



North East Atlantic Fisheries Commission
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23 July 2015

TO:
President
Vice President
Heads of Delegation
All Contracting Parties

Reference: HOD 15/57

Re: Postal Vote HOD 15/49

Norway has requested we circulate their postal vote letter to all contracting parties. Please find the letter attached, which I am sure you will find self-explanatory.

Yours sincerely

A handwritten signature in dark blue ink that reads 'Stefán Ásmundsson'.

Stefán Ásmundsson
Secretary



ROYAL NORWEGIAN MINISTRY OF
TRADE, INDUSTRY AND FISHERIES

North East Atlantic Fisheries Commission
22 Berners Street London, W1T 3DY UK

Your ref	Our ref	Date
HOD 15/49	15/3490-3	23.07.15

Postal Vote HOD 15/49

Reference is made to the HOD letter dated 29 June 2015 (HOD 15/49), concerning the EU notification to undertake exploratory fishing in the NEAFC Regulatory Area of the Barents Sea. It is noted that that the target species are *Paralithodes camtschaticus* (red king crab) and *Chionoectes opilio* (snow crab).

Norway votes against the proposal. Norway underlines that the NEFAC Commission cannot at this stage give its approval to the proposed exploratory fishery, as an express consent from the relevant coastal state is needed.

The above-mentioned crab species are regarded as sedentary species according to article 77, paragraph 4 of the United Nations Convention on the Law of the Sea (the LOS Convention). Coastal States thus exercises sovereign rights for the purpose of exploring and exploiting these resources.

Sedentary species are defined in article 77, paragraph 4 as “organisms which at the harvestable state, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil”. Red king crab and snow crab are thus to be considered as sedentary species. In so far as the species occur on the continental shelf as defined in Article 76 of the LOS Convention the resources are subject to coastal state jurisdiction in accordance with Article 77. According to Article 77 (2) no one may undertake exploration or exploitation of such resources without the express consent of the coastal state.

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Our officer
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The seabed and subsoil of the exploratory fishing area in question is under coastal state jurisdiction. Consequently, the proposed exploratory fishery for red king crab and snow crab needs the express consent of the coastal state.

The secretariat is kindly requested to circulate this letter to all contracting parties.

Yours sincerely,

Geir Ervik
Acting Deputy Director General

Ingrid Vikanes
Senior Advisor

This document has been signed electronically and therefore it is not signed by hand