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Reference is made to the list of vessels “having a licence to fish for snow crab” received by the Norwegian Directorate of Fisheries from DG Mare dated 22 December 2016.

Following this, the Latvian vessel *Senator* was found fishing for snow crab on the Norwegian continental shelf, and was arrested on 16 January 2017 for conducting these activities in contravention of Norwegian regulations. Upon arrest, the captain of the “*Senator*” stated that his fishing activities were based on an EU regulation approved by the Council of Ministers on 13 December 2016.

The European Union and all its member States are parties to the 1982 United Nations Convention on the Law of the Sea (“the Convention”) which governs the rights and jurisdiction of the coastal State and the rights and freedoms of other states in maritime areas provided for and governed by the Convention, including on the continental shelf.

Reference is in this regard made to article 77, paragraph 1 of the Convention, which states, “*The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring and exploiting its natural resources.*” Reference is further made to paragraph 2, which states that “[...] *no one may undertake these activities [exploration and exploitation] without the express consent of the coastal State.*”

Consequently, under international law, Norway is the sole State that has the powers to license exploration and exploitation of natural resources on the Norwegian continental shelf, including on sedentary species like snow crab. The European Union and its member States have no right, under international law, to license any exploitation of snow crab or any other natural resources on the Norwegian continental shelf without the express consent of Norway as the coastal State or in contravention of Norwegian regulations. No such consent has been granted to the EU, to any EU member State, or to any vessel flying the flag of an EU member State. In this situation, any licensing by the EU or a member State of the EU is a blatant breach of international law infringing Norway’s rights as a coastal State.

The Ministry calls on the EU and its member States not to issue any licence without the required prior agreement with Norway. Norway considers any license issued without its consent to be without legal effect. The harvesting of snow crab based on such a licence would be illegal.

The catching of snow crab on the Norwegian continental shelf is prohibited by Regulation No. 1836 of 19 December 2014, with later amendments.

Norway will enforce applicable regulations in a consistent and predictable manner, in accordance with international law.

Should the EU desire to enable vessels from its member States to take part in the harvesting of snow crab on the Norwegian continental shelf, this has to be based on Norwegian consent in the form of a bilateral agreement as part of the regular system of exchange of quotas between the EU and Norway. As stated in the Note of 9 January 2017 from the Royal Ministry of Foreign Affairs to the Delegation of the European Union Norway remains open for discussions on the question of an exchange of quotas in order to pave the way for a legal harvesting of snow crab by EU vessels.

Oslo, 18 January 2017