

*\*In case of conflict of interpretation, the Icelandic legal text as published on the website „reglugerd.is” shall prevail.*

## **Regulation on disclosure of passenger and crew information, no. 1072/2019**

### Article 1

#### *Scope*

This regulation applies to the handling of passenger and crew information of vessels travelling internationally, i.e. vessels that leave the country for abroad and vessels that arrive in the country from abroad.

In this regulation, passenger and crew information generally refers to information that forms part of the Passenger Name Record (PNR) and Advance Passenger Information (API). That information is further defined in the annex to the regulation.

### Article 2

#### *Obligation of transfer*

The obligation to transfer information pursuant to this regulation applies to the following entities:

1. Undertakings engaged in the transport of passengers and/or goods to and from the country,
2. Operators of vessels travelling to and from the country,
3. Owners of vessels travelling to and from the country and
4. Possessors of vessels travelling to and from the country.

The obligation to transfer is not subject to the type of vessel used for international travel and includes *inter alia* private aircraft and sailing ships.

### Article 3

#### *Transfer of PNR information*

PNR information shall be transferred to the Directorate of Customs.

The information shall be transferred electronically to an electronic receiving system at the Directorate of Customs in a form and template determined by the Directorate.

In special cases and with the approval of the Directorate, the information may be transferred electronically via other means than the electronic receiving system of the Directorate of Customs or in written form.

There is an obligation to transfer information for every journey to or from the Icelandic customs territory in all the following cases:

1. 24-48 hours before a scheduled departure.

2. As soon as the vessel doors have been closed (i.e. after passengers have embarked and it is no longer possible for passengers to embark or disembark).
3. Pursuant to a request.

Entities subject to an obligation of transfer may, instead of transferring information pursuant to Article 4(2), transfer information as soon as it is received pursuant to the annex to this regulation so that information transferred pursuant to Article 4(1) is updated every time changes are made to it.

## Article 4

### *Transfer of API information*

API information shall be transferred to the Directorate of Customs.

The information shall be transferred electronically to an electronic receiving system at the Directorate of Customs in a form and template determined by the Directorate.

In special cases and with the approval of the Directorate, the information may be transferred electronically via other means than the electronic receiving system of the Directorate of Customs or in written form.

There is an obligation to transfer information for every journey to or from the Icelandic customs territory where the vessel will cross the external borders of the Schengen Area in all the following cases:

1. As soon as the vessel doors have been closed (i.e. after passengers have embarked and it is no longer possible for passengers to embark or disembark).
2. Pursuant to a request.

API information refers to information from the travel documents of passengers.

The API information to be transferred is the following:

1. The type, identification number, issuing country or issuing body and period of validity of the travel document.
2. The nationality, full name, sex and date of birth of the passenger.
3. The arrival and departure time of the vessel along with the code of transport.

## Article 5

### *Handling and retention of information*

Information pursuant to the annex shall be kept in the electronic receiving system of the Directorate of Customs. The information may be kept for up to five years from the time it is received. Two years after the information is received, the parts that may be used for personal identification shall be encrypted. After the end of the two-year period, access to the complete information in the annex is only authorised when it is deemed necessary due to a suspicion of a specific, serious offence, in order to prevent such an offence, detect it and to investigate and prosecute it. Access to the complete information in the annex may also be authorised with a

court ruling after the end of the two-year period. Five years after the information is received, it shall be deleted. The aforementioned time limits do not apply to information that is part of criminal proceedings.

Information pursuant to Article 4 shall be kept in the electronic receiving system of the Directorate of Customs. The information may be kept for up to 24 hours after it is received, unless it is to be processed further for law enforcement purposes, in which case the processing is subject to the Act on the Processing of Personal Data for Law Enforcement Purposes, No. 75/2019.

## Article 6

### *Information sharing*

The Directorate of Customs, the police and other executors of police powers are authorised to exchange passenger and crew information for analytical purposes or for investigations into suspected violations against the Customs Law or other laws. The aforementioned parties are for the same purpose authorised to exchange passenger and crew information with foreign executors of customs and police powers.

The exchange of passenger information between the Directorate of Customs, police and other executors of police powers shall be carried out through the electronic system where the passenger information is received or other secure means. The exchange of information between the aforementioned entities and foreign executors of police powers shall be carried out through secure means, e.g. through the databases established by international law-enforcement services in order to securely exchange information.

## Article 7

### *Sanctions*

The Directorate of Customs may impose administrative fines on entities subject to an obligation of transfer who are in violation of the obligation to transfer information in accordance with the provisions of Article 51(1) of the Customs Law and this regulation.

When deciding a fine, up to ISK 2.000.000, for violations against the obligation to transfer information in accordance with Article 51(1) of the Customs Law, account shall be taken, *inter alia*, of the seriousness of the violation, its duration, the willingness of the violator to cooperate and whether the violation is a repeated offence.

The fine for a first offence shall be ISK 10.000 in the case of an individual and ISK 400.000 in the case of an undertaking.

In the case of repeated offences the fine shall be a maximum of ISK 100.000 for each flight where information is not transferred and the violator is an individual and a maximum of ISK 2.000.000 for each flight if the violator is an undertaking.

## Article 8

### *Entry into force*

This regulation, which is adopted pursuant to Article 51(3) and Article 180(a)(2) of the Customs Law, No. 88/2005, shall enter into force forthwith.

## ANNEX

Information subject to an obligation of transfer:

Passenger Name Record (PNR), as collected by entities subject to an obligation of transfer:

- I. PNR record locator.
- II. Date of reservation/ticket issuance.
- III. Date(s) of intended travel.
- IV. Name/names of passengers.
- V. Address, phone number and Email address of ticket buyer(s) and traveller(s).
- VI. Ticket payment information, including address of ticket payer.
- VII. Travel itinerary for each PNR.
- VIII. Frequent flyer information.
- IX. Information on travel agency organising the journey.
- X. Travel status of passenger, including confirmation, check-in, no show/go show.
- XI. Split/divided PNR information (i.e. when a passenger PNR refers to the PNR for another passenger).
- XII. General remarks, including all available information on unaccompanied minors under the age of 18, such as name, sex, age, languages, information on guardian at place of departure and their relationship to the minor, information on guardian at place of arrival and their relationship to the minor and information on travel agency organising the departure and arrival.
- XIII. Ticket information, including number, date of issue, whether the ticket is one-way or round trip, and Automated Ticket Fare Quote (ATFQ).
- XIV. Seat number on board and seat information.
- XV. Code share information.
- XVI. Passenger baggage information.
- XVII. Number and names of people travelling together.

XVIII. All Advance Passenger Information, including type, identification number, issuing country and period of validity of travel document, nationality, full name, sex and date of birth of the passenger, departure and arrival times of the vessel, including the flight number.

XIX. Any changes to the information listed in points I-XVIII.

Undertakings that transfer vehicles belonging to passengers to and from the country are also obligated to transfer the following information if the vehicles are not on the manifest.

1. Information on vehicle on board (VEH) such as category, make, model, which passenger is the owner, purpose of stay, colour, arrival and departure date.
2. Information on the vehicle importer, such as name, address, phone number, Email, as well as the same information for the registered owner if different than the importer.
3. Registration plate number of the vehicle.
4. Number of vehicles on board.
5. Vehicle identification number.