

This is an English translation.

The original Icelandic text, as published in the Law Gazette (Stjórnartíðindi), is the authoritative text. Should there be discrepancy between this translation and the authoritative text, the latter prevails.

Act No. 76/2011 on services in the internal market of the European Economic Area

CHAPTER I

Purpose, scope and definitions

Article 1

Purpose

The purpose of this Act is to facilitate the free movement of services and ensure equality between service providers in the European Economic Area, while maintaining a high quality of services.

Article 2

Scope.

This Act applies to all services that are not specifically excluded from its scope. The following services shall be

exempt from this Act:

non-economic services of general interest;

financial services;

electronic communications services and networks, and associated facilities and services;

services in the field of transport and related activities falling within the scope of Chapter 6 of Part III of the EEA Agreement, cf. statutory provisions on the European Economic Area;

temporary work agencies;

healthcare services;

audiovisual services;

gambling activities, that is any type of game whose outcome is partly or wholly determined by chance and which involves a pecuniary benefit;

activities which are connected with the exercise of official authority;

social services;

private security services;

services provided by notaries and bailiffs, who are

appointed by an official act of government.

This Act applies to service providers:

who are established in another EEA Member State and wish to become established in Iceland;

who are established in another EEA Member State and wish to provide services in Iceland without being established there;

who are established in Iceland.

The provisions of this Act do not cover:

the liberalisation of services of general economic interest, whether provided by public or private bodies, nor the privatisation of public service providers;

the abolition of monopolies providing services;

state aid granted by an EEA Member State falling within the scope of the competition rules of the EEA Agreement, cf.

statutory provisions on the European Economic Area;

the freedom of the authorities to define, in conformity with EEA rules, what they consider to be services of general economic interest;

the organisation and financing of services of general

economic interest, in conformity with EEA rules on state aid, and what specific obligations they should be subject to; measures, in conformity with EEA rules, to protect or promote cultural or linguistic diversity or media pluralism; criminal law;

labour law, that is any legal or contractual provision concerning employment conditions, working conditions, health and safety at work, the relationship between employers and workers, the rights and obligations of workers employed in Iceland on a long or short-term basis, or social security legislation;

the exercise of fundamental rights, nor the right to negotiate, conclude and enforce collective agreements and to take industrial action in accordance with national law and practices which respect EEA rules;

the freedom of the authorities to determine whether an employment relationship exists between an employer and an employee or whether work is performed in a self-employed capacity, based on the applicable Icelandic laws and collective agreements;

tax law;

private international law.

If the provisions of this Act conflict with a provision of another law or regulation which is established for the purpose of transposing EEA rules into Icelandic law and governs access to or provision of a service, the provision of the other law or regulation shall prevail. This applies to the transposition of the following EEA acts:

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services;

Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;

Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities;

Directive 2005/36/EC of the European Parliament and of the