

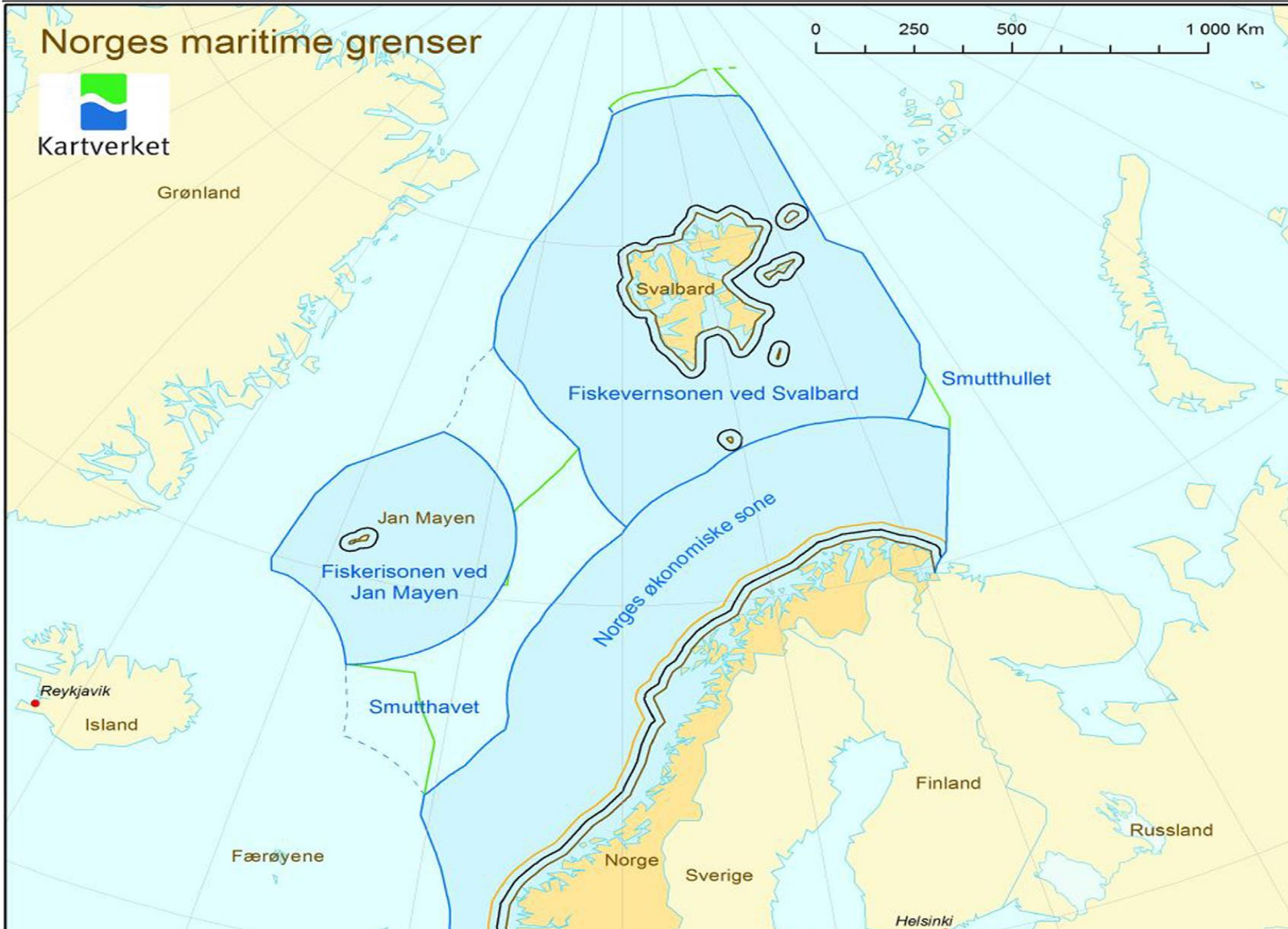
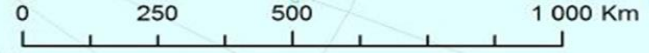


Snowcrabs – legal issues



Alla Pozdnakova, Oddbjørn Slinning og Erik Røsæg

Norges maritime grenser



- Are Norwegian rules prohibiting catching snowcrabs **in compliance with International law?**
 - Marine Resources Act 2008 and Regulation as of 2015 - Exceptions permitted but only to Norwegian vessels
 - re. Participatory Rights Act – Norwegian nationality of fishing vessels required
 - Criminal sanctions for infringements
- (EU gives green light to some EU vessels to catch snowcrabs around Svalbard in 2017 and 2018)
 - ⁽⁵⁾ The allocation of fishing opportunities available to the Union in the zone of Svalbard is without prejudice to the rights and obligations deriving from the Treaty of Paris of 1920.
- Two EU vessels are arrested for catching near Svalbard (North Star/LV) and Loophole (Arctic Fishing/LT) with a licence from Member State but without Norwegian license

International legal framework

- Infringement of the EEA Agreement (freedom of establishment)?
 - Complaint to EFTA Surveillance Authority (case closed: sectoral adaptations in Norway in the fisheries sector permitted)
- Infringement of the bilateral investment treaty with LV and LT by prohibiting to catch snowcrabs
 - No 'notice'? Claim not substantiated?

International legal framework

- UN Convention on the Law of the Sea, art 77
 - Norway as a Coastal State has sovereign exclusive rights to natural living resources of continental shelf (sedentary species)
- Does Treaty of Svalbard (1920) apply?
 - Non-discrimination principle - Geographic scope (not) extending beyond territorial waters?
 - (No) own continental shelf?
- North East Atlantic Fisheries Convention (applies in Loophole)
- Two cases in national courts of Norway - 'Arctic Fishing' case (Loophole) - 'North Star' (Svalbard)
- Prospects for International dispute settlement?