

STUDY FOR STRENGTHENING THE LEGAL AND POLICY FRAMEWORK FOR INTERNATIONAL DISASTER RESPONSE IN ICELAND

An analysis of Icelandic legislation and policy framework in light of the
European Union Host Nation Support Guidelines

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in collaboration with

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INTRODUCTION

Background

No country is protected against disasters and all may one day have to call on international assistance in their territory in the event of a disaster which overwhelms their national capabilities. By their very nature, disasters require urgent action and international assistance must be deployed as quickly as possible. It is therefore essential for countries to minimize or abolish all possible and foreseeable obstacles that might prevent or hinder the receipt of international assistance in times of need.

Over the past few years, the European Union (EU) has been considering the manner in which its Member States receive external disaster assistance, both from within and outside the EU. Following the European Council's conclusion on Host Nation Support of December 2010 calling on the European Commission and EU Member States to pursue their efforts in the field of host nation support, the EU Civil Protection Committee approved the EU Host Nation Support Guidelines (EU HNS Guidelines) in January 2012. These guidelines highlight key actions to be taken in relation to emergency planning, emergency management and coordination, logistics, transport and legal and financial issues. These guidelines are of a non-binding nature which are intended to support and assist affected states in receiving international assistance in the most effective and efficient manner. Participating states were encouraged to take them into consideration while improving the legal and policy framework relating to international assistance.

On the 31st International Conference of the Red Cross and the Red Crescent, the Ministry for Foreign Affairs in Iceland, on behalf of the Ministry of Interior, along with the Red Cross in Iceland and the International Red Cross and the Red Crescent, signed an agreement to conduct this study. This study, which is a part of a wider project on the Implementation of the EU HNS Guidelines, will analyse possible aspects within the Icelandic legal framework that can prove to be legal obstacle or administrative barriers in receiving foreign assistance.

The study builds upon the above mentioned EU HNS Guidelines as well as the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IDRL Guidelines) as they were expressly mentioned as one of the documents relevant to the EU HNS Guidelines and having been a reference document for the EU HNS Guidelines' drafters. Both of the guidelines are provided in Annex I to this study. The study will seek to support the government of Iceland to strengthen its legal preparation for the facilitation and regulation of international disaster assistance.

This study was managed by the Icelandic Red Cross and undertaken by LOGOS Legal Service with the support and cooperation of the Department of Civil Protection and Emergency Management of the National Commissioner of the Icelandic Police (DCPEM/NCIP) and funded in substantial part by the European Commission's Humanitarian aid and Civil Protection Office (ECHO).

Methodology and structure of the report

This study divides into two parts whereas the first part will provide general information about the territory of Iceland, its administration structure and possible hazard and risk scenarios. Furthermore, the first part contains general information on the civil protection and emergency management structure in Iceland, but the domestic and international as well as the role of the National Red Cross Society in disaster management will be addressed. The second part of the study, which is the fundamental part, contains the legal analysis where current Icelandic legislation, regulations, procedures and policy will be compared to the recommendations provided by the EU HNS Guidelines and the IDRL

Guidelines. All referred legal documents are provided in Annex II to this study. The second chapter is the fundamental part of this study.

The research which this study is based on consisted of a desk study of current legislation in Iceland. In addition, meetings were held with four focus groups which were specifically assembled to provide insight into the enforcement of various laws that regard incoming relief personnel, customs and taxation, transport and finally coordination and emergency management.

Under each chapter the recommendations made by the EU HNS Guidelines and the IDRL Guidelines are addressed and followed with a coverage of the relevant Icelandic legal provisions. Furthermore, if appropriate, the results of the discussion that took place in the focus groups will be addressed for comparison. If the Icelandic legal and policy framework do not comply with the EU HNS Guidelines recommendations are made.

DEFINITIONS AND ABBREVIATIONS

So as to avoid confusion or misunderstanding, as the terminology used in the EU HNS Guidelines and the IDRL Guidelines differs, the terminology in this study is defined in the following text. Hence, the following definitions and abbreviations have the following meaning which shall solely be understood in the context of this study.

Definitions

Disaster or Emergency: A serious disruption of the functioning of society, which poses a significant, widespread threat to human life, health, property or the environment, whether arising from accident, nature or human activity, whether developing suddenly or as the result of long-term processes, but excluding armed conflict.

Disaster relief: Goods and services provided to meet the immediate needs of disaster-affected communities.

Goods: The supplies intended to be provided to disaster affected communities for their relief or initial recovery.

Services: Activities (such as rescue and medical care) undertaken by disaster relief and initial recovery personnel to assist disaster affected communities.

Equipment: Physical Items, other than goods, that are necessary for disaster relief or initial recovery assistance.

Assisting State or Sending Nation (SN): A state providing disaster relief or initial recovery assistance, whether through civil or military components.

Affected State or Host Nation (HN): The state upon whose territory persons or property are affected by a disaster. Furthermore, it has the meaning of a state which by agreement receives international intervention modules/teams deployed by other state or other nations to cope with consequences of a disaster or receives in-kind assistance and/or other equipment/material to cope with consequences of a disaster

Transit State or Transit Nation (TN): The state through whose territorial jurisdiction disaster relief or initial recovery assistance has received permission to pass on its way to or from the affected state in connection with disaster relief or initial recovery assistance.

Assisting humanitarian organization: A foreign, regional, intergovernmental or international non-profit entity whose mandate and activities are primarily focused on humanitarian relief, recovery or development.

Module: A specialised emergency response unit that has been set up to respond more quickly to emergencies.

In-kind assistance/donation: In-kind assistance/donations are those that are done in goods and services rather than money (or cash).

Abbreviations

EU HNS Guidelines: European Union Host Nation Support Guidelines as approved by the EU Civil Protection Committee on 18th of January 2012.

IDRL Guidelines: Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance

as adopted by the state parties to the Geneva Conventions and the International Red Crescent Movement at the 30th International Conference of the Movement on the 30th of November 2007.

DCPEM/NCIP:	Department of Civil Protection and Emergency Management of the National Commissioner of the Icelandic Police.
CPM:	Civil Protection Mechanism.
CPSC:	Civil Protection and Security Council.
NCIP:	National Commissioner of the Icelandic Police.
ICE-SAR:	Icelandic Association for Search and Rescue.
CPC:	Civil Protection Committee.
NGO:	Non-Government Organisations.
UNDAC:	United Nations Disaster Assessment and Coordination.
FCSS:	Field Coordination Support Section.
OCHA:	United Nations Office for the Coordination of Humanitarian Affairs.
NATO:	North Atlantic Treaty Organization.
EADRCC:	Euro-Atlantic Disaster Response Coordination Centre.
EADRU:	Euro-Atlantic Disaster Response Unit.
EAPC:	Euro-Atlantic Partnership Council.
EU:	European Union.
CMCP:	Community Mechanism for Civil Protection within the European Union.
EFTA:	European Free Trade Association.
ERC:	Emergency Response Centre.
DG ECHO:	Humanitarian Aid and Civil Protection department of the European Commission.
ECHO:	European Commission's Humanitarian aid and Civil Protection Office.
CESIS:	Common Emergency and Information System.
NORDRED Agreement:	Agreement on civil protection with the Nordic countries.
IRC:	Icelandic Red Cross.
CPIA:	Contingency Plan for International Assistance.
LO:	Liaison Officers.
BoO:	Base of Operations.

RDC:	Reception and Departure Centre.
OSOCC:	On-Site Operations Coordination Centre.
IFVA:	Icelandic Food and Veterinary Authority.
EEA:	European Economic Area.
OIE:	World Organisation for Animal Health.
CODEX:	Codex Alimentarius – International Food Standards as developed by the Codex Alimentarius Commission which was established by the Food and Agriculture Organization of the United Nations and the World Health Organisation.
SPS Agreement:	The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures.
ITA:	Icelandic Transport Authority.
PTA:	Post and Telecom Administration.
ISK:	Icelandic krónur.
OSCE:	Organization for Security and Co-operation in Europe .
NORDEFCO:	Nordic defence cooperation.
MIC:	Monitoring and Information Centre of the European Union.

PART I

This part of the study contains general information about the territory of Iceland, its administration structure and possible hazard and risk scenarios. Furthermore, this part will provide general information on the civil protection and emergency management structure in Iceland, both the domestic and international. The role of the National Red Cross Society in disaster management will also be addressed.

1 COUNTRY PROFILE OVERVIEW

1.1 Territory

Iceland, officially the Republic of Iceland, is a Nordic island country situated at the confluence of the North Atlantic and Arctic Oceans on a ridge that marks the boundary between the Eurasian and North American tectonic plates, the Mid-Atlantic Ridge, which runs across the island from the southwest to the northeast. The main island is entirely south of the Arctic Circle, which passes through the small Icelandic island of Grímsey off the main island's northern coast. Iceland is deeply indented as many bays and fjords punctuate the islands 4.970 km long coastline. Iceland's land area, which is of recent volcanic origin, is mostly plateau with mountain peaks (highest elevation of 2.119 m above sea level) and ice fields whereas 11 percent of the land is covered by three large glaciers.

Iceland is the world's 18th largest island, and Europe's second largest island after Great Britain. The main island is 101.826 km², but including numerous islands, e.g. Grímsey in the north and Vestmannaeyjar archipelago in the south, the whole country is 103,000 km² in size. Territorial sea is 12 nautical miles and exclusive economic zone is 200 nautical miles. The continental shelf is 200 nautical miles or to the edge of the continental margin.

The climate of Iceland is sub polar oceanic where the warm North Atlantic Current ensures generally higher annual temperatures than in most places of similar latitude in the world. Despite its proximity to the Arctic, the island's coast mostly remains ice-free through winter. Ice incursions are rare, the last having occurred on the north coast in 1969. There are some variations in the climate between different parts of the island. Generally, the south coast is warmer, wetter and windier than the north. The central highlands are the coldest part of the country. Low-lying inland areas in the north are the most arid and snowfall in winter is more common in the north than the south. During summer the nights are bright but winters include long nights.

Over the year, Iceland's temperature typically varies from -3 from -3°C to 14°C and is rarely below -9°C or above 17°C. From the 10th of June to September 6th the average temperature is above 12° C but from November 10 to April 13 the average temperature is below 4°C.

Iceland's population is just over 320.000 people which makes it the most sparsely populated country in Europe. Of around 75 municipalities most of them are situated along the coastline. The capital, Reykjavík, is the largest city, located at the south western part of the country, with just under 120.000 residents. It is the northernmost national capital in the world. Other key populous centres include Kópavogur (31.676), Hafnarfjörður (26.763), both in the capital area and Akureyri (17.956) which is in the northern part of Iceland. The population density of Iceland is around 3,1/km².

1.2 Administration

With the Danish-Icelandic Act of Union of 1918 Iceland became a sovereign state but formally it became an independent republic on June 17th 1944 when Althing, the legislative assembly, met at Thingvellir to ratify a constitution establishing the Republic of Iceland.

Iceland is a representative democracy and a parliamentary republic. The parliament, Althing, has 63 members which are normally elected for a maximum period of four years. These members of the parliament and the president of the republic, which serves as a

formal head of state, jointly hold legislative powers, as well as fiscal powers, i.e. the power to make decisions on public spending and taxation. Icelanders normally elect a president every four years for a term of four years with no term limits. The elections, including those for the local municipal councils, are all held separately every four years.

The principal work of Althing is to legislate and law making process starts with a bill, often prepared by the government, which then goes through formal stage which include a series of three readings during which parliamentarians debate the bill. Prior to the third and final reading bills are generally sent to a standing committee of Althing where members examine the fine points of the legislation. Bills, which have been passed by Althing, are submitted to the president for his approval within two weeks to become effective as law. In case of a denial from the president, a general referendum must be held as soon as possible but the bill takes effect nevertheless and becomes invalid if it is rejected in the referendum, otherwise it remains in force. This veto power of the president has only been used three times and all in recent years. If the president is absent, his powers are exercised jointly by the Prime Minister, The Speaker of the Althing and the President of the Supreme Court.

While the head of state is the president, executive powers are exercised by the government, with the prime minister being the head. The government plays a major role in the legislative process by preparing legislation and it is granted the power to make more detailed provisions in regulations. Ministers take seat in the parliament but only those only those elected in general elections have right to vote.

There are 74 municipalities, local administrative areas, in Iceland that provide different kind of service for the public e.g. schools, social services, housing, transportation and zoning. The largest is Reykjavík with just under 120.000 residents for comparison and the smallest is Árneshreppur with only 54 residents. Iceland is then split up among 26 magistrates who hold the executive power in various capacities including tax collection, administering bankruptcy declarations and performing civil marriages. Finally, there are 15 police administrative areas, each with their own police commissioner in charge of the police forces and the day-to-day control and operation of the police in their respective administrative areas and they are responsible for the execution of the functions of the police within those areas. Furthermore, the police commissioners are in charge of search and rescue operations on land though special laws apply to the Iceland Civil Defence programme.

Iceland has a civil law legal system and therefore Icelandic law is characterized by written law. Main sources of law in Iceland include the Constitution, statutory legislation and regulations. As a source of law, statutory acts prevail over regulations and the Constitution transcends both statutory acts and regulations. Other legal resources are precedent and customary law. The recognition of tradition of culture does bear significantly on Icelandic law in a variety of contexts. Iceland constitution from 1944 has been amended several times and is actually under thorough examination on whether further changes are needed.

Iceland is a dualist state and therefore ratified international treaties do not assume the force of domestic law, but rather are only binding to international law though the Supreme Court of Iceland has sought further and further to interpret Iceland law in conformity with international commitments. Iceland has ratified numerous international treaties and agreements. Iceland is e.g. a party to the Agreement on the European Economic Area which allows Iceland to participate in the EU's Internal market without being a member of the EU as well as the European Convention on Human Rights, United Nations, NATO and more institutions and co-operations.

1.3 Hazard and risk scenarios

The Icelandic Civil Protection has to deal with various emergencies every year. In 2011 the DCPEM/NCIP published a risk overview with an assessment for all 15 Civil Protection districts in Iceland based on likelihood and consequences of hazardous events. Consequently volcanic eruptions, earthquakes, floods, snow avalanches and landslides, snowstorms and extreme weather were among high risk natural disasters. Other high risk events were pandemic influenza, mass casualty transport accidents (land, sea, and air) and critical infrastructure failure. Based on the risk analysis worst case scenarios were built, which looked at threats to life and health (death and injury), the economy (financial/material loss), the environment (loss to nature and the environment), society and security (disruption and instability).

1.3.1 Natural disasters

The Icelandic Meteorological Office is responsible for monitoring natural hazards in Iceland and conducts research on the physics of air, land and sea, specifically in the fields of hydrology, glaciology, climatology, seismology and volcanology. The Institute of Earth Sciences of the University of Iceland is a leading research institute on volcanoes and their behavior, crustal processes and related field. The DCPEM/NCIP works in close cooperation with these two institutions before, during and after disasters coordinating civil protection measures.

1.3.1.1 *Extreme weather*

Severe weather during winter is common in Iceland. In the south, west and north coast wind gusts up to 40-50 m/s can be expected with coastal flooding and traffic chaos as secondary effects of the storm. Regular gusts in towns and villages are 35 – 45 m/s. Extreme weather with heavy wind and precipitation have occurred in all districts in Iceland with increased cost for the community in transportation, power distribution, other infrastructure and livestock.

1.3.1.2 *Earthquakes.*

Highest frequency of earthquakes are mostly concentrated on plate boundaries on the southwest and northeast Iceland seismic zones. These zones are in SW/NE direction through Iceland, with frequent strong earthquakes on strike slip faults. Three $M > 6$ earthquakes occurred in 2000 and 2008 in the south Iceland seismic zone causing extensive damage to properties and infrastructure both in towns and villages as well as farming area. Damaging earthquakes are also known to have occurred in the years 1784, 1896 and 1912. The south Iceland seismic zone is in the vicinity of Reykjavik capital of Iceland which may be subject to some moderate shaking during strong motion earthquakes. Consequently major power lines, roads and transportation may be susceptible to damage. In the years 2012-13 two $M > 5$ earthquakes occurred on the north east seismic zone. Most of the earthquakes originate out at sea, but can affect coastal towns and villages and densely populated farmland areas. Strong earthquakes $M \sim 7$ are known to have occurred there in the past (1755, 1872, 1885, 1910 and 1976). Measurements of crustal movements indicate that stress is building up in both zones (2012).

1.3.1.3 *Volcanic eruptions*

There are over 30 active volcanic systems in Iceland which as composed of central volcanoes and fissure swarms. Over 205 eruptive events have been identified in historical time (1100 yrs.). The volcanic systems are all within the volcanic belts crossing Iceland from the south-west to North East part of Iceland. 192 eruptions represent

individual eruptions and 13 are classified as Fires, lasting from months to years. Over 120 eruptions have been explosive; producing ash clouds which can travel long distance in the atmosphere. Since 2008, the Civil Protection mechanism in Iceland has dealt with 4 eruptions, each with a different origin and style, occupying the responders for nearly 100 days. Research indicates that Iceland is moving into a new high volcanic activity period.

1.3.1.4 Snow avalanches and landslides.

Landslides and snow avalanches have been an actual risk in many districts in Iceland since the beginning of the settlement in Iceland. They have caused death, injury, damage and destruction to property and infrastructure in Iceland. Last century almost 200 persons died in avalanches and landslides. In two catastrophic avalanches in the year 1995 in two villages in the West fjords of Iceland killed 34 persons and caused extensive economic loss. Hazard zoning, land use planning, and extensive protection measures have been made for 20 towns and villages in Iceland to reduce the risk. Evacuation plans have been made for 16 towns and villages. Defense structures like walls and deflecting dams have been built in areas of high snow avalanche risk in order to protect the population. During the winter months avalanche monitoring and forecasting is made in selected high risk areas, especially in the Northern West fjords, north and east Iceland.

1.3.1.5 Floods

Floods can originate in sub-glacial volcano and geothermal systems (see volcanoes and floods) or floods due to melt water, ice blockage and precipitation. Loss due to floods has been documented in most districts. Roads, bridges, agriculture, vegetation and livelihood have been affected when excess water from rivers has flooded farmland and villages. In 2006 several floods in the north and south caused damage to farmlands and livestock.

1.3.2 Other hazards

Pandemic influenza, mass casualty transport accidents (land, sea, and air) and critical infrastructure failure are additional high risk events in Iceland according to analysis made by the Civil Protection in Iceland in 2011. In the year 2009 a pandemic influenza plan was ready for Iceland and it was activated after the World Health Organization declared an alert for influenza A (H1N1). Plans have been made for all domestic and international airports in Iceland and they are exercised regularly. Plans have also been made for mass casualty accidents on land and sea in some Civil Protection districts.

2 CIVIL PROTECTION AND EMERGENCY MANAGEMENT IN ICELAND

2.1 Domestic structure of Civil Protection and Emergency Management

The task of the Icelandic Civil Protection Mechanism (CPM) is to prepare, organize and implement civil protection measures aimed at preventing and, to the extent possible, limiting physical injury or damage to the health of the public and damage to the environment and property, whether it results from natural catastrophes or from human actions, epidemics, military action or other causes, and to provide emergency relief and assistance, due to any injury or damage that may occur or has occurred. The CPM is activated when daily emergency services, e.g. the police, the fire brigade, the Icelandic Coast Guard or hospitals, exceed their capability to react to disaster or when a significant and/or coordinated response is required.

The Icelandic state is responsible for civil protection throughout Iceland, on land, in the air and at the sea. The local authorities are responsible for civil protection at the local level in conjunction with central government.

It is the role of the Civil Protection and Security Council (CPSC) to draw up the Government's policy on civil protection and security. The Government's policy on civil protection and security shall present an account of the current situation and prospects in civil protection and security in Iceland, discuss action, necessary coordination of the contents of response plans and the functions of public bodies in that context, stock levels necessary to ensure the survival of the nation in times of peril, reconstruction following catastrophes and other measures the council considers necessary. The CPSC consists of six ministers, seven representatives of various key actors in the field of civil protection and response bodies in Iceland and two representatives in accordance with nominations by the Union of Local Authorities in Iceland. In addition, two ministers may be appointed to co-opt on the council at any time in connection with specific matter. A draft to the first government policy on civil protection and security was published by the Minister of the Interior in April 2013.

The Minister of the Interior is, according to the Civil Protection Act No. 82/2008¹, the supreme authority in the field of civil protection in Iceland. He shall issue regulations on civil protection alert levels, after receiving proposals from the National Commissioner of the Icelandic Police (NCIP) and following consultation with the CPSC.

The NCIP shall handle civil protection issues on behalf of the Minister of the Interior. The NCIP shall take decisions regarding civil protection alert levels at any given time, in consultation with the relevant regional police commissioner, if possible. A state of emergency may be declared if an emergency is likely to occur, is imminent, or has occurred, or if comparable circumstances obtain. The NCIP shall monitor to ensure that measures are taken in accordance with the Government's civil protection and security policy. Furthermore, the NCIP shall supervise the structure of civil protection measures at the national level and civil protection measures taken by the local authorities as well as supervise coordination between response bodies and other parties and the direction of measures both before and after danger situations have arisen. The NCIP shall participate in international collaboration between government authorities in the field of civil protection.

The NCIP runs a Civil Protection and Emergency Management department which is responsible for daily administration of Civil Protection matters. The day to day functions of the Department of Civil Protection and Emergency Management of the NCIP (DCPEM/NCIP) include risk analysis, mitigation, coordination and recovery. The DCPEM/NCIP maintains a coordination and command centre which is under the direction of an eleven-man committee all of which are either representatives of key response bodies or government organisations. The committee discusses and takes decisions concerning the internal structure and operation of, and collaboration between, the response bodies. The coordination and command centre shall be activated at any time when necessity so demands, as assessed by those who are involved in the direction of search, rescue and salvage operations or measures in response in hazard situations.

Coordination and overall control of civil protection measures shall be carried out in the coordination and command centre in accordance with the relevant alert level and civil protection response plan. In a state of emergency, representatives of the civil protection response bodies shall work in the coordination and command centre, and shall be obliged to act in accordance with instructions given by the party directing the coordination of measures in accordance with the response plan. In the event of a dispute as to what instructions are to be given, the question shall be resolved by the NCIP. Decisions by the

¹ Icelandic: Lög um almannavarnir nr. 82/2008

NCIP cannot be referred to the Minister of the Interior. Even though the NCIP has the role to procure and deliver all outside assistance, national or international, which is deemed necessary by a local Chief of Police, that role has been given to the coordination and command centre through contingency plans.

The above mentioned has concerned the CPM at the national level but at regional level there shall, in each local government area, be a Civil Protection Committee (CPC) appointed by the local authority. These CPCs shall consist of the district commissioner of the administrative area in which the local government area lies (except for the Metropolitan area and the Suðurnes region where the police commissioners of the relevant administrative area shall sit on the civil protection committees), representatives of the local authority and those representatives of the local authorities who, in course of their work, attend to tasks in the service of the safety of the ordinary citizen. Each of the 15 police administrative areas in Iceland have either one or more CPCs. CPCs have the role to formulate policy and arrange civil protection activities at the regional level. The Civil protection committees shall as well work on the preparation of risk assessments and response plans in their respective administrative areas in collaboration with the NCIP.

Operational and site management at the regional level is in the hands of the police commissioner in the relevant police administrative area. The police commissioner shall sit on the operations committee together with a representative of the civil protection committee, a representative of the Icelandic Association for Search and Rescue (ICE-SAR), a representative of the Icelandic Red Cross and the appropriate response bodies as provided for in the response plan and other relevant parties who are connected with the measures taken at any given time. The operations committee shall work in collaboration with the coordination and command centre. Site managers, who shall be in charge of on-site direction and coordination, shall be nominated by Police commissioners.

All ministries and national agencies have a duty to create contingency plans for the scope of their responsibilities in civil protection. All agencies are obliged to coordinate their contingency plans and operational procedures with the NCIP and DCPEM/NCIP and each agency has the command of their unit under the coordination of the Local Police Commissioner. Government ministers and subordinate bodies shall also examine the disaster survival capacity of the sections of the Icelandic community under their range and organize their responses and measures. In addition, public and private parties are obliged to provide the information necessary to prepare national or regional response plans and in the event of a dispute with possible court rulings in the case of a dispute.

Volunteer groups are an important part of the civil protection mechanism in Iceland. The ICE-SAR is a national association of search and rescue teams. Their objective to prevent accidents, save lives and property is strengthened by over 20.000 volunteers available 24/7 to respond to emergencies. The Icelandic Red Cross has the objective to support the rescue operations and with the ICE-SAR is the largest volunteer rescue organization with over 20.000 member and 3000 active volunteers. The part of the Icelandic Red Cross is further explained later in this study. Additionally there are NGOs in Iceland that play their part. Stakeholders of the private sector include telecommunications companies, Neyðarlínan-112/Emergency Alert (operator of 112 single emergency number) and TETRA (emergency communication system), Isavia (Iceland's Aviation Authorities, operator of airfields) and different companies with a civil protection role.

Furthermore it is the civic duty of persons aged 18-65 to perform, in times of peril, without recompense, work in the service of civil protection in the administrative areas in which they reside, in accordance with instructions given by a police commissioner after receiving the proposals of the civil protection committee or the NCIP. Decisions taken by police commissioners may be referred to the Minister of the Interior. No person may in any way hinder anyone from doing work that he has been called out to do in the service of civil protection.

2.2 International and Regional Instruments of Civil Protection and Emergency Management

2.2.1 United Nations

The United Nations Disaster Assessment and Coordination (UNDAC), of which Iceland is a member, is a part of the international emergency response system for sudden onset emergencies.

It was created in 1998 and designed to assist the United Nations and Governments of a disaster affected country in meeting international needs for early and qualified information during the first phase of a sudden-onset emergency, as well as in the coordination of incoming international relief at national level and/or at the site of the emergency. UNDAC is capable of deploying self-sufficient modules, specifically equipped for certain disasters, at very short notice (12-48 hours) anywhere in the world. They are provided free of charge to the disaster-affected country upon the request of the United Nations Resident or Humanitarian Coordinator and/or the affected Government. It is also worth mentioning that UNDAC modules can also undertake disaster response preparedness missions. The UNDAC system is managed by the Field Coordination Support Section (FCSS) in the Emergency Services Branch of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

2.2.2 North Atlantic Treaty Organization

Iceland has been a member of the North Atlantic Treaty Organization (NATO) since its foundation in 1949. The cooperation is one of the main pillars of Iceland's security policy. Though Iceland has no army, it contributes to NATO operations with financial contributions and civilian personnel and has emphasized the importance of peace, disarmament along with the war against terrorism.

In 1951, NATO established the Civil Defence Committee for the protection of the civilian population. Since then, NATO civil protection has evolved into the creation of the Euro-Atlantic Disaster Response Coordination Centre (EADRCC) and the Euro-Atlantic Disaster Response Unit (EADRU) by the Euro-Atlantic Partnership Council (EAPC) and its Policy for Disaster Assistance in Peacetime.

NATO's Policy is based on the principles that affected states retain responsibility for disaster management and the UN has the primary role in co-ordination of international disaster relief operations and so EADRCC efforts should be complementary and supportive of UN relief operations and the EADRCC's primary role is that of co-ordination rather than direction. The main responsibilities of the EADRCC are to co-ordinate responses to disasters happening in the territory of the Euro-Atlantic Partnership Council; to act as an information-sharing clearance house; and to liaise closely with OCHA, the EU and any other organisations involved in international disaster response.

In 1998 the EADRCC was founded by the EAPC. The Centre is a 24/7 focal point for coordinating disaster relief efforts among NATO member and partner countries. Member countries can request for assistance in case of a national disaster according to the relevant agreement.

More emphasis has been placed on remedies with civilians and NATO has worked in matters regarding national or manmade disasters with the goal of protecting the society, the government and the public. Iceland has therefore the NATO framework as an option for disaster response led by NATO's Civil Emergency Planning Committee.

2.2.3 European Union

In 2001 a Council Decision was adopted establishing a Community Mechanism for Civil Protection within EU. Iceland is a participating state of the Community Mechanism for Civil Protection (CMCP) through its involvement in the European Free Trade Association (EFTA).

The main role of the CMCP is to facilitate cooperation in civil protection assistance interventions in the event of major emergencies which may require urgent response actions. This applies also to situations where there may be an imminent threat of such major emergencies.

In accordance with the principle of subsidiarity, the CMCP is supposed to provide added value to European civil protection assistance by making support available on request of the affected country. The CMCP has several tools intended to facilitate both adequate preparedness as well as effective response to disasters at a community level.

The Emergency Response Centre (ERC) serves as the operational heart of the CMCP. It is operated by the Humanitarian Aid and Civil Protection department of the European Commission (DG ECHO) and accessible 24 hours a day. Through ERC countries can access civil protection means available amongst all of the 32 participating states. Any country inside or outside the EU can make an appeal for assistance through the ERC. During emergencies the ERC plays three important roles. Firstly, the role of a communication hub where the ERC acts as a focal point for the exchange of requests and offers of assistance. Secondly, the role of an information centre where the ERC disseminates information on civil protection preparedness and response to participating states as well as a wider audience, both during emergencies and not and thirdly, the role of a coordinator which takes place at two levels: at headquarters level, by matching offers to needs, identifying gaps in assistance and searching for solution, and facilitating the pooling of common resources where possible; and on the site of the disaster through the deployment of EU civil protection experts for assessment and coordination, when required.

The Common Emergency and Information System (CESIS) is a web-based alert and notification application created with the intention of facilitating emergency communication among the participating states. CESIS provides an integrated platform to send and receive alerts, details of assistance required, to make offers of help and to view the development of the on-going emergency as the happen in an online logbook. Furthermore its task is to handle requests for assistance.

A number of highly specialised response units have been set up under the CMCP to respond more quickly to emergencies. Known as modules, these operational units are prepared by one or more countries. They can be used for interventions both within and outside the EU. They have to be available at a short notice (max. 12 hours) and be able to work independently. Examples of modules include high capacity pumping, advanced medical posts or urban search and rescue. Upon request, these modules can be deployed to provide assistance during emergencies.

According to civil protection mechanism officials in Iceland, the CMCP would be the channel through which Iceland would most likely seek assistance through.

2.2.4 Agreement on Rescue Services between the Nordic Countries

Iceland's bilateral treaties regarding civil protection are rather few compared to countries like Germany where the fact that Iceland is an island with no adjacent countries may be an important factor of it. Iceland has though a mutual formal agreement on rescue services with the Nordic countries i.e. Norway, Denmark, Sweden and Finland, the

NORDRED Agreement on civil protection. The cooperation is based on both the agreement made in 1989 and a long historical tradition of helping the Nordic neighbours. The cooperation covers general crisis and damages that the public suffers. The countries have committed themselves in assisting each other in times of national disasters. A collaboration group meets twice a year and conferences are held every third year. The responsibility for requesting international assistance is placed on the institution responsible to limit the damage after a disaster, in Iceland's case the Ministry of the Interior or the NCIP and DCPEM/NCIP in their authority i.e. the competent authority. There has however been talks of updating the NORDRED Agreement.

2.3 Role of the National Red Cross Society in disaster management

The Icelandic Red Cross (IRC) was established in 1924. IRC has 70 employees, 20.000 members, 2600 volunteers, 44 branches and national headquarters/operations command centre. The IRC cooperates with the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent societies in disaster operations abroad and cross-border assistance.

IRC has an auxiliary role to the Icelandic government, according to an agreement since 2012 on the so called civil protection assistance force and according to the Civil Protection Act.

IRC provides humanitarian assistance to disaster victims according to the following designated roles:

- Representatives in the national crisis coordination and command centre and local emergency operation centres.
- Operation of emergency relief centres/evacuation shelters.
- Registration of victims and public communication, i.e. through the Red Cross Helpline 1717, social engagement and through foreign embassies and consulates.
- Assistance to families and friends of disaster victims, i.e. through temporary support centres.
- Operation of canteens and emergency kitchens for victims and responders.
- Psychosocial support/disaster mental health.
- Assistance to the civil protection department regarding operation of temporary service centres.
- Facilitation of external assistance (HNS) in accordance to civil protection department decisions.

PART II

This part of the study contains the legal analysis where current Icelandic legislation, regulations, procedures and policy will be compared to the recommendations provided in the EU HNS Guidelines and the IDRL Guidelines. The aim of this chapter is to provide information on whether the Icelandic regulatory framework meets up with the subject matter of the aforementioned guidelines.

3 REQUESTS FOR AND TERMINATION OF INTERNATIONAL ASSISTANCE

According to the EU HNS Guidelines, the respective National contact points of the participating states should use the existing EU CP procedures for requesting and offering support. To streamline this process they should use certain templates provided for by the guidelines to request the international assistance and the corresponding answer forms for offering assistance. The participating state should ensure that use of these templates is incorporated into national contingency planning, courses, trainings and exercise. States should consider making fixed requesting procedures for types of incident, e.g. flooding, earthquake.

Furthermore, the EU HNS Guidelines the HN should clarify procedures at national level regarding availability of sending routines from national focal point to EU MIC and update/maintenance of forms.

Furthermore, the IDRL Guidelines provide that when a HN, SN or an assisting actor wishes to terminate disaster relief or initial recovery assistance, it should provide appropriate notification. Upon such notification, they should consult with each other, bearing in mind the impact of such termination on disaster-affected communities.

There were no laws or regulations to be found that specify certain procedures or policies for requesting and responding to offers of foreign relief assistance. Furthermore, the termination procedure for international relief is not arranged for in national legislation.

However, according to some contingency plans it is up to the co-ordination and command centre to request for international assistance. There is mutual understanding between major stakeholders within the CPM in Iceland that the co-ordination and command centre would request for international relief assistance. In a state of emergency the co-ordination and command centre is under the administration of the party directing the coordination of measures in accordance with contingency plan, for example Iceland's Chief Epidemiologist in case of certain diseases or the Icelandic Radiation Safety Authority in case of radiation disasters. It would usually fall under the one in control at any given time to assess whether foreign assistance is needed and request for foreign assistance if necessity so demands. Regarding the termination of assistance, same principles would apply as for the request itself. It should be reiterated that notwithstanding the abovementioned there are no laws nor regulations that provide for legal authority to request for international assistance.

Iceland is participating state of the CMCP, NATO and UN, and therefore would consider offers through the ERC, EADRCC and UNDAC, or other offers outside those frameworks. The ERC has for example a standard alert sheet with the basic information required. In addition, there is the NORDRED Agreement regarding mutual assistance between the Nordic countries. In the NORDRED Agreement the responsibility for requesting international assistance is placed on the institution responsible to limit the damage after a disaster, in Iceland's case the Ministry of the Interior or the NCIP or DCPem/NCIP. It is important to bear in mind the distinction between requests within these frameworks and other requests.

Government Policy on Civil protection and Security is drawn up by the CPSC for periods of three years at a time. Draft has been made in March 2013, though published in April 2013, and one of the action plans due is a Contingency Plan for International Assistance (CPIA) in regards of the reception of foreign auxiliary.

Iceland should consider clarifying the legal authority to request for and terminate international assistance following/during emergencies. Furthermore, Iceland should consider making use of the templates annexed to the EU HNS Guidelines regarding

request or offering of assistance and incorporate them into national contingency planning (perhaps the due CPIA), courses, trainings and exercises.

4 FACILITATION OF INTERNATIONAL ASSISTANCE

The EU HNS Guidelines provide, that participating states should consider setting up/integrating national arrangements to allow for international emergency support within their territory to ensure proper HNS in case of a major disaster. To do so, the guidelines provide that it is helpful to have in advance an analysis of national risks and possible capacity gaps of national resources. Such analysis will help to define the moment when a country may activate the EU CP Mechanism and to formulate a precise and timely request for assistance.

Furthermore, the EU HNS Guidelines recommend that the HN should make all necessary arrangements to receive the incoming teams and modules at the point of entry (provision of liaison officers (LO), instructions, etc.) As a best practice, it is recommended for the LO to join the incoming team as early as possible. During the emergency planning phase the participating states should, inter alia, focus on the identification and training of LO to join the incoming team but they should preferably be EU CP trained experts.

Also, the HN should be responsible for the route planning and the provision of necessary transport arrangements (transport means, escorts, maps, material handling equipment, fuel, food, etc.) for the incoming teams starting from the point of entry and lasting for the entire operation.

The HN should provide logistic support for the incoming teams and the general maintenance of their equipment. However, the SN is responsible for the specialised maintenance of their equipment, including bringing specialized spare parts for their equipment to ensure self-sufficiency for the whole mission.

The HN should be responsible for the take-over, storage and distribution of in-kind assistance received.

Furthermore, the HN should be responsible for the identification of a base of operation (BoO) but it will serve as the international response team's site for headquarters, communications hub, sleeping/resting/eating areas, equipment stock set-up and refuge from the elements while operational in a disaster affected country. The base of operations should be located as close as possible to the existing infrastructure. The HN should take into account the base of operations requirements such as access to water, electrical power, and sewage, access for cars and trucks, closeness to the disaster site. Also, the HN should establish entry points, Reception and Departure Centre (RDC), a HNS team and should provide incoming teams with information in the form of a prepared Country briefing/factsheet. The HN should also consider requesting support from an EU CP Team. The HN when setting up its emergency coordination structures should use the existing EU and other international concepts (such as the On-Site Operations Coordination Centre (OSOCC) concept).

Whereas the point of entry has been pre-identified by the HN, the decisions concerning the point of exit should be made bilaterally between the HN and SN to ensure the most cost-effective and smooth exit transportation route.

There were no laws or regulations that specifically address the abovementioned issues. Furthermore, according to officials at the DCPem/NCIP, which are well aware of these requirements, no procedures have been established or implemented that address these issues.

Iceland should consider providing some mechanism that implements the issues addressed under this chapter and regard the facilitation.

5 COORDINATION

The EU HNS Guidelines provide that participating states should use existing EU and other international coordination systems as much as possible. Furthermore, the HN should make arrangements at all levels of its existing emergency command, control and coordination structure to facilitate the coordination of international assistance. At the same time, incoming teams should be aware of the HN command, control and coordination structure and should report to the on-site commander at least on a daily bases.

The HN should use CESIS as the primary tool and Virtual OSOCC when applicable to provide regular updates at the headquarter level regarding casualties and damage, entry points and procedures, specific requests for assistance and to inform all international participants of any special cultural, religious or traditional habits of the affected country, weather, safety and security issues.

According to the EU HNS Guidelines, all emergency management actors should be identified and made aware of their responsibility in the different phases in the process of HNS. All levels of emergency management authorities/actors should be aware of the EU CP Mechanism and of international guidelines and standards.

The HN and incoming teams and modules should take all necessary measures to ensure the interoperability of the assistance.

In addition to aforementioned, the IDRL Guidelines state that the HN has the sovereign right to coordinate, regulate and monitor disaster relief and recovery assistance provided by assisting actors on their territory, consistent with international law.

The Civil Protection Act provides that coordination and overall control of civil protection measures shall be carried out in the coordination and command centre in accordance with the relevant alert level and civil protection response plan. The coordination and command centre may also be the venue for coordination of measures of all types in connection with search and rescue operations on land, at sea and in the air, or of measures to deal with hazard situations, even if no state of emergency has been declared.² Presumably, any international relief assistance would be subject to the operational procedures provided within the civil protection and emergency management structure in Iceland. It would thus presumably fall under the role of the coordination and command centre to secure the interoperability of international and domestic relief operations during emergencies in Iceland.

However, notwithstanding the abovementioned there are no laws, regulations or procedures that specifically address the issue of facilitating the coordination of international relief assistance. Furthermore, Iceland does not seem to use existing EU and other international coordination systems for the coordination of operations in the event of a disaster. Also, there does not seem to be any procedures that provide international relief entities with those issues discussed under the facilitation of international assistance chapter which could be relevant to the issue of coordination.

Iceland should consider whether its legislation, regulations or policy should be developed in regards of coordination or interoperability of international relief assistance. That might be appropriate, especially as any foreign assistance is not capable of communicating in

² Article 12 of the Civil Protection Act

the native language. That could either be done through legislation, regulations or a special contingency plan that would address this issue.

6 PERSONNEL

6.1 Arrival and departures

According to the EU HNS Guidelines, the HN should, when necessary and possible, exempt relief personnel from visa regulations and immigration inspection. Where visa regulations and immigration inspection cannot be waived, the HN should expedite the necessary formalities at the appropriate point of entry by putting in place shortcut visa procedures and provide visa and work permit waivers when necessary for entire period of relief.

Furthermore, according to IDRL Guidelines, the granting of visas should ideally be without cost and renewable within the territory.

The relevant law is the Act on Foreigners No. 96/2002³ which provide for power to control the entry into Iceland of foreigners, their departure from Iceland and their stay in Iceland, in accordance with government policies at any particular time.⁴

The principal rule is, according to the Act on Foreigners, that a foreigner arriving in Iceland must have a visa for entry into Iceland. As a result of Iceland's participation in the Schengen co-operation this general rule does not apply to a foreigner possessing a permit to stay issued by a state taking part in the co-operation.⁵

All persons requiring visas, not holding a valid Schengen visa in the travel document, must thus apply for a visa at the applicable embassy/consulate before travelling to the Schengen area, including Iceland. Embassies/consulates representing Iceland handle visa applications and a visa is only granted if a foreigner fulfils certain conditions for the granting of a visa.⁶ A decision on the application shall be made within fifteen days upon the receipt of an application.

No arrangements exist in Icelandic legislation or regulations that specifically exempt relief personnel that require visas from visa regulations and immigration inspection but, according to the Regulation on Foreigners No. 53/2003⁷, a visa may be granted even though the general conditions for granting visas are not met if it is considered necessary for humanitarian reasons or by reason of national interest. Visas that are granted on these grounds are only valid within Iceland.⁸ Similar exemption from the general conditions can be found in the Regulation on Visas No. 1160/2010⁹. These exemptions have mainly been used to grant visas to foreign persons who have sought asylum in Iceland but could possibly be applied to foreign relief personnel as well.

It is worth mentioning that common arrangements for visas into the Schengen Area have been developed at EU level. These arrangements are mandatory for those member states that participate in the Schengen arrangements and they include a discretionary exemption from the visa requirements for helpers in the event of a disaster. In other

³ Icelandic: Lög um útlendinga nr. 96/2002

⁴ Article 1 of the Act on Foreigners

⁵ Article 6 of the Act on Foreigners

⁶ As can be drawn from the provisions of the Act on Foreigners and the Regulation on Foreigners No. 53/2003. However, this information was gathered at the website of the Directorate of Immigration which can be accessed at: http://www.utl.is/index.php?option=com_content&view=article&id=16&Itemid=17&lang=en

⁷ Icelandic: Reglugerð um útlendinga nr. 53/2003

⁸ Article 20 of the Regulation on Foreigners

⁹ Icelandic: Reglugerð um vegabréfsáritanir nr. 1160/2010

words, member states are allowed to waive visa regulations in these circumstances, but are not required to do so.

Regarding the cost, applicants for a visa must pay a fee for the processing of the application. It is however permitted to waive the fee if it serves important public interest or for humanitarian reasons.

Furthermore, all persons entering Iceland are obliged to report immediately to a border post or to the nearest police authority. The same applies to persons leaving the country, who shall submit to departure control.¹⁰ The Regulation on Border-crossing No. 1212/2007¹¹ permits an exemption from these requirements to individuals or a group of people in the events of unforeseeable emergencies.¹²

According to the Regulation on Foreigners there are 32 border posts in Iceland whereas only one, the Keflavik international airport, is open 24 hours a day. Other border posts are opened upon request.¹³

In times of need for international assistance during emergencies in Iceland, nothing should though, according to officials at the Directorate of Immigration, be in the administrative structure that would prevent or delay the arrival of foreign relief personnel.

Even though laws and regulations provide certain exemptions that might be applied in order to expedite or eliminate hindrances in the receipt of international assistance during emergencies they do not specifically mention foreign relief personnel. It is thus necessary to develop and establish clearer rules and protocols regarding the receipt of foreign relief personnel with the aim of waive or significantly expedite the provision of visas.

6.2 Work - and residence permits

The EU HNS Guidelines encourage participating states to provide visa and work permit waivers when necessary for entire period of relief

According to the IDRL Guidelines the granting of work permits should ideally be without cost and renewable within the territory for the time necessary to carry out disaster relief or initial recovery assistance.

According to the Act on Foreigners the principal rule is that a foreigner wishing to accept employment, with or without remuneration, or to work as a self-employed person in Iceland, must, in addition to a work permit, possess a permit to stay in Iceland.¹⁴ This would apply to foreign relief personnel requiring them to acquire both a permit to stay and a work permit upon providing assistance during emergencies in Iceland.

However, an exemption applies to foreign national who is subject to the rules of the agreement on the European Economic Area (EEA foreign national) or the Convention establishing the European Free Trade Association (EFTA foreign national). An EEA foreign national and an EFTA foreign national may enter Iceland without a special permit and live or work in Iceland for up to three months from the date of his arrival, or up to six months if he is looking for employment. Periods of residence in another Nordic country shall not be deducted from this residence period.¹⁵ An EEA or EFTA foreign national is entitled to

¹⁰ Article 4 of the Act on Foreigners

¹¹ Icelandic: Reglugerð um för yfir landamæri nr. 1212/2007

¹² Article 4 of the Regulation on Border-Crossing

¹³ Appendix 1 to the Regulation on Foreigners

¹⁴ Article 9 of the Act on Foreigners

¹⁵ Article 35 of the Act on Foreigners

reside in Iceland for longer than three months if he meets certain conditions all of which foreign relief personnel would probably not meet.¹⁶

No exemptions are provided by Icelandic laws and regulations that specifically address foreign relief personnel and exempt them from the requirements that apply to work permits and residence permits.

The Directorate of Labour takes decisions on whether to grant an application for work permits as soon as possible and no later than two months after the application is received but the Directorate of Immigration grant residence permits. Fee shall be paid for the processing of an application for residence permit but no fee is charged in relation to work permit applications.

It is worth mentioning that officials at the Directorate of Immigration and Directorate of Labour have said that these rules on work permits and residence permits would not be in the way of foreign relief personnel, especially if the DCPem/NCIP would vouch for them and confirm their importance in relief operations.

Rules on residence permits and work permits might prevent or delay international assistance during emergencies. It is therefore necessary to develop and establish clear rules, e.g. by implementing specific exemptions for foreign relief personnel, and protocols regarding work permits and residence permits so that Iceland can fully benefit from the efforts of foreign relief personnel in times of desperate need and during the reconstruction period.

6.3 Rights of workers and recognition of professional qualifications

The EU HNS Guidelines encourage the participating states to consider the granting of legal exemptions, in particular the HN should be prepared to ensure that sending nations and relevant international organizations are provided with temporary authorization to legally operate on their territory so to enjoy the rights. Personnel from the sending nation often possess specific skills and qualifications that are regulated in the affected state for example doctors, nurses, paramedics and engineers and the HN should, whenever possible, recognize the relevant professional qualifications of relief personnel for the time necessary to carry out the disaster relief assistance.

The Act on the Recognition of Professional Qualifications No. 26/2010¹⁷ applies to the assessment of whether an individual, which is interested in working in Iceland as an employee or self-employed, is qualified to work in a regulated profession, which requires a license, authorization or other equivalent recognition of an authority on the basis of professional qualifications obtained in another country.¹⁸ The Act implemented directive 2005/36/EC on the recognition of professional qualifications.

According to the Act on the Recognition of Professional Qualifications, individuals, who are citizens of a member state to the European Economic Area or a country of which Iceland has entered into an agreement on mutual recognition of professional qualifications, have the right to work in Iceland, either as an employee or an self-employed, under the same conditions that apply to Icelandic citizens, provided that they fulfill certain conditions which are e.g. laid down in Directive 2005/36/EC and agreements that regard mutual recognition of professional qualifications of which Iceland is a member to.¹⁹

¹⁶ Article 36 of the Act on Foreigners

¹⁷ Icelandic: Lög um viðurkenningu á faglegri menntun og hæfi til starfa hér á landi nr. 26/2010

¹⁸ Article 1 of the Act on the Recognition of Professional Qualifications

¹⁹ Article 2 of the Act on the Recognition of Professional Qualifications

In regard to services which are to be provided on a temporary or intermittent basis, which could be the case for foreign relief personnel, the Act on the Recognition of Professional Qualifications states that an individual that falls under the scope of directive 2005/36/EU has the right to provide temporary or intermittent services in Iceland if he has a lawful residence in a member state to the European Economic Area and the right to provide the services there, has provided that kind of services for at least two years in the last ten years before the service is to be provided given that the profession is not regulated in that country. The requirement of a two year experience does however not apply if either the profession or the education that one needs to obtain before being able to practice that profession is subject to a license, certification or other equivalent recognition of an authority.²⁰ Upon providing service for the first time in Iceland the individual who is wishing to provide a service has to provide a written declaration to the competent authority which then may require additional documentations such as proof of establishment, proof of nationality or evidence of professional qualifications.²¹

Applications for the recognition of foreign qualifications should be handed to the respective government authority which varies depending on the profession. The procedure of recognizing professional qualifications of citizens of the European Economic area should not, according to the Regulation on the Recognition on Professional Qualifications No. 879/2010²², take more than a month.²³ The one month deadline does however not apply to citizens of other countries.

The most relevant personnel in question are medical personnel and the governing focal point regarding them is the Directorate of Health which is a government agency headed by the Chief Medical Officer for Iceland. Among its functions is to issue licenses to practice to certified health care professionals and ensure that their education meets requirements.

According to the Healthcare Practitioners Act No. 34/2012²⁴ the profession of doctors, nurses and paramedics are all subject to an authorization and a license must be issued to persons seeking to practice these professions.²⁵ The Regulation on Recognition of Professional Qualifications of Healthcare Professionals from other EEA-states No. 461/2011²⁶ provides for an automatic recognition of qualification and the right to a license for doctors and nurses as long as a proof of an education and qualification in accordance to the aforementioned directive is provided.²⁷ Similar rules, more stringent though, apply to paramedics. According to officials at the Directorate of Health, an application for recognition of professional qualifications of doctors and nurses from an EEA state could be processed in one day but the process for paramedics could take longer time. The process for recognition of professional qualifications for other individuals than the aforementioned is heavier and lengthier which might prevent or significantly delay the benefit of which these individuals' efforts could provide in times of need. It is worth mentioning that it is possible to make exemptions for doctors if another domestic doctor is made responsible for his work, but with regard to the very nature of relief work it is probably not a feasible option to make use of that exemption during emergencies.

Iceland is a member to a treaty along with Denmark, Finland, Sweden and Norway regarding a mutual Nordic labor market for certain medical and nursing professions and

²⁰ Article 4 of the Act on the Recognition of Professional Qualifications

²¹ Article 5 of the Act on the Recognition of Professional Qualifications

²² Icelandic: Reglugerð um viðurkenningu á faglegri menntun og hæfi til starfa hér á landi nr. 879/2010

²³ Article 16 of the Regulation the Recognition of Professional Qualifications

²⁴ Icelandic: Lög um heilbrigðisstarfsmenn nr. 34/2012

²⁵ Article 4, cf. article 3, of the Healthcare Practitioners Act

²⁶ Icelandic: Reglugerð um viðurkenningu á faglegri menntun og hæfi heilbrigðisstarfsmanna frá öðrum EES-ríkjum nr. 461/2011

²⁷ Article 5 of the Regulation on recognition of professional qualifications of healthcare professionals from other EEA states.

veterinarians and applies for their respective citizens. The treaty addresses mutual recognition on professions between countries but contains no clause on disaster relief procedures.

Iceland is also a party to a treaty with the Faroe Islands through the government of Denmark including a clause of mutual professional recognition of qualifications but the treaty neither has a clause regarding disaster relief personnel nor the specific requirements i.e. the same standards should apply in each respective country.

A fee shall be paid for obtaining a license to practice as a doctor, a nurse or a paramedic. No exemptions, that specifically apply to foreign relief personnel, are provided by laws and regulations from the obligation to pay the fee.

The profession of engineers is likewise subject to an authorization and it is in the hands of the Ministry of Industries and Innovation, in collaboration with the Icelandic Association of Engineers, to lay down the framework of the education required to be a licensed engineer. Again, there are no special provisions regarding disaster relief personnel for expedited procedures.

A fee shall be paid for obtaining a license to practice as an engineer. Again, no exemptions, that specifically apply to foreign relief personnel, are provided by laws and regulations from the obligation to pay the fee.

Iceland should consider whether its legislation and policy should be developed in regards of an expedited recognition of qualification for professionals from the EU and from third states in emergency situations. This applies especially for doctors, nurses and paramedics but also for engineers.

6.4 Engagement of and collaboration with local personnel

According to EU HNS Guidelines the HN should be prepared to ensure that assisting countries and relevant international organisations are provided with temporary authorisation to legally operate in their territory so as to enjoy the rights to enter into contracts for the purpose of providing assistance.

The IDRL Guidelines provide further details concerning engagement of and collaboration with local personnel as they state that HN and relevant international organisations should consider to what degree disaster relief and initial recovery objectives can be met through hiring local staff. Furthermore, according to IDRL Guidelines, the HN should allow SN and eligible assisting humanitarian organizations to legally hire and terminate the contracts of local personnel.

Iceland's current legal and policy framework should allow assisting humanitarian organizations or sending nations to legally hire and terminate the contracts of local personnel as long as the contracts do not provide inferior rights to what is provided by national wage agreements made by the representatives of the labour market. There are no formal requirements for contracts of employments though it is more secure to have them in writing for the burden of proof.

Furthermore, as relief work tends to be temporary the employment of local personnel during emergencies would probably be temporary. It should be kept in mind that special act, the Act on Temporary Employment No. 139/2003, applies to temporary employment in Iceland. The provisions of the Act on Temporary Employment should be followed upon the recruitment of domestic personnel.

Nothing should be in the way for international organisations and SN to engage local personnel. The engagement of local personnel should however be in accordance to Icelandic laws, regulations and wage agreements of the parties to the labour market.

7 IMPORT AND EXPORT OF GOODS AND EQUIPMENT

7.1 Custom procedures

According to the EU HNS Guidelines the participating States should consider the granting of legal exemptions, in particular the HN and the TN should exempt goods and equipment related to disaster assistance from all custom duties, taxes, tariffs, or any governmental fees, and exempt them from all export transit and import restrictions. Furthermore, countries should seek to simplify and minimise documentation requirements for export, transit, and import, permit the re-exportation of goods and equipment used, in the event that the SN wishes to retain what it originally owned and waive or reduce inspection requirements (where this is difficult use pre-clearance processes where possible to clear relief goods and equipment more rapidly). Finally, they should arrange for inspection and release outside of business hours and/or at a place outside the customs office to avoid unnecessary delay.

The EEA Agreement provides for a free trade area covering all the EEA Member States, including Iceland. However, the agreement does not extend the EU Customs Union to the EFTA Member States. Though the free trade area and the Customs Union aim at abolishing customs duties on trade between the two parties, the main differences is in terms of customs borders and tariffs on imports from non-member countries.

According to the Customs Act No. 88/2005²⁸ the principal rule is that whoever imports goods and equipment to the country for resale, for delivery without remuneration or for own use, or who becomes responsible for the payment of duties in accordance with the Customs Act, is liable for duty and must pay duty on the imported goods.²⁹ It should be mentioned that a reference to "import duties" in this chapter includes duty and other taxes and charges, which must be paid upon customs treatment of goods at importation or exportation.

There are few parties who do not have to pay duty on imported goods but parties which may have something to do with disaster relief are not included in that group.³⁰

The Customs Act does however provide some duty free exemptions for some goods and equipment that might be considered to be disaster relief goods or equipment e.g. gifts to humanitarian and philanthropic enterprises, provided the article in question is utilized directly by the relevant enterprise, as well as gifts sent here from abroad for distribution by charitable organizations and the like for the needy.³¹ According to the Regulation on Preferential Customs Treatment of Various Types No. 630/2008³², which further clarifies this provision of the Customs Act, this duty free exemption covers gifts such as tools, equipment and other investment goods, donated for use in hospitals, care and treatment centres, nursing and retirement residences and handicapped homes, diagnostic centres, institutions for the elderly and similar institutions, accident prevention organisations and rescue squads, the Red Cross and parties pursuing similar activity. The exemption is though subject to the condition of there not being any financial connections between the donor and the recipient and upon clearing customs, a written declaration from the donor

²⁸ Icelandic: Tollalög nr. 88/2005

²⁹ Article 3 of the Customs Act

³⁰ Article 4 of the Customs Act

³¹ Article 6 of the Customs Act

³² Icelandic: Reglugerð um ýmis tollfríðindi nr. 630/2008

must be made available stating the purpose of the gift as well as a confirmation from the recipient that the gift will be used in that purpose.³³ Furthermore, gifts to the state, municipalities or public institutions received from abroad as acts of friendship or on the basis of cultural exchange with foreign countries also duty free according to the Customs act.³⁴ It should be noted that the Regulation on Preferential Customs Treatment of Various Types ups the ante and exempts these goods from all import duties. These provisions only apply to gifts which, having regard to the gifts in question could be considered to be disaster relief goods or equipment.

The Regulation on Preferential Customs Treatment of Various Types permits certain goods to be imported temporarily and without paying import duties if the quantity is reasonable, given the purpose of the importation. Among other things, rescue equipment and the gear of parties who come to Iceland for rescue operations, are specifically mentioned in that context.³⁵ Furthermore, the Regulation provides that rescue equipment, apart from vehicles, which rescue teams or a recognised general organization of rescue squads imports are exempt from import duties provided they will exclusively be used for the activities of a rescue squad.³⁶ These provisions refer to rescue equipment and gear of parties who come to Iceland for rescue operations which either can be subject to broad interpretation or narrow. Officials at the Directorate of Customs have informed that no criteria exist regarding the definition of "rescue equipment" and no clear procedures exist on the custom clearance of relief goods.

Exemptions from import duties because of return of goods to or from Iceland can be found in the Regulation on Preferential Customs Treatment of Various Types.³⁷ According to the Regulation the Director of Customs shall waive or reimburse import duties on imported unused products which are sold overseas, to a duty free shop, a warehouse for duty free supplies or a free zone, within one year of the arrival of the transport vessel in Iceland. The same shall apply to goods which have not cleared customs and are returned from Iceland unused. A request for this exemption shall be provided to the Director of Customs within six months of the departure of the transport vessel or, as the case may be, sale of the goods to a duty free shop, a warehouse for duty free supplies or a free zone. The request must be supported by the necessary confirmation documents, such as confirmation by the Director of Customs of a sales invoice, confirmation that customs inspection had taken place, a receipt for payment of import charges on the goods and appropriate documentation to confirm export of the goods.³⁸ Similar provisions apply to goods, including packaging, which are returned to Iceland from abroad.³⁹ It should be noted that the Regulation requires the goods to be sold for the exemption to be applied. In addition to aforementioned the Customs Act provides for an emergency permit where transporters or other parties storing non cleared goods may be authorized to deliver under their own responsibility consignments of goods, provided there is urgent need for their delivery. Bearer of an emergency permit is responsible for the payment of import charges for a consignment in the case of the importer's default of payment.⁴⁰ According to the Regulation on Temporary Custom Clearance No. 724/1997⁴¹, which further clarifies this provision of the Customs Act, this emergency permit could e.g. be issued for the delivery of medicines and medical equipment.⁴² This permit would be the applicable one in cases of importation of goods during national disaster according to government

³³ Article 33 of the Regulation on Preferential Customs Treatment of Various Types

³⁴ Article 34 of the Regulation on Preferential Customs Treatment of Various Types

³⁵ Article 27 of the Regulation on Preferential Customs Treatment of Various Types

³⁶ Article 42 of the Regulation on Preferential Customs Treatment of Various Types

³⁷ Chapter XI of the Regulation on Preferential Customs Treatment of Various Types

³⁸ Article 53 of the Regulation on Preferential Customs Treatment of Various Types

³⁹ Article 54 of the Regulation on Preferential Customs Treatment of Various Types

⁴⁰ Article 37 of the Customs Act

⁴¹ Icelandic: Reglugerð um bráðabirgðatollafgreiðslur nr. 724/1997

⁴² Article 3 of the Regulation on Temporary Custom Clearance

officials upon the completion of a temporary customs report which is required by the Regulation.

Bilateral agreements regarding free trade do not preserve certain provision custom clearance of disaster relief goods or equipment like the case is with many of the EU nation's treaties. The NORDRED Agreement though states that assisting nation does not have to go through the normal formalities of import and export, and are exempt from all taxes and payments.⁴³ After the operation, the equipment and goods shall be re-exported. This exemption is only applicable for the Nordic countries as parties to the NORDRED Agreement.

The Directorate of Customs has the authority to give permit for custom clearance at another location than regular custom offices. Furthermore, the Directorate of Customs can permit clearance during other hours than general opening hours, provided the party in question pays the cost thereof.

Even though Icelandic legislation and regulations provide for some exemptions regarding relief goods from regular custom clearance they are not clear enough and might prove to prevent or delay the receipt, usage and distribution of essential goods during emergencies. Therefore, Iceland should consider revising its legislation and procedures on custom matters with the aim of abolishing all import duties, tariffs and taxes on relief goods and simplifying and minimizing all documentation requirements thereto.

7.2 Special issues: Food, medicines, animals, telecommunication equipment

7.2.1 Food

The EU HNS Guidelines mostly stay silent on the matter of HN prohibitions and restrictions on food imports.

However, The IDRL Guidelines address the issue specifically and state that nations should consider whether normal requirements regarding fumigation, prohibitions and restrictions on food imports and exports by sending and humanitarian organizations in disaster relief operations can be modified or reduced.

Furthermore, the IDRL Guidelines state that the SN should ensure the adequacy and sufficient quality of the offered assistance in particular food, medicine and its proper packing and the HN should communicate all specific requirements connected to the delivery of incoming in-kind assistance e.g. labelling and packaging.

It falls under the Icelandic Food and Veterinary Authority (IFVA) to promote the safety and quality of food and to get food sector operators to take responsibility for their products. The authority, in conjunction with the Ministry of Fisheries and Agriculture, develops new legislation for the entire food chain and supervises food control of Local Health Committees responsible for surveillance of foodstuff production and distribution within their respective regions. The bulk of Icelandic laws and regulations on food derive from EU legislation on food chain related issues.

IFVA is responsible for the control of import on foods and its surveillance activities aim at ensuring that all imported food meets the requirements of current laws and regulations. Import of certain feed and food of non-animal origin to Iceland is, according to Icelandic implementation Regulation No. 835/2010⁴⁴, subject to the provisions of the Commission

⁴³ Article 3 of the NORDRED Agreement

⁴⁴ Icelandic: Reglugerð um gildistöku reglugerðar framkvæmdastjórnarinnar (EB) nr. 669/2009 um framkvæmd reglugerðar Evrópuþingsins og ráðsins (EB) nr. 882/2004 að því er varðar aukid, opinbert eftirlit með innflutningi á tilteknu fódri og matvælum sem eru ekki úr dýraríkinu nr. 835/2010

Regulation No. 669/2009/EU. Import surveillance has been increased on certain types of feed and food of non-animal origin and which are imported from countries outside the European Economic Area. This specifically applies to basmati rice, various kinds of vegetables and fruits, nuts and spices. These foods need to be examined and studied separately before importation is allowed. This, however, only applies to importation from countries outside the European Economic Area but importation of food from within the European Economic Area is not subject to permission of importation.

The Act on Animal Diseases No. 25/1993⁴⁵ provides, to prevent animal diseases spreading to Iceland, for a ban on importation of e.g. raw and salted meat products, both processed and unprocessed, and raw eggs. The Regulation on Measures to Prevent the Introduction of Animal Diseases and Contaminated Products to Iceland No. 448/2012⁴⁶, which adds to the provisions of the Act on Animal Diseases, provides that the above mentioned food can however be imported if it has been heated to a certain core temperature or have had other similar treatment in the assessment of IFVA. Furthermore the Regulation provides for a ban on the importation of unpasteurised milk and dairy products. However, the Minister of Fisheries and Agriculture may, upon the recommendation of IFVA, permit the import of goods that are subject to the ban on importation provided it is regarded as proven that they will not carry any infectious agents which will cause diseases in animals or humans and required conditions for the importation are satisfied. IFVA's recommendation are made on ad-hoc basis with a thorough risk assessment based on information from the exporting country, World Organisation for Animal Health (OIE) and other international institutions related to animal and public health. The recommendation has to be based on international risk assessment following standards laid down by OIE, CODEX⁴⁷ and not the least articles of the SPS agreement⁴⁸, of which Iceland is a member and the regulations lay down which certificates and documents are necessary. The importer must upon importation provide the Ministry of Fisheries and Agriculture with the necessary information on the product for consideration and approval before the product is dispatched from the country of export. All import of animal products from states outside the European Economic Area is subject to stricter rules and must e.g. go through Border Inspection Posts.

Food safety law provide for no special provisions or procedures that specifically apply to the importation of food during emergencies. However, it is worth mentioning that the Act on Food No. 93/1995⁴⁹, notwithstanding the import requirements, permits the Minister of Industries and Innovation to grant exemptions from the provisions of the act when the party in question holds an operation that is not continuous or are not subject to a special structure and not operated in their own profit.⁵⁰ This provision could possibly be applied e.g. humanitarian organizations although it does not mention them specifically.

Iceland should consider revising its legislation and policy on importation of food with the aim of providing clearer rules and procedures on the importation of food during emergencies.

7.2.2 Medicines

The EU HNS Guidelines barely mention medicines, except to the extent that they provide that the custom status of existing disaster relief medical products, should be clarified, but the IDRL Guidelines provide that HN should reduce legal and administrative barriers to

⁴⁵ Icelandic: Lög um dýrasjúkdóma og varnir gegn þeim nr.25/1993

⁴⁶ Icelandic: Reglugerð um varnir gegn því að dýrasjúkdómar og sýktar afurðir berist til landsins nr. 448/2012

⁴⁷ Codex Alimentarius – International Food Standards as developed by the Codex Alimentarius Commission which was established by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organisation (WHO).

⁴⁸ The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures

⁴⁹ Icelandic: Lög um matvæli nr. 93/1995

⁵⁰ Article 2 of the Act on Food

the exportation, transit, importation and re-exportation of medications and medical equipment in disaster relief and initial recovery assistance, to the extent consistent with public safety and international law.

Sending nations and humanitarian organizations should take all steps to ensure the quality and safety of any such medications and equipment and in particular the medications should be approved for use in both states. The medications should also be transported and maintained in appropriate conditions to ensure their quality, guarded against misappropriation and abuse and appropriately labelled in a language understood in the affected State with the International Non-proprietary Name or generic name, batch number, dosage form, strength, name of manufacturer, quantity in the container, storage conditions and expiry date. The medications should be at least twelve months from their expiration date upon arrival, unless otherwise agreed by receiving authorities.

The relevant act is the Medical Products Act No. 93/1994⁵¹. The objective of the act is to ensure that the people of Iceland have a sufficient supply of necessary medicinal products, as efficiently distributed as possible on the basis of fair and equitable competition, and in accordance with the rules which apply in the European Economic Area or under the European Free Trade Association, EFTA, Treaty.⁵² It is emphasised that when trade in medicinal products is concerned, it must always be borne in mind that the distribution of medicinal products is an integral part of health services and those employed in the distribution of medicinal products are to work with other professions of the health services towards fulfilling current health service objectives. The Act should among other objectives ensure the quality and safety of medicinal products and service and increase information. The Minister of Welfare supervised the implementation and The Icelandic Medicines Agency is under the aegis of the same Minister.

The Icelandic Medicines Agency has the role, including other roles, to issue, amend, cancel and revoke marketing authorisations for medicinal products in accordance with rules applicable in the European Economic Area, to process applications for authorisation to import and sell by prescription medicinal products that do not have marketing authorisation in Iceland provide professional inspection of the import of medicinal products, pharmaceutical substances and raw materials for the manufacture of medicinal products, or any other products subject to the authority of the Agency.

According to the Medical Products Act it is only possible to import, sell or dispense fully prepared medicinal products (medicinal products, ready for use or nearly so) following the issue of marketing authorisation by the Icelandic Medicines Agency. An application for marketing authorisation, together with the necessary documentation, shall be submitted to the Icelandic Medicines Agency. The procedure upon the granting of marketing authorisation is lengthy and the documents required to be submitted along with the application must be detailed of all aspects relating to quality, safety and efficacy of the medicine in question. Though, the Icelandic Medicines Agency may grant exemptions from these provisions in special circumstances, and for reasons relating to public health. This exemption could possibly be applied to the importation and distribution of medicines following a major disaster. An exemption on this basis shall be supported by valid reasons. The Icelandic Medicines Agency may also use a marketing authorisation granted in another member state of the European Economic Area Agreement as the basis for recognition of a medicinal product for which marketing authorisation is sought. It is worth mentioning that the Medical Products Act contains a permit for the Icelandic Medicines Agency, under exceptional circumstances, to grant a physician, upon his/her personal responsibility, an exemption from medicinal products which do not have marketing authorisation in Iceland. In granting such exemptions, care

⁵¹ Icelandic: Lyfjalög nr. 93/1994

⁵² Article 1 of the Medical Products Act

shall be taken to ensure that the amount of the medicinal products is limited to the needs of those for whom they are intended.⁵³

Furthermore, the Medical Products Act provides that, the Icelandic Medicines Agency may, on the basis of a marketing authorisation in another member state of the European Economic Area Agreement and upon the fulfilment of the requirements of the Medical Products Act concerning the granting of a marketing authorisation, issue a marketing authorisation for a medicinal product which has been removed from the registry or for which a marketing authorisation has not been sought if the Agency deems justifiable, due to considerations of public health or public interests, to have the medicinal product in question on the market. If the Icelandic Medicines Agency intends to exercise this right, it must notify the holder of the marketing authorisation in the country in which the medicinal product is registered of its intent, requesting a copy of the evaluation report and the valid marketing authorisation for the medicinal product from the authorities in that country. The Minister of Welfare shall provide in detail for the implementation of this provision in regulations.⁵⁴

No exemptions, that specifically apply to the importation and distribution of medicines during emergencies, are provided in Icelandic laws and regulations.

An applicant for a marketing authorisation shall pay the Icelandic Medicines Agency a fee for the marketing authorisation as well as an annual fee upon the issue of an marketing authorisation.⁵⁵ No exemptions are from the obligation to pay the fee.

According to the Medical Products Act, the Icelandic Medicines Agency may authorise temporary distribution of a medicinal product which has not been granted a marketing authorisation, if it is for protection against pathogens, toxic substances, chemical agents or nuclear radiation which are believed or known to have spread, or to be likely to do so. The act though contains an exhaustive count and has never been applied though the Icelandic Medical Agency was ready to apply it during the swine flu.⁵⁶ It is possible that there will be need to import certain controlled substances for medical purposes for example methadone, morphine, opium, codeine and tranquilisers. Importers of these substances may be mistaken as drug traffickers as the principal rule is that the import and distribution of these substances is forbidden according to the Drug Act No. 65/1974⁵⁷. The Drug Act is based largely on the ratifications of the UN Single Convention on Narcotic Drugs 1961 and the UN Convention on Psychotropic Substances. The former limits the possession, use, trade in, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes and the latter establishes an international control system for psychotropic drugs such as amphetamines and barbiturates with an exception for medical and scientific use. The Drug Act provides for an exemption from the ban on the importation and distribution of these substances for medical purposes. In all cases a permit must be obtained from the Icelandic Medical Agency upon the import or distribution of these substances. An unauthorised import is punishable by fines or imprisonment for up to six years.⁵⁸

Icelandic laws and regulations provide no exemptions, from the general requirements of import and distribution of medicines, that specifically apply to the import and distribution during national disasters or emergencies. Iceland should consider revising its legislation and procedures with the aim of providing exemptions in the event of a national disaster, bearing in mind that all legislation and procedures in this regard must be consistent with public safety.

⁵³ Article 7 of the Medical Products Act

⁵⁴ Article 8 of the Medical Products Act

⁵⁵ Article 3 of the Medical Products Act

⁵⁶ Article 8 of the Medical Products Act

⁵⁷ Icelandic: Lög um ávana- og fíkniefni nr. 65/1974

⁵⁸ Article 2 of the Drug Act

7.2.3 Animals

The EU HNS Guidelines barely mention animals, except to the extent that they provide that the custom status of existing disaster relief animals should be clarified, but the IDRL Guidelines discusses the exemption of special goods and equipment from legal and administrative barriers to exportation, transit importation and re-exportation or provisions providing for the reduction of such barriers. While not singled out, rescue animals may be considered within the scope of this provision.

The relevant laws and regulations are the Act on Animal Import No. 54/1990⁵⁹ and the Regulation on the Import of Pets and Dog Semen No. 935/2004⁶⁰. The principal rule is that all import of live animals and animal DNA to Iceland is prohibited unless a special permit has been obtained prior to the import and all requirements regarding the import have been fulfilled.⁶¹ This applies to the import of dogs that are specifically trained for rescue operations as well as other animals that might serve any purpose in emergency operations.

IFVA is responsible for the control of import on live animals. IFVA decides on whether or not to permit the import of live animals or their DNA after extensive risk assessment. The import of dogs, which are the most relevant animal in this respect, is subject to various documentary requirements, such as proof of health and treatments, veterinary tests and vaccinations. The procedure is quite lengthy and complicated as well as the requirements are strict. When the dog arrives to Iceland it needs to be taken to a quarantine station where it needs to remain for four weeks or longer. It is prohibited to remove animals from the quarantine stations unless they have stayed for as much time as needed not to be thought carrying diseases. This process would also apply to the re-import of Icelandic rescue dogs which makes the export of either one or few of the 45 rescue dogs in Iceland not feasible.

It is worth mentioning that there is only one place in Iceland, Keflavik International Airport, that is approved to receive imported pets. All imported pets must thus be flown into Iceland.

Current Icelandic laws and regulations do not include any exemptions or simplified form of the procedures applicable to the import of relief dogs or other rescue animals for that matter that would expedite assistance in case of a disaster.

Iceland should consider whether amendments to current legislation or policy are necessary to allow for expedited procedures for the entry of rescue animals in a disaster context.

7.2.4 Telecommunication equipment

The EU HNS Guidelines provide that HN should put necessary conditions for telecommunications in place regarding their entry. In this context, the HN should coordinate relevant Ministries and other services involved in the reception procedures and facilitate the use of telecommunication.

Furthermore, the IDRL Guidelines provide that the HN should reduce any barriers that might exist on the import or export of telecommunications and information technology equipment by SN and assisting humanitarian organizations or on their behalf in disaster relief and initial recovery assistance.

⁵⁹ Icelandic: Lög um innflutning dýra nr. 54/1990

⁶⁰ Icelandic: Reglugerð um innflutning gæludýra og hundasæðis nr. 935/2004

⁶¹ Article 2 of the Act on Animal import, cf. article 3 of the Regulation on the Import of Pets and Dog Semen

Special provisions apply to the import of telecommunication equipment to Iceland. The relevant act is the Electronic Communication Act No. 81/2003⁶² which applies to all electronic communications, electronic communications service and electronic communications networks. According to the Electronic Communication Act it is not allowed to place on the market user equipment that does not comply with the essential requirements and bears the CE mark as confirmation. The term “to place on the market” applies to the import of equipment by individuals or legal entities for their own use or other purposes which is relevant in the context of relief entities importing their walkie-talkies to Iceland to be used during relief work.⁶³ Telecommunication equipment meets all conditions for placing on the market if it conforms with the requirements of the R&TTE Directive of the European Community no. 99/5/EC that is also valid in the European Economic Area. The act further states that possession of transmitting apparatus for wireless communications, its installation or use is subject to the authorisation of the Post and Telecom Administration (PTA).⁶⁴ Radio and telecommunications terminal equipment without the CE mark is illegal in Iceland. The Regulation on Radio Equipment and Telecommunications Equipment and the mutual recognition of their conformity No. 090/2007⁶⁵ exempts equipments that solely is used in relation to activities concerning public security, defense, security of the state and the activities of the state in the field of criminal law from these requirements.⁶⁶ It is not clear whether these provisions would apply to the imported equipment of foreign relief entities as they are not specifically exempted.

The issue of access to bandwidth, frequencies and satellite used for telecommunications will be addressed in the communications chapter.

Iceland should consider whether telecommunications equipment of foreign relief entities should be exempted from the importation and authorisation requirements.

8 TAXATION

The EU HNS Guidelines recommend that HN and TN should consider exempt goods and equipment requested from all taxes. Furthermore, the IDRL Guidelines mention that HN should provide exemptions to SN and eligible assisting humanitarian organizations from value-added and another taxes directly associated with disaster relief and initial recovery assistance.

The most relevant law in this context is the Value Added Tax Act No. 50/1988⁶⁷ and subordinate regulations. The act states that value added tax is to be levied at all stages of production and trade, as well as to imports of goods and services, except in specified instances.⁶⁸

The Value Added Tax Act defines taxable objects and transactions whereas the principal rule is that all transactions are taxable except where exemptions are specified. The most common categories of exemption are health services, social services, education, libraries and art, sports, passenger transport, postal services, rental of property, insurance and banking services. The act specifically exempt charity activity from tax liability provided its proceeds are fully applied to charitable activity. A condition for such an exemption is that

⁶² Icelandic: Lög um fjarskipti nr. 81/2003

⁶³ Article 65 of the Electronic Communication Act

⁶⁴ Article 62 of the Electronic Communication Act

⁶⁵ Icelandic: Reglugerð um þráðlausan búnað og notendabúnað til fjarskipta og gagnkvæma viðurkenningu á samræmi þeirra nr. 090/2007

⁶⁶ Article 1 of the Regulation on Radio Equipment and Telecommunications Equipment and the mutual recognition of their conformity

⁶⁷ Icelandic: Lög um virðisaukaskatt nr. 50/1988

⁶⁸ Article 1 of the Value Added Tax Act

the activity is under the responsibility and at the financial risk of a party and it has received the certification of the Regional Tax Director that certain conditions have been fulfilled. Sales of bazaars, button sales and similar sales of charity organisations, provided the operation lasts no longer than three days each month or fifteen days in case of an annual event, are defined as an charitable activity as well as the collection and sale of used objects of scant value, provided sales are only made to taxable buyers and sales by utility markets of used objects that the seller has acquired without compensation.⁶⁹

Furthermore, the Value Added Tax Act defines which parties are liable to value added tax. The main categories are all businesses engaged in the trade of taxable goods or services on a professional and independent basis. This includes all parties that would be exempt from income tax, such as legal persons domiciled in Iceland if their net income is only spent for the public good and such work is their sole goal according to their articles of incorporation, as long as they sell taxable goods or services in competition with other businesses. Public utilities, enterprises of central government and municipalities and other public enterprises are also liable to pay value added tax if they sell in competition with commercial businesses. Those who are exempt from the obligation to pay value added tax according to the Act are i.e. parties that only sell goods and services that are exempt from value added tax. The act does not particularly exempt any parties that might be associated with disaster relief.⁷⁰

The act also covers several special provisions regarding imports. The general rule on imports is that upon the importation of goods, a value added tax shall be collected of the customs price of taxable good plus custom duties and other imposts levied in customs. The act provides for an exemption from the value added tax upon importation for certain goods including those who have already been mentioned in chapter in the import and export chapter of this study.⁷¹

Aforementioned describes the general rules on value added tax provided by Icelandic legislation. All those who are associated with disaster relief, especially foreign parties, would though probably be exempt to collect output value added tax and hand it over to the State Treasury as all of their operations and dispenses would be provided free of charge during emergencies.

Furthermore, the Value Added Tax Act provides that municipalities and their agencies shall be reimbursed for value added tax on the purchase of the service or good of inter alia rescue work, security activity due to natural disasters, civil defence and operation of service centres for a coordinated emergency telephone service. Humanitarian organizations and charities should also be reimbursed for value added tax on equipment purchased by them grants or given to them. The equipment must be used for the relevant operation.⁷² The permit has the same criteria as provided in the Customs Act and relevant regulation regarding custom benefits for humanitarian aid. There is a need for clarifications on what grounds the reimbursement is based regarding foreign charities and no regulations apply as to registration or what is considered to be an humanitarian and philanthropic enterprise or otherwise. The legal doubt could be interpreted the wrong way for actual international relief providers.

Vehicles, specially equipped for rescue work, which rescue teams or their recognised associations import, are exempt from value added tax provided the conditions for waiving of commodity tax as provided for in the Regulation of Commodity Tax on Motor Vehicles No. 331/2000⁷³, are satisfied.⁷⁴

⁶⁹ Chapter II of the Value Added Tax Act

⁷⁰ Chapter II of the Value Added Tax Act

⁷¹ Article 36 of the Value Added Tax Act

⁷² Article 42 of the Value Added Tax Act

⁷³ Icelandic: Reglugerð um vörugjöld af ökutækjum nr. 331/2000

⁷⁴ Article 17 of the Regulation of Commodity Tax on Motor Vehicles

There are also two regulations that mention reimbursement of value added tax to foreign entities. The first one being the Regulation on Reimbursement of Value Added Tax to Foreign Enterprises No. 288/1995⁷⁵ and the other one being the Regulation on Reimbursement of Value Added Tax to Foreign Tourists No. 294/1997⁷⁶. Under the provisions of the one regarding enterprises, foreign enterprises, which are neither residents of Iceland nor have a permanent establishment here, may obtain reimbursement of value added tax paid on goods and taxable services which have been purchased or imported for the commercial purposes of such enterprises in Iceland after March 1, 1995. Such reimbursement can be affected to foreign enterprises which would be subject to registration in Iceland according to the Value Added Tax Act if the enterprise in question carried on such business in Iceland. Another prerequisite shall be that the enterprise shall neither have sold goods nor taxable services in Iceland during the period which the application refers. Any reimbursement of value added tax to foreign enterprises shall be only to the same extent as Icelandic enterprises include the value added tax on purchases of corresponding nature. No reimbursement shall thus be granted in respect of value added tax on purchases relating to meals for the owners and employees of the enterprises or relating to entertainment expenses and presents.⁷⁷ The other regulation on the reimbursement to foreign tourists provides a permit to reimburse value added tax to foreign tourists provided the tourists in question brings the goods purchased with him out of the country within one month from the purchase and the price of the goods is 4.000 Icelandic krónur (ISK) or more including value added tax. The goods must be presented upon departure along with certain documents.⁷⁸ Although these regulations do not specifically apply to foreign relief entities, it seems likely that these reimbursement permits might apply in that context.

According to the Income Tax Act No. 90/2003⁷⁹, legal persons that are domiciled in Iceland are exempt from paying income tax if their net income is only spent for the public good and such work is their sole goal according to their articles of incorporation.⁸⁰

Iceland should consider clarifying the legal status of international relief regarding the obligation to pay value added tax and other taxes and provide exemptions for imported products and services associated with disaster relief and initial recovery assistance.

9 TRANSPORT AND MOVEMENT

9.1 Road

The EU HNS Guidelines provide that the HN should prepare arrangements for in-country transport and fuel supply as well as the HN should waive national transport regulations and tariffs/taxes, tolls and other fees. HN should inform road authorities/police about the status of the incoming assistance goods, equipment and personnel in order for waiver of taxation road tax, toll; provision of escort, security, clearing of the roads and safety driving conditions. SN should however provide all logistical and administrative support that may be required by the team or module while it is on mission. TN should facilitate transport (clearance/notification to other national stakeholders) and provide police or other relevant authority escorts. It should also prepare arrangements for provision of fuel

⁷⁵ Icelandic: Reglugerð um endurgreiðslu virðisaukaskatts til erlendra fyrirtækja nr. 288/1995

⁷⁶ Icelandic: Reglugerð um endurgreiðslu á virðisaukaskatti til erlendra ferðamanna nr. 294/1997

⁷⁷ As can be deducted from the provisions of the Regulation on Reimbursement of Value Added Tax to Foreign Enterprises. However, this information was gathered from the website of the Directorate of Internal Revenue: <http://www.rsk.is/english/companies/vat/>

⁷⁸ Article 2 of the Regulation on Reimbursement of Value Added Tax to Foreign Tourists

⁷⁹ Icelandic: Lögum tekjuskatt nr. 90/2003

⁸⁰ Article 4 of the Income Tax Act

supply, if necessary and check whether possible to waive national transport regulations, tariffs/taxes, tolls and other fees.

Furthermore, the IDRL Guidelines state that with regard to disaster relief and initial recovery personnel of assisting States and eligible assisting humanitarian organizations, affected States should establish expedited procedures for temporary recognition of professional qualifications including drivers licences and other types of licenses and certificates necessary that have been certified as genuine by the concerned assisting State or eligible assisting humanitarian organization, for the time necessary to carry out disaster relief or initial recovery activities

The relevant act is the Road Traffic Act No. 50/1987⁸¹, which applies to all road traffic in Iceland, and subordinate regulations.

The usage of foreign vehicles on roads is subject to the Regulation on Use of Foreign Registered Vehicles No. 267/1993⁸² which provides for some special provisions regarding the usage of foreign vehicles in Iceland. The Regulation is relevant if foreign relief entities want to import their own vehicles for use during emergencies in Iceland. According to the Regulation it is permitted to use foreign vehicles in Iceland provided the the Custom Authorities have allowed the import of the vehicle in accordance to the rules on temporary duty free import on vehicles and provided the vehicles fulfill certain requirements which mostly apply to the condition, safety, size and weight of the vehicle in question. A Green Card or other proof of third-party insurance is mandatory for motorists driving their own cars in Iceland, except from the following countries: Austria, Belgium, The Czech Republic, Denmark, Faroe Islands, Finland, France, Germany, Gibraltar, Great Britain, Greece, Hungary, Ireland, Isle of Man, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Northern Ireland, Norway, Portugal, San Marino, Slovakia, Spain, Sweden, Switzerland, The Vatican. Drivers without a Green Card (or equivalent) must buy a separate third-party insurance policy on arrival. No special provisions apply to the usage of foreign relief vehicles which e.g. exempt them from the requirements of the Regulation. Domestic vehicles are subject to registration which would not concern foreign relief operators provided with domestic vehicles as they would be the property of domestic entities which are responsible for their registration and maintenance.

Regarding emergency driving the Road Traffic Act provides for several rules that specifically apply to emergency situations which are not necessarily restricted to domestic actors. These rules are further clarified in the Rules on Emergency Driving No. 643/2004⁸³ which e.g. state that vehicles may only drive under the rules of emergency driving if it is considered essential because of police tasks, rescuing of people, emergency medical transports, in cases of fire, environmental accidents or traffic accidents or to prevent damages provided that the vehicle is registered for emergency driving. However, the rules provide for an exemption from the emergency driving registration requirements for vehicles that are for one time only driven under the rules of emergency driving in the events of vital necessity such as transporting sick or injured persons. It is not clear whether foreign relief vehicles would be subject to a registration if they were temporarily imported to Iceland and only ment to provide services during emergencies. The Icelandic Transport Authority is responsible for registration of vehicles for emergency driving according to the rules on emergency driving. The rules specifically mention that vehicles the police, the fire brigade and Civil Protection can be registered. Registered vehicles shall be equipped with certain light and sound signals which generally shall be used during emergency driving. Vehicles driving under the rules of emergency driving are

⁸¹ Icelandic: Umferðarlög nr. 50/1987

⁸² Icelandic: Reglugerð um notkun erlendra ökutækja nr. 267/1993

⁸³ Icelandic: Reglur um neyðarakstur nr. 643/2004

e.g. exempt from general rules on speed limits as well as other traffic rules but drivers should though, at all times during emergency driving, take special care.

Icelandic regulations (e.g. the Regulation on Passenger Transportation No. 528/2002⁸⁴) provide for certain rules on passenger transportation in vehicles but they only apply to commercial transports which would not apply to passenger transportation during emergencies as that kind of transport would most probably be provided free of charge. Furthermore, Icelandic regulations (e.g. the Regulation on driving- and rest periods and the use of driving recorder and surveillance No. 605/2010⁸⁵) provide for certain rules on driving time and rest time of drivers engaged in passenger or cargo transportations which though do not apply to drivers of vehicles during emergencies or rescue operations.

According to the Road Traffic Act no person is allowed to drive a vehicle in Iceland unless having a valid drivers licence.⁸⁶ According to the Regulation on Drivers Licences No. 830/2011⁸⁷ drivers licences issued within the European Economic Area or the Faroe Islands gives the holder the right to operate vehicles in Iceland.⁸⁸ Drivers licences issued in a state which is not a member to the European Economic Area gives the holder the right to operate vehicles in Iceland for up to one month provided certain requirements on permanent residence are fulfilled.⁸⁹ According to Officials at the Icelandic Transport Authority (ITA), a drivers license issued in a state which is not a member to the European Economic Area gives the holder to operate vehicles in Iceland for up to six months. No fee shall be paid in this context.

According to the Act on Automobile Tax No. 39/1988⁹⁰, an automobile tax shall be paid to the state treasury of all vehicles that are registered in Iceland.⁹¹ However, vehicles owned by rescue groups are exempt from the automobile tax. "Rescue groups" are defined as being voluntary organization that has rescuing human lives and valuables as their main objective.⁹² The same rule applies for oil and kilometre surcharge according to the Act on Oil- and Kilometre Surcharge No. 87/2004⁹³.

Emergency vehicles and police are exempt from road tolls, most relevant through the passage of Hvalfjörður. According to Spölur Inc., the supervisor of that tunnel, ICE-SAR is also exempt from the road toll through that passage, but only on call outs. It is not clear whether that exemption from the obligation to pay the road toll would apply to foreign vehicles during emergencies.

Although the rules on transport and movement on roads do not seem to prevent or hinder foreign relief to be provided by vehicles on roads Iceland should consider amending its legislation or regulations and provide special provisions for international assistance in this context.

9.2 Air

The EU HNS Guidelines recommends that the HN should set up necessary conditions to allow the requested goods and equipment, as well as relief personnel/international teams into the country (including establishing RDC and Host nation support team).

⁸⁴ Icelandic: Reglugerð um fólksflutninga á landi nr. 528/2002

⁸⁵ Icelandic: Reglugerð um aksturs- og hvíldartíma ökumanna, notkun ökurita og eftirlit nr. 605/2010

⁸⁶ Article 48 of the Road Traffic Act

⁸⁷ Icelandic: Reglugerð um ökuskráir nr. 830/2011

⁸⁸ Article 29 of the Regulation on Drivers Licences

⁸⁹ Article 29 of the Regulation on Drivers Licences

⁹⁰ Icelandic: Lög um bifreiðagjald nr. 39/1988

⁹¹ Article 1 of the Act on Automobile Tax

⁹² Article 4 of the Act on Automobile Tax

⁹³ Icelandic: Lög um olúgjald og kílómetragjald nr. 87/2004

Relevant to this chapter, the HN should put mechanisms in place to ensure rapid grant of landing and flight permission for relief flights. In this context, permission for over flight, landing and departure of aircraft, is particularly mentioned.

The IDRL Guidelines provide that such aircraft should also be authorized to operate within the territory of the affected State as required for the delivery of assistance. Also any applicable exit, transit and entry visas for the operating personnel of such transport vehicles should be promptly issued.

Furthermore, states should also assess whether specific rules are required in their national laws related to permissions for over flight, landing and departure rights and fees of relief flights and exemptions for such flights from applicable taxes and charges.

The relevant law is the Aviation Act No. 60/1998⁹⁴ but it is effective in Iceland and aboard Icelandic aircraft, wherever located, unless agreements with other states or the laws of the state through which the aircraft passes provide otherwise. According to the Act, an aircraft may fly over Icelandic territory if it is of Icelandic nationality, nationality of a state which has been granted the right by treaty to fly over Icelandic territory or has obtained authorisation from the Minister of the Interior, or from whom the minister assigns the authorisation, to pass through Icelandic territory, i.e. the Icelandic Transport Authority (ITA).⁹⁵ It is worth mentioning that in cases of urgency, e.g. for reasons of public safety or public order, the Minister of Interior may restrict or prohibit aviation in general or in parts of Icelandic territory.⁹⁶

According to the Regulation on Flights through Icelandic Airspace No. 904/2005⁹⁷ which applies to all flights through the Icelandic airspace except state flights, its in the hands of the ITA⁹⁸ to grant permissions to land at Icelandic airports and fly through Icelandic airspace. Flightplan shall be notified to the ITA on every flight and every aircraft that comes from abroad to Iceland must land at a border post.⁹⁹ There are currently four airports that serve as border posts in Iceland, being the airports in Akureyri municipality in the North, Egilstaðir municipality in the East, Keflavík municipality in the South-West and in the capital city Reykjavík. No exemptions are provided from these requirements.

The transport of relief personnel or relief goods with aircrafts to Iceland can either be conducted through scheduled international air travel or irregular flights. No special complications should exist on transport of relief personnel or relief goods through the means of scheduled flights to Iceland as those who provide such flights have, most likely, all necessary permits to fly through Icelandic territory and make stops in Iceland. The provisions that apply to the irregular flights are probably more relevant in this context as disasters tend to be unpredictable and relief must be deployed with short notice, even such short notice that transport with scheduled flight might not be considered a feasible option. According to the aforementioned Regulation, foreign parties that intend to provide irregular flight to Iceland and to make stops on Icelandic territory with the purpose to pick up or leave passengers, post or goods, have to obtain a special permission from the ITA. However, flight operators with operation licences valid within the European Economic Area and in a member states of the European Free Trade Association and foreign parties that intend to provide scheduled flights through Icelandic

⁹⁴ Icelandic: Lög um loftferðir nr. 60/1998

⁹⁵ Article 3 of the Aviation Act

⁹⁶ Article 4 of the Aviation Act

⁹⁷ Icelandic: Reglugerð um flug loftfara í millilandaflugi um Íslenska lofthelgi nr. 904/2005

⁹⁸ The regulation though refers to the Icelandic Civil Aviation Administration but it should be mentioned that on 1 of July 2013, the Icelandic Transport Authority (ICETRA) became operational. With its establishment, all administrative and oversight in the field of transport were combined and tasks formerly conducted by the Icelandic Civil Aviation Administration (ICAA) and the Road Traffic Directorate, as well as all administrative and monitoring tasks by the Icelandic Maritime Administration (IMA) and the Icelandic Road Administration (ICERA), were taken over by the new Authority.

⁹⁹ Article 4 of the Regulation on Flights through Icelandic Airspace

airspace according to aviation agreement between Iceland and another country, provided the foreign party has been recognized in his home country, are exempt from that special permission. The same exemption applies if Iceland has international obligations with foreign states that permit such flights.¹⁰⁰ Iceland is a member to the Convention on Civil Aviation, also known as the Chicago Convention, which is the most relevant international obligation of Iceland in this context. The Chicago Convention states that an aircraft, if engaged in the carriage of passengers, cargo or mail for remuneration or hire on other than scheduled international air services, shall have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any state where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.¹⁰¹ It is worth mentioning that annex 9 to the Chicago Convention provides standards and recommended practices relating to the facilitation of formalities for clearance of aircraft and commercial traffic through customs, immigration, public health and agriculture authorities in the context of relief operations.

No exemptions that specifically apply to foreign flights bearing relief goods or relief personnel are provided for in Icelandic laws or regulations. However, work has begun implementing annex 9 to the Chicago Convention into Icelandic laws and regulations which should clear all obstacles that could be relevant.

Various charges, e.g. domestic en-route charge, landing charges, security charges, parking charge, passenger charge and charge for service outside of opening hours can be collected for the services of Isavia which handles the operation and development of all airports in Iceland and, furthermore, manages air traffic in the Icelandic control area. According to the Isavia scheme of charges, no exemptions are from these charges except from the domestic en-route charge for search and rescue flights. Regarding priority of landing, all rescue flights would be prioritized for landing and appropriate measures would be taken on relief flights according to the staff of Isavia and officials at the ITA.

Iceland should assess whether specific rules are required related to permissions for overflight and landing of relief flights and exemptions for such flights from the requirements of e.g. landing in a border post, paying charges and notification of flightplans. This work could be conducted in conjunction with the implementation of annex 9 to the Chicago Convention.

9.3 Maritime

Although the EU HNS Guidelines do not address the issue of maritime transport and movement specifically they mention that transit countries should facilitate quick transit of the teams, modules and in-kind assistance through its territory by removing all potential "obstacles". This recommendation only addresses TN nations but might as well be relevant for HN regarding maritime transport and movement.

The IDRL Guidelines are more precise on the matter of maritime transport and movement as it states that SN, TN and HN should grant, without undue delay, permission for the speedy passage of marine vehicles operated by an SN or eligible assisting humanitarian organization or on its behalf, for the purpose of transporting disaster relief or initial recovery assistance and, ideally, waive applicable fees.

Iceland is a member to the United Nations Convention of the Law of the Sea which states that ships of all states, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.¹⁰² The term passage means navigation through the

¹⁰⁰ Article 8 of the Regulation on Flights through Icelandic Airspace, cf. article 5 of the same regulation

¹⁰¹ Article 5 of the Chicago Convention

¹⁰² Article 17 of the United Nations Convention on the Law of the Sea

territorial sea for the purpose of traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters or proceeding to or from internal waters or a call at such roadstead or port facility. Passage shall be continuous and expeditious which, includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress. Regarding the term innocent, passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal state. The United Nations Convention of the Law of the Sea provides for a list of activities that shall be considered to be prejudicial to the peace, good order or security of the coastal state. That list includes that loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal state shall be considered to be prejudicial. It is thus important for foreign ships bearing relief goods or personnel to comply with Icelandic laws and regulations on these matters. Furthermore, the United Nations Convention of the Law of the Sea provides that no charge may be levied upon foreign ships by reason only of their passage through the territorial sea unless levied for specific services rendered to the ship.

The Act on Maritime Traffic Service No. 41/2003¹⁰³ provides that all foreign ships should notify about their bearings when they travel into the Icelandic exclusive economic zone. Such 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.¹⁰⁴

Regarding notifications prior to entry into port, ships of 300 gross tonnage and upwards, except Coast Guard Ships and other ships and fishing vessels of less than 45 meters in length bound for a port, shall report their arrival to the Maritime Traffic Service with a notification. According to the Regulation on the Maritime Traffic Service and Vessel Traffic Monitoring No. 080/2013¹⁰⁵, such reports shall include information on ship identification (name, call sign, IMO identification number or MMSI number), port of destination and estimated time of arrival at the port of destination or pilot station, as required by the Maritime Traffic Service, estimated time of departure from that port and total number of persons on board. Furthermore, the Regulation provides that the operator, agent or master of the ship on route to a port in Iceland shall communicate these information at least 24 hours in advance or at latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours. If the port of call is not known or it is changed during the voyage, this information shall be communicated as soon as possible.¹⁰⁶ No exemptions that specifically apply to ships bearing relief goods or relief personnel exist from these requirements.

Docking fees are levied but they vary between harbours whereas e.g. some harbours specifically exempt rescue ships while others do not.

It should be mentioned that Iceland is a party to the Convention on Facilitation of International Maritime Traffic. The objectives of the Convention was simplifying and reducing formalities, documentary requirements and procedures associated with international voyages. It was later provided with amendments in 1977 and 1987 to provide for the facilitation of the arrival and departure of ships engaged in disaster relief work, including the facilitation of the entry and clearance of persons, cargo, material and equipment required to deal with disaster situations.¹⁰⁷ Iceland is internationally obliged to fulfill the provisions of the Convention on Facilitation of International Maritime Traffic but it should be noted that there were no provisions to be found in Icelandic legislation or

¹⁰³ Icelandic: Lög um vaktstöð siglinga nr. 41/2003

¹⁰⁴ Article 6 of the Act on Maritime Traffic Service

¹⁰⁵ Icelandic: Reglugerð um vaktstöð siglinga og eftirlit með umferð skipa nr. 080/2013

¹⁰⁶ Article 4 of the Regulation on the Maritime Traffic Service and Vessel Traffic Monitoring

¹⁰⁷ Section 5, clause F of the Convention on Facilitation of International Maritime Traffic

regulations implementing the provisions of the Convention on Facilitation of International Maritime Traffic .

Iceland should assess whether the Icelandic regulatory framework regarding maritime transport and movement require some specific rules that specifically facilitate the arrival and departure of foreign, as well as perhaps national, vessels engaged in natural disaster work, such as by simplifying and reducing formalities and documentary requirements. Furthermore, Iceland should consider exempting relief vessels from all docking, demurrage or port fees as well as all costs that might possibly be levied in accordance to current regulatory framework.

10 COMMUNICATIONS

10.1 Telecommunications

The EU HNS Guidelines recommends that the HN should facilitate the use of telecommunication and the possibility to establish the necessary arrangements and/or facilities to maintain communications with and within the locations of the international assistance operation. HN should also provide radio frequencies at the latest upon entry. HN and TN should coordinate other relevant Ministries and services involved in the transit and reception procedures (Telecommunication-, Transport-, Health- and Police-Services). The HN should put necessary conditions for telecommunication in place regarding access to frequencies, bandwidth and satellite use.

Furthermore, the IDRL Guidelines state that affected states should waive or expedite licensing procedures regarding the use of telecommunications and information technology equipment by sending nations and humanitarian organizations or on their behalf in disaster relief and initial recovery assistance. Without discrimination against or negative impact to domestic relief actors, HN should also grant (or where, appropriate, encourage other domestic actors to grant) SN and eligible assisting humanitarian organizations priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief operations.

The TETRA-telecommunication system has been used in Iceland since 2006 with good results as a secure system for the police and other rescue operators. It has 154 Base Stations in function and more are under construction. It is covering most of the country. The system serves all respond units in Iceland, police, fire, ambulance, coast guard, Road Administration, Isavia, the Voluntary Rescue units, the Red Cross, ICE-SAR, DCPEM/NCIP and others. The system has now about 5.500 users and has proven itself in two major disasters, an earthquake and a volcanic eruption, as a very reliable and functional communication system. Tetra has expanded in the Highlands and the phone companies have followed so there is now GSM coverage in large areas of the wilderness. All telecommunications of foreign relief entities would preferably go through the TETRA-telecommunication system.

According to the Electronic Communications Act No. 81/2003¹⁰⁸ it is in the hands of the PTA to supervise electronic communications within the Icelandic jurisdiction, which e.g. shall decide on rights to use frequencies including frequencies for the TETRA-telecommunication system. The use of frequencies for communication is subject to an application process and the assignment of frequencies. The most relevant provisions in this context are to be found in the Regulation on the Planning and Allocation of Frequencies No. 1047/2011¹⁰⁹. The Regulation provides that foreign visitors and other

¹⁰⁸ Icelandic: Lög um fjarskipti nr. 81/2003

¹⁰⁹ Reglugerð um skipulag og úthlutun tíðna í fjarskiptum nr. 1047/2011

that wish to make temporary use of radio equipment in Iceland must apply for a permit to the PTA. The application must include information on the name and address of the applicant, arrival and departure dates for the equipment, frequencies requested equipment registration (type and serial number), output power and where the equipment will be used. After the application has been processed the application form is signed which provides the applicant with a temporary licence to use the equipment in Iceland. A frequency is included in the temporary licence. Upon the equipment entering or leaving the country this temporary license shall be shown to custom authorities.¹¹⁰ A licence fee is levied in accordance with the tariff schedule of the PTA. According to the Electronic Communications Act, a decision on the rights to use frequencies shall be taken as soon as possible after receipt of an application but no later than within six weeks in case of frequencies assigned for specific purposes within the national plan.¹¹¹ No exemptions, that specifically apply to foreign relief equipment or relief operators, are provided from these provisions. However, according to officials at the PTA the aforementioned procedure should not take more than one day in the event of an emergency.

In emergencies, such as during volcanic eruptions, earthquakes, avalanches, etc. the Minister of the Interior may, at the request of the NCIP prescribe restrictions on electronic communications which can interfere with emergency and security electronic communications. In the same manner instruction may be given that a specified electronic communications facility shall be taken into the service of rescue operations and new electronic communications facilities installed. Any compensation shall be paid for according to an assessment by PTA, from the National Treasury.¹¹²

It is worth mentioning that Iceland is a party to the Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations of 1999. The Convention was ratified by Iceland on 13 May 2011. The Convention establishes a framework for facilitating the use of telecommunications resources in the event of a disaster by requiring state parties to reduce or remove any barriers to bringing telecommunication equipment across borders during and after a disaster. It requires states, non-state entities and intergovernmental organisations to co-operate to facilitate the use of telecommunication resources for disaster mitigation and relief. It also includes provision for conferring the necessary privileges and immunities on disaster relief personnel. The Tampere Convention has not been implemented into Icelandic laws or regulations.

Iceland should consider whether its legislative framework and policy should be developed in regards of waiving or expediting licensing procedures on the use of telecommunications and information technology equipment by sending nations and relief operators such as humanitarian organizations. As a member to the Tampere Convention and bound to its provisions and terms in accordance with national law, Iceland should consider implementing it to Icelandic laws or regulations.

10.2 Media

Media relations and other public communication issues are not featured in the EU HNS Guidelines as such issues are usually the responsibility of the HN. However, the Participating States - as a part of their respective national strategy on HNS – are invited to consider developing a plan on how to deal with all media during emergencies where international assistance is requested.

¹¹⁰ Article 10 of the Regulation on the Planning and Allocation of Frequencies

¹¹¹ Article 11 of the Electronic Communications Act

¹¹² Article 72 of the Electronic Communications Act

Great emphasis is placed on the government and response bodies speaking with one voice to the media which includes all information provided to the media to be coordinated, properly timed, well prepared and clear.

The Civil Protection Act provides that the NCIP may, concomitant with the operation of the coordination and command centre, establish a service centre in connection with a specific hazard or hazard situation which shall, including other tasks, handle relations with media regarding the measures taken at any given time.¹¹³ Aforementioned is what the laws provide on the subject but contingency plans on certain possible disasters provide further details on how to deal with the media. Some contingency plans provide that all media relations fall under the site management which is generally in the hands of the police commissioner in the relevant police administrative area. It is the role of the police commissioners and their representatives to give press releases, nominating a contact person and deciding regular times to give information on the matter. They decide the press access to the scene and give information after consulting the pertinent residents. Furthermore, the DCPEM/NCIP is supposed, through the coordination and communication centre, to provide assistance on the matter of dealing with the media.

It is worth mentioning that the DCPEM/NCIP went through an excellent exercise in dealing with the foreign press during the volcano eruption of Eyjafjallajökull which could come well in hand creating a contingency plan to deal with foreign media during a national disaster which currently is non-existing.

Iceland should consider establishing clearer procedures on how to deal with foreign media. It could either be done through amendments of legislation and/or the creation of a contingency plan that specifically address the matter of foreign media.

11 FINANCIAL MATTERS

11.1 Currency Exchange

The EU HNS Guidelines states that the HN should ensure in advance that appropriate financial channels and procedures are in place to expedite and facilitate an easy reimbursement of the incoming assistance if so required.

Furthermore, the IDRL Guidelines suggests that SN and eligible assisting humanitarian organizations should be granted the right to freely bring the necessary funds and currencies in or out of the country through legal means and to obtain legal exchange rates in connection with their disaster relief or initial recovery assistance.

Foreign exchange transactions have been subject to capital controls ever since the Icelandic banking system collapsed in the autumn of 2008. Before the capital controls took effect, the Central Bank issued guidelines limiting the bank's foreign currency sales to essential transactions involving trade in goods and services. On 28 November 2008, the Rules on Foreign Exchange were adopted in accordance with temporary provisions in the Foreign Exchange Act No. 87/1992¹¹⁴. When the Rules took effect, all controls on current account foreign exchange transactions were lifted, but more stringent controls on cross-border movement of capital and related foreign exchange transactions were imposed. The rules have been reviewed and amended several times. The Amendments and reviews have aimed primarily at closing loopholes in the original rules.

¹¹³ Article 14 of the Civil Protection Act

¹¹⁴ Icelandic: Lög um gjaldeyrismál nr. 87/1992

According to the Foreign Exchange Act the principal rule is that all deposits to and withdrawals from accounts with credit institutions, import and export of domestic and foreign currency and gifts and grants and other capital movements comparable to those aforementioned, which are likely to cause serious and significant exchange rate and monetary instability, are prohibited.¹¹⁵ However, the Foreign Exchange Act provides for some exemptions from these restrictions on capital movement which inter alia applies if the capital movement concerns a payment for the purchase of goods or services. Furthermore, these restrictions do not apply to cross-border capital movements in connection with import of foreign currency to a deposit account with a domestic credit institution. The latter exemption does however not apply to cross-border capital movements when the payer is a resident and the recipient a non-resident.¹¹⁶ Non-residents are also authorised to purchase domestic currency from financial undertakings in Iceland. SN and eligible assisting humanitarian organizations should thus be able to freely bring necessary funds and currencies into Iceland and convert into ISK.

Once funds and currencies have been brought to Iceland and converted into ISK it could be problematic for the SN and eligible assisting humanitarian organizations to bring the funds and currencies out of the country and re-convert the amount into foreign currency as the principal rule, as mentioned above, is that cross-border deposits to and withdrawals from accounts with credit institutions are prohibited.¹¹⁷ Furthermore, the purchase of foreign currency in cash is prohibited.¹¹⁸ Although some exemptions are provided from these provisions of the Foreign Exchange Act they mainly apply to the conversion of currency if the currency in question is to be used for the purpose of travelling abroad or if the money is for the living expenses of a person abroad. There are no exemptions that specially would apply to funds or currencies of SN or eligible assisting humanitarian organizations which have brought currencies or funds to Iceland for relief operations. However, the Central Bank of Iceland is authorized to grant exemptions from prohibitions on capital movements upon submittal of an application requesting an exemption. In assessing a request for exemptions, the Central Bank shall consider what consequences restrictions on capital movements have for the applicant, the objective underlying the restriction, and what impact an exemption will have on monetary and exchange rate stability.¹¹⁹ The minimum processing time for exemption requests is eight weeks but can take much longer time. The applicant shall fill out an application form for exemption electronically where appropriate. The applicant shall then print and sign the application and send it by postal mail. Applications for exemptions according to the Foreign Exchange Act shall be sent in writing to the Central Bank of Iceland, together with documents pertaining to the case.

Notwithstanding the aforementioned, the Central Bank can grant general exemptions without prior applications to that effect. If conditions are met, general exemptions shall only be granted after consultation with the Minister of Finance, as well as the minister responsible for financial market issues, and after the Minister has explained its economic impact to the Economic and Trade Committee of the Althing. No general exemptions apply to the funds or currencies of SN or eligible assisting humanitarian organizations.¹²⁰

It should be mentioned that according to officials at the Central Bank of Iceland there should only be difficulties exporting funds and currencies imported before the economic collapse in the autumn of 2008. However, notwithstanding what the officials at the Central Bank of Iceland have implied, current laws do not allow SN and eligible assisting

¹¹⁵ Article 13b of the Foreign Exchange Act

¹¹⁶ Article 13b of the Foreign Exchange Act

¹¹⁷ Article 13b of the Foreign Exchange Act

¹¹⁸ Article 13d of the Foreign Exchange Act

¹¹⁹ Article 7 of the Foreign Exchange Act

¹²⁰ Article 13o of the Foreign Exchange Act

humanitarian organizations to freely bring currencies out of the country without going through a lengthy exemption application process.

Furthermore, relevant in the event of Icelandic entities wanting to provide financial assistance to disaster affected states, the Foreign Exchange Act mentions. that notwithstanding the ban previously mentioned, cross-border capital movements, which are intended as gifts and grants from residents to non-residents, such as individuals, charitable organisations or comparable entities, are allowed for up to ISK 3,000,000 per calendar year.¹²¹ Capital movements for gifts and donations shall be deposited into an account held by the recipient and the donor and grant provider shall be the truthful owners of the funds in question. These provisions, most relevant the cap on the amount, do not apply to the Central Bank of Iceland and the Treasury.

In relation to incoming grants and financial assistance, all foreign currency acquired by residents, either for goods and services sold or acquired in another manner, shall be submitted to a deposit account held by the resident in a domestic financial undertaking in Iceland within three weeks from the time the foreign currency was acquired or could have been acquired by the owner or his representative. The obligation to submit foreign currency according to the first sentence is fulfilled by depositing the foreign currency to a foreign currency account with a financial undertaking in Iceland.¹²² This provision does not apply to the Central Bank of Iceland and the Treasury.

Regarding the exchange rate, all Icelandic banks have their own sale and buy exchange rates which vary between banks. If the amounts being transferred into another currency are substantial there are precedents on the exchange rate being negotiated.

Iceland should consider clarifying its legislation and/or regulation regarding the export of funds and currencies that have been imported in connection to relief operations. That could e.g. be done by providing exemptions for foreign relief entities to the restrictions that apply to the export of foreign funds or currencies.

11.2 Bank accounts

The EU HNS Guidelines recommend the HN should be prepared to ensure that assisting countries and relevant international organisations are provided with temporary authorisation to legally operate on their territory so as to enjoy the rights, inter alia to open bank accounts for the purpose of providing assistance.

The relevant law would be the Act on Measures Against Money Laundering and Terrorist Financing No. 64/2006¹²³ which requires financial undertakings such as banks to apply customer due diligence measures when e.g. establishing a permanent business relationship; when carrying out occasional transactions amounting to EUR 15,000 or more, based on the officially posted exchange rate at any time, whether the transaction is carried out in a single operation or in several operations which appear to be linked and when carrying out foreign exchange transactions amounting to EUR 1,000 or more, based on the official posted exchange rate at any time, whether the transaction is carried out in a single operation or in several operations which appear to be linked.¹²⁴ Prior to the establishment of a business relationship, or prior to a business transaction the new customer has to prove his/hers identity whereas natural persons have to present an approved personal identifications documents and legal persons must submit a certificate from the register of undertakings of the Directorate of Internal revenue, or a comparable public agency, with the name, domicile and official registration number or comparable

¹²¹ Article 13k of the Foreign Exchange Act

¹²² Article 13k of the Foreign Exchange Act

¹²³ Icelandic: Lög um aðgerðir gegn peningapvætti og fjármögnun hryðjuverka nr. 64/2006

¹²⁴ Article 4 of the Act on Measures Against Money Laundering and Terrorist Financing

information. Furthermore, holders of powers of procure and other parties specifically authorised to represent a customer vis-à-vis a financial undertaking, including managing directors and members of the board of directors, shall prove their identity. Such parties shall also demonstrate that their power of procure or specific authorisation has been duly obtained. In addition the financial undertaking is supposed to obtain information about any beneficiary owner and the purpose of the intended business with the customer to-be.¹²⁵

Abovementioned describes the principal rules and requirements that apply prior to opening up bank accounts in Iceland. Furthermore, the Icelandic Act on Measures Against Money Laundering and Terrorist Financing e.g. provides for enhanced customer due diligence requirements on cross-border correspondent banking business from countries outside the European Economic Area and in respect of contractual relationships or business transactions with politically exposed natural persons residing in another country.¹²⁶

Furthermore, the Act on Measures against Money Laundering and Terrorist Financing provides for a simplified customer due diligence which do not specifically apply to assisting countries or international organisations that want to open bank accounts in Iceland for the purpose of providing assistance during emergencies.¹²⁷

Notwithstanding aforementioned, according to the Heads of Compliances at the opening of a bank accounts should normally take place within one day but during national emergencies that should only take few minutes provided that all of the documents mentioned above are ready upon the request of opening a bank account.

Iceland should consider providing exemptions from the legal requirements imposed on financial undertakings regarding due diligence measures upon establishing permanent business relationship or occasional transactions with entities that are directly linked to assistance operations during national emergencies.

11.3 Reception and disbursements of donations

The EU HNS Guidelines do not specifically address these issues but the IDRL Guidelines mentions that affected states should use funds and relief goods donated to them, and which they have accepted and received for that matter in relation to a disaster, in a manner consistent with the expressed intent with which they were given. Furthermore, the IDRL Guidelines provide that states and assisting humanitarian organizations should cooperate to prevent unlawful diversion, misappropriation, or fraud concerning disaster relief or initial recovery goods, equipment or resources and initiate proceedings as appropriate.

Regarding the reception of funds and relief goods donated in relation to a disaster the Government Financial Reporting Act No. 88/1997¹²⁸ provides that when certain government entities decide to accept a donation with conditions attached that inevitably lead to expenditure increases for the Treasury, the donation should be accepted with the condition that the Althing agrees, since such expenditure had not been anticipated in the fiscal budget.¹²⁹ These certain government entities referred to above include the highest authority of the state, i.e. the Office of the President, the Althing, the Cabinet and the Supreme Court, as well as ministries and government agencies, including funds owned by the government which engage in activity that for the most part is financed with

¹²⁵ Article 5 of the Act on Measures Against Money Laundering and Terrorist Financing

¹²⁶ Article 11 and article 12 of the Act on Measures Against Money Laundering and Terrorist Financing

¹²⁷ Chapter IV of the Act on Measures Against Money Laundering and Terrorist Financing

¹²⁸ Icelandic: Lög um fjárreiður ríkissins nr. 88/1997

¹²⁹ Article 36 of the Government Financial Reporting Act

general tax revenue. The same applies to funds engaged in price mitigation and price equalisation, agencies engaged in safety inspection and other surveillance as well as service agencies for government entities which operate according to special acts of law, even if their cost of operations is not financed by general tax revenue. Group A shall also cover the accounts of non-government entities, as long as the Treasury finances all or most of their operations with appropriations or is financially responsible for their operations by law or contract.¹³⁰ Generally it can be assumed that funds and relief goods donated in relation to a disaster are donated with the condition of being disbursed or used in connection with relief operations. Furthermore, especially regarding donated goods, an acceptance of a donation could lead to expenditure increase for the Treasury as there might be need to store the goods, provide transportation and recruit personnel for the distribution of the donation. Whereas such expenditure has not been anticipated in the current fiscal budget, nor any of the most recent fiscal budgets, the approval of Althing might be necessary upon the acceptance of funds and relief goods donations in relation to a disaster.

It should be noted that there are no Icelandic laws or specific procedures to be found that address the legal authority to receive donations in relation to a disaster. However, it can be deducted from the provisions of the Government Financial Reporting Act that any member to the highest authority of the state can receive such donations. It should be noted that aforementioned only applies to donations to government entities but not donations to eligible assisting humanitarian organizations.

Regarding the disbursement of donated funds and relief goods in relation to a disaster there were no specific laws or procedures to be found that would apply to the disbursement of such donations. However, a donation to government entities would become the property of the Icelandic state which, upon disbursement of the donated funds or relief goods without compensation, would require an authorisation received in advance in the fiscal budget. Again, this does not apply to the disbursement of donations to eligible assisting humanitarian organizations.

There were no Icelandic laws or regulations to be found that specifically relate to diversion, fraud or misappropriation of funds or resources in connection with disaster assistance. However, according to the General Penal Code No. 19/1940¹³¹ fraud and misappropriation is punishable by imprisonment for up to six years.¹³² Furthermore Icelandic laws or regulations do not provide for certain procedures regarding audit and reporting of such donations.

Iceland should consider amending its legislation, regulation and/or procedures regarding the reception and disbursement of donations whereas the legal authority to accept the receipt of a donation, the procedure of disbursement and audit and reporting of such donations should be taken into special consideration and clarified for the purpose of the donation to be utilized in a quick and efficient manner and for the intended purpose.

11.4 Reimbursement of assistance

The EU HNS Guidelines provide that the HN should ensure in advance that appropriate financial channels and procedures are in place to expedite and facilitate an easy reimbursement of the incoming assistance if so required. Furthermore, the SN and TN should ensure in advance that appropriate financial channels and procedures are in place to cost, invoice, or waive needs for reimbursement or to receive payments if so required.

¹³⁰ Article 3 of the Government Financial Reporting Act

¹³¹ Icelandic: Almenn hegningarlög nr. 19/1940

¹³² Article 248 of the General Penal Code regarding fraud and article 247 of the General Penal Code regarding misappropriation

According to the Constitution of the Republic of Iceland No. 33/1944¹³³ the principal rule is that no disbursement may be made by government entities unless authorized in the fiscal budget or the supplementary budget.¹³⁴ A budget proposal for the coming fiscal year, containing a report on the revenue and expenditure of the state, shall be submitted to each regular session of Althing upon it being convened.¹³⁵ It should be noted that the current fiscal budget does not specifically assume that any disbursements, nor reimbursements for that matter, can be made in connection to incoming assistance during emergencies.

No specific general procedures are in place to expedite and facilitate an easy reimbursement of incoming assistance and there were no laws or regulations found that specifically address this issue. However, according to the NORDRED agreement, a state that provides assistance has the right to be reimbursed by the state that seeks the assistance of all cost attributable to the provided assistance. The provisions of the NORDRED agreement only apply to the Nordic countries which are members to the agreement.

Iceland should consider amending its legislation whereas the formalities of the legislating procedure are waived or minimalized regarding the authority for government entities to disburse or reimburse the cost of international assistance during emergencies. Furthermore, Iceland should provide for some procedures to clarify who or which entities have the authority to commit Iceland to disburse or reimburse costs of foreign relief operations in Iceland.

11.5 Right to acquire and dispose of properties

The EU HNS Guidelines provide that the HN should be prepared to ensure that assisting countries and relevant international organisations are provided with temporary authorisation to legally operate on their territory so as to enjoy the rights, inter alia to acquire and dispose of property.

According to the Act on the Right of Ownership and Use of Real Property No. 19/1966¹³⁶ the principal rule is that no one may acquire the right to own or use real property in Iceland, including fishing and hunting rights, water rights or other real property rights, whether by free assignation or enforcement measures, marriage, inheritance or deed of transfer, unless he/she/it fulfils certain conditions. These conditions are further clarified in the Act on the Right of Ownership and Use of Real Property whereas, in the case of an individual, he shall be an Icelandic citizen or have domicile in Iceland. Regarding the right of companies to acquire properties, if several individuals are involved in a company, and each bear unlimited liability for the debts of the company, they shall all be Icelandic citizens or shall have been domiciled in Iceland for at least five continuous years. In the case of a company in which some members bear unlimited liability, and others only limited liability, for the company's debts, all those who bear unlimited liability shall be Icelandic citizens or shall have been domiciled in Iceland for at least five continuous years. In the case of a company in which none of the members bears unlimited liability for the company's debts, or an institution, the company or institution shall have its domicile and venue in Iceland and all its directors shall be Icelandic citizens or shall have been domiciled in Iceland for at least five continuous years. In the case of joint-stock companies, 4/5 of the share capital shall be owned by Icelandic citizens, and Icelandic citizens shall exercise the majority of the votes at shareholders meetings.¹³⁷

¹³³ Icelandic: Stjórnarskrá lýðveldisins Íslands nr. 33/1944

¹³⁴ Article 41 of the Constitution of the Republic of Iceland

¹³⁵ Article 42 of the Constitution of the Republic of Iceland

¹³⁶ Icelandic: Lög um eignarrétt og afnotarétt fasteigna nr. 19/1966

¹³⁷ Article 1 of the Act on the Right of Ownership and Use of Real Property

However, the Minister of the Interior may grant exemption from above mentioned conditions in accordance with an application form a party who has the right to conduct business in Iceland and wishes to acquire the right to own or use real property in direct connection with his business activities, or in order to establish a home on the property or if other reasons are considered to apply.¹³⁸

Notwithstanding the above mentioned, the permission of the Minister of the Interior shall not be required in the case of the hire of real property or the rights concerning real property, providing that the hire period or the period applying to other rights is three years or shorter, or where the right is reserved to terminate the agreement with one year's notice or less. It should be noted that this however does only apply if the individual or legal person providing assistance during a disaster in Iceland wishes to hire a real property. Furthermore, the permission of the Minister of the Interior is not required when the party involved enjoys rights in Iceland under the rules of the Agreement on the European Economic Area applying to the free movement of persons, the right of establishment, services or movement of capital or corresponding clauses in the Convention establishing the European Free Trade Association.¹³⁹

There should be no difficulties in selling a real property once it has been legally acquired by an individual or a legal person in Iceland although the progress of the sale would be dependent on supply and demand in the real estate market at any given time. It should be noted that the export of the purchase price would be subject to the restrictions earlier mentioned under the currency exchange chapter.

Iceland should consider whether legislation and regulation should be amended to provide foreign relief operators, others than those who enjoy rights under the rules of the EEA agreement or the EFTA agreement, with temporary rights to acquire and dispose of property.

12 EXTENDED HOURS

According to the EU HNS Guidelines, participating states should consider the granting of legal exemptions, in particular the HN and the TN should arrange for inspection and release outside of business hours and/or at a place outside the customs office to avoid unnecessary delay.

Furthermore, the IDRL Guidelines recommend that affected States should endeavour to ensure, when necessary, that State-operated offices and services essential to the timely delivery of international disaster relief function outside of normal business hours.

The opening hours of some relevant government institutes have been mentioned in previous chapters but it should be noted that there are no laws or regulations in Iceland that specifically provide for provisions on extended opening hours of government institutes directly involved in coordination, organization or distribution of relief during emergencies.

However, as no government institutes could provide services during opening hours unless without staff being on the site the provisions of the Act on Working Environment, Health and Safety in Workplaces No. 46/1980¹⁴⁰ on rest time, holidays and maximum working hours could be relevant. Although the Act on Working Environment, Health and Safety in Workplaces lays down some general rules on the maximum working hours and rest time they do not apply to special circumstances relating to the functions of the state, such as

¹³⁸ Article 1 of the Act on the Right of Ownership and Use of Real Property

¹³⁹ Article 1 of the Act on the Right of Ownership and Use of Real Property

¹⁴⁰ Icelandic: Lög um aðbúnað, hollusthætti og öryggi á vinnustöðum nr. 46/1980

necessary security activities and urgent investigative interests in the field of law enforcement, work connected with civil protection and monitoring activities in connection with avalanche prevention measures. Furthermore, the act does not apply to those who work at road transport and are covered by acts and regulations concerning drivers' driving hours and rest time and senior managers or other persons who decide their own working hours.¹⁴¹ The Act on Working Environment, Health and Safety covers all activities, where one or more persons are employed, whether they are owners of the enterprise or employees. Exempted from the provisions of the act are certain shipping operations and air traffic.¹⁴²

It should be noted that the Government Employees Act No. 70/1996¹⁴³ provides that an agency head decides the hours of work of employees of an agency as prescribed by law or wage agreements. Furthermore, an employee is obliged to work overtime as his boss deems necessary. However, no employees, except those who do police work or are engaged in other security services, are obliged to work more overtime each week than one-fifth of their lawful weekly work-hours.¹⁴⁴ The Government Employees Act applies to anyone who is hired into service of the government for a period exceeding one month.¹⁴⁵

Furthermore, it is worth mentioning that the Civil Protection Act provides that it is the civic duty of persons aged 18-65 to perform, in times of peril, without recompense, work in the service civil protection in the administrative areas in which they reside, in accordance with instructions given by a police commissioner after receiving the proposals of the civil protection committee or the NCIP. Decisions taken by police commissioners may be referred to the Minister of Interior. Persons aged 16-18, or over 65, may also be called out for the work if they themselves so request.¹⁴⁶ If danger is imminent, police commissioners or district magistrates may call out all available adult persons to give immediate assistance with work in the service of civil protection. Decisions to call out adult persons to give immediate assistance with work in the service of civil protection may not be referred to a higher authority.¹⁴⁷

It is assumed in Icelandic legislation that normal opening hours and working time do not apply in times of a disaster. There is thus no imminent need for Iceland to consider amending its legislation although it is recommended the issue of extended opening hours of government institutes should be clarified. Furthermore, regarding working time, Iceland should consider whether the provisions of directive 2003/88/EC, especially its derogations and exceptions chapter, should be implemented to further clarify exemptions from general provisions of working time to those who are involved in activities where there is need for continuity of service or production.

13 SAFETY AND SECURITY

The EU HNS Guidelines reflects on safety and security and requires the HN to be responsible for, and take appropriate measures, to address the safety and security of personnel of the incoming teams and modules and of the locations, facilities, and means of transport, equipment and goods used in connection with the international assistance provided. The safety measures shall be taken by deployed teams and modules in cooperation with the HN. For operating equipment of the modules/teams, the main responsibility lies with the modules/teams themselves.

¹⁴¹ Article 52a of the Act on Working Environment, Health and Safety in Workplaces

¹⁴² Article 2 of the Act on Working Environment, Health and Safety in Workplaces

¹⁴³ Icelandic: Lög um réttindi og skyldur starfsmanna ríkisins nr. 70/1996

¹⁴⁴ Article 17 of the Government Employees Act

¹⁴⁵ Article 1 of the Government Employees Act

¹⁴⁶ Article 19 of the Civil Protection Act

¹⁴⁷ Article 20 of the Civil Protection Act

Furthermore, the IDRL Guidelines provide that HN should take appropriate measures to address the safety and security of disaster relief and initial recovery personnel of assisting states and eligible assisting humanitarian organizations and of the premises, facilities, means of transport, equipment and goods used in connection with their disaster relief or initial recovery assistance. Assisting states and assisting humanitarian organizations should also take appropriate steps in their own planning and operations to mitigate security risks.

There were no laws or regulations to be found that specifically provide for certain arrangements regarding the safety or security of international relief personnel during emergencies in Iceland.

However, according to the Police Act No. 90/1996¹⁴⁸ one of the roles of the police is to protect public safety and maintain law and order, to seek to ensure the security of citizens under the law and to be of assistance to citizens as appropriate and to assist them when hazards threaten.¹⁴⁹ Furthermore, according to the Civil Protection Act, site management at the regional level during a state of emergency shall be in the hands of the police commissioner in the relevant police administrative area. Operational management at the regional level shall involve, among other things, the organisations of rescue, salvage and assistance work related to actual or imminent hazard situations and damage and the direction of emergency measures in collaboration with the coordination and command centre.¹⁵⁰ It would therefore be most likely that the police commissioner at the relevant regional level would be charged with ensuring the safety of relief personnel, premises, facilities, and means of transport, equipment and goods used in connection with disaster relief or initial recovery assistance, presumably in collaboration with the NCIP.

Iceland should consider providing measures that address the safety and security of disaster relief and initial recovery personnel and of the premises, facilities, and means of transport, equipment and goods used in connection with their disaster relief or initial recovery assistance. The measures can be provided in a special contingency plan or in legislation or regulations.

14 LIABILITY AND INSURANCE

The EU HNS Guidelines provide that in question of liability during relief operations, one would first and foremost seek to find amicable settlements between the HN and SN.

It is worth mentioning that the EU HNS Guidelines refer to the provisions of the Commission Decision 2004/277 which lays down rules for the implementation of Council Decision 2001/792/EC, EURATOM establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance intervention. The referred decision includes provisions on compensation for damage where it states that the requesting state should refrain from making any request for compensation from participating states for damage caused to their property or service staff where such damage is the consequence of the assistance interventions, unless it is proven to be the result of fraud or serious misconduct. In the event of damage suffered by third parties as the result of assistance interventions, the requesting state and the participating state providing assistance should cooperate to facilitate compensation of such damage.

¹⁴⁸ Icelandic: Lögreglulög nr. 90/1996

¹⁴⁹ Article 1 of the Police Act

¹⁵⁰ Article 11 of the Civil Protection Act

Furthermore, the EU HNS Guidelines provide that in order to streamline and expedite this process of cooperation and to avoid any potential for later misunderstanding, the HN and SN should agree on the principles for compensating the potential damage suffered by third parties as early as possible, ideally already during the process of requesting, offering and accepting the international assistance. Both, the HN and SN should declare its willingness or non-willingness to cover damage suffered by third parties.

There were no laws or regulations to be found that specifically provide for certain arrangements regarding the liability and insurance of international relief personnel during emergencies in Iceland.

According to the Civil Protection Act each government minister may, in collaboration with the NCIP, determine that public or private parties are to provide help or assistance, or apply individual parts of the Civil Protection Act in further detail. If such authorisation is exercised, the state shall compensate for the damage sustained by the relevant parties in accordance with ordinary rules.¹⁵¹ It is however debateable whether this provision of the Civil Protection Act might be applied to foreign assisting relief entities as the authorisation of the minister to order someone to take certain actions under the Civil Protection Act does probably not extend to foreign entities. Furthermore, according to the explanatory statement to the bill that later became the Civil Protection Act the reasoning for this authorisation of the minister was considered essential to oblige some privatized services that have connections to civil protection, such as financial services and telecommunication services, to take actions prior to or during emergencies which probably does not apply to foreign assisting relief entities. It should also be noted that this provision of the Civil Protection Act only addresses compensations for damage sustained by the relevant parties but not damage suffered to third parties as the result of assistance interventions.

It should be noted that the NORDRED Agreement provides that states that seek assistance are responsible for the damage caused by assistance on their territory. The state that seeks assistance is obliged to bring forth lawsuits, negotiate or settle for a tort demand that third party directs at the sending nation or their personnel. The state that seeks assistance shall furthermore pay the states that assist compensation for deaths or physical damages cause by their personnel. The same applies to equipment and goods that get damaged as a consequence of the assistance. However, the state that assists is responsible for the damage caused inside their territory. A state that has sought assistance has, if it has paid compensation under the provisions of the NORDRED Agreement, the right to be reimbursed if the damage was caused by direct intent or serious negligence.¹⁵² The provisions of the NORDRED Agreement only applies to the Nordic countries but according to officials at the DCPEM/NCIP it is very likely that similar principles would be applied to non-NORDRED sending nations but it is not certain.

For settling damage caused by a foreign relief vehicle that is registered abroad but used here in Iceland temporarily the role falls under the International Motor Insurance in Iceland. This however only applies to vehicles that come from countries that are parties to the multinational cooperation on use of the green card according to the Regulation on Use of Foreign Registered Vehicles No. 267/1993¹⁵³. Where a foreign vehicle has caused damage (from a country inside the EEA) the party suffering the damage can make a claim on International Motor Insurance in Iceland in the same way he would have done against an Icelandic accident insurer, had the party who caused the damage driven an Icelandic registered vehicle. Furthermore, according to the Road Traffic Act) all vehicles shall be insured for damage claims.¹⁵⁴ However, the Minister of the Interior can exempt

¹⁵¹ Article 18 of the Civil Protection Act

¹⁵² Article 5 of the NORDRED Agreement

¹⁵³ Icelandic: Reglugerð um notkun erlendra ökutækja nr. 267/1993

¹⁵⁴ Article 92 of the Road Traffic Act

vehicles owned by foreign states or international organisations.¹⁵⁵ If the article in question is applied, the state treasury is responsible for damage like any other insurance company.

Furthermore, according to the Act on Rescue Teams and Rescue Workers No. 43/2003¹⁵⁶, which applies to rescue teams and rescue workers that work under a recognised general organization of rescue squads, all rescue teams are obliged to insure its rescue workers against accidents that they can encounter during rescue operations. Furthermore, rescue teams are obliged to purchase property insurance for any loss of personal items in the property of its rescue workers and liability insurance for damage that its rescue workers may cause to a third party during rescue operations. General principles apply regarding liability of the rescue team.¹⁵⁷ It is uncertain whether foreign relief assistance would be made to fulfill similar requirements upon providing services in Iceland during emergencies is uncertain.

Iceland should consider providing clear measures that specifically address the question of liability of foreign assisting relief entities during relief operations in Iceland. The measures can be provided in legislation or regulations or even a special contingency plan that require Iceland as a HN to agree with SN on the principles for compensating any potential damage to assisting relief entities or third parties.

15 PRIVATE SECTOR AND INDIVIDUAL ASSISTANCE FROM ABROAD

The EU HNS Guidelines remark that relations with third parties such as non-governmental organizations, volunteers, etc. will not feature in the guidelines as such relations is normally the responsibility of the HN. However, referring to Council Decision 2007/779/EC, EURATOM, the Participating States, as a part of their respective national strategy on HNS, are invited to consider developing a plan on how to deal with all third parties during emergencies should such parties offer assistance.

There were no laws, regulations or procedures to be found that specifically address how to deal with all third parties during emergencies should such parties offer assistance.

However, according to the Civil Protection Act the NCIP may enter into contracts with private institutions, non-governmental organisations or other parties under which these shall attend to the implementation of specific aspects of civil protection measures. Contracts providing for implementation of civil protection measures by third parties under this provision of the Civil Protection Act are subject to the approval of the Minister of interior.¹⁵⁸ This provision of the Civil Protection Act might be applied to foreign parties as well as domestic parties. It is thus clear that the legal authority exists to enter into contracts with non-governmental institutions, volunteers etc.

Furthermore, each government minister may, like earlier mentioned in the chapter on liability and insurance, determine that public or private parties are to provide help or assistance, or apply individual parts of the Civil Protection Act in further detail.¹⁵⁹ Whether that authority of the minister can be exercised regarding foreign private sector entities or individuals is debateable.

¹⁵⁵ Article 93 of the Road Traffic Act

¹⁵⁶ Icelandic: Lög um björgunarsveitir og björgunarsveitarmenn nr. 43/2003

¹⁵⁷ Article 5 of the Act on Rescue Teams and Rescue Workers

¹⁵⁸ Article 8 of the Civil Protection Act

¹⁵⁹ Article 18 of the Civil Protection Act

Iceland should consider developing a plan on how to deal with all third parties during emergencies should such parties offer assistance. That could either be done through a contingency plan or by amending legislation or regulations.

16 FOREIGN MILITARY ASSISTANCE

The EU HNS Guidelines do not address this issue in particular but the IDRL Guidelines provide that military assets should be deployed for disaster relief or initial recovery assistance only at the request or with the express consent of the affected State, after having considered comparable civilian alternatives. Prior to any such deployment, terms and conditions (including such issues as the duration of deployment, whether they must be unarmed or may be armed the use of their national uniforms, and mechanisms for cooperation with civilian actors) are to be agreed by the affected and assisting States.

There were no laws, regulations or procedures to be found that specifically address how to deal with offered military relief assistance or a request for military relief assistance from abroad during emergencies in Iceland. Furthermore, there were no laws, regulations, procedures or contingency plans to be found with relation to specific quality requirements for the conduct of military relief assistance from abroad. According to officials at the DCPEM/NCIP military relief assistance would be the last resource to be utilised.

However, according to the Defence Act No. 34/2008¹⁶⁰, which applies to the administration of defence matters within Icelandic territory as well as the co-operation and relations of Icelandic state authorities with foreign states, any request for or acceptance of foreign military relief would be in the hands of the Minister of Foreign Affairs.¹⁶¹

It is worth mentioning that the Directive on the Access of Foreign Military Ships and Military Aircrafts, that are not at war, to Icelandic territory No. 44/1939¹⁶² provides that foreign military ships are free to come into Icelandic harbours and Icelandic territorial water upon announcement through public communication channel. Similar provisions apply to the access of foreign military aircrafts to Icelandic territory. However, no more than three foreign military ships may be in the same harbour at any given time and no military ship may stay longer than 15 days in harbour.¹⁶³ Some exemptions are provided from these requirements but none of them that specifically would apply to foreign military relief assistance. The crew of foreign military ship is unauthorized to bear arms on land. However, officers, petty officers or cadets may bear arms that belong to their uniforms.¹⁶⁴

Regarding Iceland's defence and security affairs in general the membership of NATO and the bilateral defence agreement between Iceland and the United States form the fundamental pillar. Furthermore, Iceland has entered into cooperation with neighbouring states which entails dialogue on security and defence issues as well as situational awareness and search and rescue. Since 2007 Iceland has concluded cooperation agreements with Canada, Denmark, Norway and the United Kingdom. In addition, Iceland has regular consultations with Germany and France on security and defence.

¹⁶⁰ Icelandic: Varnarmálalög nr. 34/2008

¹⁶¹ Article 4 of the Defence Act

¹⁶² Icelandic: Tilskipun um aðgang herskipa og herloftfara erlendra ríkja, er ekki eiga í ófriði, að íslensku forráðasvæði nr. 44/1939

¹⁶³ Article 1 of the Directive on the Access of Foreign Military Ships and Military Aircrafts, that are not at war, to Icelandic territory

¹⁶⁴ Article 6 of the Directive on the Access of Foreign Military Ships and Military Aircrafts, that are not at war, to Icelandic territory

Iceland is a military-free country and has emphasised a comprehensive and multilateral approach in security affairs and is a member of key organisations, such as the United Nations, NATO, the Organization for Security and Co-operation in Europe (OSCE) and Iceland participates in the Nordic defence cooperation (NORDEFECO).

Iceland should consider providing measures that address the responding to offers and the procedure of requesting foreign military relief assistance. That could be done with the creation of a special contingency plan that would e.g. include some quality requirement for the conduct of such assistance. Furthermore, Iceland should consider whether there is need to further clarify who has the authority to accept or request for foreign military assistance during emergencies in Iceland.

17 STATE OF EMERGENCY

It should be noted that it is generally acknowledged in Iceland that state of emergency can under special circumstances justify statutory laws being set aside. In such cases the need is so rich that it takes precedence in certain emergencies. This rule is based on the fact that legal provisions are normally supposed to apply to everyday situations but do not assume any state of emergency. During emergencies there can thus be a necessity to set aside statutory laws to prevent major disruption or damage. That is however only justifiable in limited occasions to take actions, where statutory laws are set aside, on the grounds of there being a state of emergency.¹⁶⁵

Although there could be a justifiable necessity to set aside aforementioned referred laws and regulations in this study during emergencies to facilitate incoming assistance during emergencies in Iceland, this rule, that can take effect during emergencies, does not affect the recommendations made hereafter as greater benefit would be of providing special legal provisions that specifically address the facilitation of international assistance.

¹⁶⁵ Gunnar G. Schram, *Stjórnskipunarréttur* (Háskólaútgáfan, 1999) 58-60

18 MAIN CONCLUSION

This study has demonstrated the ways in which Icelandic laws, regulations, procedures and policy relates to the subject matter of the EU HNS Guidelines and, for some part, the IDRL Guidelines.

In number of areas, Icelandic laws, regulations, procedures and policy does not correspond to the proposed principles in the guidelines. In general, there appears to be a lack of exceptions or expedited procedures in place that would adequately allow for the speedy and efficient delivery of international relief assistance.

Iceland has not often had to seek foreign assistance following a disaster or during emergencies. Perhaps, as a result Iceland has not considered law or policy that would facilitate the receipt of foreign assistance. It follows that Iceland does not have a set of operational rules for incoming assistance that applies to, or can be activated, in times of emergency with particular relevance to international relief assistance. Rather, it appears that any such relevant decisions would be made on an ad hoc basis, should international assistance be required.

The bulk majority of the operational legislation discussed under this study has primarily been drafted without the issues of disaster response in mind. Therefore, there is a considerable lack of laws, regulations, procedures or policy that specifically apply to the subject matter of the guidelines which have been discussed under this study and relate to the issue of speedy and efficient delivery of international relief assistance.

19 MAIN RECOMMENDATION

Recommendations have been made under most of the chapters in this study. For recommendations that relate to specific matters of the guidelines a reference is made to relevant chapter.

However, as previously mentioned there is a considerable lack of laws, regulations, procedures or policy that specifically apply to the subject matter of the guidelines relating to the issue of speedy and efficient delivery of international relief assistance. In order to remove as much as possible any foreseeable obstacle to international assistance and so as to ensure that disaster response operations proceed smoothly there is need to further develop the whole of the domestic legal, policy and institutional framework concerning international disaster relief and initial recovery assistance on the subject matter of the EU HNS Guidelines and IDRL Guidelines.

In light of the findings of this study it is recommended that the Icelandic government undertakes the work of implementing the subject matter of the EU HNS Guidelines and the IDRL Guidelines whereas the aim should be to provide legal provisions that specifically address the issue of the facilitation of international relief assistance to avoid any foreseeable obstacles that might occur regarding the speedy and efficient receipt of international assistance. The Icelandic government is thus encouraged to engage into further discussion with any possible civil protection actors about the question how the challenges established in this report may be met.

Some of the most relevant possible obstacles to the speedy and efficient receipt of international assistance have already been addressed in this study. This study could thus, along with the EU HNS Guidelines and IDRL Guidelines, serve as an instrument to launch the process of implementing the subject matter of the guidelines.