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FOURTH EVALUATION ROUND

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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of parliament, judges and prosecutors

EVALUATION REPORT

NORWAY

Adopted by GRECO at its 64th Plenary Meeting
(Strasbourg, 16-20 June 2014)

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EXECUTIVE SUMMARY

1. The main objective of this report is to evaluate the effectiveness of measures adopted by the authorities of Norway in order to prevent corruption in respect of members of parliament, judges and prosecutors and to further their integrity, in appearance and in reality. The report contains a critical analysis of the situation in the country, reflecting on the efforts made by the actors concerned and the results achieved, as well as identifying possible shortcomings and making recommendations for further improvement.

2. Public perception of corruption has historically been low in Norway and the public has a higher trust in the country's institutions than in many other European countries. No integrity incidents have been reported regarding members of the professional categories under review. Several reasons concur to explain this phenomenon: the high moral standards and independence of public officials, combined with a zero tolerance approach to corruption on the one hand, and the wide transparency of institutions and public scrutiny performed by the media, on the other hand.

3. The high levels of public trust also extend to members of parliament. The system relies mainly on openness, trust and public scrutiny. In the report, GRECO notes several positive elements, such as the transparency of the legislative process and of public records and the Ethical Guidelines adopted by the Presidium of the *Storting*, the Norwegian Parliament, in June 2013. It takes the view, however, that these guidelines need to be further developed and complemented by practical awareness-raising measures in order to provide better guidance to members of parliament on integrity issues. Moreover, transparency regarding potential and actual conflicts of interest has to be improved by the introduction of a requirement to disclose such conflicts as they emerge. A public declaration system of members of parliament's outside appointments, activities and economic interests exists and has been gradually developed over time. GRECO recommends further developments to this system, in order to ensure that the public has a more complete picture of members of parliament's relevant interests. Finally, appropriate measures need to be taken for the supervision and enforcement of those standards.

4. Members of the Norwegian judiciary have a long standing reputation of independence and competence. Public trust in their integrity is equally high. GRECO has a positive assessment of the system for ensuring the integrity and preventing misconduct among judges and prosecutors. Limited areas deserve further attention. Such is the case for transparency of the process of appointment of short-term judges. Prosecutors also need to adopt a specific code of professional conduct; training and awareness activities on ethics and expected conduct need to be further developed for all categories of judges, including lay judges, and for prosecutors.

5. In keeping with the practice of GRECO, the recommendations contained in this report are addressed to the authorities of Norway, which are to determine the relevant institutions/bodies responsible for taking the requisite action. Within 18 months following the adoption of this report, Norway shall report back on the action taken in response to the recommendations contained therein.

I. INTRODUCTION AND METHODOLOGY

6. Norway joined GRECO in 2001. Since its accession, Norway has been subject to evaluation in the framework of GRECO's First (in July 2002), Second (in September 2004) and Third (in February 2009) Evaluation Rounds. The relevant Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's homepage (www.coe.int/greco).

7. GRECO's current Fourth Evaluation Round, launched on 1 January 2012, deals with "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors". By choosing this topic, GRECO is breaking new ground and is underlining the multidisciplinary nature of its remit. At the same time, this theme has clear links with GRECO's previous work, notably its First Evaluation Round, which placed strong emphasis on the independence of the judiciary, the Second Evaluation Round, which examined, in particular, the public administration, and the Third Evaluation Round, which focused on corruption prevention in the context of political financing.

8. Within the Fourth Evaluation Round, the same priority issues are addressed in respect of all persons/functions under review, namely:

- ethical principles, rules of conduct and conflicts of interest;
- prohibition or restriction of certain activities;
- declaration of assets, income, liabilities and interests;
- enforcement of the applicable rules;
- awareness.

9. As regards parliamentary assemblies, the evaluation focuses on members of national parliaments, including all chambers of parliament and regardless of whether the members of parliament are appointed or elected. Concerning the judiciary and other actors in the pre-judicial and judicial process, the evaluation focuses on prosecutors and on judges, both professional and lay judges, regardless of the type of court in which they sit, who are subject to national laws and regulations. In preparation of the present report, GRECO used the responses to the Evaluation Questionnaire (Greco Eval IV (2013) 11E REPQUEST) by Norway, as well as other data, including information received from civil society. In addition, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Norway from 18 to 22 November 2013. The GET was composed of Mr Alberto Augusto ANDRADE DE OLIVEIRA, Judge, Supreme Administrative Court (Portugal), Mr Flemming DENKER, Retired as Deputy State Prosecutor, State Prosecutor for Serious Economic Crime (Denmark), Mrs Diāna KURPNIECE, Head of the Corruption Prevention Division, Corruption Prevention and Combating Bureau (Latvia) and Mr Don O'FLOINN, Policy Advisor, Law Enforcement Department, Ministry of Security and Justice (Netherlands). The GET was supported by Ms Sophie MEUDAL-LEENDERS and Mr Björn JANSON from GRECO's Secretariat.

10. The GET met with the President and members of the Norwegian Parliament, the *Storting*, as well as with the Secretary General, Deputy Secretary General and senior civil servants of the *Storting*. The GET also interviewed representatives of the Ministry of the Justice and Security and of the Ministry of Government, Reform and Church Affairs. Moreover, the GET held interviews with justices and/or judges of the Supreme Court, courts of appeal, district courts, land consolidation courts, as well as with representatives of the Norwegian Courts Administration, the Norwegian Association of Judges, the Norwegian Association of Deputy Judges, the Administration of Lay Judges, the Judicial Appointment Board and the Supervisory Committee for Judges. The GET held interviews with prosecutors from the Office of the Director of Public Prosecutions, ØKOKRIM, the National Authority for Prosecution of Organised and Serious Crime, the Oslo Public Prosecutors Office, the Rogaland Public Prosecutors Office, the Oslo Police District, the Norwegian Bureau for the Investigation of Police Affairs and the Association of Police

Attorneys. Finally, the GET spoke with representatives of the Parliamentary Ombudsman, the Norwegian Bar Association, Transparency International Norway, the media and academics.

11. The main objective of the present report is to evaluate the effectiveness of measures adopted by the authorities of Norway in order to prevent corruption in respect of members of parliament, judges and prosecutors and to further their integrity in appearance and in reality. The report contains a critical analysis of the situation in the country, reflecting on the efforts made by the actors concerned and the results achieved, as well as identifying possible shortcomings and making recommendations for further improvement. In keeping with the practice of GRECO, the recommendations are addressed to the authorities of the Country, which are to determine the relevant institutions/bodies responsible for taking the requisite action. Norway has no more than 18 months following the adoption of this report, to report back on the action taken in response.

II. CONTEXT

12. Public perception of the level of corruption in Norway has historically been low. Norway consistently ranks among the top ten countries in Transparency International's Corruption Perception Index and was placed 5th in 2013. GRECO Evaluation Reports and other international studies confirm this perception[1].

13. According to GRECO's First Evaluation Round Report (2002), the most frequent explanations given for the low level of corruption in Norway were the high moral standards of Norwegian public officials, their independence in the exercise of their duties and, above all, the transparency of Norwegian institutions. The media were also acknowledged as having an important role in this transparency in searching out, scrutinising and disseminating information on suspicious economic activities. Stringent provisions on bribery in the criminal code and other related texts – which were developed partly as a result of GRECO's past Evaluation Reports – and a zero tolerance approach to corruption in Norwegian society were other factors highlighted to the GET during this Evaluation Round.

14. During the First Evaluation Round, GRECO was also impressed by the fact that, despite a general impression that there was little domestic corruption in Norway, there was nevertheless a strong commitment in the public and private sectors to preventing and fighting corruption. This commitment is confirmed by the fact that all of the 17 recommendations addressed by GRECO to Norway in the three preceding Evaluation Rounds have been implemented satisfactorily or dealt with in a satisfactory manner.

15. In terms of the focus of the Fourth Evaluation Round of GRECO, the general trust of the public in all sectors of governance extends to members of parliament, judges and prosecutors. According to the Global Competitiveness Report 2013-2014, Norway ranks at the top end of 148 countries worldwide as regards public trust in politicians and judicial independence. There have been no integrity-related incidents involving members of professional categories under review in recent years. As a result and against the background of the overall transparency of the Norwegian institutions, there is little or no demand from the public and civil society for changes to a system which is based on trust, openness, public scrutiny, along with few regulations and restrictions.

16. While the Norwegian system is commendable for gaining high levels of public trust in its institutions and governance, GRECO holds the view that there is some room for improvement in certain specific areas of the prevention of corruption among members of parliament, judges and prosecutors. GRECO trusts that the present report, with its in-depth analysis and recommendations, can assist the authorities of Norway in their commitment to preventing corruption and maintaining the current levels of public trust in such crucial institutions as parliament and the judiciary.

[1] See e.g. the Sustainable Governance Indicators (2011) http://www.sgi-network.org/pdf/SGI11_Norway.pdf, and the Global Competitiveness Report (2013-2014) http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2013-14.pdf, the World Bank Governance Indicators http://info.worldbank.org/governance/wgi/pdf/c165.pdf and the World Justice Project Report "Rule of Law Index 2014 http://data.worldjusticeproject.org/#/index/NOR.

III. CORRUPTION PREVENTION IN RESPECT OF MEMBERS OF PARLIAMENT

Overview of the parliamentary system

17. Norway is a multi-party parliamentary democracy. The Constitution dates back to 1814 and has been amended several times since. In 1884, the parliamentary system was established, requiring the government to have the tacit consent of a majority in Parliament. Its rules of functioning formed part of common law until it was codified in the Constitution in 2007.

18. The Norwegian Parliament, the *Storting*, has been a unicameral national Parliament since 2009. It used to be divided into a two-chamber Parliament when considering and adopting legislation. After the advent of the parliamentary system and the formation of political parties, the process of adopting legislation through two chambers was more of a formality and it had some practical disadvantages. Hence, the two chambers were abolished by a constitutional amendment in 2007. Laws are now passed after two – or very seldom three – readings in Parliament.

19. The *Storting* exercises supreme legislative authority. It passes legislation, decides on the state budget and supervises the activities of the government. Legislation can be initiated either by the government or by a Member of Parliament (MP) individually.

20. The *Storting* has 169 members, who are elected for a term of four years. The last elections took place in September 2013.The Norwegian electoral system is based on the principles of direct election and proportional representation in multi-member electoral divisions. For parliamentary elections, the country is divided into 19 constituencies corresponding to the counties, including the municipal authority of Oslo, which is a county of its own. The number of members to be returned from each constituency depends on the population and size of the county and is determined every eight years by the Ministry of Local Government and Modernisation. Out of the 169 MPs, 150 are elected as constituency representatives while 19, one seat from each constituency, are elected as Members at Large.

21. Registration in the Register of Political Parties is not a requirement for participation in the election. Both registered political parties and other groups can present lists at elections. But only the registered parties (not independent groups) may have candidates elected as Members at Large.

22. Members' seats are allocated proportionally to the parties/groups according to the votes cast for each electoral list. Each County Electoral Committee distributes all the seats in the county in accordance with Sainte-Laguë's modified method with the exception of one. The last seat in each county is allocated as a seat at large (equalisation mandate) by the National Electoral Committee. The purpose of this is to bring about a more equitable political distribution of seats than it is possible to achieve through a distribution based purely on electoral divisions. All political parties that gain at least 4% of the total votes in the elections are taken into consideration during the allocation of the Members at Larges' seats.

23. The Norwegian parliamentary system has a representative character which implies that the *Storting* should reflect a broad variety of jobs, industries, interests and geographical affiliations etc. From a strictly legal perspective, MPs are independent of their voters, political party or constituency. In practice, however, they are normally bound by party discipline as members both of a party and a parliamentary group. They are also expected to take into consideration the interests of the district from which they are elected. However the party political groups usually relax disciplinary bonds when such issues as those of faith or localisation are considered. An MP has the right to change

political party during an electoral term. The mandate belongs to the MP personally, not to his/her political party.

24. According to section 62 of the Constitution, an MP loses his/her seat for the duration of his/her time as a member of the government, state secretary or political adviser to a minister. If s/he resigns this position, s/he must take up his/her seat in the *Storting* again. MPs have also been allowed to resign if appointed Auditor General or to a diplomatic post. An MP could lose his/her mandate due to a verdict of the Court of Impeachment concerning violation of constitutional duties. MPs do not enjoy any immunity in relation to criminal proceedings. In case an MP is convicted for a criminal offence, moreover, the judge may deprive him/her from his/her mandate for the current electoral term, in accordance with sections 29 and 33a of the Penal Code[2]. This has never occurred in practice.

Transparency of the legislative process

Overview of the legislative process

25. Public consultation and transparency are important factors which contribute to democracy and legitimacy in the formal legislative process in Norway. A bill introduced by the government in the form of a proposition to the *Storting* is a product of thorough preparatory work. The Instruction for Official studies and Reports of 2005 contains provisions to ensure that the institutions responsible assess all relevant and significant consequences, and that the bodies affected and the general public are included in the decision-making process before the bill is finalised by the King in Council and presented to the *Storting*. According to the Instruction, the period for public review is generally three months and cannot be less than six weeks. Regarding matters that affect the indigenous people, the Sami, detailed procedures exist for consultations between the central government authorities and the *Samediggi* (the Sami Parliament). A bill may also be drafted by the MPs themselves, often with the assistance of the parliamentary group staff or an external legal expert.

26. Private MPs' bills and propositions from the government are formally introduced to the *Storting* at the beginning of a sitting. They are then sent to one of the *Storting*'s standing committees which considers the bill in detail. In this connection, the committee may hold hearings in public. The committee submits its recommendation with a proposed decision to the *Storting*. The recommendation is published on the parliamentary website[3].

27. After the committee finishes its work on a bill and publishes its recommendation, the bill is dealt with twice in the *Storting* Chamber – first and second reading. In the first reading the recommendation from the committee is debated, amendments are proposed and voted on, and eventually a decision is made. A bill that is rejected after the first reading is dropped. If the bill passes the first reading, there must then be an interval of at least three days before the *Storting* meets again to debate the bill and vote in the second reading. It is the decision from the first reading that is now up for debate. If the bill is adopted by the *Storting*, it is sent to the King in Council[4] to receive the Royal assent, as the King and the Prime Minister sign the final enactment of the bill. The Act is then published in the Norwegian Law Gazette and enters into force either immediately or when the government so decides.

[2] See GRECO's Third Round Evaluation Report on Incriminations, paragraph 34.
[3] www.stortinget.no. The authorities add that this website was elected in 2010 "government website of the year" by the Agency for public management and government, among 700 other public websites.
[4] The King in Council consists of the King and the government.

Transparency measures

28. Publicity of the bill is ensured throughout the process, from the moment the expert committee or the ministerial working group which prepared the bill publishes its report and through all stages of amendment of the bill. As explained above, public consultation is organised both by the relevant ministries on their websites and by the standing committees of the *Storting,* in writing or orally during hearings.

29. The composition of standing committees is published on the *Storting*'s website, as is information on their work, including all recommendations and information about planned and past hearings. Meetings of the standing committees are not open to the public, except hearings. Such hearings are broadcast on an Internet TV system and accessible on the *Storting*'s website via a catch-up service. The public may also, unless an explicit exception has been made, request access to files, journals of written statements and other registers pertaining to committee meetings, through the rules on transparency of the *Storting* and the Freedom of Information Act.

30. The sittings in the *Storting* chamber are open to the general public, unless the *Storting* decides otherwise on a special matter – for instance on matters involving defence secrets or measures against an economic crisis which might lose their intended effect if the general public were informed. Such exceptions are extremely rare. Members of the public can follow the debates from the public gallery. The debates are also broadcast via closed-circuit television and may be viewed later via the catch-up service available on the parliament's website. Both the official stenographic report from the readings and the approved bill are also published on the website. Results of parliamentary votes are disclosed almost immediately on the internet when they are conducted by the electronic voting system, which is now used for almost all votes (only votes for elections are carried out by roll call or unsigned ballot papers). In addition, breakdown of votes by political party and by constituency, as well as vote records by individual MPs, are also published.

31. It is obvious from the above description that the transparency is very good throughout the legislative process. Various public consultation measures and thorough impact assessment studies ensure that the persons concerned by a bill, as well as the members of the public, have sufficient access and possibilities to intervene in the process. The GET also noted with interest that public records maintained by the public sector are accessible online, enabling the public to consult all documents received and sent by government agencies and the *Storting*.

Remuneration and economic benefits

Individual MPs

32. MPs work on a full-time basis and receive an annual salary of 836 579NOK (102 809 €)[5]. The first vice-president of the *Storting* receives an additional fee of 14% for a total salary of 953 700 NOK (117 205 €). Other vice-presidents and committee chairs receive an additional fee of 7% (895 140 NOK – 110 008 €). The president of the *Storting* receives the same annual salary as the Prime Minister, namely 1 469 831 NOK (180 647 €). These salaries are calculated on the basis of statistical information and are decided upon annually by the *Storting*, following the recommendation of its salary commission (*Storting* Remuneration Act (ACT 2011-12-16 NO.61), section 2).

33. An MP who is not re-elected may apply for three months' salary in the event s/he has no other source of income. In the event of no income after three months, application for a further salary for twelve months may be made. For these twelve months, the salary

[5] The average gross annual salary in Norway in 2012 was 470 900 NOK (57 872 €).

is limited to 66% of the annual salary. The MP must be actively seeking work or studying to be eligible for this salary.

34. As a rule, Norwegian tax legislation applies equally to MPs and the general population. MPs are, however, covered by a special rule for tax residence. MPs from constituencies outside Oslo are deemed to be tax resident in their constituency, as long as they retain accommodation there, even if they move to Oslo. Furthermore, there is a special provision relating to MPs' travel expenses. All travel to and from a Member's constituency in connection with parliamentary duties can be covered in full without tax liability.

35. MPs receive the following additional benefits:

- MPs receive 192 NOK (24 €) per day to cover costs concerning a double household, if the distance between their home and the *Storting* exceeds 40 km and they commute on a weekly basis.

- MPs from constituencies situated more than 40 km from the *Storting* receive free accommodation in Oslo. The *Storting* owns 140 flats for this purpose. Substitute members are offered free accommodation within the *Storting* buildings for the period of time they meet in the *Storting*.

- The *Storting* has an arrangement with a private child care facility to provide places for a maximum of nine children, in accordance with guidelines adopted by the Presidium. Parents pay 2 580 NOK (317 €) per month.

- MPs have their travel expenses covered for official journeys in accordance with the government scale. Travel abroad must be approved by the *Storting*'s Presidium. All domestic travel is regarded as official journeys unless they are strictly private, with no relation to their position as MPs. Information on travel expenses is made available to journalists on request. If the distance between the MP's home and the *Storting* exceeds 40 km, travel expenses to and from the MP's home at the beginning and close of each session, at holiday periods, and at weekends are covered. Travel expenses are also covered for two trips home a week for MPs with children up to the age of 19. Daily travel to work is not covered. After late evening sittings in the *Storting* (after 10 pm), taxi fares to an MP's Oslo accommodation are covered.

- A travel insurance applies worldwide to MPs' official travel and vacations of up to 45 days.

- Telephone expenses are fully covered: in office, at home and mobile. IT broadband communication at home is also covered. The *Storting* equips the MPs with mobile phones and iPads and covers all expenses. There is no upper limit. 6 000 NOK (738 €) per annum is subject to ordinary income taxation.

- All MPs enjoy life insurance (death benefit as of 1 May 2012: 821 220 NOK – 100 998 €) and accident insurance (death or disablement risk up to an amount of 1 231 830 NOK – 151 484 €).

- MPs benefit from a pension scheme, which was amended in 2012, along the same principles as the new Norwegian Public Service Pension Fund. This pension scheme is given in addition to the Public Service Pension.

36. The *Storting* has internal procedures for checking the payment of remuneration and reimbursement of expenses for MPs. Expenses are declared electronically by MPs. Internal control is performed by a dedicated accountant within the *Storting*, while the

Office of the Auditor General provides independent external monitoring of the *Storting*'s accounts.

37. It is possible for an MP to receive additional financial or material support from external sources to run his/her office, but the authorities indicated that this is not usual. Such support has to be declared by MPs in the Register of Members' Interests, including the name of individuals or entities which provided it (Regulation on the Register of Members of the *Storting*'s Appointments and Economic Interests (Register of Members' Interests), Section 7). The register is published on the parliamentary website.

Parliamentary groups

38. Parliamentary party groups receive grants from the *Storting* to operate political and administrative support for the MPs. These grants are not given to the individual members, but to the groups themselves. All groups receive a fixed basic grant and a fixed amount per member. The annual basic amount is 2 357 407 NOK (289 921 €) and the fixed amount per member is 626 809 NOK (77 083 €). Relatively speaking, due to the basic grant, groups with few members receive more financial support than groups with many members. Parliamentary party groups that are not represented in the government receive an additional grant of 50% (for opposition groups with two to four members) or 100 % of the basic grant (for opposition groups with five members or more).

39. The *Storting* has laid down guidelines on how the financial support may be spent. The groups must keep annual accounts, which must be audited by a certified accountant appointed by the Presidium and sent to the Presidium. The groups' annual accounts are published on the *Storting*'s website.

Transparency

40. In Norway, information on all tax payers net capital and income, as well as paid taxes, is available to the general public. This transparency extends to MPs' remuneration and benefits listed above. The media also has a right of access to bills that MPs provide to the *Storting*. This information is subject to considerable media attention and scrutiny, both at local and national levels.

Ethical principles and rules of conduct

41. Besides the Constitution and the *Storting*'s Rules of Procedure, which contains certain general principles of an ethical nature for example on freedom of speech and immunity, the main source for written rules of conduct of members of the *Storting* is the Ethical Guidelines, which were adopted by the *Storting*'s Presidium in June 2013. This text gathers and codifies commonly accepted written and unwritten rules and standards and is published on the *Storting*'s website[6].

42. Traditionally, responsibility for dealing with ethical matters used to rest with the parliamentary party groups rather than the *Storting* as such. As explained to the GET, this was because MPs were considered principally accountable to their voters and their party and not to the *Storting*, which was not their employer. Another reason was a desire to base the integrity system on transparency rather than on rules and regulations, with the media playing an important watchdog role to prevent ethical misconduct by MPs.

43. The Ethical Guidelines do not contain new rules, but represent a sample of principles that already existed in political parties' codes of conduct, in an effort to show

[6] https://www.stortinget.no/en/In-English/Members-of-the-Storting/Ethical-Guidelines-for-Members-of-the-Storting-including-Substitute-Members-when-in-attendance-/

the *Storting*'s commitment towards integrity and to raise MPs' awareness about the standards of conduct expected of them. They contain six principles, accompanied by a commentary, dealing with 1) trust; 2) prohibition on exploiting their position to obtain unwarranted advantages; 3) registration of appointments and economic interests; 4) prohibition on accepting payments or gifts intended to influence them; 5) responsible use of the resources at their disposal and 6) public openness and transparency.

44. The GET welcomes the Ethical Guidelines as an important effort by the *Storting* to raise awareness on ethical issues among parliamentarians. In its view, however, the Guidelines ought to be further developed and better embedded in the *Storting*'s working culture. They are silent or too general on several issues relevant to the conduct of MPs, such as the prevention of conflicts of interest, the acceptance of gifts or hospitality not directly connected with parliamentary work or contacts with third parties, including lobbyists. Moreover, the Guidelines are mostly declaratory in nature. They are not connected to any channels for discussing and resolving – in an ongoing manner – issues that raise ethical concerns, be it on an individual basis (e.g. confidential advice) or on an institutional level (e.g. training, institutional discussions on integrity and ethical issues related to parliamentary conduct, etc.). Such complementary practical measures are instrumental in further developing the awareness of MPs and their staff about integrity issues and in showing the public that the *Storting* takes determined action to instil, maintain and promote a strong culture of ethics. Therefore, **GRECO recommends that the Ethical Guidelines be (i) further developed with the participation of the members of the *Storting* (to cover issues such as the prevention of conflicts of interest, acceptance of gifts and other advantages and contacts with third parties, including lobbyists) and (ii) complemented by practical measures in order to provide adequate guidance and counselling to members of the *Storting* regarding ethical matters.**

Conflicts of interest

45. In the *Storting*, conflicts of interest are dealt with under the premise that MPs are considered able to handle all kinds of questions regarding legislation and the budget, even if a certain matter should have an impact on them personally. In the light of this, there are no written rules concerning impartiality.

46. Some customs have been developed by the *Storting* over the years, which have been recorded in the Ethical Guidelines for members of the *Storting*, under principle 2 on the prohibition for MPs to exploit their position to obtain unwarranted advantages for themselves or others:

- it is not considered acceptable for an MP to take part in discussions or decisions concerning his/her own credentials, his/her own constitutional responsibility or the question of bringing a case against him/her before the Court of Impeachment;

- if an MP has formerly been involved in a matter as a government minister, s/he is not necessarily considered to be disqualified. It is, however, expected that s/he will not have a leading role in the matter;

- MPs should not be elected or appointed as members of industrial councils, boards of directors, or other institutions which might put forward business to be deliberated in the *Storting*, though exceptions could be made for MPs who are not going to stand for re-election. If the holder of such an appointment is elected as an MP, s/he should be given leave of absence from the appointment, along similar rules as those which apply to government ministers;

- if an MP or one of his/her relatives has a personal interest in a case deliberated by the *Storting*, s/he should consider abstaining from dealing with the matter. The Presidium may give advice in such cases. However, matters deliberated by the *Storting* rarely affect the rights or duties of one or a few specified individuals. Even if MPs may make decisions which might have an impact on themselves or their close relatives, the decisions will mostly affect the interests of larger groups in society rather than the exclusive rights of a few people.

47. It is the MP's own responsibility to decide whether s/he is qualified to take part in the preparation, discussion or decision-making on a given matter, even though s/he may ask the Presidium for advice. If a potential conflict of interest is at stake, the MP may apply to the Presidium for a formal leave of absence, may choose not to attend a given session or may simply abstain from participating in the debate and the vote. With regard to abstaining from committee business in a similar situation, the MP in question is advised to discuss the matter with the committee. Whatever the course of action chosen by the MP to excuse him/herself, s/he does not have to state why. If the Presidium receives information indicating that an MP might be disqualified, it may take the initiative to discuss such a matter with him/her.

48. The GET learned on-site that conflicts of interest of politicians have been a topic for public debate in Norway and that the lack of rules has been subject to clear criticism. The need to introduce a regulation on conflicts of interest has been discussed in the *Storting* several times over the years, but the fact that there were no written rules on members' disqualification was seen as an obstacle to developing a policy on the matter.

49. At the time of the on-site visit, a public debate on conflicts of interest was going on about the former employment as public relations consultants of persons who had been newly elected or appointed to public offices. The question was debated of how they could reconcile contractual confidentiality obligations towards their former clients and the transparency needs of their new office. Two substitute MPs were in such a situation and in one case, the MP's party group agreed with his employer to reveal information to the public about which clients he was working for at the time he was attending the *Storting* as an MP. The Presidium recommended the other substitute member to follow the same course of action.

50. The GET is of the opinion that the current regime – which only provides for voluntary disqualification in the case of actual conflicts of interest, based on mere self-restraint by the MP concerned – is unsatisfactory, bearing in mind that there are no restrictions on business activities and financial interests held by MPs. A requirement on MPs to publicly declare conflicts of interest as they arise in relation to their parliamentary work, would improve transparency and ensure that MPs and the public are in a position to ascertain properly when and how the interests of MPs might influence the parliamentary decision-making process. Consequently, **GRECO recommends that a requirement of *ad hoc* disclosure be introduced when a conflict emerges between the private interests of individual members of parliament and a matter under consideration in parliamentary proceedings.** This requirement will need to be reflected in the Ethical Guidelines and complemented by adequate guidance to MPs on the potential and perceived impact of personal and professional relationships in their public functions, as recommended above.

Prohibition or restriction of certain activities

Gifts

51. The Ethical Guidelines contain a prohibition on MPs receiving payment or accepting any gift, reward or compensation "that may be intended to influence them to

adopt a particular position on a certain matter in the *Storting*". The commentary to this guideline explains that MPs are to assess the gift's value and the context in which it is given, in order to determine whether the gift was intended to influence them or damage their integrity.

52. The Guidelines add that gifts received on behalf of the *Storting* must be returned to the *Storting*, unless they are of a very small value. If the recipient has doubts whether s/he may keep the gift, the Secretary General of the *Storting* is to be asked for advice.

53. Gifts or other financial benefits of a value of more than 2 000 NOK (245 €)[7], must be registered when they are given in connection with the individual's work as a Member (Section 11, Regulation on the Register of Members of the *Storting*'s Appointments and Economic Interests).

54. Section 276 a, b and c of the Penal Code, on corruption, gross corruption and trading in influence respectively, is also relevant, as it prohibits the acceptance of improper advantages intended to corrupt or influence someone in connection with his/her office.

55. The GET acknowledges that the issue of gifts and other advantages is addressed in various instruments and welcomes the reference to the value of a gift or advantage and the context in which they are given, in order to determine whether they may be accepted. However, in the GET's view, the provisions of the Ethical Guidelines relating to gifts could be improved in some respects. First, the definition of gifts that must be refused is too narrow, as it refers to a direct link between the gift and the intention to influence an MP on a certain matter, in a concept akin to bribery. It does not explicitly cover the possibility of advantages being given, possibly over a period of time, in order to "oil the machinery" and create a favourable climate for further co-operation. Second, no explicit reference is made to benefits in kind such as hospitality, reimbursement of travel and accommodation expenses by third parties or invitations to sporting or cultural events. While it is true that the provisions on gifts in the Ethical Guidelines do implicitly cover such benefits, the GET believes that an explicit reference would be beneficial in terms of MPs' – and the general public's – awareness of such matters. Third, there is no rule or mechanism for the valuation of gifts and other advantages. Since the value of the gift/advantage determines whether it ought to be declared in the Register of Members' Interests, it could be helpful to foresee a mechanism by which the MP could obtain authoritative advice when there is doubt as to whether the value of a gift exceeds the declaration threshold. The GET encourages the authorities to look further into these matters when developing tailored guidance in relation to the development of the Ethical Guidelines as recommended above.

Incompatibilities, accessory activities and financial interests, contracts with state authorities

56. The only formal incompatibility is stated in section 62 of the Constitution, according to which officials who are employed in government ministries, with the exception of state secretaries and political advisers, may not be elected as MPs. The same applies to members of the Supreme Court and officials employed in the diplomatic or consular services.

57. Although there are no formal restrictions on accessory activities and financial interests, transparency regarding such matters is considered crucial in the Norwegian system. MPs are therefore obliged to register their posts or accessory activities outside the *Storting*, as well as their economic and financial interests (see below).

[7] The value threshold of 2 000 NOK has remained unchanged since 1997.

58. MPs are not prohibited or restricted from entering into contracts with state authorities. They have to comply with the general legislation and regulations on public procurement.

Post-employment restrictions

59. There are no regulations that would prohibit MPs from being employed in certain positions or sectors upon expiry of their term of office, or from engaging in other paid or non-paid activities.

60. A committee of the *Storting* published, in June 2012, a report assessing the need for post-employment restrictions for MPs, based on the government's experience regarding existing quarantine restrictions applicable to ministers, state secretaries and political advisers after the end of a term in office. The report concluded that the need for a "cooling-off period" was not as critical for MPs as for high officials of the executive power. MPs do not receive such detailed information as ministries and are seldom given access to information which is not public or which is of such a nature that an MP's future employer could use it in an unacceptable way.

61. It does sometimes happen that MPs find new jobs before the end of their term of office. In such cases, information about the new job must be published in the Register of Members' Interests.

Contacts with third parties

62. The *Storting* regards itself as an open and transparent institution and the fact that barriers between the MPs and the rest of society are low is looked upon as a positive element of democracy. MPs are not required to disclose their contacts with lobbyists and other third parties.

63. At the same time, the *Storting* is aware of the influence of professional lobbyists, NGOs and other third parties. In recent years, it has considered five proposals to introduce a registration scheme for lobbyists[8]. None of the proposals gained the support of a majority, the reasons given being that such a register of lobbyists would be bureaucratic and difficult to maintain, would require a lot of resources and would possibly drive lobbying out of the *Storting* and behind closed doors. In addition, it was feared that it might lead to a higher barrier between the MPs and the public.

64. Some of the interlocutors met by the GET described the lack of regulation on lobbying as a significant gap in the system, in view of the growing importance of the lobbying business in the *Storting*. They were of the opinion that the reasons given above for not introducing a registration scheme were not decisive, given the overall transparency of the Norwegian system, which they thought should also extend to lobbying activities. The GET takes the view that increased transparency of lobbying activities within the *Storting* could have an added value and encourages the Norwegian authorities to further consider this issue. Moreover, clear guidance on contacts with third parties such as lobbyists needs to be provided to MPs, including through the Ethical Guidelines, as recommended in paragraph 44 above.

Misuse of confidential information

65. Section 73 (75) of the *Storting*'s Rules of Procedure states that MPs are pledged to secrecy on all matters that are dealt with *in camera* by the *Storting* and in committees. Such meetings are very uncommon and are mainly related to questions concerning the

[8] The recommendations to the *Storting* in this matter are: Rec. S. no. 284 (2000-2001), Rec. S. no. 123 (2003-2004), Rec. S. no. 21 (2008-2009), Rec. 179 S (2009-2010), Rec. 145 S (2013-2014). No English versions are available.

country's security. MPs are also pledged to secrecy about certain other matters they acquire knowledge of in the exercise of their parliamentary duties, as described in section 73. When attending a sitting for the first time, MPs sign a pledge of secrecy.

Misuse of public resources

66. There are few possibilities for an MP to misuse public resources for personal gain, because there are no public resources which can be controlled or decided on by MPs themselves. There are therefore no specific rules on the (mis)use of public resources by MPs.

67. Such payments from the *Storting* directly to the MPs as remuneration, compensation for expenses and travel expenses are made in accordance with detailed instructions. The Accounting Section of the *Storting* checks that no unauthorised payments have been made. If at a later date it would be revealed that a payment which the MP was not entitled to had been made in error, a standard restitution proceeding would take place. In case of substantial grounds for suspecting an MP of having committed a fraud or some other offence, a criminal investigation and possible criminal proceedings would take place in accordance with ordinary legislation (see below).

Declaration of assets, income, liabilities and interests

68. A public declaration system of MPs' outside appointments, activities and economic interests has existed in the *Storting* for some time. It started on a voluntary basis, but following controversies on the level of compliance and of detail provided by MPs in their declarations, it became compulsory for MPs in 2008 and for their substitutes in 2011. The categories of interests to be reported have also been gradually extended. Since October 2013, declaration forms have to be filled in and sent electronically. Declaration duties are contained in the Regulation on the Register of Members of the *Storting*'s Appointments and Economic Interests[9] (hereafter the Regulation on the Register). The register is regularly updated and accessible on the *Storting*'s website.

69. All remunerated activities and economic interests are to be declared, but only as regards their existence and nature. No amount or value needs to be stated. The obligation to declare does not extend to the economic interests of MPs' spouses or other family members.

70. The following activities and interests must be disclosed:

(i) Accessory posts and activities

- Appointments on the board of private or public sector companies, interest groups and state or municipal bodies. For each appointment, it is to be stated whether or not the position is remunerated, along with the nature of the appointment and name of the company, organisation or body. Unpaid appointments in political parties do not have to be registered.

- Independent income-producing business carried out in addition to parliamentary work, including commissioned consultancy work and activities formally organised through a company owned or partly owned by the MP him/herself. The nature of the business has to be stated. Distinct reference must be made if individual jobs, or several jobs within the same calendar year for the same contractor, have provided remuneration of more than 50 000 NOK (6 139 €).

[9] http://www.stortinget.no/en/In-English/Members-of-the-Storting/Registered-Interest/

- Paid employment or contract work that is undertaken in addition to the individual's role as an MP. The position/contract and employer/contractor have to be stated.

- Leave of absence agreements and agreements of a financial nature made with former employers, including agreements on the continued payment of wages or the establishment of welfare benefits, pension rights and the like during the period in which the person in question is an MP.

- Employment, contract work or similar agreements with future employers or contractors, even if they take effect only after the MP has left the *Storting*.

(ii) Economic interests

- Real property that is of considerable value and that is used for business purposes, also when the real property belongs to a company that the MP him/herself owns in full or in part.

- Business interests (shares, stakes, etc.) that exceed one per cent of a company's total capital or the National Insurance basic amount (85 245 NOK (10 472 €) per 1 May 2013), and which the MP owns, either directly or indirectly through a company. The company's name has to be stated. Movable property and savings not declared.

(iii) Gifts and travels abroad

- Gifts or financial benefits of a value of more than 2 000 NOK (245 €), received from domestic or foreign donors in connection with work as an MP. The name of the donor, the nature of the benefit and the date when it was given are to be stated.

- Trips and visits abroad related to work as an MP, if they are not covered in full by the MP him/herself, his/her political party or by public funds.

71. The *Storting* has debated whether or not the values or amounts pertaining to interests ought to be disclosed in the register. Following a 2008 recommendation from the Presidium[10], it decided against such an approach, for privacy reasons and to prevent the reporting duties from becoming too work-intensive for MPs. Declaration of spouses' interests was rejected for similar reasons. The GET also noted that MPs' debts and liabilities are not subject to declaration. Some representatives of the media and civil society told the GET that in its current form, the register of MPs' interests leaves room for improvement, as most information contained therein is already public in other registers, such as the Brønnøysund Register Centre[11] and the tax register, which provides online access to information on all tax payers' net capital and annual income, as well as paid taxes. The *Storting*, however, took the view that the interest of the media in the register shows that it serves its purpose. Its representatives thought that the aim of the register was not to give a complete survey of the MPs' income or assets, but to give a summary of MPs' economic interests and appointments, in order to show possible conflicts of interests. More detailed information may then be sought, if necessary, in the other public registers.

[10] Rec. S no. 72 (2008-2009)

[11] The Brønnøysund Register Centre develops and operates many of the country's most important registers, such as the Register of Business Enterprises, the Register of Company Accounts, the Register of Mortgaged Moveable Property and the County Governors' Register of Foundations. These registers provide some information on financial responsibility in Norway.

72. The GET is of the opinion that, in a system which opted for dealing with conflicts of interest through transparency and mutual trust rather than through restriction and control, some additional information would be beneficial. Debts and liabilities are an important part of MPs' interests and some information on an approximate value of significant assets and interests is also relevant information in this context. Moreover, as no information is provided on spouses' and dependent family members' interests, there is a risk that the aim of the register might be circumvented by channelling MPs' assets to other close family members. In this connection, the GET is fully aware of the associated challenges that may arise in relation to privacy concerns of family members; such challenges may be addressed by not necessarily making such additional information public. Consequently, **GRECO recommends (i) that the existing declaration system be further developed, in particular by including quantitative data on the financial and economic interests of members of parliament as well as data on significant liabilities; and (ii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).**

Supervision and enforcement

73. There is no mechanism in the *Storting* to supervise the conduct of MPs, nor are there specific disciplinary procedures or sanctions in force.

74. As regards MPs' declaration duties, it is the MP him/herself who is responsible for providing correct and complete information for the register. This information is not verified by the registrar, except if it is obvious that a declaration is not correct or is incomplete. In such cases, the MP is asked to correct it. When the *Storting* decided in 2008 to make it mandatory for MPs to declare their assets and interests, the Presidium discussed the need for specific sanctions and recommended that none be foreseen[12].

75. The authorities indicate that MPs are generally very conscientious in submitting their declarations. Nevertheless, the press occasionally reveals inaccuracies in MPs' published declarations or cases in which MPs do not fulfil their declaration duties. One such incident occurred in April 2013 when it was uncovered that an MP, despite his obligations, had not declared some circumstances regarding his positions to the register. Media attention was substantial and very critical and questions were raised concerning the MP's integrity. He then updated his information to the register and wrote a detailed statement to the Presidium, in which he expressed his regret for what had happened, gave an account of his positions and stated that he had withdrawn from some of them. The Presidium's written reply underlined the MPs' registration duties and the importance of transparency concerning appointments. In addition, the MP's party group proposed to the *Storting* that he change his field of activity in the *Storting* by changing committee membership, to which the *Storting* agreed.

76. In the event of a suspected offence of bribery, fraud or misuse of public funds for personal gain, MPs are subject to criminal proceedings and sanctions, in accordance with ordinary law. Most other violations by an MP of his/her duties, as laid down in the Constitution or in the Rules of Procedure, may only be sanctioned by impeachment.

77. According to section 86 of the Constitution, MPs that have committed a criminal offence or engaged in other unlawful conduct, such as a breaching their duty of secrecy, are subject to impeachment proceedings. The Court of Impeachment, composed of six judges elected for six years by the *Storting* among its members, as well as of the five

[12] Rec. S no. 72 (2008-2009): "it is the opinion of the Presidium that violations of these rules must be regarded the same way as violations of the Rules of Procedure in general, and will not recommend any special sanctions. It is presumed that the members will obey the duty to register on a par with other duties connected to their work in the Storting."

longest-serving judges of the Supreme Court, including its President, pronounces judgment in the first and last instance. To date, impeachment proceedings have never been instituted against an MP, but the question was raised on a small number of occasions. The last time this occurred was in 1978, in a case concerning the violation by an MP of the duty of secrecy.

78. MPs do not enjoy any immunity in relation to criminal proceedings. They enjoy immunity from arrest when travelling to and from Parliament and when they are in Parliament, except when caught in the act or if it is obvious they have committed a crime. In practice, parliamentary immunity only applies to opinions expressed in the *Storting* (section 66 of the Constitution).

79. The GET is aware that supervision over the conduct of MPs relies mainly on scrutiny by the general public and the media, through free access to information contained in online registers and through accountability to the voters. All interlocutors met on-site agreed that openness and mutual trust, as well as the avoidance of unnecessary bureaucracy, needed to be preserved as central features of the Norwegian system. At the same time, some interlocutors stressed that control could not only rely on the media, but ought to be complemented by a dedicated monitoring and enforcement mechanism within the *Storting*. They also highlighted a certain lack of awareness of MPs about integrity matters.

80. The GET is convinced that public control would be more effective if there were administrative safeguards in place – not least in order to ensure that the public has access to adequate information. Bearing in mind the above recommendations to further develop the MPs' rules of conduct and disclosure requirements, the GET believes that it is only logical to require some kind of monitoring and enforcement of such standards by competent bodies within the *Storting*, as several of its interlocutors clearly recognised. It is up to the Norwegian authorities themselves to decide how a supervisory and enforcement mechanism could best be organised, while respecting the consensus concerning the culture of transparency and trust and the widely shared concern to avoid unnecessary bureaucracy and excessive costs. This would also show to the public the *Storting*'s commitment to adopting a more proactive approach towards upholding the integrity of its members. In light of the preceding paragraphs, **GRECO recommends that appropriate measures be taken to ensure supervision and enforcement of the declaration requirements and standards of conduct applicable to members of the *Storting*.** Such arrangements will need to be reflected in the Ethical Guidelines referred to in paragraph 44 above.

Training and awareness

81. At the beginning of each electoral term, the Administration of the *Storting* provides written information to MPs, especially those newly elected, on subjects concerning their rights and duties and the conduct expected of them. They are informed in particular about their duty to fill in a declaration form regarding their appointments and other interests. The same information is provided to substitute members who are called upon to replace MPs. Throughout the electoral term, the registrar sends out regular letters to remind MPs and their substitutes to provide information about changes in their situation. After the latest general election and the gathering of the new *Storting* in October 2013, a specific lecture was given to MPs on conduct and conflicts of interest.

82. Several possibilities also exist for MPs seeking advice regarding their duties. They may contact the Presidium or the Administration, in particular the Secretary General of the *Storting*, for advice concerning conflicts of interest. Advice on the registration of economic interests and appointments may be provided by the registrar, who may consult the Secretary General. The parliamentary party group secretariats also give advice to their members, often after having consulted the relevant departments of the *Storting*'s

Administration. According to the information gathered by the GET, these channels are used moderately.

83. The GET takes the view that there is room for further improvement in the current arrangements for raising MPs' awareness about integrity and providing advice when necessary. Even if channels for such advice do exist, a more proactive awareness and guidance policy in ethical matters, as recommended in paragraph 44 above, is important in the context of the new rules and mechanisms that are advocated in this report.

IV. CORRUPTION PREVENTION IN RESPECT OF JUDGES

Overview of the judicial system

Categories of courts and jurisdiction levels

84. The Norwegian court system consists of 66 district courts, six courts of appeal and the Supreme Court. The largest district court is in Oslo, with more than 100 judges. Many district courts, by contrast, are very small and count only one or two judges. The only special courts are the Land Consolidation courts, which decide on the division of land, mainly for agricultural purposes, and on real estate disputes. There is neither a constitutional court nor administrative courts. Moreover, there are several tribunals, dealing with labour, social, immigration and consumer protection cases. Their decisions are subject to judicial review before the courts.

85. Judges in district courts adjudicate in first instance in all types of cases. As of 31 December 2012, a total of 369 permanently appointed judges and approximately 140 deputy judges[13] worked in district courts. The principle of generalist judges prevails. Hence, the level of specialisation is low.

86. Courts of appeal, each staffed with 10 to 40 judges, adjudicate in second instance in all types of cases. Appeals in both civil and criminal cases are subject to prior screening, with the exception of criminal cases that carry a penalty of over six years' imprisonment. Screening is performed by a panel of three judges, who reject appeals they think hold no chance of success. In criminal appeal cases carrying a possible sentence of over six years' imprisonment, the defender's guilt is decided by jury.

87. The Supreme Court is composed of 20 judges and its main mission is to establish unity, clarification and development of the law. It only operates through decisions on appeals, meaning that it does not issue general opinions on the application of the law. According to section 83 of the Norwegian Constitution, the Parliament may request an opinion from the Supreme Court, but this option is not used in practice.

88. Among the special courts, there are 34 land consolidation courts in first instance and five appellate land consolidation courts.

89. In addition, approximately 430 conciliation boards, located in each municipality, also form part of the court system. They are composed of lay persons, who are authorised to mediate and adjudicate in civil cases. Hence, a large number of civil litigation cases never enter the district courts. Similarly, a large number of misdemeanour cases are settled by the public prosecutor by way of on-the-spot fines or simplified writs, thereby reducing the flow of criminal cases entering district courts.

90. The courts are administrated on the national level by the Norwegian Courts Administration (hereafter NCA), which was established on 1 November 2002. The NCA is an independent agency, which has a steering role and provides administrative support to the courts. It also carries out secretariat functions for, among others, the Judicial Appointment Board, the Supervisory Committee for Judges and the register of judges' extra-judicial activities. The NCA's supreme authority is the Board of Governors which is composed of nine members. Two members are elected by the *Storting* and the other seven members are appointed by the King in Council, that is, the government.

[13] Based on full-time equivalent.

Categories of judges

91. There are different categories of judges in Norway. A first distinction is between professional judges and lay judges. Most professional judges are permanently appointed and work in all three tiers of the court system. Next to them, different categories of temporarily appointed judges operate in some courts.

92. Temporarily appointed judges can be divided into three categories:

- Approximately 140 deputy judges work in district courts. They are well-qualified law graduates with an average legal work experience of five to six years after graduation. They are appointed for a maximum period of three years, in which they may adjudicate all cases, except criminal cases carrying a possible sentence of over six years' imprisonment (section 276 of the Criminal Procedure Act). According to a directive adopted by the Ministry of Justice, cases concerning child care or child custody are not normally assigned to deputy judges.

- Retired judges or retired lawyers (mainly district court judges) may be appointed as extraordinary court of appeal judges until the age of 73 (section 55f of the Courts Act), the ordinary retirement age of a judge being 67. In 2013, the number of extraordinary judges was 43.

- Legal professionals, whether it be private practice lawyers, prosecutors, deputy judges or legal professionals within the public sector, may be temporarily appointed as judges to any court for up to two years (section 55f of the Courts Act), to address needs due to the absence on leave of the titular of the post. These judges may adjudicate in all cases in an identical manner as permanently appointed judges. Their numbers vary over time according to the needs. In 2013, the number of short-term appointments for less than three months varied between 11 and 14; there were between 8 and 25 appointments for a period of three to six months and 18 to 23 appointments exceeding six months.

93. Criminal cases are tried in first and second instance by panels, in which lay judges by principle outnumber professional judges. District court panels are composed of two lay judges and one professional judge and appeal court panels of four lay judges and three professional judges. Lay judges, who do not have a legal education, are elected by municipal councils according to different modalities. After being elected, their name is placed in a pool, from which they are drawn up electronically according to the needs, until the pool is empty. There are about 46 000 to 50 000 elected lay judges in total in the country, of whom about 11 000 in Oslo.

94. The Norwegian court system relies to quite a large extent on several categories of non-permanently appointed judges, in particular deputy judges sitting in courts of first instance. As the GET understood, this system is conceived to meet two main needs, a training need and a diversification one. As there is no training period to become a judge directly after a university degree in Norway, spending some years as a deputy judge forms part of the traditional career path for lawyers. They then move on to occupy other functions in the legal system and then eventually, for some of them, become permanently appointed judges. All the interlocutors met generally agreed that the hands-on experience of the judicial system acquired as a deputy judge benefits the whole legal community. Deputy judges are also a way to open up the judicial system, which is especially beneficial in small courts with only a couple of permanent judges. Some interlocutors admitted that, besides these two main reasons, the economic factor was also a relevant consideration – the salaries of deputy judges being lower than those of permanent judges. A concern was voiced by some about the proportion of deputy judges

in district courts, currently 30%, being too high. The GET understood that the Norwegian Courts Administration, following a decision by its Board of Governors, intends to reduce the overall percentage of deputy judges to 25% of the total number of judges in the first instance courts and it supports this objective. Finally, it was stressed that the recruitment process for deputy judges was very selective, that their competence was high and that they – as all temporarily appointed judges – were subject to the same rules of conduct as permanent judges, as will be seen below in this report.

Independence of the judiciary

95. The Norwegian judiciary enjoys a high level of independence and competence, as well as a high reputation. The principle of independence of judges is not explicitly stated in the Constitution, but is firmly based on constitutional customary law. The irremovability of judges can also be deduced from section 22 of the Constitution, which states (1) that judges, like other senior officials, may not be dismissed or transferred without their consent, except by court judgment; and (2) that judges, unlike other state officials, may not be appointed for a limited time period. The principle of independence of judges is also stated in section 55, paragraphs 3 and 4 of the Courts Act.

96. Judges may not be given directives in their adjudicative work on individual cases. They may be subject to directives, *inter alia* from their court president, outside of their adjudicative role.

Recruitment, career and conditions of service

Appointment procedure and career advancement

97. Permanently appointed judges are selected by the Judicial Appointment Board, following an open recruitment procedure launched by the Norwegian Court Administration. They are then formally appointed by the King in Council.

98. The Judicial Appointment Board is composed of seven members: three judges, one private practicing lawyer, one legal professional employed in the public sector and two lay persons, appointed by the King in Council for a term of office of four years, renewable once. Each member has a deputy, appointed in the same manner (Section 55a of the Courts Act). The Judicial Appointment Board carries out some of the functions of a council for the judiciary, but this institution does not exist as such in Norway. Therefore, the requirement foreseen in Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe that judges elected by their peers make up not less than half the members of councils for the judiciary, does not apply as such to the Judicial Appointment Board.

99. Vacancies in courts are published online and in legal magazines by the NCA, which receives the applications. Judicial positions in district courts are open to Norwegian citizens of at least 25 years of age, who are trustworthy, have not been deprived of their right to vote and have a law degree. For positions in courts of appeal and the Supreme Court, the age requirement is 30 years. However, in practice, the average newly appointed judge is 45-46 years old, with at least ten years' working experience in various legal fields and professions. References from previous employers form an important part of the candidates' files, especially when it comes to the integrity of applicants. Background checks are also performed for possible convictions/fines for criminal offences, or for possible disciplinary procedures candidates may have been subject to in their former functions as a lawyer or a judge.

100. The best qualified candidates are interviewed by three representatives of the Judicial Appointment Board, together with a representative of the NCA and the president of the court where the vacancy exists. The Judicial Appointment Boards draws up a list of

three nominees for each vacancy, with a justified recommendation (Section 55b of the Courts Act). The court president and the representative of the NCA can participate in the deliberations, but do not have a right to vote on nominees. The process is transparent and the list of nominees is public, as is the list of candidates. The King in Council then chooses between the three nominees. In case he wants to consider other candidates than those nominated, he may return the matter to the Judicial Appointment Board, with a request to assess a particular applicant. The Judicial Appointment Board may uphold the original list of nominees, but the King in Council may then appoint his preferred candidate from outside the list. The authorities specify that, in practice, the candidate listed first is appointed, with very few exceptions. Since 2002, there were only 8 cases of the King in Council not following the Board's recommendation. As the GET understood, in all cases, this was done for gender mainstreaming reasons.

101. The modalities of selection and appointment of temporary judges vary according to their background and the length of the fixed-term position to which they apply. Candidates who are already permanent judges may apply for a temporary horizontal transfer to a fixed-term position. In this case, the authority competent to appoint candidates is the court president, for positions under three months, or the Judicial Appointment Board, for longer-term positions (section 55 e of the Courts Act). For positions between three and six months, the Judicial Appointment Board delegated its authority to the NCA.

102. External candidates to temporary positions of at least six months are selected in the same manner as permanent judges. They are then appointed either by the Judicial Appointment Board – for positions between six months and one year – or by the King in Council, for positions of more than one year. Candidates to shorter-term positions are appointed by the NCA, upon delegation of the Judicial Appointment Board. For appointments between three and six months, the Chair of the Board has to approve the choice of the NCA.

103. There is no distinct system of transfer or promotion in the Norwegian judiciary. In case a judge seeks a position in another court of the same level, a managerial position or a post in a higher court, s/he has to apply for a published vacancy and to compete along with all other applicants through the recruitment process described above.

104. Overall, the Norwegian system of recruitment of judges is very open and transparent. It is not uncommon, especially in connection with appointments to smaller courts, that the merits of the candidates become a topic of public debate. This high level of transparency, however, which is modelled upon the rules applicable to all public officials, does not apply in the context of short-term appointments of less than six months. There is no requirement for an open and competitive recruitment procedure, nor publicity measures regarding the appointment. As the data given above indicate (see paragraph 92), the number of such short-term appointments is not insignificant. While it understands the need for swiftness and flexibility in short-term appointments, the GET takes the view that it is important that the process is subject to at least some degree of transparency and that equal opportunities exist for all potential candidates to such positions. This could be achieved for instance by publishing open positions and recruited persons on the homepage of the courts concerned. The GET is also concerned about the danger of "apparent bias" being perceived by litigants, when one of the judges hearing their case is a lawyer who is temporarily appointed as a judge. Therefore, **GRECO recommends (i) seeking ways to increase the transparency of the process of appointment of short-term judges and (ii) considering reducing the number of short-term judges**.

Salaries and benefits

105. The gross annual salary of a first instance court judge at the beginning of his/her career was 957 000 NOK (121 251.90 €) by October 2012. For a Supreme Court judge, it was 1 554 000 NOK (196 891.80 €). The salary of appeal court judges is close to that of first instance judges. Court presidents and heads of department receive a higher salary than other judges in the same court.

106. Supreme Court judges appointed before 1 January 2011 are entitled by law to up to fifteen years of extra pension time if they retire at the age of 67. This benefit was motivated by a wish to strengthen the recruitment to the Supreme Court from the ranks of private practicing lawyers. This benefit was abolished in 2011 and thus, judges appointed to the Supreme Court after 1 January 2011 are not entitled to it. Norwegian judges do not receive any other additional benefits.

Case management and court procedure

Assignment of cases

107. According to sections 11 and 19 of the Courts Act, cases are assigned to judges by the president of the court. The same sections enable the government to adopt regulations on case assignment. However, such regulations were not adopted in practice.

108. Although not stated in the statutory provisions, the principle of random assignment prevails, following a long-standing and firmly established practice. However, the principle is not carried out to the extent that random assignment is done electronically through the case management system. The GET was told that in practice, each court maintains a list of judges, and cases are allocated to each of them in turn, according to their date of entry into the system. Case allocation policies are under the responsibility of the presidents of the courts. The GET also learned that there was no plan to introduce electronic case allocation in the future.

109. Furthermore, in certain areas the principle of randomness is balanced by other criteria. For instance, deputy judges in district courts are scrutinised by a mentor judge or the court president and caution is exercised in allocating cases to them during the first months of their practice. In some cases, for example in the area of bankruptcy, specialisation of judges also influences case allocation, although a balance is sought between specialisation and randomness.

110. Cases can be reallocated from one court to another, pursuant to section 38 of the Courts Act. According to section 11-7 of the Civil Procedure Act, a court president may also re-assign a case to a new judge within the same court if the judge who was first assigned the case has shown material neglect of his/her duties of diligence in managing the case. This provision is relatively new. It was introduced in the Dispute Act that entered into force on 1 January 2008, as a national remedy against the excessive length of proceedings, under articles 6 and 13 of the European Convention on Human Rights (hereafter ECHR). There are no statistical data on the use of this remedy, but the authorities explain that it is not used very often. The Criminal Procedure Act does not contain a similar provision. Nevertheless, as articles 13 and 6 ECHR combined prescribe the right to an effective remedy against violations of the right to a fair trial within a reasonable time, the possibility of assigning a case to a new judge in case of material neglect of the rules on case processing times exists in criminal cases as well.

111. The GET had the impression that case allocation policies in courts were not very formalised and lacked transparency and clarity to some degree. Randomness was said to be the guiding principle in most cases, but in the absence of public information about courts' policies, the GET could not form a clear view as to what extent that was the case

in practice. Its interlocutors also explained that randomness was mitigated by the need for specialisation of judges for some types of cases and by the high number of small courts. External interference in the allocation of cases does not appear to be a source for concern. However, in the interest of transparency and for the sake of maintaining public trust in the impartiality of the judiciary, better information and foreseeability concerning case allocation or case re-allocation to a given judge could benefit the public.

The principle of hearing cases without undue delay

112. In civil cases, section 11-7 of the Civil Procedure Act mentioned above ensures that cases are tried without undue delay.

113. In criminal cases, the Criminal Procedure Act contains several provisions with time-limits in prioritised cases. According to the Criminal Procedure Act, remand into custody must be decided within three days from the day of arrest (section 183); the time for the main hearing must be decided within two weeks after the case was registered (section 275); the main hearing normally has to take place within six weeks after the indictment was registered in a district court, and eight weeks in a court of appeal, if the indicted person is a minor or a remand prisoner.

114. The Dispute Act also contains several provisions aimed at speeding up the proceedings. Most importantly, it presupposes that the judge takes an active part in the management of the case. Section 9-4 introduced, as a mandatory element of a case preparation, a court hearing with the sole purpose of setting a schedule for processing the case. The main time-limits foreseen in the act are as follows: the main hearing should not take place later than six months after a case was registered (section 9-4 h); judgments in small claims proceedings normally have to be rendered within three months from the writ of summons.

115. Furthermore, the Parliament adopted norms for average case-management times through the budgetary process: six months from registered case to judgment in civil cases for both the first and second instance courts, three months for ordinary criminal cases in both instances and one month in first instance criminal cases where the indicted person admitted his/her guilt.

116. One of the core responsibilities of court presidents is to monitor cases and ensure they are dealt with swiftly. To this end, the courts case management system is designed with monitoring tools, displaying the time-line of each case.

The principle of public hearing

117. Court hearings are public and they may only take place behind closed doors in accordance with statutory law (section 124, Courts Act). The court may order that a hearing be held in whole or in part *in camera* (section 125, Courts Act):

- when the interests of the state against a foreign power require,
- when the interests of privacy or decency require,
- when special circumstances give reason to fear that the public will complicate the elucidation of the case,
- when an accused is under 18, the victim's reputation requires it or an accused or a witness requests it, for reasons that the court deems adequate,
- when a witness is questioned anonymously (Criminal Law 3 § 130 a) or
- in time of war when the interests of military operations or the safety of military forces or other special reasons so require.

118. In family matters – under the Children's Act, the Marriage Act, in cases between spouses, separated persons or persons who have been or are living together – the

hearing is generally conducted *in camera*, unless the court decides for special reasons that it should be wholly or partly held in open court.

119. The same principles of publicity apply to court decisions. Several legal information providers offer online access to court decisions. This includes all Supreme Court judgments and rulings, all court of appeal rulings and a selection of first instance court judgments. These decisions are made available free of charge for the first four months. Full access is subject to a subscription fee. University students are given free access through an agreement between the legal information system[14] and the university, for a monthly subscription fee of approximately 60 to 100 EUR.

Ethical principles and rules of conduct

120. A text compiling "Ethical Principles for Norwegian Judges" was adopted on 1 October 2010 by the Norwegian Association of Judges, Tekna's Sector Union for the Land Consolidation Courts and the Board of Governors of the Norwegian Courts Administration. It contains fifteen principles – on basic requirements, independence, impartiality, integrity, equality, proper conduct, formulation of court decisions, discretion, competence, efficiency, statements, relations with the media, conduct outside the role of a judge, retired judges and collegial intervention.

121. These principles apply to all professional judges in the ordinary courts and in the land consolidation courts, both within and outside their adjudicatory role. As the preamble of the Principles state, they "aim at promoting conduct among judges that generates and enhances public confidence in the courts and court decisions. The principles also serve as a source of information for judges and court users on what is considered to be proper conduct of judges". The Supervisory Committee for Judges makes use of these principles in its assessment of complaints against judges (see below).

122. No code of ethics or rules of conduct apply to lay judges. They do take an oath and receive information prior to their sitting in court, but this information mainly relates to the organisation of hearings. Various views were expressed to the GET about the need for specific guidelines for lay judges on ethical issues. Some thought they would have an added value, mentioning that lay judges could be more at risk in connection with conflicts of interest and that they were not subject to any ban on receiving gifts. Others were of the opinion that such guidelines were not necessary, as the risk of conflicts of interest was rather limited, most of the lay judges sitting in petty criminal cases, in which no major economic interests were at stake. The possibility for parties to appeal a court decision could also ensure, in their view, that any potential problem would be dealt with. Notwithstanding this, the GET notes that little specific attention is being paid to the integrity of lay judges. Given the number and the important role of lay judges in the criminal justice system, the Norwegian authorities may wish to assess the situation of these judges with regard to real or perceived risks to their integrity and where necessary, to design appropriate standards or guidance. Reference is made in this connection to the recommendation contained in paragraph 160 below.

Conflicts of interest

123. There is no general definition of conflicts of interest in the legal texts on the judiciary. Section 55 third paragraph of the Courts Act sets forth that a judge shall be independent in his/her adjudicative role. According to section 113 of the Courts Act, s/he is obliged to inform the parties of any circumstances that may cause a conflict of interest. S/he shall furthermore carry out his/her work impartially showing trust and respect. The prevention of conflicts of interest is mainly dealt with through statutory provisions on disqualification and accessory activities (see below).

[14] www.lovdata.no

Prohibition or restriction of certain activities

Incompatibilities and extra-judicial activities

124. The current regime governing judges' extra-judicial activities is the result of the work of the Norwegian Law Courts Commission that was appointed by Royal Decree on 8 March 1996. The Commission was tasked *inter alia* with examining the nature and extent of judges' extra-judicial tasks, duties and commitment, to assess the need for guidelines regarding such tasks and to determine whether an official system of registration should be introduced. A system combining few limitations on the right of judges to undertake extra-judicial activities and compulsory registration of such activities was devised. An amendment to the Courts Act introducing a registration system was adopted, after public consultation, on 15 June 2001 and entered into force on 1 November 2002. Serving judges were given until 1 March 2003 to register their extra-judicial activities.

125. The term 'extra-judicial activities' as defined in section 121a of the Courts Act includes, in addition to a judge's normal duties, any membership, supplementary duties, tasks or activity undertaken in or on behalf of a company, organisation, association, government agency, county municipal or municipal body. According to the authorities, this definition is also likely to cover agreements on future activities.

126. There are few legal limitations on the right of judges to undertake extra-judicial activities and it is quite usual in practice for judges to have outside activities and interests. Among the few legal incompatibilities that do exist, section 121b of the Courts Act prohibits a judge from practising as a lawyer. Employment outside the courts of permanently appointed judges is also prohibited (section 121j). Judges may not receive remuneration from earlier or future employers (section 121i).

127. According to the Courts Act, judges may engage in accessory activities outside the courts, including remunerated activities, in principle both in the private and public sector. However, pursuant to guidelines referred to below, judges will in general not be allowed to engage in trade/commercial business activities in the private sector, except in family companies.

128. According to section 121c, a judge must seek approval for all kinds of duties or interests that are likely to entail his/her more than occasional disqualification, as well as work-intensive duties that might hamper or delay his/her normal work. In addition, a judge must seek approval for activities involving private or public commercial undertakings, appointments to serve as a member of an arbitration tribunal – in cases where the judge is not appointed by one of the parties to the dispute in question – and for activities involving collegiate administrative bodies where the decisions of the body concerned are likely to be subjected to judicial review by the courts.

129. The board of directors of the NCA has laid down guidelines for approval of the different types of extra-judicial activities. It also delegated the authority to approve judges' extra-judicial activities to the president of the court concerned, except for tasks or activities undertaken in or on behalf of a commercial company.

130. Political activities – as a member of a national, regional or local assembly as well as in a political party – and elections/appointment by the *Storting* or the King in Council are exempt from the approval requirement. The same applies if a judge is appointed by the Council of State to serve as a member of various types of boards. In the case of other appointments made by the Council of State, prior consultation with the Norwegian Courts Administration (NCA) is required - except in a few specially named cases.

131. Judges must register all their extra-judicial activities as laid down in section 121e of the Courts Act (see below).

Recusal and routine withdrawal

132. Sections 106-108 of the Courts Act contain the main provisions regarding judges' material impartiality. Sections 106 and 107 list cases in which a judge is automatically considered as not impartial, due to his relations with parties to a case. Section 108 supplements these provisions by establishing a general rule according to which no one can act as a judge or juror, when other special circumstances exist which would undermine confidence in his/her impartiality. The authorities explain that this provision requires a complete assessment of the relations between the judge and the parties and in line with article 6 of the European Convention on Human Rights; it is not only a subjective but also an objective assessment, in order to answer the question: is the judge impartial and does s/he appear to be impartial?

133. Section 109 sets forth that a deputy judge automatically will be considered non impartial if the court president or judge that is in charge of his/her supervision is disqualified, unless the parties agree to waive the deputy judge's recusal.

134. Section 110 states that relations described in section 106 1-6 also disqualify court clerks and judge´s assistants. Sections 111-121 outline the procedure for dealing with questions regarding impartiality, when they arise.

135. Based on section 108 of the Courts Act, most courts have adopted internal rules of quarantine related to a judge's former employment, particularly as prosecutor. As an example, new Supreme Court judges coming from the Director General of Public Prosecutions will not sit in criminal cases during the first year after their appointment, and they will not sit in criminal cases coming from the office of Director General of Public Prosecutions, that were dealt with in the time they worked there. During the on-site visit, the GET learned that concrete quarantine rules may differ between courts, but that courts seek inspiration from each other's policy in this matter and draw consequences from the case-law of the European Court of Human Rights.

136. In response to questions by the GET on the number of judicial decisions relating to the impartiality of judges, the authorities explained that the case management system in Norway does not allow the extraction of precise data or statistics on disqualification decisions. The only reliable data available concerns the Supreme Court. In 2012, 23 decisions related to legal disqualification were registered in the case management system of the Supreme Court, out of the 2091 cases that reached the court that year.

Gifts

137. The Civil Servants Act (section 20) states that no civil servant may accept a gift, a commission or other payment which is likely to, or by which the donor intended to, influence his/her official actions, or the acceptance of which is forbidden by other regulations. This provision applies to judges.

138. Article 4 of the Ethical Principles for Judges also underlines the prohibition of receiving gifts or other benefits that may be regarded as being related to the exercise of judicial duties.

Post-employment restrictions

139. Retired judges may be appointed as extraordinary judges in courts of appeal until they reach the age of 73, as mentioned earlier in this report. There are no specific restrictions on activities a judge may undertake after leaving his/her office. Provisions on judges' impartiality described above may apply, as appropriate. In practice, as the average appointment age of a judge is 45-46, very few judges leave their office to occupy other positions.

Third party contacts, confidential information

140. There are no prohibitions on contacts with a judge. However, it is regarded as proper conduct by the judge to register such contacts and notify thereof the other parties to the case. Attempts at exercising undue influence on civil servants, including judges, are sanctioned according to relevant provisions of the Penal Code.

141. Judges and other court staff are bound by professional secrecy regarding information they receive during the course of their work at the court (section 63a, Courts Act). Section 121 of the Penal Code incriminates the violation of professional secrecy. The Ethical Principles for judges also contain an article on discretion.

Declaration of assets, income, liabilities and interests

142. As stated above, judges must declare all their extra-judicial activities as laid down in section 121e of the Courts Act. All activities apart from membership in political parties, professional and industrial bodies, and in 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. This rule refers to so-called «fraternal societies» such as the Freemasons. Membership in such organisations must be registered regardless of the organisation's number of members and of whether or not the judge has undertaken duties on behalf of the organisation.

143. The Norwegian Courts Administration (NCA) is the entity responsible for keeping the register of judges' extra-judicial activities. The register is open to the public according to section 121h of the Courts Act and is accessible online on the NCA's website[15]. 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. Registration must be performed when an activity is taken up, as well as following any change in an activity's character or scope.

144. Judges may hold shares. If the value of such shares exceeds 200 000 NOK (24 577.57 €) or represents more than 10% of the total stock, this must be registered in the register of extra-judicial activities. There are no other provisions requiring judges to declare assets or financial interests, save for the ordinary tax declaration which applies to all citizens. As was mentioned to the GET during the on-site visit, public information on tax records, which applies to judges as all other citizens in Norway, is also an important tool for transparency. As explained in the section of this report on members of parliament, figures on all tax payers' net capital and income, as well as paid taxes, are accessible online to the general public.

Supervision

145. The Norwegian Courts Administration (NCA) is responsible for maintaining the register of extra-judicial activities, in accordance with statutory provisions of the Courts Act, as well as regulations adopted by the Ministry of Justice. The system is based on trust, and the information provided by judges is thus not verified as such. The NCA does, however, contact judges in practice to update information that it finds insufficient or inaccurate. The NCA also checks information regarding companies to which judges are

[15] http://www.domstol.no/no/Domstoladministrasjonenno/Offentlighet-og-innsyn/Dommeres-sidegjoremal/

affiliated, for example, as regards their legal basis, ownership arrangements, accounts, etc.

146. In case judges disregard their registration obligations, the NCA may file a complaint to the Supervisory Committee for Judges for disciplinary action or bring the case to the Ministry of Justice with a proposal to initiate court proceedings for dismissal. Such cases are very rare in practice.

147. It was confirmed to the GET that judges do generally comply with their registration duties. The integrity and high standards of judges in Norway were highlighted by all interlocutors and studies and polls confirm that they enjoy a high level of trust by the public. Cases of inaccurate or incomplete entries in the register of extra-judicial activities are sometimes revealed by the press, but these appear to be no more than isolated incidents and the Supervisory Committee for Judges acts on such reports (see below). Against this background, there is no reason to believe that the absence of a formal mechanism of verification by the NCA of the register of extra-judicial duties is detrimental to the prevention of corruption in the judiciary.

Enforcement measures and immunity

148. Violations by judges of the rules on conduct are subject to disciplinary proceedings before the Supervisory Committee for Judges and may eventually lead to a dismissal procedure under section 15 of the Civil Servants Act. Judges are also liable to criminal prosecution under Chapter 11 or section 324 (minor criminal offence) of the Penal Code if they violate the obligations set forth in chapter 6a of the Courts Act on extra-judicial activities.

149. The Supervisory Committee for Judges consists of five plus one members, all appointed by the King in Council for a period of four years, renewable once: two judges from ordinary courts and one land consolidation court judge – the latter will take part in cases against land consolidation court judges, in which case one of the ordinary judges will not sit on the Committee – two representatives of the public and one private practicing lawyer. The NCA provides the Supervisory Committee with administrative and budgetary support and the Committee assesses cases independently. It is assisted for its secretariat by three civil servants. The number of complaints received varies: in the period January-November 2012, 85 complaints were received. In some years, this number has been as high as 170. The representatives of the Committee explained to the GET that about half of these complaints relate to the conduct of judges and the other half has to do with the length of court proceedings. They stressed, however, that most complaints were unfounded and were lodged by parties who were dissatisfied with a court decision.

150. The Supervisory Committee may initiate disciplinary proceedings *ex officio* but in practice, almost all cases are initiated by external complaint. Complaints may be submitted by the parties and other persons taking part in court proceedings, such as experts and witnesses; the Ministry of Justice; the NCA; the presiding judge of the court in which the judge against whom the complaint is lodged works; the Norwegian Bar Association or other persons with a special interest in obtaining an assessment of a judge's conduct, such as the Norwegian Press Association.

151. In this context, the last article of the Ethical Principles for Judges, dealing with collegial intervention, is also worth mentioning. It requires judges who become aware of violations of the ethical principles by colleagues, to address such violations in a suitable manner and to intervene when substantial violations occur.

152. The disciplinary procedure is regulated by Chapter 12 of the Courts Act. It is conducted mainly in writing and following the adversarial principle. The Supervisory

Committee decides by a majority of its members. It may not impose sanctions other than a decision of criticism or warning, the latter being the strictest measure. Such decisions are published in the media in an anonymised manner. They are also discussed and commented in courts. In grave cases, the Committee can also recommend to the Ministry of Justice to consider initiating a dismissal procedure against a judge. Decisions of the Supervisory Committee have the nature of administrative decisions. Their legality may be reviewed, at the request of the parties, by ordinary courts.

153. The Supervisory Committee issues on average five or six decisions of criticism or warning per year. In 2011 for example, further to a complaint by the NCA following information that had appeared in the media, it issued two decisions of criticism to judges who had failed to report their extra-judicial activities.

154. Dismissal of judges can only happen by court decision (section 22, paragraph 2 of the Constitution), following proceedings filed by the King in Council. Dismissal of judges is very rare. The first case of dismissal in several decades occurred in 2013, with a decision by Oslo district court. This decision was pending before a Court of Appeal at the time of adoption of this report. That case concerned the attitude of a judge on gender issues and had given rise to prior complaints in 1997-1998 and then again to the Supervisory Committee of Judges in 2010. Judges may be suspended by decision of the King in Council (section 22, paragraph 2 of the Constitution).

155. There are no immunities from criminal prosecution applicable to judges, except in the following cases:

- Damage claims against judges based on the content of their decisions cannot be filed unless the decision is quashed, has been annulled, or the judge is convicted for a crime related to the decision (section 200, paragraph 3 of the Courts Act).

- Claims for annulment of defamatory statements cannot be filed if the statement was part of a judgment or other decision from a judge (section 253 No. 3 a) of the Penal Code).

- Criminal prosecution against Supreme Court judges stemming from their adjudicative work pertains to the jurisdiction of the Court of Impeachment (sections 86-87 of the Constitution).

Training and awareness

156. Permanently appointed judges undergo an initial training period, consisting of five national gatherings of 3-4 days each, during the first year after their appointment. Judges' ethics form a central part of this initial training. The first gathering focuses on the role of judges and on ethics, while the other four gatherings deal with civil and criminal cases. Deputy judges attend a four-day introduction course, of which ethics form an important part. Targeted training is also organised by local courts for their new judges, the content of which depends on the judge's background.

157. Several in-service training events focus on ethics for judges, in which conflict of interest and impartiality are discussed. Such training is open to both permanently and temporarily appointed judges, on an optional basis. Certain sessions are considered compulsory in practice, due to their importance.

158. The NCA has reviewed over the last couple of years the training schemes for all categories of court employees. New training methods have been introduced, with an increased focus on the judge's craft, both during initial and in-service training. The NCA has also produced a DVD dedicated to ethical dilemmas for judges and ethics are a

permanent topic discussed in annual meetings of the network for continuous training of judges in Nordic countries.

159. Traditionally, it is primarily up to the judges to make themselves fully familiar with the applicable provisions on conduct and ethical behaviour. They may also seek advice from more experienced colleagues, the Norwegian Association of Judges or the NCA.

160. The GET notes that, despite the existing training activities, interviews on-site revealed a frequent view that judges, because of their long-standing experience before joining the judiciary, were inherently able to cope with all aspects of their judicial duties, including ethical issues and dilemmas. That said, several interlocutors stressed that ethics was increasingly becoming a topical issue and regular discussions on conduct and integrity are organised in some courts. As mentioned above, decisions of criticism and warning issued by the Supervisory Committee for Judges are disseminated and discussed in courts. The Committee also informed the GET that it planned to propose in the autumn 2014 a training course on ethical issues, using some of its recent decisions in case studies. All these initiatives are worthwhile, and the GET believes that there would be added value in formalising them at national level into more concerted and proactive policies, in order to identify potential risks, raise the profile of integrity issues and enhance awareness. Such targeted policies would be especially beneficial to deputy judges who are younger and less experienced professionals. Indeed, the GET learned that a proposal by the Association of deputy judges for enhanced training was under consideration by the NCA at the time of the on-site visit. Measures such as better and more tailored guidance on judicial conduct, practical discussions around expected responses to concrete ethical dilemmas, could be introduced on this occasion. In view of the above, **GRECO recommends that the existing training and awareness activities for all categories of judges, including lay judges, be enhanced, in order to ensure that judges have proper guidance on ethics, expected conduct, conflicts of interest and related matters.**

V. CORRUPTION PREVENTION IN RESPECT OF PROSECUTORS

Overview of the prosecution service

161. The Norwegian prosecution service forms part of the executive branch. It has three levels: the police prosecutors, the regional prosecutors and the Director of Public Prosecutions (DPP). There are three separate units with special competence: the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM); the National Authority for Prosecution of Organised and Other Serious Crime and the National Criminal Intelligence Service. According to section 56 of the Criminal Procedure Act (CPA), the DPP is the chief administrator of the prosecuting authority.

162. The geographical distribution of prosecution offices follows that of the courts and of the police districts. At the lowest level, the offices have both police and prosecutorial competence. There are 27 district offices, headed by chiefs of police, which employ about 600 police prosecutors. At the intermediate and higher level, the functions of police and prosecution are separate. There are 10 regional prosecution offices, with 120 regional prosecutors; the DPP, located in Oslo, has a staff of ten prosecutors.

163. Generally speaking, the competence to prosecute is divided between the three prosecutorial levels according to the severity of the cases. This is regulated in detail in chapter 7 of the CPA. The DPP is competent to prosecute cases carrying a sentence of 21 years' imprisonment, which is the maximum penalty in Norway, except for genocide, crime against humanity and war crime, which carry a maximum penalty of 30 years; regional offices prosecute criminal offences and police prosecutors are competent for misdemeanours, as well as some crimes, such as street violence and street theft. In any case, a prosecutor at a superior level can overrule decisions taken at a subordinate level in a particular case. If a regional prosecutor overrules a police prosecutor, the chief of police of the relevant district can file a complaint to the DPP.

164. The prosecution service is formally not an entirely autonomous institution in Norway, as section 56 of the CPA states that "[o]nly the King in Council may prescribe general rules and give binding orders as to how [a prosecutor] shall discharge his duties". However, the King in Council's competence has never been used in practice to intervene in individual cases. The prosecuting authority is independent in this respect. The King in Council, that is, the government, can give instructions to the DPP as part of the general criminal policy. These instructions are public and discussed in the Council.

Recruitment, career and conditions of service

165. Prosecutors are generally appointed for an indefinite period of time. According to the Police Act, section 18, the position as a police prosecutor requires a "spotless reputation". This requirement is interpreted broadly to ensure that candidates with the highest integrity are recruited, and covers compliance with the law as well as other traits such as sobriety and propriety. Similar requirements apply to prosecutors in the higher prosecution service. The integrity of candidates is assessed by checking their criminal records during the application process, as well as through interviews and written and oral statements obtained from the reference persons indicated in the candidates' applications.

Recruitment and career of prosecutors within the police

166. The chiefs of police and the vice chiefs of police are senior state officials who are appointed by the King in Council, following an open recruitment procedure, and assigned to a specific police district.

167. Other police prosecutors are selected by an appointing committee, under the responsibility of the chief of the relevant police district. Appointing committees – there is one in each police district – are composed of three representatives from the employer's side and two prosecutors. The detailed recruitment procedure is governed by each district's staff regulations and it may thus differ slightly between the districts. Its general features are similar, however, along the lines of the rules applicable to the recruitment of public officials and judges. They comprise an open competition following a public call for candidates, a review of submitted applications and interviews by the appointing committee. The appointing committee then draws up a list of three nominees for each open position, with a ranking and a justified recommendation. The appointment is made by the Ministry of Justice. Both the list of candidates and the list of nominees are public.

Recruitment and career in the higher prosecution service

168. The recruitment process in the higher prosecution service is similar: following a public announcement of vacant positions, applications are collected by the Ministry of Justice – for candidates to positions in the DPP – or by the DPP – for candidates to other positions in the higher prosecution service. Applications are reviewed, references checked and interviews are carried out under the responsibility of the DPP. For positions in regional offices, the head of the relevant office participates in interviews carried out by the DPP. For each position, proposals of three names with motivated ranking are sent to the King in Council – for appointments to the DPP – or to the Ministry of Justice – for appointments in regional offices or one of the specialised units of the prosecution service.

169. There is no distinct system of transfer or promotion. A prosecutor seeking another position at an equivalent or higher level has to apply to a vacant position and undergoes the same selection process as the one described above.

170. There are some prosecutors working on temporary contracts in regional offices. They are selected in the same manner as permanently-employed prosecutors. To obtain a permanent contract, they have to apply to a permanent post and go through the selection process, as described in paragraph 168.

171. The GET was not made aware of any problematic issues in the recruitment of prosecutors at any level. The transparency of the process and of the lists of candidates and nominees was highlighted by several interlocutors.

Dismissal

172. Dismissal of senior state officials can only be decided by court (Constitution section 22, paragraph 2). Prosecutors in the higher prosecution service, as well as chiefs and vice-chiefs of police, who head police prosecutors, are senior state officials and enjoy this guarantee. According to the Constitution section 22, paragraph 1, the Director of Public Prosecution him/herself is considered an official of the highest rank. Consequently s/he can be dismissed only by the King in Council.

173. The procedures for dismissing police prosecutors are governed by Staff Regulations for the police districts. The general rule is that the decision to dismiss a police prosecutor is taken by the Ministry of Justice. This decision can be appealed.

Salaries and benefits

174. The gross annual salary of a prosecutor at the beginning of his career is approximately 435 100 NOK (approx. 53 605 €). The annual salary of the Director of Public Prosecutions is 1 371 000 NOK (approx. 168 905 €). In between these levels, the salary varies with the actual function occupied and seniority, as well as, to a very limited

extent, on periodic – or other – evaluation. There are no additional benefits for prosecutors.

Case management and procedural rules

175. Prosecutors in Norway have no competence outside the criminal law field. Cases are distributed among the three levels of prosecution according to the criteria in chapter 7 of the CPA, as described above (see paragraph 163).

176. Within the police, cases are assigned to a specific prosecutor according to fixed and detailed criteria which varies, however, from one police district to another, depending on its organisation and degree of specialisation. The leading principle is one of coincidence, since a case is normally assigned to the prosecutor on duty when it is opened. Similar principles apply at all three levels of prosecution, except within specialised bodies such as ØKOKRIM, in which cases are allocated according to prosecutors' specialisation.

177. Within the police, the chief of police can redistribute cases between his police prosecutors. Within the higher prosecution service, the Director of Public Prosecutions can reassign cases between prosecutors.

178. The grounds for removing a specific prosecutor from a case can vary, and are not restricted by law. Of course, different forms of misconduct or lack of impartiality could be grounds for removal from a case. Typically, however, transferring the responsibility for a case from one prosecutor to another is done in order to optimise the available personnel resources within an office, depending on varying workload and competence of the available prosecutors.

179. The main responsibility for ensuring that a case is processed without undue delay lies with the prosecutor who is assigned to the case, and an electronic system is used to help prosecutors manage their caseload. Apart from this, there are two main safeguards to ensure that prosecutors deal with cases without undue delay:

- The chief of police and other police prosecutors with management responsibility use different systems to monitor the total workload and the processing time in the police districts;

- Superior prosecution levels exercise control over subordinate levels, in line with the hierarchical structure of the prosecution service.

180. Prosecutors have an exclusive competence to deal with cases at a given hierarchical level, in line with the principle of opportunity. In particular, they have the authority to decide whether or not a case should be brought to court. Decisions not to prosecute are made with a reference to a specific code indicating the reason for such a decision. The decision to terminate an investigation must be made in writing, dated and signed. It is also a requirement that notification be given in writing to the relevant parties. Parties to the case may lodge a complaint against a prosecutor's decision to the higher level prosecutor (section 59a CPA). The higher level prosecutor can order the case to be re-opened, closed, or can take over the handling of the case. The higher level prosecutor can also reverse the decision of the lower level prosecution authority on his/her own initiative (section 75, second paragraph, second sentence of the Penal Code).

181. Decisions from a higher prosecutor on the handling of a case may be taken either further to a complaint, or in the framework of the general hierarchical control of the lower prosecution offices. The police prosecutors are controlled by the regional

prosecutors and the regional prosecutors by the DPP. This control is performed by reviewing periodical or thematic reports of activity, as well as by inspecting single cases. A case could be singled out for inspection as part of a random sampling or because of specific indications of undue delays in the handling of a case.

Ethical principles and rules of conduct

182. There are no specific rules of conduct applicable to the prosecution service. In the absence of such specific rules, the Ethical Guidelines for the Public Service apply to the prosecution service as far as appropriate. The Guidelines, which were adopted in 2005 and revised in 2010, contain principles, accompanied by comments, on such issues as freedom of information, whistleblowing, impartiality, outside jobs, gifts, etc. However, these Guidelines are conceived as a document of general reference, and as the preamble to this document mentions, state bodies are encouraged to review the need to adopt their own ethical guidelines to fit their specific needs. The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM) has adopted such specific standards of conduct that apply to prosecutors working within the Authority.

183. The GET was informed that the DPP had set up a drafting group to prepare a specific code of conduct for prosecutors as early as 2005. However, work on this issue seems to have a low degree of priority and no specific date has been set for conclusion of the group's work. Several of the GET's interlocutors regretted that no specific code of conduct for prosecutors had been adopted yet, stating that it would have added value upon the general Ethical Guidelines for the Public Service. The GET cannot but support such a view. The development of a tailor-made code of conduct for prosecutors would certainly provide a useful tool in guiding both young and more senior prosecutors on ethical questions more specifically, in maintaining and even enhancing their awareness and in informing the general public about the existing standards.[16] Such a reference document for the profession could be based on the general Ethical Guidelines for the Public Service and be complemented by specific guidance and examples for prosecutors with regard, *inter alia*, to conflicts of interest and related matters (such as disqualification, accessory activities, gifts, third party contacts/confidentiality). Moreover, complementary measures such as the provision of confidential counselling and, in any event, specific – preferably regular – training of a practice-oriented nature on the above issues would be a further asset. Consequently, **GRECO recommends (i) that a set of clear ethical standards/code of professional conduct – based on the general Ethical Guidelines for the Public Service and accompanied by explanatory comments and/or practical examples specifically for prosecutors, including guidance on conflicts of interest and related issues – be made applicable to all prosecutors and be made easily accessible to the public; and (ii) that complementary measures for its implementation, including dedicated training on the above issues, be taken in respect of all prosecutors.**

Conflicts of interest

184. There is no definition, nor provisions on conflicts of interest that apply specifically to prosecutors. The above-mentioned Ethical Guidelines for the Public Service do, however, contain a reference to possible actual and perceived conflicts of interests, in the commentary to the principle of impartiality. The commentary states that certain combinations of roles, such as membership in boards and committees that can lead to

[16] See in this connection principle 35 of Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe to member States on the role of public prosecution in the criminal justice system, which requires States to ensure that "in carrying out their duties, public prosecutors are bound by codes of conduct". The explanatory memorandum to the Recommendation further explains that such codes should not be a formal, static document, but rather a "reasonably flexible set of prescriptions concerning the approach to be adopted by public prosecutors, clearly aimed at delimiting what is and is not acceptable in their professional conduct".

frequent disqualification, ought to be avoided. In practice, conflicts of interest are mainly dealt with through rules on disqualification and withdrawal (see below). A recommendation to devise more specific guidance on conflicts of interest is given in paragraph 183 above.

Prohibition or restriction of certain activities

Incompatibilities and accessory activities

185. There are no restrictions on incompatibilities or on accessory activities. However, sections 60 and 61 of the CPA on disqualification (see below) do apply in the context of the exercise of accessory activities.

186. As a general rule, prosecutors enjoy freedom of speech and freedom of association, but when exercising these fundamental rights, adequate consideration must be given to their particular role in society. Therefore, accessory activities must not interfere with prosecutors' objectivity, impartiality and the basic principles and rules governing their work. This matter is addressed by the Ethical Guidelines for the Public Service, albeit in a very general manner. Principle 4.2 of the Guidelines on "outside and second jobs" specifies that public officials may not have accessory activities that may undermine the legitimate interests of the State or that lend themselves to undermining trust in the public service. The principle adds that there must be transparency about the potential impact of public officials' accessory activities on the discharge of their duties.

Disqualification and routine withdrawal

187. Disqualification is regulated by sections 60 and 61 of the CPA[17]. If a complaint is made in relation to these provisions by one of the parties to a case, the superior prosecution authority decides on whether the prosecutor should be disqualified or not.

188. In practice, it occurs that the issue of disqualification arises without being formally addressed by one of the parties. In such a case, the case is assigned to another prosecutor, at the initiative of the disqualified prosecutor him/herself or at the initiative of the head of office. In smaller police districts in particular, a perception of "being unpleasantly close" to a case may lead to an exchange of case files between prosecutors, so that any possible suspicion of a conflict of interest is avoided.

Gifts

189. The issue of gifts is addressed in the Ethical Guidelines for the Public Service, with two separate principles establishing a prohibition on accepting and offering gifts. However, tokens of appreciation, such as flowers or a bottle of wine, for holding a presentation, for example, are generally considered acceptable. These provisions and the comments appended to them, make reference to a broad range of forms of gifts and

[17] Section 60: "*An official serving the prosecuting authority or acting on its behalf is disqualified when he has such a relationship to the case as is specified in section 106 No. 1 to 5, of the Courts of Justice Act. He is also disqualified when other special circumstances exist that are likely to weaken confidence in his impartiality. This is particularly the case when the issue of disqualification is raised by one of the parties.*
If an official is disqualified, his subordinates in the same office are also deemed to be disqualified, unless his immediate superior decides otherwise."
Section 61: "*The official himself shall decide whether he is disqualified. When one of the parties so requires and it can be done without substantial loss of time, or the official himself otherwise has reasons to do so, he shall as soon as possible submit the question to his immediate superior for decision. If it is alleged that the Director of Public Prosecutions is disqualified, the Ministry may decide that he is not disqualified.*
An official who deems himself to be disqualified shall as soon as possible notify his immediate superior thereof.
When an official is disqualified, his immediate superior shall decide how the case shall be proceeded with.
Even though an official is disqualified, he may take such steps as cannot be postponed without detriment and cannot be left to another."

situations, such as travel, hotel accommodation, hospitality, discounts, loans and other contributions.

190. In addition, some prosecution offices have their own rules, requiring for instance that all gifts or tokens of appreciation be reported to the head of office. If the ban on accepting gifts seemed clear for all the prosecutors met by the GET during the visit, there seemed to be some variance in the concrete policies implemented by different prosecution offices in case of the receipt of tokens of appreciation or of small gifts that could not be refused. This issue would benefit from a clarification and specific examples, in the context of the recommendation given in paragraph 183 to adopt ethical standards for the prosecution service.

Post-employment restrictions

191. The authorities stressed that there are no restrictions on post-employment applicable to prosecutors. The GET did not come across any indication that this lack of rules would create problems in practice. That said, the Ethical Guidelines for the Public Service contain a principle on "transition to other organisations", which aims at prompting state bodies to introduce guidelines for quarantine periods, in order to ensure that citizens' trust in the public service is not impaired. In light of this principle, the GET encourages the Norwegian authorities to reflect upon the need to introduce such specific provisions for the prosecution service, in the context of the recommendation contained in paragraph 183.

Third party contacts, confidential information

192. Communication regarding criminal cases is regulated by section 61a f.f. of the CPA, the main principle being that a duty of secrecy applies to such information.

193. The DPP has issued guidelines concerning communication to the public about criminal cases (DPP circular no 1/1981, 12 February 1981), in order to reconcile the duty of secrecy with the provision of adequate information to the public concerning criminal cases, in accordance with rules prescribed by the DPP (CPA section 61c).

194. The DPP has also published a report (no1/2000) from a working group that was appointed to draft a media strategy for the higher prosecution service (not including the prosecution service in the police). Finally, a working committee appointed by the DPP and the Norwegian Bar Association presented a report on 25 October 2001 suggesting common guidelines for prosecutors and defence lawyers regarding statements to the media at the investigation stage.

195. Misuse of confidential information is a criminal offence according to section 121 of the Penal Code.

<u>Declaration of assets, income, liabilities and interests</u>

196. Prosecutors are not subject to a duty to declare their assets or interests. As all other Norwegian citizens, however, general information (in numbers) on their net annual income, paid taxes and assets are made publicly available online by the tax authorities. Given this high level of transparency and in the absence of problematic issues raised during the on-site visit, the GET is of the opinion that the absence of a specific asset declaration system for prosecutors is not detrimental to the prevention of corruption in Norway.

Supervision, enforcement measures and immunity

197. As there is no specific asset declaration regime in the prosecution service, there is no corresponding supervisory mechanism.

198. Supervision over the rules on conduct occurs mainly through the hierarchical control within the prosecution service. Issues of conduct may be dealt with during the regular appraisal process or the hierarchical inspection of cases (see paragraph 178); complaints against the conduct of a prosecutor may also be addressed to his/her hierarchical superior.

199. Some prosecutors met during the on-site visit mentioned that regular discussions on issues of conduct occurred in their office, but this practice does not seem widespread and appears to stem from the initiative of the relevant head of office. Issues of conduct are also sometimes raised during annual conferences that gather the DPP and the regional prosecutors on the one hand, and the regional and district prosecutors on the other hand.

200. The Civil Servants Act, sections 15-17, foresees the following sanctions for misconduct: dismissal, suspension and disciplinary sanctions, namely written reprimand, loss of seniority and demotion to a lower level post. Such sanctions are proposed by the DPP and decided by the Ministry of Justice, except for dismissal of higher level prosecutors, which can only be decided by a court. Decisions on sanctions are subject to appeal to the King in Council and to a court (Civil Servants Act, section 19 and Public Administration Act, sections 27 and 28).

The Norwegian Bureau for the Investigation of Police Affairs

201. Investigations regarding punishable offences committed by prosecutors – as well as police officers – in their duties are carried out by the Norwegian Bureau for the Investigation of Police Affairs (hereafter the Bureau). The Bureau is an independent national investigative and prosecuting authority, which was established by law in 2004 and became operational on 1 January 2005. One of the objectives in its creation was to strengthen the general public's confidence in the community's ability and willingness to investigate and prosecute crimes committed by members of the police and prosecuting authority. The Parliament insisted, therefore, that the Bureau be independent and given investigative powers. The Bureau is neither part of the police force nor of the ordinary prosecuting authority. It falls administratively under the Ministry of Justice and professionally under the DPP. The Bureau is headed by a Director and investigations are carried out by three regional investigative divisions, which make recommendations to the Director about whether or not a case should be considered for prosecution. The Bureau employs a permanent staff of 35 persons, as well as ten lawyers on secondment and one psychologist.

202. The Bureau can receive complaints about the actions of prosecutors or police officers from the aggrieved party or his/her lawyer, the police or other persons, such as witnesses. It can also take up a case on its own initiative. Most complaints concern actions of police officers and only 10-12%, on average, are targeted at (police) prosecutors. The GET was informed that most of these cases deal with the presentation of cases by prosecutors before the court, as well as gross negligence in the exercise of the prosecutor's discretionary powers. Depending on the facts, the Bureau can decide to prosecute or to forward the case to the head of the entity which employs the prosecutor, with a recommendation on how to deal with it at administrative level. A large proportion of the cases received does not result in prosecution. The Bureau prosecuted two cases against prosecutors in the past eight years, one for breach of the rules on confidentiality and one for gross negligence of duties. Fines were given in less serious cases. Decisions

of the Bureau can be appealed to the DPP, who can instruct the Bureau to initiate or terminate an investigation, or can change a decision.

203. An important part of the Bureau's mandate is also to inform the public about its activities and raise awareness among prosecutors about ethical issues. To this end, the Bureau's annual reports, available online[18], contain a summary of all cases in which criminal sanctions have been taken and a sample of cases submitted for administrative consideration. The homepage of the Bureau contains anonymous decisions in cases regarded as being of public interest, as well as a bi-annual summary of all cases sent for administrative decision and cases in which a criminal sanction has been applied. As from 1 January 2014, the Bureau presents short summaries of all decided cases on its homepage.

Advice, training and awareness

204. There is no specific training programme on ethics, integrity and conflicts of interest. Police prosecutors undergo a compulsory initial training period of one week at the regional prosecution office and three weeks at the national police academy. During this period, some issues of conduct and ethical dilemmas are addressed. Prosecutors working in regional offices undergo a similar compulsory initial training period of one week.

205. Likewise, there is no special mechanism in place to provide counselling to prosecutors on ethical matters. The authorities mentioned that prosecutors could turn to more experienced colleagues or to their trade unions for advice.

206. The GET takes the view that more attention could be devoted to developing training and awareness-raising on ethical matters, integrity and conflicts of interest. Some positive examples exist in certain prosecution offices but, as explained above, they seem to depend on the initiative of relevant managers and do not form part of a concerted policy. Several prosecutors interviewed on-site expressed the need for more training and counselling on integrity issues. A recommendation to this effect, linked with the development of a specific code of conduct, has been given in paragraph 183.

[18] www.spesialenheten.no

VI. RECOMMENDATIONS AND FOLLOW-UP

207. In view of the findings of the present report, GRECO addresses the following recommendations to Norway:

Regarding members of parliament

i. **that the Ethical Guidelines be (i) further developed with the participation of the members of the *Storting* (to cover issues such as the prevention of conflicts of interest, acceptance of gifts and other advantages and contacts with third parties, including lobbyists) and (ii) complemented by practical measures in order to provide adequate guidance and counselling to members of the *Storting* regarding ethical matters** (paragraph 44);

ii. **that a requirement of *ad hoc* disclosure be introduced when a conflict emerges between the private interests of individual members of parliament and a matter under consideration in parliamentary proceedings** (paragraph 50);

iii. **(i) that the existing declaration system be further developed, in particular by including quantitative data on the financial and economic interests of members of parliament as well as data on significant liabilities; and (ii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public)** (paragraph 72);

iv. **that appropriate measures be taken to ensure supervision and enforcement of the declaration requirements and standards of conduct applicable to members of the *Storting*** (paragraph 80);

Regarding judges

v. **(i) seeking ways to increase the transparency of the process of appointment of short-term judges and (ii) considering reducing the number of short-term judges** (paragraph 104);

vi. **that the existing training and awareness activities for all categories of judges, including lay judges, be enhanced, in order to ensure that judges have proper guidance on ethics, expected conduct, conflicts of interest and related matters** (paragraph 160);

Regarding prosecutors

vii. **(i) that a set of clear ethical standards/code of professional conduct – based on the general Ethical Guidelines for the Public Service and accompanied by explanatory comments and/or practical examples specifically for prosecutors, including guidance on conflicts of interest and related issues – be made applicable to all prosecutors and be made easily accessible to the public; and (ii) that complementary measures for its implementation, including dedicated training on the above issues, be taken in respect of all prosecutors** (paragraph 183).

208. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Norway to submit a report on the measures taken to implement the above-mentioned recommendations by 31 December 2015. These measures will be assessed by GRECO through its specific compliance procedure.

209. GRECO invites the authorities of Norway to authorise, at their earliest convenience, the publication of this report, to translate the report into the national language and to make the translation publicly available.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its 49 member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

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