

Appeals Selection Committee of the Supreme Court - Decision - HR-2018-1028-U

Court	Appeals Selection Committee of the Supreme Court – Decision
Date	2018-06-04
Published	HR-2018-1028-U
Keywords	Fishing for snow crab - appeal allowed for hearing.
Summary	The appeals are allowed for hearing by the Supreme Court.
Proceedings	Øst-Finnmark District Court TOSFI-2017-57396 – Hålogaland Court of Appeal LH-2017-144441 – The Supreme Court HR-2018-1028-S, (case no. 18-064307STR-HRET), criminal case, appeal against verdict. The case will be heard in the Grand Chamber, cf. HR-2018-2231-J.
Parties	I. A (Attorney Hallvard Østgård) v. the Prosecuting Authority. II. SIA North Star LTD (Attorney Hallvard Østgård) v. Prosecuting Authority.
Author(s)	Justices Matheson, Bergh and Høgetveit Berg.
Last updated	2018-11-26

A, date of birth 0.0.1973, and SIA North Star LTD has appealed against Hålogaland Court of Appeal's verdict of 7 February 2018 in case no. 17-144441AST-HALO. The appeals apply to the application of the law.

The Appeals Selection Committee of the Supreme Court points out that appeals to the Supreme Court cannot be allowed without the consent of the Appeals Selection Committee. The Committee may only grant consent when the appeal concerns issues whose significance extends beyond the current case, or it is for other reasons particularly important to have the case tried in the Supreme Court, cf. Section 323, first paragraph, first and second sentences of the Criminal Procedure Act.

The Appeals Selection Committee grants the appeals leave.

The hearings in the Supreme Court in chambers are limited to the issues concerning whether the snow crab is a sedentary species so that Norway has an exclusive right to exploit it, cf. Article 77 of the Convention on the Law of the Sea, as well as whether the catching of snow crabs on the Norwegian continental shelf without the vessel having a valid dispensation from the prohibition is punishable regardless of whether the Svalbard Treaty applies in the relevant area, and regardless of whether Section 2 of the regulations relating to the prohibition against catching snow crabs, or application thereof, contravenes the principle of equal treatment. Consideration of the issue of the geographical scope of the Svalbard Treaty will be deferred until there is a need to decide on it.

CONCLUSION:

The appeals are allowed for hearing by the Supreme Court.