

ICELAND

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Iceland in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	Iceland*
Article	
5	
6(1)	
6(2)	
6(3)	
7(1)	
7(2)	
7(3)	
7(5)	
8(1 and 2)	
9(2)	
9(6)	
10	
11(1 and 3)	
12(1)	
12(2)	
13(1-5)	
14(1)	
14(6)	
14(7)	
17(1 and 2)	
18(1 to 3)	
19(1 and 2)	
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	
22(2)	
24(2)	
25(1)	
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	
31(1)	
31(2-9)	
32(1)	
32(2-3)	
33(1 and 2)	
34	
35	
36(1)	
36(2)	
37(2)	
37(3)	
37(4)	

Country	Iceland*
Article	
37(5)	
37(6)	
37(7)	
38(1)	
38(2)	
38(3)	
38(4)	
40(4)	
41(4)	
46(2)	
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	
56(2)	
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	
66(1)	
67(1)	

2. types of offences related to REACH in Iceland

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Iceland. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	Infringements of all REACH obligations (by legal persons)	Infringements of all REACH obligations (by legal persons)
Offences related to authorisation and restrictions requirements	Infringements of all REACH obligations (by legal persons)	Infringements of all REACH obligations (by legal persons)
Offences related to the supply chain requirements	Infringements of all REACH obligations (by legal persons)	Infringements of all REACH obligations (by legal persons)
Offences	Infringements of all REACH obligations (by legal persons)	Infringements of all REACH obligations (by legal persons)

related to the downstream user requirements	persons)	persons)
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3. Sanctions applicable to legal persons in Iceland

This table mentions whether or not Iceland applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Iceland	Y	Specific to legal persons (only a fine)	N

4. REACH related administrative and criminal penalties in Iceland

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Iceland. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

Please note that it seems to us that the administrative sanctions in place are of a very general nature and are not really specific to REACH. Moreover, the coercive fines are usually not considered as sanctions. Therefore, as discussed and agreed with the Commission, we would like to suggest not mentioning them in the tables, but rather mentioning them in an explanatory paragraph in the report.

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	- A coercive fine - Termination of the marketing of a product - Requirements to dispose of the product, withdraw it or store it until any mishandling has been corrected - Formal notice	-A fine which would likely be based on the scale of the violation and the size of the company -If the violation is severe the penalty up to 2 years of imprisonment. -Confiscation on a court order of the chemicals, preparations or articles which are produced, imported or placed on the market in violation of REACH, as well as of any profits gained from such operations.
Penalties related to infringement of authorisation requirements	- A coercive fine - Termination of the marketing of a product - Requirements to dispose of the product, withdraw it or store it until any mishandling has been corrected - Formal notice	-A fine proportional to the perpetrators' daily income. -If the violation is severe the penalty up to 2 years of imprisonment. -Confiscation on a court order of the chemicals, preparations or articles which are produced, imported or placed on the market in violation of REACH, as well as of any profits gained from such operations.
Penalties related to infringement of the supply chain requirements	- A coercive fine - Termination of the marketing of a product - Requirements to dispose of the product, withdraw it or store it until any mishandling has been corrected - Formal notice	-A fine proportional to the perpetrators' daily income. -If the violation is severe the penalty up to 2 years of imprisonment. -Confiscation on a court order of the chemicals, preparations or articles which are produced,

		imported or placed on the market in violation of REACH, as well as of any profits gained from such operations.
Penalties related to infringement of the downstream users requirements	<ul style="list-style-type: none"> - A coercive fine - Termination of the marketing of a product - Requirements to dispose of the product, withdraw it or store it until any mishandling has been corrected - Formal notice 	<ul style="list-style-type: none"> -A fine proportional to the perpetrators' daily income. -If the violation is severe the penalty up to 2 years of imprisonment. -Confiscation on a court order of the chemicals, preparations or articles which are produced, imported or placed on the market in violation of REACH, as well as of any profits gained from such operations.

5. Short description of REACH sanctions and related issues in Iceland

Penalties for infringements of REACH are laid down in the Icelandic Act no. 45/2008 on chemicals. Iceland has taken a so-called 'catch all provision' approach. Article 12 of the Icelandic Act no. 45/2008 on chemicals provides that violations of the Act and regulations issued accordingly shall be punished with a fine and if the breach is severe or repeated to up to two years imprisonment.

Administrative sanctions for infringements of REACH are laid down in article 10 of Act no. 45/2008 on chemicals. The Environment Agency of Iceland (or local health inspectorates) can, according to paragraph 2, art. 19 stop the marketing, a of a product which does not fulfil the requirements of the Act or any regulations that are issued accordingly. Products can also be confiscated for the duration of the investigation. It can also be required to dispose of the product, withdraw it or store it until any mishandling has been corrected.

According to paragraph 3, art. 10 the Environment Agency (or local health inspectorates) can issue a formal notice. If the formal notice is not heeded coercive fines can be issued.

According to paragraph 3, art. 12 of the Act, chemicals, preparations or articles which are produced, imported or placed on the market in a way that violates REACH can be confiscated by a Court order. The profits from these operations can also be confiscated.

By Act 45/2008 the REACH Regulation was adopted as a whole into Icelandic law and the sanctions under article 12 in Act no. 45/2008 apply to all infringements of REACH.

Addendum provided by MSCA on the way to calculate the fines:

Ch. VIII of the Icelandic Penal Code No 19/1940 is used as a guideline when determining a fine in such an instance. The basic article is Art. 70 which is as follows:

Chapter VIII. Factors Influencing Determination of Penalty

Art. 70 When imposing a penalty the following factors shall in particular be taken into account:-

1. The importance of the interests affected by the offence.
2. The extent of damage caused by the offence.
3. The danger ensuing from the commission of the offence, in particular when considering the time, place and method of commission.
4. The age of the offender.
5. The recent behaviour of the offender.
6. The strength and degree of the offender's resolve.
7. The motive of the offender.
8. The offender's conduct following upon the commission of the offence.
- [9. Whether the offender has provided information on the involvement of other parties to the offence.]

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If an offence has been committed by more than one person acting together, this shall generally be viewed as an aggravating factor of penalty.