

*Norwegian Mission
to the European Communities*

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The Norwegian Mission to the European Communities presents its compliments to the Commission of the European Communities and, with reference to the note No. 2237 of 30 July 1986 from the Directorate General of Fisheries, has the honour to state the following:

The Norwegian Government has consistently taken great care in making clear its view with regard to the basis for establishing a fishery protection zone round Svalbard and issuing regulations applicable to all fishing operations, Norwegian as well as foreign, in that zone. Norway alone has the competence to regulate fishing in the Svalbard area and to enforce the regulations which have been laid down. In accordance with the Treaty of Paris of 9 February 1920, Norway exercises sovereignty in respect of Svalbard and enjoys all the rights flowing from that sovereignty. The provisions of the Treaty apply only to land areas in Svalbard and to the territorial sea and could not, in the Norwegian view, be interpreted extensively to preclude the establishment of an exclusive economic zone for Norway around the archipelago. However, even if the applicability in the zone of the Treaty of Paris were to be assumed, only Norway would have competence to regulate fishing in the area.

For these reasons, the Norwegian Government must reject the implication of the views set forth in the note under reference and submits that there is no valid reason in law to deny or diminish Norway's competence to regulate fishing in the

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The Commission of the
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Fishery Protection Zone. Consequently, the Government must reject the view that the adoption, implementation and enforcement of regulations in the Fishery Protection Zone are conditional upon preceding consultations with the Community or its member states. Furthermore, the Government must recall that the Arcto-Norwegian cod stock does not to any significant extent move beyond 200 n.m. from the nearest coast, and that management responsibilities arising under the United Nations Convention on the Law of the Sea therefore would be those referred to in paragraph 1 of Article 63.

However, in recognition of the different views which have been expressed as to the applicability of the Treaty of Paris to certain of the areas concerned, Norway has restricted itself to the establishment of a non-discriminatory Fishery Protection Zone, and has consistently pursued a policy of non-discrimination in the adoption, implementation and enforcement of fishery regulations in the Zone. This remains Norway's policy, without prejudice to her legal position. In this connection, the Government wishes to recall detailed consultations undertaken with the Commission, which has competence to negotiate on behalf of the European Economic Community, in order to seek common positions with respect to the desirable levels of Community fishing in the waters around Svalbard.

In those consultations the parties had occasion to review and discuss exhaustively the relevant biological advice from the ICES Advisory Committee on Fisheries Management (ACFM), where scientists both from Norway and EC Member States concerned participate. In this context Norway has provided ample documentation. Overall quota regulations for 1986 have been fixed in conformity with this material and corresponding ACFM advice. Furthermore, the consultations covered the relevant criteria for stipulating a catch limitation to be applied to Community vessels fishing for cod in the Fishery Protection Zone. The Norwegian authorities

are under the impression that the consultations produced an understanding based on catches by vessels from Member States of the Community during an appropriate reference period, as shown in ICES statistical data, in relation to the total cod fishery.

The Commission is well acquainted with the concern of Norwegian authorities over a substantially increased Community fishing in the Fishery Protection Zone. Considerations of responsible stock management have dictated the regulations that Norway has notified the Community. The measures taken conform strictly to the outcome of the consultations held with the Commission on this matter.

The Norwegian Government has noted the interest stated in the note under reference regarding the scientific aspects of the regulations in question. These aspects, it will be recalled, have been considered in detail during previous meetings and consultations. Norway is nevertheless prepared to transmit to the Commission at an early opportunity a written resumé of the material on which the management of the Arcto-Norwegian cod stock is based, and which in the Norwegian view fully substantiates the most recent measures. Norwegian Authorities would, in accordance with the proposal of the Commission, welcome further discussion and amplification of the relevant scientific issues in an appropriate forum, in the expectation that this would contribute positively to the further development of the cooperation between Norway and the Community in the field of fisheries - a cooperation to which the Government attaches the greatest importance.

The Norwegian Mission to the European Communities avails itself of this opportunity to renew to the Commission of the European Communities the assurances of its highest consideration.

Brussels, 6 August 1986

