



The Director-General

Brussels,
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Mr. Ivan Lopez van den Veen
Chairman
Long Distance Advisory Council
C/del Doctor Fleming 7, 2º derecha
28036 MADRID
SPAIN

Subject: LDAC Letter on Snow Crab in Svalbard

Your ref.: R-04-18:WG2

Dear Mr Lopez,

Thank you for sending us the LDAC position paper on Snow Crab in Svalbard and on the state of play of this file. The exchanges that took place during the last meeting of your Working Group 2 in November 2018 and in which representatives of the European Commission services participated have contributed to our proposal to the Council.

The proposal for a Council Regulation on the Fishing Opportunities for 2019 adopted on 7 November 2018 included provisions allowing for EU vessels the issuance of a fixed number of licenses to fish snow crab around the Svalbard area, in line with the 1920 Treaty of Paris. The maximum number of fishing authorisations on harvesting of snow crab with pots in the Svalbard zone by Union fishing vessels is thus set out in Annex III of Council Regulation (EU) 2019/124 of 31 January 2019 fixing for 2019 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 waters¹.

Yet, Norway's divergent views on this matter are well known at present. They were reiterated in the Note Verbale of the Royal Norwegian Ministry of Foreign Affairs of 27 December 2018 which expresses the view that it is illegal to harvest snow crab on the Norwegian continental shelf without the express consent of Norway.

The Commission services have informed Member States of the state of play, and as in 2018 asked them to inform their operators wishing to engage in this fishery in 2019 of the risks that this might entail, notably the risk of interference by Norwegian control authorities. The conclusions of the Court case at the Norwegian Supreme Court,

¹ OJ L29 of 31 January 2019, p.1

following the arrest of the Latvian vessel Senator on 16 January 2017, exemplifies this risk. Therefore, until a practical agreement exists with Norway on this matter, Member States should clearly warn interested operators of the risks involved before issuing the licences for this fishery.

On the case before the European Court of Justice initiated by Latvia against the European Commission, the Commission services cannot comment on an ongoing case.

Commissioner Karmenu Vella met with the current Norwegian Fisheries Minister Mr Harald T. Nesvik. During this meeting, the Commissioner has reiterated the EU interpretation of the 1920 Treaty of Paris, while also underlining the willingness of the EU to continue discussions to find a practical solution to this issue.

As a last remark, let me tell you that I agree with you that we need to maintain this issue separate from the annual negotiations with Norway on the mutual exchange on fishing opportunities. This is what we have done, since the right to fish in the Fisheries Protection Zone around Svalbard has been granted to the Contracting Parties to the Treaty of Paris of 1920.

The Commission has so far done its utmost to find a practical solution to the disagreement with Norway. At this stage and in view of the divergent views, progress on this issue is yet to be foreseen.

I thank you again for your letter and invite you to contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.Colson@ec.europa.eu; +32.2.295.62.73), should you have any question on this reply.

Yours sincerely,


João AGUIAR MACHADO