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Greco RC-I (2004) 9E
Addendum

First Evaluation Round

Addendum to the Compliance Report on Norway

Adopted by GRECO
at its 30th Plenary Meeting
(Strasbourg, 9-13 October 2006)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on Norway at its 10th Plenary Meeting (8-12 July 2002). The report (Greco Eval I Rep (2002) 3E), which contains 5 recommendations addressed to Norway, was made public on 25 July 2002.
2. Norway submitted the Situation Report required by GRECO's compliance procedure on 23 January 2004. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on Norway at its 20th Plenary meeting (30 September 2004) which was made public on 8 November 2004. The Compliance Report (Greco RC-I (2004) 9E) concluded that recommendations i, iii, iv and v had been implemented satisfactorily. Recommendation ii had been partially implemented; GRECO requested additional information on its implementation. The additional information requested was submitted on 31 March 2006.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendation ii in the light of the additional information referred to in paragraph 2.

II. ANALYSIS

Recommendation ii.

4. *GRECO recommended to review the current mechanisms on the reporting of information on corruption; to clarify the obligation on public servants when and how to report unlawful, improper or unethical behaviour, or behaviour which involves maladministration; and to ensure that all appropriate allegations are reported to the police and prosecution.*
5. GRECO recalls that the Compliance Report had pointed at various new developments under consideration by the Norwegian authorities as a result of this recommendation, which – once adopted - would make Norway comply with recommendation ii. These included the elaboration of ethical guidelines for the government service (with a set of provisions on the reporting of corruption), the introduction of measures on whistle-blowing to alert the public etc.
6. The Norwegian authorities report that in September 2005, the Ministry of Government Administration and Reform introduced the “Ethical Guidelines for the Public Service”. These commented Guidelines apply to the public administration / government bodies. Individual organisations have also been encouraged to explore whether they need to adopt supplementary provisions in view of their particularities. The concept of public administration does not include entities such as state-owned and other public enterprises, which are covered – together with the entire private sector - by a draft bill on whistle-blowing which was submitted to the Parliament in June 2006 as an amendment to the Working environment Act of June 2005. The draft bill is scheduled for discussion in the upcoming parliamentary session
7. Guideline 2.2 on the duty to report states that “[i]n order to implement measures to avoid or limit losses or damages, public officials are required to report to their employer any circumstances of which she or he is aware that could cause the employer, employee or the surroundings to suffer losses or damages”. The explanatory comment points out that public officials have a duty to report crimes, irregularities, and credible suspicions of corruption. In general, reports under Guideline 2.2 must be filed with one's immediate supervisor or another supervisor, but in the case of bribery, “an alternative to in-house notification might be to contact the police, supervisory or

inspection authorities“. The Norwegian authorities also indicate that Guideline 3.4 on whistle-blowing concerns the reporting to the supervisor and the media of “circumstances in the public service that are worthy of criticism”. The commentary specifies that in case of suspicions of criminal offences involving supervisors, it will usually suffice to report the matter to the police.

8. GRECO welcomes the improvements reported and notes that the Guidelines also make clear that those who report and “blow the whistle” do not violate the duty of loyalty and that they should not be subject to reprisals. It would appear that the essential part of the public sector (the administration) has now been given clear guidance on the reporting of corruption and Norway is encouraged to adopt the planned amendment to the Working Environment Act.
9. GRECO concludes that recommendation ii has been implemented satisfactorily.

III. CONCLUSION

10. In addition to the conclusions contained in the First Round Compliance Report on Norway and in view of the above, GRECO concludes that Norway has implemented satisfactorily recommendation ii.
11. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of Norway.