

Strasbourg, 10 September 2006

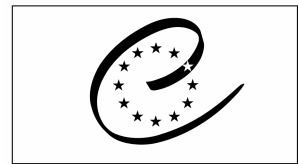
CEPEJ (2006)  
Version finale

**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

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**NORWAY/NORVEGE**



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

**FINAL VERSION**

Strasbourg, 20 June 2006

**CEPEJ (2005) 2 REV 2**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting (Strasbourg, 15 – 17 June 2005) and  
approved by the Committee of Ministers on 7 September 2005  
(936<sup>th</sup> meeting of the Ministers' Deputies)**

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## REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY:

### National correspondent

First Name – Name Karl Otto Thorheim  
Position legal adviser  
Organisation The Ministry of Justice  
E-mail karl-otto.thorheim@jd.dep.no  
Telephone 47 22245436

### I. Demographic and economic data

#### I. A. General information

1. **Number of inhabitants** 4.606.363 (1. Jan 2005)  
*Source* Statistics Norway
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**

State level	(612.351 million NOK)	72.992.239.200
Regional / entity level	(210.647 million NOK)	22.109.122.400

*Source* Statistics Norway
3. **Per capita GDP** (367.599 NOK) 43.818  
*Source* Statistics Norway
4. **Average gross annual salary** (345.800 NOK) 41.219  
(Number is based on Wages and salaries per full-time equivalent employee)  
*Source* Statistics Norway

#### I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** 164 Million (1.373 Billions NOK)  
*Source* St.prp. nr. 1 (2005–2006)

**Please specify:**

This includes the Supreme Court and the special courts (e.g. land consolidation court).

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	Yes	N.A
▪ IT?	Yes	N.A
▪ Justice expenses borne by the State?	NA	N.A

Source *St. prp. nr. 1 (2005-2006)*

7. Annual public budget spent on legal aid (NOK) 137.528 Million (1,151 Billions)

Source *St. prp. nr. 1 (2004-2005)*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	62.144 Million (520 Million NOK)
▪ the annual public budget spent on legal aid in other court cases	75.384 Million (631 Million NOK)

Source *St. prp. nr. 1 (2004-2005)*

9. Annual public budget spent on prosecution system 10.737 (89.885.00 Million NOK)  
 Note: This budget does not include the prosecutors within the police. The real annual budget spent on prosecution is therefore considerable higher, but there is no specified budget numbers here.

Source *The National Police Directorate*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	Yes	No	No	No
Other ministry. Please specify				
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	Yes
Inspection body. Please specify.	No	No	No	Yes (occasionally)
Other. Please specify	Yes (National Courts Administration)	No	Yes (National Courts Administration)	Yes (National Courts Administration)

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system**

## II. Access to Justice and to all courts

### II. A. Legal aid

#### 11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify	Criminal cases: Legal aid as legal advice requires that certain conditions are fulfilled, e.g. serious matter.	Civil cases: In general only certain types of cases – specified in the Legal Aid Act – are granted legal aid.

#### 12. Number of legal aid cases:

- total NA
- criminal cases NA
- other than criminal cases 5600 (2002)

Source Different reports from the granting agencies/courts

Note: The statistics is not exact. It regards only civil cases and matters in which there is a recipient payment.

#### 13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes  No

#### 14. Does your country have an income and asset test for granting legal aid:

- |                                  | No                                  | Yes/Amount                                                                                                                                                         |
|----------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ▪ for criminal cases?            | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                                                                                                                           |
| ▪ for other than criminal cases? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> x, annual income must not exceed 27 381 euro (230 000 NOK pr. 01.01.04), the asset limit is 11 905 euro (100 000 pr. 01.01.04) |

Source **Free Legal Aid Act**

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes  No

16. If yes, is the decision taken by:

- |                                                      | Yes                                 |
|------------------------------------------------------|-------------------------------------|
| ▪ the court?                                         | <input checked="" type="checkbox"/> |
| ▪ a body external to the court?                      | <input checked="" type="checkbox"/> |
| ▪ a mixed decision-making body (court and external)? | <input type="checkbox"/>            |

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- |                                  | Yes                                 | No                                  |
|----------------------------------|-------------------------------------|-------------------------------------|
| ▪ for criminal cases?            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**If yes, are there exceptions? Please specify:**

Pursuant to the Court Fee Act section 10, court fee does not have to be paid in certain cases. Section 10 applies for instance to paternity cases and cases concerning parental responsibility. Pursuant to the Free Legal Aid Act section 26 and 27 the legal aid also include the relief of the court fee. Under certain provisions the court fee is relieved although legal aid is refused.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No   
 Yes  **Please specify:**

Legal expenses can be covered by for instance home insurance and contents insurance. The most common types of insurance include covering of legal expenses – with certain exceptions and limitations.

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- |                              | Yes                                 | No                                  |
|------------------------------|-------------------------------------|-------------------------------------|
| ▪ criminal cases?            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ▪ other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
- (the losing party normally has to bear the costs of the winning part)

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

**Criminal cases: at the court's legislative discretion the convicted can be directed the legal costs.**

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- |                                                                                                                                         |                                     |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
|                                                                                                                                         | Yes                                 | No                       |
| ▪ legal texts (e.g. codes, laws, regulations, etc.)?                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.lovddata.no">www.lovddata.no</a>                                                              |                                     |                          |
| ▪ case-law of the higher court/s?                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.lovddata.no">www.lovddata.no</a> , <a href="http://www.hoyesterett.no">www.hoyesterett.no</a> |                                     |                          |
| ▪ other documents (for examples legal forms)?                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.blanketter.ft.dep.no">www.blanketter.ft.dep.no</a>                                            |                                     |                          |

Note: All of the case – law of the higher courts are not free of charge available on the internet, but the recent are. Public instances – e.g. judicial libraries – offer access free of charge.

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes  No

Note: The parties (specially the courts) have various duties – legislative or in guidelines – to provide information in this regard.

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes  No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify



Victims of rape	Yes		Yes	Victims of rape are entitled to a lawyer who shall look after their interests in connection with the investigation and the main hearing of the case. The lawyer shall also give the aggrieved person such additional assistance and support as is natural and reasonable in connection with the case.
Victims of terrorism	Yes		Yes	Victims of terrorism are entitled to a lawyer as mentioned above where there is reason to believe that as a result of the criminal act, he or she will suffer considerable harm to body or health and there is deemed to be a need for a lawyer. The same applies to the person(s) who had parental responsibility for a person aged under 18 whose death has been caused by a criminal act.
Child/Witness/Victim	Yes	Yes	Yes	Victims of sexual abuse are entitled to a lawyer as mentioned above.
Victims of domestic violence	Yes		Yes	Victims of domestic violence are entitled to free legal assistance

				in connection with the criminal case.
Ethnic minorities	Ethnic minorities do of course have the same rights as other victims or offenders. There are few separate regulations concerning ethnic minorities. For offenders there are specific regulations on their right to interpretation.		Yes	
Disabled persons	Yes, although there are few separate provisions concerning disabled persons. The information schemes are general of nature.	Yes, in some cases. For mentally disabled persons, there are rules about hearings separate from the main hearing, inter alia in cases concerning sexual felonies.	Yes	
Juvenile offenders	Yes		Yes	
Other				In July 2004 the government appointed a committee to strengthen the position of crime victims in criminal cases. The report is due early in 2006 and will contain proposals for more procedural rights for certain crime victims.

24. Does your country have compensation procedure for victims of crimes?

Yes  No

25. If yes, does this compensation procedure consist in:

- |                  |                                     |
|------------------|-------------------------------------|
|                  | Yes                                 |
| ▪ a public fund? | <input checked="" type="checkbox"/> |
| ▪ a court order? | <input checked="" type="checkbox"/> |
| ▪ private fund?  | <input type="checkbox"/>            |

**26. If yes, which kind of cases does this procedure concern?**

The public fund for compensation is available for all victims of violent crimes, included sexual offences. Compensation by court order is available in all kinds of cases, either pursued separately in a civil case or joined with the criminal case.

**27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?**

- No  
 Yes  **Please specify:**

The Norwegian National Collection Agency (NCA) provides collection, legal enforcement and accountancy of all financial claims from the police, including compensation for the aggrieved party. NCA conducts currently statistics over the recovery of compensation awarded by courts. On a general basis the recovery rate is about 90 %. Based on their report for the first six months of 2005, the recovery rate for claims received in 2002, the recovery rate was 84,1 %.

**II. B.2. Confidence of citizens in their justice system**

**28. Is there a system for compensating users in the following circumstances:**

- |                                    | Yes                                 | No                       |
|------------------------------------|-------------------------------------|--------------------------|
| ▪ excessive length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful arrest?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation?           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**If yes, please specify (fund, daily tariff):**

When a person is wrongful convicted the Criminal Procedure Act section 444 establish full compensation in addition to any economic loss that the prosecution has caused him. A person who is wrongful arrested contrary to Article 5 of the European Convention on Human Rights or Article 9 of the UN International Covenant on Civil and Political Rights, is entitled to compensation for any economic loss that the prosecution has caused him. In both cases, certain exceptions are made in section 446. If there is a breach of Article 6 (reasonable time) of the European Convention on Human Rights, the Criminal Procedure Act section 445 establish – as a main rule – compensation regarding a documented economic loss caused by the unlawful delay. Compensation for economic loss is given based on the factual loss as a consequence of the legal proceedings.

The Criminal Procedure Act section 447 concerns damages for non-economic loss as a consequence of arrest or remand in custody when the person is acquitted or no legal proceedings are instituted against him. Regulations are given with fixed rates, saying that for a period of less than four hours, no damages for non-economic loss is paid. After that, the first two periods of 24

hours detention is compensated by 1500 Nkr each. If the person was held on police premises for more than two days, the following days are also compensated by 1500 Nkr each. If the charged person was transferred to a prison, each following day, shall be compensated by 400 Nkr. If the person spends custody in remand subject to complete isolation, the damages should be raised by 25 % of the calculated sum.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes  No

If possible, please specify their titles, how to find these surveys, etc:

There is no established surveying to measure public trust and satisfaction as such (even though surveying have been done ad hoc for specific purposes, latest in regard to an examination of the competition within the legal aid market). However, a regulatory body surveys lawyers with respect to the formal regulations applying. There is also a disciplinary committee for lawyers handling cases regarding the ethic standards applying for lawyers. A disciplinary system is also established for judges. The decisions from both disciplinary systems are public.

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	Judges: no	Judges: no
Surveys at court level	Judges: no	Judges: no

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes  Yes\* See Nr. 86 No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned		
Higher court		
Ministry of Justice		
High Council of Justice		

Other external organisations (e.g. Ombudsman)

**Can you give information elements concerning the efficiency of this complaint procedure?**

See Nr. 86

**III. Organisation of the court system**

**III. A. Functioning**

**33. Total number of courts (administrative structure):**

- **first instance courts of general jurisdiction** 79

Source *National Courts Administration*

- **specialised first instance courts** 7

Source *National Courts Administration*

**Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

*Special courts of law – courts of first instance*

Courts of first instance with limited functions are called special courts. They form part of the ordinary courts of first instance. When specific fields of responsibility are placed under a special court it represents distribution of specific tasks within a particular court district. Special courts are only found in the largest cities – Oslo, Bergen, Stavanger. In 2004 there were **seven** special courts of law in Norway.

The capital city, Oslo, has three special courts of first instance

- Office of the City Judge of Oslo  
Field of responsibility includes enforcement/debt settlement, measures carried out by the enforcement officer, marriages/partnerships, notary functions
- Oslo Probate Court and the City Recorder's Office  
Field of responsibility includes administration of estates, annulment of statements, bankruptcies, judicial registrations, keeping the register over deceased persons
- Oslo District Court  
Field of responsibility includes civil and criminal cases

In the cities of Bergen and Stavanger there are both the offices of the city judge and the district court. The city judge has cases equivalent to that of the City Judge of Oslo and Oslo Probate Court and the City Recorder's Office. The district courts handle the civil cases that are not handled by the offices of the city judge, and all criminal cases.

The prevailing attitude in Norway has been to abolish the practice of special courts. The on-going structural reform will lead to the abolishment of the special courts in Bergen and Stavanger.

In addition there are courts of particular jurisdiction. Examples of courts with particular jurisdiction are the Labour Court and the Land Consolidation Courts.

The Conciliation Boards also form part of the ordinary courts. There are approximately 430 Conciliation Boards and 1320 Conciliation Board members. However, they are not included in the statistical data presented. The Conciliation Boards are an important conciliation body in civil cases. As a main rule conciliation in the Conciliation Board is a mandatory requirement for bringing legal action before the Municipal Courts. When the conciliation does not lead to agreement, the authority of the Conciliation Board to pass judgement is broad. A major part of the civil cases obtain their resolution through the conciliation in the Conciliation Boards.

**34. Total number of courts (geographic locations)** 93

Source *National Courts Administration*

**35. Number of first instance courts competent for a case concerning:**

▪ **a debt collection for small claims** 79

**Please specify what is meant by small claims in your country:**

I civil cases, claims below a value of 20000 NOK (2500 Euro) follow simplified procedures, but are handled by the first instance courts of general jurisdiction.  
Many cases concerning debt collection for small claims are solved in the Conciliation Boards.

▪ **a dismissal** 24

▪ **a robbery** 79

**36. Number of professional judges sitting in courts** 501\*  
(present the information in full time equivalent and for permanent posts)

\*In addition the first instance courts have deputy judges who are appointed by the court president for a period of maximum 3 years.

Source *National Courts Administration*

**37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

▪ *gross figure* N.A.  
▪ *if possible, in full time equivalent* N.A.

Source *National Courts Administration*

**Please specify:**

38. **Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs** NA

Source *National Courts Administration*

**Please specify:**

All cases in the ordinary courts are presided over by professional judges. Nevertheless the ordinary citizen is strongly represented by lay judges. Lay judges participate both in the district courts and in the courts of appeal in the proceedings of criminal cases. Lay judges are called "meddommer" or "lagrettemedlem" according to their function.

Lay judges always participate in the proceedings of criminal cases in the district courts, except in the courts of examination and summary jurisdiction. Lay judges also participate in most criminal cases heard in the appellate courts. As a rule, in major criminal cases a bench of 10 jury members decides on the guilt of the accused. Lay judges may also participate in civil cases. In specific civil cases this is demanded by the law whilst in other cases the court appoints lay judges on its own initiative or in response to a request by one of the disputing parties. A certain professional competence in a specialist area can be demanded of prospective lay judges where the case so demands. In the Supreme Court all cases are heard without lay judges.

Lay judges are selected by the court by ballot from the panel of lay judges. The panel of lay judges is decided upon by the municipal authority for a period of four years. Lay judges are selected for each case and no lay judges are employed by the court on a permanent basis.

39. **Does your judicial system include trial by jury with the participation of citizens?**

No

Yes  **For which type of case(s)?**

Criminal cases: A trial by Jury is mandatory when the appeal concerns assessment of evidence for guilt and the prescribed penalty scale for the crime exceeds six years.

The Jury decides whether the indicted is to be found guilty or not.

**If possible, number of citizens who were involved in such juries for the year 2004?**

*N.A*

40. **Number of non-judge staff who are working in courts** 961  
*(present the information in full time equivalent and for permanent posts)*

Source *National Courts Administration*

41. **If possible, could you distribute this staff according to the 3 following categories:**

- **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:** N.A

- **staff in charge of different administrative tasks as well as of the management of the**

courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): **N.A**

▪ technical staff: **N.A**

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No   
 Yes  Number of staff **N.A**

43. Number of public prosecutors **77 + 628 (public prosecutor and prosecutors within the police)**  
 (present the information in full time equivalent and for permanent posts)

Note: The officials of the prosecuting authority are:

- 1) the Director General of Public Prosecutions and the Assistant Director General of Public Prosecutions,
- 2) the public prosecutors, deputy public prosecutors, and assistant public prosecutors,
- 3) the chiefs of police, the deputy chiefs of police, the head of the security service, the assistant chiefs of police, police prosecutors, police intendants I, and police intendants II, in so far as they have a law degree and serve in an office or position that confers the authority to prosecute.

Source **Director of Public Prosecution**

44. Do you have persons who have similar duties as public prosecutors?

No   
 Yes  Please specify:

Prosecutors within the police. There are 628 prosecutors in the police. These are also included in the number which were given in question nr 43.

45. Is the status of prosecutors:

- independent within the judiciary?  Yes
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

46. Number of staff (non prosecutors) attached to the public prosecution service **51**  
 (present the information in full time equivalent and for permanent posts)

Note: This number does not include the staff attached to the prosecutors within the police.

Source **Director of Public Prosecutor**

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)



Management Board	No	no	No	No
Court President	Yes	Yes	No	No
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other. Please specify	No	No	No	No

48. In general, do the courts in your country have computer facilities?

Yes  No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	x			
	Electronic data base of jurisprudence	x			
	Electronic files	x			
	E-mail	x			
	Internet connection	x			
Administration and management	Case registration system	x			
	Court management information system	x			
	Financial information system	x			
Communication between the court and the parties	Electronic forms	x			
	Special Website		x		
	Other electronic communication facilities				

Source [National Courts Administration](#)

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No   
Yes

**Please specify the name and the address of this institution:**

**Domstoladministrasjonen (National Courts Administration)**

**Address:**

Domstoladministrasjonen  
NO-7485 Trondheim, Norway

website: [www.domstolene.no](http://www.domstolene.no)

e-mail: [postmottak@domstoladministrasjonen.no](mailto:postmottak@domstoladministrasjonen.no)

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your judicial system*

### III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes  No

52. Do you have a regular monitoring system of court activities concerning the:

	Yes	No
▪ number of incoming cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ number of decisions?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ number of postponed cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ length of proceedings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Please specify:**

e.g. efficiency and productivity

53. Do you have a regular evaluation system of the performance of the court?

No   
Yes

**Please specify:**

Every six months the *National Courts Administration* evaluates the courts efficiency by using statistics from the court management information system. The chief judge/court president could take out statistics whenever he/she wants.

54. Concerning court activities, have you defined:

- performance indicators? Yes  No

Please specify the 4 main indicators for a proper functioning of justice:

- Weighted cases per court
- Average length of proceedings
- Number of days from a case is registered to the hearing is decided

- targets? Yes  No

Please specify who is responsible for setting the targets:

- Yes
- executive power?
  - legislative power?
  - judicial power?
  - other?  Please specify: National Courts Administration

The Parliament sets targets for the courts handling time in civil- and criminal cases, in St.p.p. nr. 1.

Please specify the main objectives applied:

Source *National Courts Administration*

55. Which authority is responsible for the evaluation of the performances of the courts:

- Yes
- the High Council of judiciary?
  - the Ministry of justice?
  - an Inspection body?
  - the Supreme Court?
  - an external audit body?
  - other?  Please specify: National Courts Administration

56. Does the evaluation system include quality standards concerning judicial decisions?

No   
Yes

Please specify:

An evaluation system is under consideration considering the quality. A proposal is consider sent out in this regard to the courts.

Source National Courts Administration

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- |                         | Yes                                 | No                       |
|-------------------------|-------------------------------------|--------------------------|
| ▪ civil cases?          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases?       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | <input type="checkbox"/>            | <input type="checkbox"/> |

58. Do you have a way of analysing queuing time during court procedures?

No   
Yes

Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No   
Yes

Please specify:

e.g. the time of the procedure and the clearing up per cent.

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

#### IV. Fair trial

##### IV. A. Fundamental principles

60. Is there in your judicial system:

- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?  
Yes  No
- the right to have reasons given for all prisons sentences?  
Yes  No
- for all cases, an effective remedy to a superior jurisdiction?  
Yes  No

x

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? N.A

Source National Courts Administration

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No   
Yes  If possible, number of successful challenges (in a year): N.A

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights: N.A

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§1 (non execution only)										

Source National Courts Administration

**IV.B. Timeframes of proceedings**  
**IV. B. 1. General**

64. Are there specific procedures for urgent matters in:

- civil cases? Yes  No
- criminal cases? Yes  No

- administrative cases?
65. Are there simplified procedures for:
- |                                    |                                     |                          |
|------------------------------------|-------------------------------------|--------------------------|
|                                    | Yes                                 | No                       |
| ▪ civil cases (small claims)?      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases (petty offences)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases?            | <input type="checkbox"/>            | <input type="checkbox"/> |
66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?
- Yes  No
67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No  
Yes  Please specify:

The Court Act section 151 allows the court to reduce legislative time limits and time limits established by the court – with the agreement of the parties.

**IV. B. 2. Civil and administrative cases**

68. Total number of civil cases in courts (litigious and not litigious): 13450

Please specify the main types of cases:

Source National Courts Administration

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	13450	-		
	Decisions on the merits	13944	-		
	Percentage of decisions subject to appeal in a higher court	1684 =12 %	-		
	Pending cases by 1 January 2005	7751	-		

	Percentage of pending cases of more than 3 years	-	-		
Average length (from date of lodging of court proceedings*)	1st instance decisions	6,9 months	-		
	2nd instance decisions	10 months	-		
	Total procedure		-		

\* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

**Where appropriate, please specify the specific procedure as regards divorce:**

Source [The National Court Administration](#)

**IV. B. 3. Criminal cases**

**70. Please describe the role and powers of the prosecutor in the criminal procedure:**

	Yes	No
▪ to conduct or supervise police investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to conduct investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to charge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to present the case in the court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to propose a sentence to the judge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to appeal?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to supervise enforcement procedure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ other significant powers?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please specify:

- enforcement measures

**71. Does the prosecutor also have a role in civil and/or administrative cases?**

No   
 Yes

Please specify:

civil legal claims

**72. Functions of the public prosecutor in relation to criminal cases– please complete this**

**table:**

		<b>Total number of 1st instance criminal cases</b>
Received by the public prosecutor		426.053 (2001)
Discontinued by the public prosecutor	In general	241.046 (2001)
	Because the offender could not be identified	183.762 (2001)
	Due to the lack of an established offence or a specific legal situation	N.A
Concluded by a penalty, imposed or negotiated by the public prosecutor		185.007 (2001 – note: not including acquittals)
Charged by the public prosecutor before the courts		87.466 (2001)

Source **Statistics Norway** (note: The numbers for 2002, 2003 and 2004 will soon be available).

**73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		<b>Criminal cases</b>	<b>Robbery cases</b>	<b>Intentional homicides</b>
Total number (1st instance)	Incoming cases	16896	NA	NA
	Judicial decisions	16343	NA	NA
	Convicted persons	NA	NA	NA
	Acquitted persons	NA	NA	NA
	Percentage of decisions subject to appeal in a higher court	8 %	NA	NA
	Pending cases by 1 January 2005	5264	NA	NA
	Percentage of pending cases of more than 3 years		NA	NA
Average length*(from the date of official charging)	1st instance decision	3,5 months	NA	NA
	2nd instance decision	Jury – 4,8 months  Hearings were the court is composed with both judges and lay judges – 5,2 months	NA	NA
	Total procedure	NA	NA	NA

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source **National Courts Administration**

\*\*\*



You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:
- |   |                                                                            |                                     |  |
|---|----------------------------------------------------------------------------|-------------------------------------|--|
|   |                                                                            | Yes                                 |  |
| ▪ | a body composed of members of the judiciary?                               | <input type="checkbox"/>            |  |
| ▪ | a body composed of members external to the judiciary?                      | <input type="checkbox"/>            |  |
| ▪ | a body composed of members of the judiciary and external to the judiciary? | <input checked="" type="checkbox"/> |  |

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:
- |   |                                                                                              |                                     |  |
|---|----------------------------------------------------------------------------------------------|-------------------------------------|--|
|   |                                                                                              | Yes                                 |  |
| ▪ | a body composed of members of the prosecution system?                                        | <input checked="" type="checkbox"/> |  |
| ▪ | a body composed of members external to the prosecution system?                               | <input type="checkbox"/>            |  |
| ▪ | a body composed of members of the prosecution system and external to the prosecution system? | <input type="checkbox"/>            |  |

76. Is the mandate given for an undetermined period for:

- |   |              |                                     |                          |  |
|---|--------------|-------------------------------------|--------------------------|--|
|   |              | Yes                                 | No                       |  |
| ▪ | judges?      | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |
| ▪ | prosecutors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |  |

Are there exceptions ? Please specify:

**Judges:** Sometimes judges may be appointed for a limited period, from a few months up to two years. The appointment is renewable.

**Prosecutors:** Sometimes prosecutors may be appointed for a limited period, in general from a few months up to two years. The appointment is renewable.

If no, what is the length of the mandate:

Is it renewable?

- |   |                 |                          |                          |  |
|---|-----------------|--------------------------|--------------------------|--|
|   |                 | Yes                      | No                       |  |
| ▪ | of judges?      | <input type="checkbox"/> | <input type="checkbox"/> |  |
| ▪ | of prosecutors? | <input type="checkbox"/> | <input type="checkbox"/> |  |

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of the selection and nomination procedure of judges and prosecutors**

**Judges** are recruited and nominated by the Judicial Appointments board. Judges are formally appointed by the King in Council.

Our constitution provides that a judge only can be removed from his/hers position if convicted of a serious offence. Only the King in Council or the Government can make this decision.

**77. Nature of the training of judges:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	x		
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended		Regular	x
	Optional	x	Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended		Regular	
	Optional	x	Occasional	x
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended	x	Regular	
	Optional		Occasional	x

**78. Nature of the training of prosecutors:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory	yes	Annual	
	Highly recommended	yes	Regular	yes
	Optional		Occasional	

Specialised service training	in- Compulsory		Annual	
	Highly recommended	yes	Regular	
	Optional	yes	Occasional	yes

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of of your training system for judges and prosecutors

#### V. B. Practice of the profession

**79. Gross annual salary of a first instance professional judge at the beginning of his/her career**  
70477,2 (590.000 NOK)

Source *National Courts Administration*

**80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court**  
111688, 46 (935.000 NOK)

Source *National Courts Administration*

**81. Gross annual salary of a public prosecutor at the beginning of his/her career**  
60622 (507500 NOK)

Source *Director General of Public Prosecution*

**82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court**  
NA

Source *Director General of Public Prosecution*

**83. Do judges and public prosecutors have additional benefits?**

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit (If yes, please specify)	Extra-judicial activities	Extra-judicial activities

**84. Can judges or prosecutors combine their work with any of the following other professions?**

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	x	x		x	x	
Research and publication	x	x		x	x	
Arbitrator	x					x
Consultant			x			x
Cultural function	x	x		x	x	
Other function to specify						

The judges must register all their extra-judicial activities as laid down in section 121e. All activities apart from membership of political parties, of professional and industrial bodies, and of non-profit-making associations must be registered. Duties etc. undertaken on behalf of non-profit-making associations that have fewer than 100 members are also exempt from registration. A special rule applies to membership in non-profit-making associations where members have special mutual obligations. The reference here is to so-called «fraternal societies» such as the Freemasons. Membership in such organisations must be registered regardless of the number of members in that particular organisation and whether or not the judge have undertaken duties etc on behalf of the organisation.

The National Courts Administration is the entity responsible for keeping the register of the judge's extra-judicial activities. The register is open to the public according to section 121h. Prior to the register's availability on the National Courts Administration website from early May 2003, information on judges' extra-judicial activities was given upon request. The information the judges are required to register is as follows: their name, their title, the court in which they serve, the nature of their other duties or interests, the name of their other employer or principal and the time or duration of their other duties or interests. Judges are also required to declare whether any income arises from the duty or interest in question, although they are not obliged to declare how much income they receive. Judges are also exempt from registering single lectures, educational talks, addresses etc.

The board of directors of The National Courts Administration has laid down guidelines for when the different types of extra-judicial activities should be approved. The board of directors has also delegated the authority to approve judges' extra-judicial activities the Chief Justice of the court concerned except tasks or activity undertaken in or on behalf of a company where the authority to approve extra-judicial activity lies with The National Courts Administration. Tasks or activity undertaken in or on behalf of a company should only be approved in special circumstances such as with family companies.

The register also contains certain information not associated with the judges' extra-judicial activities, but pertaining to the occupation or post held by the judge before he or she was appointed to the judgeship.

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No

Yes  Please specify:

**V. C. Disciplinary procedures**

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	107	NA
	Breach of professional ethics (Yes/No) If yes, please specify the number	3	NA
	Professional inadequacy (Yes/No) If yes, please specify the number	9 (slowness in delivering decisions)	NA
	Criminal offence (Yes/No) If yes, please specify the number	no	NA
	Other (Yes/No) If yes, please specify	no	NA
	Types of sanctions	Total number	12
Reprimand (Yes/No) If yes, please specify the number		Yes, 12	NA
Suspension (Yes/No) If yes, please specify the number		no	NA
Dismissal (Yes/No) If yes, please specify the number		no	NA
Fine (Yes/No) If yes, please specify the number		no	NA
Other (Yes/No) If yes, please specify		no	NA

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors

**Judges:**

In November 2002 the Supervisory Committee for Judges was established. The Committee is a separate, administrative, collegiate body composed of five members: two representatives from the public, two judges and one lawyer – all appointed by the Government.

Anyone who has been subjected to alleged misconduct of a judge in the performance his or her office, such as parties, witnesses, indicted or barristers may bring a complaint against the judge to the Supervisory Committee. The right to complain is also extended to the court president, the National courts Administration and the Ministry of Justice. As a main rule the complaint must be forwarded to the Committee within three months from the alleged misconduct took place or was known to the complainant. There is an absolute one-year-limit for bringing in a complaint.

If professional misconduct is revealed, the Committee can react with authoritative criticism in the form of a “criticism” or a warning, where the latter is the strongest reaction. In this way the Committee can contribute to the development of how to define “conduct as befitting a judge”.

The decisions of the Supervisory Committee for Judges are made public in an anonymous form.

In 2004 the Supervisory Committee for Judges received 107 complaints. Twelve of the complaints led to disciplinary reactions from the Committee. The average handling time is approximately three months from a complaint is received by the Committee to the Committee has made a decision.

**Prosecutors:** The Director General of Public Prosecution handles complaints regarding prosecutors. In general the sanctions are the same as towards the judges. There is no complete statistics regarding how many sanctions given in 2004. But the complaints mainly refer to an alleged criminal offence. These cases are handled and investigated by the Special Body regarding police matters.

## VI. Lawyers

87. Number of lawyers practising in your country 5772

Source *The National Bar Association*

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes

No

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	No (both first instance and court of appeal)		Member of family	No
	The court may allow a specially qualified person to represent a party		Trade Union	No
			NGO	No
			Other	Yes
Defendant	No (both first instance and court of appeal)		Member of family	No
			Trade Union	No
			NGO	No

Criminal cases*	Victim	The court may allow a specially qualified person to represent a party	Other	Yes
		No (both first instance and court of appeal)	Member of family	No
			Trade Union	No
			NGO	No
			Other	Yes
The court may allow a specially qualified person to represent a party				
Administrative cases*			Member of family	
			Trade Union	
			NGO	
			Other	

\* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- a national bar?
- a regional bar?
- a local bar?

Yes

Please specify:

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes

No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes

No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No

Yes

Please specify:

94. Can users establish easily what the lawyers' fees will be?

Yes

No

Note: The price per hour and for certain minor cases the fees are easily established. Often is an estimated of the fee given in advance.

95. Are lawyers fees:

- |                                 |                          |
|---------------------------------|--------------------------|
|                                 | Yes                      |
| ▪ regulated by law?             | x                        |
| ▪ regulated by Bar association? | <input type="checkbox"/> |
| ▪ freely negotiated?            | x                        |

96. Have quality standards been formulated for lawyers?

Yes  No

97. If yes, who is responsible for formulating these quality standards:

- |                        |                                          |
|------------------------|------------------------------------------|
|                        | Yes                                      |
| ▪ the bar association? | x                                        |
| ▪ the legislature?     | x                                        |
| ▪ other?               | <input type="checkbox"/> Please specify: |

98. Is it possible to complain about :

- |                               |                                                         |
|-------------------------------|---------------------------------------------------------|
| ▪ the performance of lawyers? | No <input type="checkbox"/>                             |
|                               | Yes <input checked="" type="checkbox"/> Please specify: |

- |                       |                                                                     |
|-----------------------|---------------------------------------------------------------------|
| ▪ the amount of fees? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
|-----------------------|---------------------------------------------------------------------|

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	Yes
	Professional inadequacy	Yes
	Criminal offence	Yes
	Other	breach of the advocate legislation
Type of sanctions	Reprimand	yes
	Suspension	yes
	Removal	yes
	Fine	yes
	Other	Warning, statement of criticism, reduction of fee, refund of paid – overcharged - fee

100. Who is the authority responsible for the disciplinary procedures:



Yes  
x

▪ a professional body? **Please specify:**

Supervisory Counsel for Legal Practice (Tilsynsrådet for advokatvirksomhet)  
 The central Disciplinary Committee (Disiplinærnemnden)  
 The regional Disciplinary Committee of the Norwegian Bar Association  
 (Advokatforeningens disiplinærutvalg)

▪ the judge?

▪ the Ministry of justice?

▪ other?  **Please specify:**

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar

**VII. Alternative Dispute Resolution**

**101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:**

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	Yes With some exceptions	Private mediator	No
			Public or authorised by court body	Yes, by the Conciliation board
	Court	No		
Family cases	Compulsory stage in court proceedings	No	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	No
	Compulsory stage prior to court proceedings	Yes, in certain cases	Private mediator	
			Public or authorised by court body	Yes

			Court	
	Compulsory stage in court proceedings	No	Judge	Yes
	Ordered by judge in certain cases	Yes If the judge find the case suitable	Prosecutor	
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	No	Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
Ordered by judge in certain cases	No	Prosecutor		
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
Ordered by judge in certain cases	No	Prosecutor		

Note: The Mediation Board (konfliktrådet) has an increasingly more important role, see the Mediation Board Act. The scope of this act is cases where a person (or several) is caused a damage, loss or other offence.

**102. Can you provide information about accredited mediators?**

Regarding court mediation: The Committee for Professional Training of Judges provides courses in mediation. The courses are not obligatory.

Regarding the Conciliation Board: There are approximately 1320 Conciliation Board members.

**103. Can you provide information about the total number of mediation procedure concerning:**

- civil cases? N.A
- family cases? N.A
- administrative cases? N.A
- employment dismissals? N.A
- criminal cases? N.A

Source: Ministry of Justice

**104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:**

A new Arbitration act came into force in 2005. There is no complete statistics concerning the use of the arbitration system in Norway.  
Some judges have extra-judicial activities as arbitrators.

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

**105. Are enforcement agents:**

- judges?  Yes
  - bailiff practising as private profession ruled by public authorities?
  - bailiff working in a public institution?
  - other enforcement agents?
- Please specify their status:

Bailiff working in a public

106. Number of enforcement agents 355

Source The National Police Directorate

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes  No

108. Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

109. Can users establish easily what the fees of the enforcement agents will be?

Yes  No

110. Are enforcement fees:

- regulated by law?
- freely negotiated?

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No

Yes  Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
  - the judge?
  - the Ministry of justice?
  - the prosecutor?
  - other?
- Please specify:

The National Police Directorate

112. Have quality standards been formulated for enforcement agents?

No

Yes  Who is responsible for formulating these quality standards?

Source

113. What are the main complaints of users concerning the enforcement procedure:

- |                             | Yes                      | No                                  |
|-----------------------------|--------------------------|-------------------------------------|
| ▪ no execution at all?      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ lack of information?      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ excessive length?         | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ unlawful practices?       | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ insufficient supervision? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ excessive cost?           | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ other?                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Source

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No   
 Yes  Please specify:

115. Is there a system measuring the timeframes of the enforcement of decisions :

- |                             | Yes                                 | No                       |
|-----------------------------|-------------------------------------|--------------------------|
| ▪ for civil cases?          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ for administrative cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- |                                                                 | Yes                                 |                          |
|-----------------------------------------------------------------|-------------------------------------|--------------------------|
| ▪ between 1 and 5 days                                          | <input type="checkbox"/>            |                          |
| ▪ between 6 and 10 days                                         | <input type="checkbox"/>            |                          |
| ▪ between 11 and 30 days                                        | <input checked="" type="checkbox"/> |                          |
| ▪ more: please specify <input type="text" value="Max 90 days"/> |                                     | <input type="checkbox"/> |

Source  The National Police Directorate

117. Disciplinary proceedings and sanctions against enforcement agents:

	no (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	N.A
	Professional inadequacy	N.A
	Criminal offence	N.A
	Other	N.A
Sanctions	Reprimand	N.A
	Suspension	N.A
	Dismissal	N.A
	Fine	N.A
	Other	N.A

\*\*\*

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in civil matters*

**VIII. B. Enforcement of decisions in criminal matters**

118. Is there a judge who has in charge the enforcement of judgments?

Yes  Please specify his/her functions and activities (e.g. Initiative or control functions):

No  Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

The Norwegian Correctional Service (Kriminalomsorgen)

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No   
 Yes  Please specify:

66% of fines decided by criminal courts in 2003 (6874 fines) become enforcement case. Of these 46% is collected per 22.December 2005.  
 49% of fines decided by criminal courts in 2004 (10190 fines) become enforcement case. Of these 27% is collected per 22.December 2005.  
 30% of fines decided by criminal courts in 2005(11597 fines per 22.12.2005) become enforcement case. Of these 6% is collected per 22.December 2005.  
 Source: The Norwegian National Collection Agency

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in criminal matters*

**IX. Notaries**

120. Is the status of notaries:

- a private one?
- a status of private worker ruled by the public authorities?
- a public one?
- other?

Yes	Number
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please specify:

The duties of the notaries is in the first instance courts, see The Notarius Publicus Act section 1.

Source *National Courts Administration*

121. Do notaries have duties:

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?
- other?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, please specify:

e.g. to perform civil marriage

122. Is there a body entrusted with the supervision and the control of the notaries?

No   
Yes

Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes
<input type="checkbox"/>

x Please specify:

National Courts Administration

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system of notaries**

\*\*\*\*\*

**123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:**

Criminal cases: The reform concerning the Norwegian Penal Code are about to be finished in a few years. Part I with the general provisions – conditions for criminal liability and which penalties that can be used -is completed and passed the Parliament in 2004. The work with Part II – describing the different criminal acts – is ongoing, and the plan is to finalize this in 2007 and get a decision in the Parliament in 2008.

Civil cases: The reform concerning the Norwegian Dispute act is nearly completed. The Dispute act passed the Parliament in 2005, and is planned to enter into force in 2007.