

1669/2021

Regulation on the obligation of air carriers to check certificates due to COVID-19 in international flights.

Article 1

Scope.

This regulation applies to all operators/occupiers of aircraft and passengers with aircraft on international flights to Icelandic territory, with the exception of aircraft in overflight, aircraft in transport flights with cargo, aircraft in distress and aircraft that have a stopover without passengers disembarking.

Article 2

Obligations of the operator/occupant of the aircraft.

All operators/occupiers of aircraft are obliged to check whether the passenger has fulfilled the obligation to pre-register and has required an approved certificate of immunization against COVID-19 (SARS-CoV-2), a certificate that the infection of COVID-19 (SARS-CoV-2) is the position or certificate or confirmation of a negative test result for COVID-19 (SARS-CoV-2) before boarding an aircraft, provided that such an obligation has been imposed on passengers based on the Epidemic Act, cf. regulation on quarantine and isolation and sampling at Iceland's border due to COVID-19, as it is at any given time. The obligation of air carriers/aircraft operators to check whether a passenger has the above-mentioned certificate or confirmation only covers verifying the passenger's name on the certificate or confirmation and the validity and issue date of the document, if applicable,

If the passenger cannot present a certificate or confirmation according to Paragraph 1 the operator/occupant of the aircraft must notify the law enforcement authorities in Iceland of the arrival of the passenger in question. The passenger's name, passport number and flight number must be reported to the law enforcement authorities as soon as possible and no later than the scheduled arrival of the relevant flight at an Icelandic airport.

The operator/occupant of the aircraft must also inform the passenger who cannot present a certificate or confirmation according to Paragraph 1 about what consequences it may have upon arrival in the country.

Article 3

Administrative fine.

The Swedish Transport Agency can impose an administrative fine on the operator/occupant of an aircraft as follows:

- a. Violation of the obligation to check whether the passenger has the required certificate or confirmation according to Paragraph 1 Article 2 concerns an administrative fine of ISK.

200,000 for each violation for each passenger.

- b. Violation of the obligation to notify the law enforcement authorities of passengers who travel without the required certificate or confirmation pursuant to Paragraph 2 Article 2 concerns an administrative fine of ISK. 200,000 for each violation for each passenger.
- c. Violation of the obligation to inform the passenger of the consequences if the passenger has not pre-registered or presented a certificate or confirmation pursuant to Paragraph 3 Article 2 concerns an administrative fine of ISK. 200,000 for each violation for each passenger.

A decision on an administrative fine must be notified in a verifiable manner to the person to whom it is directed.

Legal entities can be fined for violating Article 2, regardless of whether guilt is proven against a specific representative of the legal entity, its staff or another person working on its behalf.

The due date of the administrative fine is 30 days after the date of the decision. Default interest must be paid on the amount of the fine if it is not paid 15 days after the due date. The determination and calculation of late interest depends on the law on interest and indexation.

The decisions of the Swedish Transport Agency to impose administrative fines are enforceable after the appeal period has passed. An appeal to the minister postpones enforcement, but the minister's rulings are enforceable. Proceedings before the ordinary courts do not delay enforcement and do not depend on the fact that a case has previously been appealed to the minister.

Article 4 *Penalties.*

Repeated or large-scale violations against Article 2 concern punishment according to Paragraph 1 Article 141 law on air travel no. 60/1998, with subsequent amendments. Legal entities may be fined according to the provisions of II. section A of the General Penal Code for such offences. Violations according to this provision are only subject to police investigation after a complaint has been lodged with the Transport Agency.

Article 5 *dear*

A decision on an administrative fine can be appealed to the minister according to the Administrative Law.

Article 6 *Validity.*

This regulation is established with the authority of provisional clause V of the Air Travel Act, no. 60/1998, cf. law no. 41/2021 and no. 135/2021, cf. also paragraph 2 Article 1 and Article 145 Act on Air Travel, with subsequent amendments, and takes effect from January 1, 2022 at 00.00 UTC and valid until 30 June 2022 at 23.59 UTC. Upon the entry into force of this regulation, the regulation on the obligation of air carriers to check certificates due to COVID-19 in international flights, no. 650/2021, with subsequent amendments.

If the provisions of this regulation are explained together with the provisions of the regulation on aviation, no. 1025/2012, the provisions of this regulation shall prevail.

The Ministry of Transport and Local Government, 30 December 2021.

F. h. Minister of Infrastructure,

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Information

Ministry : Ministry of Infrastructure

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