



## SUPREME COURT OF NORWAY

# Catching of snow crab on the Norwegian continental shelf

Supreme Court judgment 14 February 2019, HR-2019-282-S, (case no. 18-064307STR-HRET), criminal case, appeal against judgment

**A and SIA North Star Ltd (Counsel Hallvard Østgård) v. The Public Prosecution Authority (Public prosecutors Lars Fause and Tolle Stabell)**

Justices: Øie, Matningsdal, Endresen, Møse, Webster, Matheson, Kallerud, Bergsjø, Falch, Bergh, Berglund

The Court of Appeal had convicted a Latvian shipping company and the Russian captain of one of the shipping company's vessels of violation of section 61, cf. section 4, cf. section 16 of the Marine Resources Act, cf. section 5, cf. section 1 of the Regulations on the Prohibition against Catching of Snow Crab. The vessel had been catching snow crab on the Norwegian continental shelf in the Svalbard Fisheries Protection Zone without having applied for a permit from Norwegian authorities. The Supreme Court, sitting in a grand chamber, concluded that the snow crab is a sedentary species under Article 77 (4) of the United Nations Convention on the Law of the Sea, and thus comprised by the coastal state's exclusive right to exploit the natural resources on the continental shelf. Norway's obligations under international law did not exempt the defendants from punishment. If the defendants had been Norwegian, they would have been punished in any case for having harvested without a valid exemption. Neither section 6 of the Marine Resources Act, section 2 of the Penal Code nor the Svalbard Treaty can be interpreted to mean that Norway in a case like this is precluded from punishing foreign nationals that, for commercial purposes, act without a permit where such a permit is required for everyone. The principle of equal rights in the Svalbard Treaty had not been violated. The defendants' appeal against the application of the law in the question of guilt was dismissed.

[Read the whole judgment](#)

## THE SUPREME COURT'S RULINGS

The summary is not a part of the ruling. It is only meant to give an overview of the topics and issues dealt with.

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