aboard a fishing vessel for this purpose for seven days or seven fishing trips in total during the same fishing year, the Directorate of Fisheries shall decide whether there is reason to continue specifically monitoring the vessel's fishing. The decision of the Directorate of Fisheries shall be notified to the vessel operator. If a fishing inspector has been aboard a fishing vessel as provided for in this Article more than seven days or seven fishing trips during the same fishing year, the vessel operator must pay all the cost, including salary

cost, of the inspector's stay on board from the eighth day [or eighth fishing trip]<sup>1)</sup> onwards.<sup>2)</sup>

Authorisations of the Directorate of Fisheries and its inspectors pursuant to the Fisheries Management Act shall apply to surveillance as provided for in this Act.

<sup>1)</sup>Act No 162/2000, Article 1. <sup>2)</sup>Act No 161/2000, Article 1.

#### **Article 14**

[[The operator and master of a fishing vessel must keep track of the situation of their vessels' catch quotas, having regard for allocated catch quotas, transfer of catch quotas and catch landed. The Directorate of Fisheries shall follow fishing vessels' utilisation of their catch quotas. If the information of the Directorate of Fisheries suggests that a vessel has caught in excess of its catch quotas for any species, the Directorate of Fisheries must notify this to the vessel operator and master of the vessel concerned with a telegram, stating in addition that the vessel's commercial fishing permit is suspended on the fourth working day thereafter unless sufficient catch quotas have been transferred to the vessel within that time. If the recipient of the notification is of the opinion that the information of the Directorate of Fisheries concerning the vessel's catch is incorrect and that the vessel has not caught in excess of its catch quotas, he/she must convey such objections to the Directorate of Fisheries within three days. The Directorate of Fisheries may grant a longer time limit for objections if there is reason to expect that the recording of catch or catch quotas is incorrect. No commercial fishing may be pursued once the recipient has received the notification unless confirmation for such has been received from the Directorate of Fisheries. If a vessel's catch quotas, once the time limit has expired, have been increased so that the vessel's catch during the fishing year is within these limits, it shall be authorised to fish once more. The operator of the vessel concerned shall bear the cost of telegrams and other notifications as provided for in this Article in accordance with detailed rules set by the Minister and such cost may be added to the fee paid for notification of transfer of catch quota to the vessel in question, cf. the third paragraph of Art. 12 of Act No. 38/1990, on Fisheries Management, as subsequently amended. The Directorate of Fisheries may agree that notifications as provided for in this Article be made in a verifiable manner other than a telegram, if operators have made proposals for such measures which the Directorate of Fisheries deems satisfactory. The Minister may set detailed rules on the implementation of this provision.]<sup>1)</sup>

If a permit is suspended for the second time during the same fishing year due to catch exceeding catch quotas, the Directorate of Fisheries shall suspend a vessel's commercial fishing permit for two weeks in addition to the time resulting from the suspension provided for in the first paragraph, for six weeks if it occurs for the third time and for twelve weeks if it occurs more often. Allocation of catch quotas at the beginning of a new fishing year shall not affect the length of a permit suspension pursuant to this Article. The first paragraph shall apply in other respects on implementation.]<sup>2)</sup>

<sup>1)</sup>Act No. 61/2005, Art. 2. <sup>2)</sup>Act No. 24/2001, Art. 1.

#### **Article 15**

[The Directorate of Fisheries shall suspend a vessel's commercial fishing permit if the operator or crew of the vessel or other party working on behalf of the operator have violated the provisions of this Act or rules adopted pursuant to it.

In the first instance of a violation which is liable to suspension of fishing permit, the suspension shall apply for at least one week and no longer than 12 weeks, depending upon the nature and scope of the violation. In the case of repeated violations, a suspension shall apply for at least four weeks and not longer than one year.

In the case of the first minor violation, the Directorate of Fisheries shall, notwithstanding the provisions of the first and second paragraph, deliver a written reprimand to the vessel operator concerned.]<sup>1)</sup>

*<sup>1)</sup>Act No 163/2006, Article 2.*

### **Article 16**

If a vessel's commercial fishing permit has repeatedly been suspended, as provided for in Articles 14 and 15 of this Act, the Directorate of Fisheries may decide that a fishing inspector shall be stationed aboard the vessel at the expense of the vessel operator for a specific period of up to two months. The vessel operation must then pay all cost arising from the presence of the fishing inspector aboard, including salary cost.

### **Article 17**

[The Directorate of Fisheries shall revoke the permit of parties to weigh marine catch, as provided for in the second paragraph of Article 6, if the party, its representatives, employees or others working on its behalf have violated the provisions of Chapter III of this Act or rules adopted pursuant to it.

If a party's weighing permit has been revoked as provided for in the first paragraph, the party may not be granted such a permit anew until eight weeks have passed from its revocation. If a party's weighing permit has been repeatedly revoked, it shall not be granted such a permit again until sixteen weeks have passed since the permit was last revoked.

In the case of the first minor violation, the Directorate of Fisheries shall, notwithstanding the provisions of the first and second paragraph, deliver a written reprimand to the party concerned.

Should a party holding a weighing permit, or persons working on its behalf, violate the provisions of Chapter III of this Act or rules adopted pursuant to it, with the obvious result of catch being incorrectly recorded, the Directorate of Fisheries shall revoke the weighing permit of the party concerned. If a party's weighing permit has been revoked as provided for in this paragraph, it may not be granted such permit anew until 26 weeks have passed from the revocation, and after the party has made application for such, explaining satisfactorily how it intends to ensure that its weighing will comply with acts and rules. A permit for in-house weighing, cf. the first sentence of the second paragraph of Article 6, may not be granted to a party until one year has passed since the revocation of a previous permit.

If a party's weighing permit has been repeatedly revoked, as provided for in the fourth paragraph, it shall not be granted such a permit again until two years have passed since the permit was last revoked.]<sup>1)</sup>

*<sup>1)</sup>Act No 163/2006, Article 3.*

### **Article 18**

Decisions by the Directorate of Fisheries provided for in this Chapter may be referred to the Ministry of Fisheries within one month of notification to the party

concerned of such decision. A referral as provided for in this Article does not postpone the legal effect of the decision.

#### **Article 19**

[Reprimands, suspensions of fishing permits and revocations of weighing permits, decided upon as provided for in Articles 15 and 17 of this Act or Article 24 of the Fisheries Management Act, No. 116/2006, shall be deemed to be repeated if occurring within the following two years.]<sup>1)</sup>

*<sup>1)</sup>Act No. 163/2006, Art. 4.*

#### **Article 20**

Decisions by authorities as provided for in this Chapter may be referred to a court. Such referral does not postpone the legal effect of the decision.

#### **Article 21**

The Directorate of Fisheries shall regularly publish information on suspension of harvest rights as provided for in this Chapter. Such publication shall specify the name of the vessel, registration number, vessel operator, reason for suspension of the permit and for what period the suspension applies. Decisions on revocation of authorisations [as provided for in Article 17 of this Act]<sup>1)</sup> shall also be made public.

*<sup>1)</sup>Act No. 163/2006, Art. 5.*

#### **Article 22**

Information on the catch shares of individual vessels, allocation of catch quotas to them, catches of individual vessels and the disposal of catch quotas is public information to which everyone may have access. The Directorate of Fisheries shall regularly publish information on those vessels which have fished in excess of their catch quotas. The Directorate of Fisheries shall also publish information annually on fees charged for illegal catches during the previous fishing year.

#### **Article 23**

Violations against the provisions of this Act and rules adopted pursuant to it shall be liable to fines, regardless of whether committed deliberately or through negligence. Cases of serious or repeated deliberate violation shall furthermore be liable to ...<sup>1)</sup> imprisonment of up to six years.

[Fines for first offences shall not exceed ISK 4,000,000, depending upon the nature and scope of the violation. Fines for repeated offences shall amount to a minimum of ISK 400,000 and a maximum of ISK 8,000,000, again, depending upon the nature and scope of the violation.]<sup>2)</sup>

Legal provisions on special fees for illegal marine catches shall be applied in the case of violations against this Act, as appropriate.

*<sup>1)</sup>Act No. 82/1998, Art. 225. <sup>2)</sup>Act No. 22/2005, Art. 1.*

#### **Article 24**

Fines may be imposed on both legal entities and individuals. Notwithstanding the provision of the first paragraph of Article 23, fines may be levied against legal entities, even though the guilt of their representatives or employees or other persons acting on

their behalf has not been proven, if the violation has been or could have been to the advantage of the legal entity. Similarly, fines may also be imposed against legal entities if their representatives or employees or other persons acting on their behalf are guilty of a violation

An attempt to commit or participation in a violation of this Act is liable to punishment as prescribed by the Criminal Code.

**Article 25 ...<sup>1)</sup>**

<sup>1)</sup>*Act No. 88/2008, Art. 233.*

**CHAPTER V**

**CHAPTER VI**

**Miscellaneous provisions**

**Article 30**

The Minister may, in a Regulation<sup>1)</sup>, provide in detail for the implementation of this Act.

<sup>1)</sup> *Reg. 409/1997, Reg. 601/1997, Reg. 303/1999, cf. 463/2004, Reg. 54/2003, cf. adv. 56/2003, 240/2006, 446/2006, 454/2006, 648/2006 and 78/2007; Reg. 234/2004, cf. 408/2004, 464/2004, 804/2008 and 919/2008; Reg. 559/2005, cf. 588/2005; Reg. 224/2006, cf. 684/2006, 70/2007, 651/2007, 893/2007 and 114/2008.*

**Article 31**

This Act shall enter into force at once. ...