



ROYAL NORWEGIAN
MINISTRY OF FOREIGN AFFAIRS

The Royal Ministry of Foreign Affairs presents its compliments to the Delegation of the European Union and has the honour to refer to the Council Regulations (EU) 2021/92 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

According to the above mentioned Council Regulations, five member States of the EU will seemingly be authorised to issue licenses to 20 vessels for catching snow crab in management areas I and IIb (in the Barents Sea and around Svalbard).

The Ministry refers to its note verbale of 23 February 2017, as well as the notes verbale of 30 December 2017, 27 December 2018 and 30 January 2020, and reiterates the protest and position expressed therein. In particular the Ministry reminds the Delegation that it is illegal under international law to harvest snow crab on the Norwegian continental shelf without the express consent of Norway, and that Norway considers any license issued without its consent to be without legal effect.

The harvesting of snow crab on the Norwegian continental shelf is prohibited by Regulations of 19 December 2014 No. 1836, with later amendments. Norway will continue to enforce applicable regulations in a consistent and predictable manner, in accordance with international law and as explained in the verbal note of 9 January 2017 from the Ministry to the Delegation of the European Union.

Furthermore, the Ministry would like to reiterate that there is no basis in the Treaty of 9 February 1920 for a claim that any of its provisions granting rights to nationals of the contracting Parties apply on the Norwegian continental shelf beyond the territorial waters of Svalbard.

Delegation of the European Union
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The Ministry therefore rejects the claims made in the Delegation's note verbale of 20 July 2020 that the continental shelf should be open to Parties to the Treaty on an equal and non-discriminatory basis. The equal treatment provision in Article 2 of the Treaty only applies to the territorial waters. It should also be noted that even in the territorial waters, the equal right of fishing and hunting does not constitute an unconditional right to such activities. Any activity must be conducted in accordance with applicable Norwegian regulations and Norway may enforce these regulations.

The Royal Norwegian Ministry of Foreign Affairs avails itself of this opportunity to renew to the Delegation of the European Union the assurances of its highest consideration. 

Oslo, 8 February 2021

