



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Norway

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

4737171

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	87927461139
Regional / entity level	

3) Per capita GDP (in €)

64900

4) Average gross annual salary (in €)

42331

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Statistics Norway

National bank of Norway (concerning exchange rate): 9.6950 on 1.1.09

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

161163043

7) Please specify

The District courts and the appeal courts: 153423913

Supreme court: 7739130

we have not incl the specialized courts related to question 6 and 7

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	99347826
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	6326087
Annual public budget allocated to justice expenses		NA
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	34021739
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	1630435
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	2010870
Other (please specify):	<input type="checkbox"/> Yes	

Comment :

annual public budget allocated to justice expences are not incl in the budget for the courts

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

In NOK the budget has increased by approx 16% over the last 5 years.

The increase is mainly due to salary adjustments and price-level adjustments. Some minor adjustments in the budget have come from a change of tasks and changes in legislation. The growth in real terms is close to zero.

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

- for criminal cases?
 for other than criminal cases?

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 24 and 25 legal aid also includes relief of the court fee. Under certain provisions the court fee is relieved although legal aid is refused.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

18940880

12) Total annual approved budget allocated to the whole justice system (in €)

Please provide information concerning the budgetary elements that included in the whole justice system budget:

. Amount 2160796000

Comment :

Revised budget 2009 for the area is 19 879 326 000 NOK

13) Total annual approved public budget allocated to legal aid (in €)

Please provide comments to explain the figure provided under question 13:

. Amount 153230000

Comment :

Revised budget 2009 for chapter 466 and 470 Free legal aid is NOK
1 409 716 000

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	76793000	61385000

Comment :

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

Please provide comments to explain the figure provided under question 16:

. Amount 13364000

Comment :

balanced budget on higher proceturion authority is NOK 122 948 000

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	No
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	Yes
Other	Yes	No	Yes	No

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Preparation of the courts budget is partly done by the National Courts administration (NCA).
Management and allocation of budgets between courts is done by NCA.
Office of the Auditor general is responsible for the evaluation.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

National Budget: Prop. 1 S (2009-2010)

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	No

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

Legal aid regarding a specific case foresees the exoneration of the court fees of the case.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	NA
Other than criminal cases	

Comment :

25) 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

26) Does your country have an income and asset test for granting legal aid:

	Yes	Amount in €
for criminal cases		
for other than criminal cases?	X	23711

Comment :

A division is made between matters that are subject to means testing and matters that are not. Prior to 1 January 2009, the income limits that determine whether a person was eligible for means tested legal aid was € 23711 for a household of one, and € 35567 for a household of two.

27) 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

Please provide comments to explain the answer under question 27:

Pursuant to the Legal Aid Act section 16 legal representation can be refused if it is considered unreasonable for the assistance to be paid for out of public funds.

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
 an authority external to the court?
 a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
 No

Please specify:

Home and car insurance may cover legal expenses, but this mainly applies to litigations relating to the insured object.

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	No
other than criminal cases?	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 24 and 26

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) 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:

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.lovdata.no |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | se above |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.domstol.no
www.regjeringen.no |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

In criminal cases the prosecuting authority shall send a copy of the indictment and the summary of evidence to defence counsel together with documents relating to the case. Within a time-limit set by the prosecuting authority, defence counsel shall return the documents relating to the case with a statement of what evidence he will produce. The Norwegian government has recently strengthened procedural rights for victims and introduced an obligation for the police and public prosecutors to inform victims in special cases about the development in the case, which can include the timeframe of the proceedings. This obligation applies in particular to victims of sexual offences, serious violence, domestic violence, forced marriage, human trafficking and genital mutilation. These victims can also be assisted by a counsel. The amendments entered into force by 1. July 2008.

Civil cases: The Dispute Act sets down a timeframe of max 6 months (in the general process) and max 3 months (in the small claim process).

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

- Yes
 No

If yes, please specify:

There are public offices - Norwegian services for victims of crime - that provide assistance and information to victims of crime, free of charge. As specified under question 32, some victims are also entitled to a counsel free of charge to assist them with matters concerning the criminal case, compensation etc.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	Yes	Yes	Yes	Yes
Victims of terrorism	Yes	No	No	Yes
Children/Witnesses/Victims	Yes	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes	Yes
Ethnic minorities	Yes	No	No	Yes
Disabled persons	Yes	Yes	No	Yes
Juvenile offenders	Yes	No	Yes	Yes
Other	Yes	No	No	Yes

Comment :

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 a private fund?

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

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

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

The Norwegian National Collection Agency (NCA) is responsible for collection, legal enforcement and accountancy of all financial claims from the police, including compensation for the aggrieved party. NCA conducts statistics over the recovery of compensation awarded by courts. On a general basis the recovery rate is about 90 %.

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

The public prosecutors have some obligations to inform victims about their rights, decisions in the case and provide for their right to acquaint themselves with the documents in the case. In some cases the prosecutors also have an obligation to inform victims if the suspect is remanded in custody, for how long and when the person is released. The above mentioned amendments to strengthening victims' rights, introduced an even more active role for the public prosecutors in respect of victims of certain types of crime. Inter alia, obligations to provide information on the development of the case, to inform about certain appeals and to offer a personal meeting with the victim before the court proceedings.

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

Yes

No

If yes, please specify:

Victims of crime can appeal decisions by the prosecuting authority by way of complaint to the immediately superior prosecuting authority.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

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

If a person is wrongfully convicted the Criminal Procedure Act section 444 establishes full compensation in addition to any economic loss that the prosecution has caused him. A person who is wrongfully arrested contrary to Art 5 of the European Convention on Human Rights and Art 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 Art 6 (reasonable time) of the European Convention on Human Rights, the Criminal Procedure Act section 445 establishes – 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 damage 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 periods 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 183 Euro (1500 NOK) each. If the charged person is transferred to a prison, each following day shall be compensated by 49 Euro (400 NOK). If the person spends custody in remand to complete isolation, the damages should be raised by 25% of the calculated sum.

Civil cases: The Dispute Act 2005 (in force 1. January 2008) section 20-12 provides possibility for compensation regarding excessive length of proceedings.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services

delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

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

There is no established survey to measure public trust and satisfaction as such (even though surveying have been done ad hoc for specific purposes). There is a disciplinary committee for judges that reviews complaints regarding alleged misconduct. The decisions from the committee are public.

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	Yes
Surveys at court level	No	Yes

43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	Yes	No
Higher court	Yes	No
Ministry of Justice	Yes	No
High Council of the Judiciary	Yes	No
Other external organisations (e.g. Ombudsman)	Yes	No

Comment :

Parties can forward complaints to the concerned court related to a specific case, for example on the duration of proceedings. In civil cases a party can make a petition to the Chief Judge asking for his/hers interference. The decision of the Chief Judge can be appealed to the Higher court.

General complaints regarding the overall functioning of the Judiciary can be forwarded to the National Courts Administration or to the Ministry of Justice. However, there are no established procedures

related to the handling of such complaints.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	66
Specialised first instance Courts (legal entities)	2
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	75

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

The two specialized courts are located in Oslo. Oslo County Court deals with probate, bankruptcy and enforcement cases. Oslo District Court handles criminal cases and civil cases.

In addition there are courts of particular jurisdiction. Examples of courts with particular jurisdiction are the Labour Court and the Land Consolidation Courts. Altogether there are 34 land consolidation courts in the first instance and 5 appellate land consolidation courts.

The courts of particular jurisdiction are not included in the numbers presented above.

The Conciliation Boards also form part of the court system. There are approximately 430 Conciliation Boards and 1320 Conciliation Board members.

47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

- Yes
 No

If yes, please specify:

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	67
a dismissal	67
a robbery	67

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

The Dispute Act of 2005 that entered into force 1. January 2008, introduced a simplified procedure for small claims. Small claims are cases where the value of the subject-matter is below 125 000 NOK (14 850 EURO).

Please indicate the sources for answering the questions 45 and 48:

National Courts administration

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 537

Comment :

The number of first instance court judges, based on full time equivalent and on permanent post, is 364.

In addition there are 160 assistant judges/deputy judges in the first instance courts. Assistant judges are judges by definition. However, they are temporarily appointed for a period of maximum 3 years, appointed by the Chief Judge. With few exceptions they do the same work as judges appointed for lifetime by the King in Council. Due to the fact that they are not appointed on a permanent basis, they are not included in the total number of judges related to question no. 49.

The number of second instance court judges is 154 and the number of Supreme Court judges is 19.

In addition there are 94 judges and approximately 10 deputy judges in the Land Consolidation Courts. These judges are not included in the total number above.

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	34
if possible, in full time equivalent	0

51) Please provide comments to explain the answer under question 50:

The number of professional judges presented above concerns extraordinary judges that are especially appointed to work part time in the courts of appeals. These are usually newly retired judges from the first and second instance courts, with an age that cannot exceed 73 years.

In addition several judges are constituted for shorter periods in order to compensate for temporarily needs because of absence due to sickness et cetera.

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	yes	45000

Comment :

We have lay judges in criminal cases both in the first and second instance courts.

The judge may also order the use of lay judges and expert lay judges in civil cases, in particular when the parties request for the use of lay judges.

Granted that some requirements are present, the lay judges receive a minor remuneration for their service (250 NOK/30 EURO per case) in addition to the defrayal of costs.

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

All criminal cases in Norway start in the first instance courts. The jury system is attached to the second instance appellate proceedings. The jury decides on the question of guilt in appeals where the indictment concerns penal provisions with a sentencing framework exceeding six years.

So in criminal cases a trial by jury is mandatory in the appeal court, when the appeal concerns assessment of evidence for guilt and the prescribed penalty scale for the offence exceeds six years. The jury decides whether the indicted is to be found guilty or not.

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

NA

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number

.

792

Comment :

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal

NA

- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the

NA

meetings, helping to prepare the decisions)
such as registrars

- 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)
- technical staff

NA

NA

Comment :

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number 730

Comment :

85 is related to the Higher prosecuting Authority, and 13 to The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime.

59) Do any other persons have similar duties as public prosecutors?

- Yes
- No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number 57

Comment :

The Number of non-prosecutor staff relates only to staff in the Higher Prosecutor Authorities

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

			the budget	use of the budget
--	--	--	------------	-------------------

Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	No	Yes
Special Website	Yes	No	No	No
Other electronic communication facilities	Yes	No	No	No

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

- Yes
- No

If yes, please specify the name and the address of this institution:

Domstoladministrasjonen (National Courts Administration)
NO-7485 Trondheim
Norway

Website: www.domstol.no

Email: postmottak@domstoladministrasjonen.no

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

- Yes
 No

68) Do you have a regular monitoring system of court activities concerning the

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

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 administrative director can produce this statistics whenever he/she wants.

The National Courts Administration focuses on the number of incoming cases, the number of closed cases, the number of pending cases and processing time (time elapsed between case coming in until case closed).

The indicator "number of decisions" is here interpreted as "number of resolved cases" (i.e. all cases/procedures which have come to an end at the level considered.)

69) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

(See 68). The statistics produced every six months are published per court. The processing time will be evaluated against targeted processing time.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
 No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are treated by a single sitting judge
 enforcement of penal decisions
 satisfaction of employees of the courts
 satisfaction of clients (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- Yes
 No

73) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court
 other

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
 No

75) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

The Parliament sets targets for the processing time in both civil and criminal cases.

76) Please specify the main targets applied

For civil cases: Average processing time within 6 months

For criminal cases with lay judges: Average processing within 3 months

For single judge criminal cases: Average processing time within 1 month

77) Which authority is responsible for the evaluation of the performances of the courts:

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

National Courts administration

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
- No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?

administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

The National Courts Administration (NCA) pays visits to the courts of all instances. Among the issues to be discussed during a visit will be the general functioning of the court in question. The matters to be discussed may vary, depending on the actual situation of the court. Before coming to visit, the NCA and the actual court decide on the agenda for the meeting.

There is no fixed timetable for these visits.

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

You can indicate below:

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

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

NA

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	0	0	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	0	0	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

Please specify:

Urgent civil cases: Custody proceedings may take some time to bring to a final conclusion. The parties and interests involved can, according to the Children's Act, call for an interim solution.

Generally, there is the possibility of obtaining an interim court order to secure the claim, more precisely to secure a claim before there is a basis for the ordinary enforcement of the claim or before the dispute is dealt with during the main hearing.

Urgent criminal cases: Cases including juveniles/minors (i.e. under the age of 18 yrs) and persons in pre-trial custody, take priority, as decided in the Criminal Procedure Act section 275.

88) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

Civil cases: Cases involving claims of limited amounts (small claims) are dealt with in a simplified procedure according to the Dispute Act of 2005, entering into force 1. January 2008.

Criminal cases: According to the Criminal Procedure Act section 248 a singular professional judge may pass sentence in cases where the accused person confesses in court and the confession is strengthened by the other information obtain by the public prosecutor, granted that the other criteria set forth in section 248 is present.

89) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

Civil cases: According to the Dispute Act of 2005 section 9-4, the judge in charge of the preparation of the case shall carry out a planning meeting with the parties immediately after the court has received the defence pleading. The intention of this meeting is to establish a plan for the further proceedings, including modalities, time limits and dates for hearings.

Furthermore – according to the Courts Act section 151 the court may reduce the time limits set forth in the procedural legislation, with the consent from the parties.

4. 2. 2. Penal, civil and administrative law cases

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and	19907	45765	43671	22066

non litigious)*				
1 Civil (and commercial) litigious cases*	7635	16104	16928	6861
2 Civil (and commercial) non-litigious cases*	4813	12019	10140	6706
3 Enforcement cases	7459	17642	16603	8499
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	3528	15673	15854	3287
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and / or minor offences cases	NA	NA	NA	NA

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

The numbers presented for "1 Civil (and commercial) litigious cases" include civil disputes, debt restructure arrangements and judicial assessments.

The numbers presented for "2 Civil (and commercial) non-litigious cases" include bankruptcy proceedings and probate cases.

The numbers presented for "3 Enforcement cases" includes compulsory sales, possession orders, provisional security etc.

The numbers presented for "Total criminal cases" includes only composite court cases, that is all criminal cases without an unconditional guilty plea, as well as the most serious guilty plea cases. The court is then composed of a district court judge and two lay judges – one woman and one man. Each judge has one vote and all decisions are reached through voting – the majority vote decides.

Single-judge criminal cases include some actions relating to police investigation, like court orders for arrests, searches, communications interception (telephone interception etc.), remand in custody, restraining orders and provisional confiscations of driving licences. Another important category is the adjudication of criminal cases with guilty pleas. Single-judge cases are heard by a district court judge or deputy judge. These cases are not included in the figures.

Horizontal consistency

100 % horizontal consistency in this table is not feasible. The reason is that according to procedural law, cases may be divided or united after being registered in to the court.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	1213	3222	3288	1161
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	618	6826	6682	761
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour and/or minor offences cases				

Comment :

The total figures for civil cases include ordinary appeals and interlocutory appeals, reopenings, valuation appeals and appeals on decisions from the Social Security Tribunal.

The total figures for criminal cases include ordinary appeals, interlocutory appeals and reopenings. The figures includes appeals that are disallowed or decided without an appeal hearing. (The Court of Appeal may disallow the appeal if the court unanimously considers it obvious that the appeal will not succeed.)

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	45	72	88	29
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-				

litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	21	88	85	25
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NAP	NAP	NAP	NAP
Employment dismissal cases*	NA	NA	NA	NA
Robbery cases	NA	224	NA	NA
Intentional homicide	NA	18	NA	NA

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NAP	NAP	NAP	NAP	NAP
Employment dismissal cases*	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

Comments for question 94 and 95

Employment dismissal cases: It is not possible to extract the dismissal cases from other cases categorized as employment cases.

In Norway the dissolution of a marriage follows a non-judicial procedure.

(The Norwegian case registration system uses other case categories than the ones mentioned in the table.)

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

nap

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

Enforcements measures.

99) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

Please specify:

The prosecutor has an obligation to present claims for compensation for victims during the criminal proceedings against the offender.
Safeguarding the interest of children and persons under guardianship does not lie with the prosecutor.

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases						

Comment :

Information not available

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Please indicate the sources for answering the questions 90 to 95 and 100:

Director of Public Prosecutions

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

New positions for judges within the Judiciary is achieved through the same system as the initial appointment, i.e. by new appointment from the King in Council after a nomination from the Judicial Appointments Board.

104) Which procedures and criteria are used for promoting judges? Please specify.

Judgeships in Norway are open to qualified lawyers from all occupations. In practice, they are primarily applied for and appointed to persons that already are appointed as a judge, from the government administration, the prosecuting authority and by members of the bar.

105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?
- An authority composed of prosecutors and non-prosecutors?

107) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

109) Is the mandate given for an undetermined period for judges?

- Yes
- No

Are there exceptions? Please specify:

Sometimes judges may be appointed for a limited time period, varying from a few months up to a maximum of two years. The appointment is renewable.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges		

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors		

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the lengthfor judges? Yesfor prosecutors? Yes**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president)
- In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service)

117) Frequency of the training of prosecutors

| | | | |

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	No	Yes
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	No

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years**

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	83239	
Judge of the Supreme Court or the Highest Appellate Court	136978	
Public prosecutor at the beginning of his/her career	66000	
Public prosecutor of the Supreme Court or the Highest Appellate Instance		

Comment :

Comments for question 118:

Gross annual salary for first instance professional judge:

1/1 – 30/9 2008: 76 847 EURO

1/10 – 31/12 2008: 83 239 EURO

Gross annual salary for judge of the Supreme Court:

1/1 – 30/9 2008: 128 932 EURO

1/10 – 31/12 2008: 136 978 EURO

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	No
Housing	No	No
Other financial benefit	No	No

120) If other financial benefit, please specify:

Special pension:

When retirement at age 67 or later, judges of the Supreme Court may have up to 15 years added to his/her period of service.

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	Yes	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	Yes	No	No

122) If other function, please specify:

According to the Courts Act section 121e, judges are obliged to report their extra-judicial activities to the National Courts Administration. Some activities must be approved by the National Courts Administration. Other activities, such as cultural functions, must be reported. The National Courts Administration has a time limit of 14 days from the registration of the activity, in order to take action.

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	Yes	No	No

124) If other function, please specify:

As a rule the prosecutor needs permission from his/hers superior in order to combine his/her work with another profession.

125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments? Yes No

If yes, please specify:

Please indicate the source for answering the question 118

NCA

5. 2. 2. Disciplinary procedures**126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The General Prosecutor initiate disciplinary proceedings, and in severe cases the case is presented to the King in Council.

According to the Courts Act section 237 a complaint to Supervisory Committee for Judges on alleged misconduct can be initiated by individuals and professional actors affected by the alleged misconduct as well as by the Chief Judge, the National Courts Administration or the Ministry of Justice.

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

The Director general of the Public Prosecutors office handles complaint regarding prosecutors.

In November 2002 the Supervisory Committee for Judges was established. The Committee is a separate, administrative and collegiate body composed of five members – two representatives from the public, two judges and one lawyer – all appointed by the Government. The disciplinary measures that the Committee is authorized with is limited to an assessment of the alleged conduct related to norms for judicial conduct. If these norms are found to be violated, the Committee may issue an authoritative decision on criticism or warning, where the latter is the most serious reaction.

A proceeding towards a judge related to dismissal may only be initiated by King in Council. A dismissal of a judge can only be done by a judicial decision with the Government as the plaintiff.

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	37	0
1. Breach of professional ethics	37	0
2. Professional inadequacy		0
3. Criminal offence		0
4. Other		0

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)	2	0
1. Reprimand	2	0
2. Suspension		0
3. Withdrawal of cases		0
4. Fine		0
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		0
9. Other		0

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years**

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

5809

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

The Ministry of Justice mapped the number to approximately 100 legal advisors.

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- Civil cases*?
 Criminal cases - Defendant*?
 Criminal cases - Victim*?
 Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

In the Supreme Court only advocates who are entiteled to conduct cases before the Supreme Court shall be engaged.

In other courts, any advocate may represent a party. With the special permission of the court, some other suitable persons may represent a party.

134) Is the lawyer profession organised through?

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

Please specify:

A national Bar with 19 regional Bars

Please indicate the source for answering the questions 130 and 132:

Supervisory Council for Legal Practice, annual report 2008

6. 1. 2. Training

135) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

Yes

No

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

Yes

No

If yes, please specify:

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?

Yes

No

Please provide comments to explain the answer under question 138

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

Where public legal aid is given, the fee is determined by Regulation. In other cases they are freely negotiated.

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

Yes

No

141) If yes, who is responsible for formulating these quality standards:

- the bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):
Ethical standards.

142) Is it possible to complain about

- the performance of lawyers?
- the amount of fees?

Please specify:

The clients may complain about the performance of the lawyers and the amount of fees to the Disiplinary Committee. The amount of fees can also be complained about to the court which has handled the case.

143) Which authority is responsible for disciplinary procedures

- the judge?
- the Ministry of justice?
- a professional authority or other?

Please specify:

Disiplinary Committee
Supervisory Council For Legal Practice.

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	NA	NA	NA	NA

Comment :

The Norwegian statistics system uses other categories than those mentioned in the table.

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

| | | | | | | |

	Reprimand	Suspension	Removal	Fine	Other
Annual number	NA	NA	NA	NA	NA

Comment :

The Norwegian statistics system uses other categories than those mentioned in the table.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years**

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

- Yes
 No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	Yes	No	Yes	No
Family law cases (ex. Divorce)	No	Yes	Yes	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	Yes	No	Yes	No
Criminal cases	No	No	No	No	No

148) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

Mediation can be covered by the legal aid scheme. The initial judicial procedure in family cases is based on meditation. The parties in family cases are entitled to legal aid granted that the requirements are present.

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

NA

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	<input checked="" type="checkbox"/> Yes	2099
family cases?		NA
administrative cases?		NA
employment dismissals?		NA
criminal cases?		NAP

Please indicate the source for answering the question 150:

NCA

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

A new arbitration act came into force in 2005. Some judges have extra-judicial activities as arbitrators.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

356

154) Are enforcement agents (multiple options are possible):

- judges?
 bailiff practising as private profession ruled by public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

According to the Enforcement Act (26 June 1992 no. 86) the enforcement authority decides upon all claims and objections during an enforcement procedure.

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

Politidirektoratet (The Police Directorate)

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
 No
 Not applicable

160) 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:

Politidirektoratet (The Police Directorate)

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions**164) What are the main complaints of users concerning the enforcement procedure?
Please indicate a maximum of 3.**

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

Information not available

165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

166) Is there a system measuring the timeframes of the enforcement of decisions :

- for civil cases?
 for administrative cases?

167) 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 sits:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

If more, please specify

max 90 days

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	NA
for breach of professional ethics	NA
for professional inadequacy	NA
for criminal offence	NA
Other	NA

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	NA
Reprimand	NA
Suspension	NA
Dismissal	NA
Fine	NA
Other	NA

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Please indicate the source for answering the questions 167, 168 and 169:

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

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

- Yes
 No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?		NAP
a status of private worker ruled by the public authorities?		NAP
a public one?	<input type="checkbox"/> number	76
other?		NAP

Comment :

174) Do notaries have duties:

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

Please specify:

The duties of the notaries are to give documents or a signature official validation. The most used forms are:

- confirmation of a signature
- Confirmation of signature and power of procuracy in a company
- Assurance of honour
- confirmation of correct copy
- Life confirmation
- Protest on a promissory note

Please indicate the source for answering the question 173

National Courts Administration

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

176) 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?
- not applicable

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NA

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

The courts appoints interpreters who are authorized and listed in a public register used by other authorities (such as the police and the immigration authorities et cetera) from case to case.

According to the Courts Act section 135, the courts are obliged to use an interpreter appointed or approved by the court if the parties involved do not speak or understand Norwegian. Furthermore, the ECHR article 6 is incorporated into Norwegian law. With the exception of the mentioned regulation, we do not have a detailed regulatory framework for the function of court interpreters. However, the Ministry of Justice is preparing new legislation, detailing the function of court interpreters. The proposal is mainly based on ECHR article 5 and 6 with the relevant case law from the ECtHR.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

The reform of the Norwegian Penal Code (Straffeloven) was finished spring 2009. Although the new Penal Code has not entered into force yet, but is foreseen to do so in 2012.

The Government has presented a white paper to the Parliament (the Storting) (Report No 26 (2008-2009)) on the civil legal aid scheme. The report gives a review of public funded legal aid, and it was debated by the Storting on 16 June 2009. The Government is currently working with following up the report.