COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

TC-CP(2026)10

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Council of Europe Convention on Access to Official Documents (CETS No.205)

Consultation of the Parties

Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents in respect of Norway and conclusions on its implementation of recommendations adopted by the Consultation of Parties

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as “the Convention”), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention;

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having regard to the baseline evaluation report concerning the implementation of the Convention by Norway adopted by the AIG at its 6th meeting (29-31 May 2024) which focuses on the Freedom of Information Act and to the comments of the Government received on 4 July 2024;

Having regard to the fact that at the time of the adoption of the baseline evaluation report the AIG had reserved its position on the interpretation of the notion of “drawn-up” in Article 1, paragraph 2, sub-paragraph b, of the Convention and that the AIG has published on 5 November 2025 its opinion on the definition of “official documents” according to the Convention, which includes the notion of “drawn-up” (AIG(2025)07REV2);

Having examined the updates that the AIG has made to the baseline evaluation report to reflect its opinion on the definition of “official documents” according to the Convention (AIG(2024)11REV3) which was published on 9 July 2026 as well as the comments of Norway (AIG/Inf/(2026)05) which were received on 1 July 2026;

Recalling the Consultation of the Parties’ conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Norway (TC-CP(2024)09) published on 3 October 2024 hereinafter referred to as “the 2024 recommendations”, as well as of the comments provided by the government of Norway on 31 August 2026 (TC-CP(2026)15), makes the following conclusions and recommendations:

1. In respect of the updates that the AIG made to the baseline evaluation report, recommends that the government of Norway take the following measures identified on the basis of the AIG’s report:

1.1. ensure the compliance of limitations of access to documents covered by §4, third paragraph, sub-paragraph c, of the Freedom of Information Act (documents handed over to an administrative agency for disclosure in a periodical journal that is published by that agency) with the requirements of Article 3 of the Convention (see paragraphs 16 and 67 in AIG’s report);

1.2. ensure the compliance of § 5, first and fourth paragraphs of the Freedom of Information Act concerning deferral of access to documents to a later stage in the preparation of cases with the Convention by providing precisely in the law the public interests that the limitations of access laid down in these provisions of the Act seek to protect and ensuring their compliance with any of the interests listed in Article 3, paragraph 1, of the Convention (see paragraphs 22–25 and 69 in AIG’s report).

2. In respect of the 2024 recommendations, takes note of the comments provided by the government of Norway on §4, second paragraph, of the Freedom of Information Act concerning the qualification that official documents are those which relate to a public authority's area of responsibility or activities; §22 of the Freedom of Information Act concerning exemptions from public access in certain budget matters; and §11 of the Freedom of Information Act concerning the duty to consider allowing full of partial access; and welcomes the fact that Norway will take into consideration the recommendations of the Consultation of the Parties on these provisions of the Freedom of Information Act in ongoing work on it.

3. Invites the government of Norway to report to the Consultation of the Parties on the measures taken to implement the present conclusions and recommendations within one year of their transmission.