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Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

NORWAY



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Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in Norway to prevent corruption among persons with top executive functions (ministers, state secretaries, as well as political advisers, as appropriate) and members of the police. It aims at supporting the longstanding commitment of the country towards transparency, integrity and accountability in public life.

2. Norway traditionally scores highly in international perception surveys on corruption. It further holds an unparalleled record of implementation in GRECO, with 100% of its recommendations fully implemented throughout all evaluation rounds. Norwegian citizens are highly satisfied with their services and institutions. Norway ranks among the countries in the world where the population has the highest levels of confidence in public administration. Administrative corruption and petty bribery are almost non-existent. There are, however, other corruption-related challenges, different from bribery and the like, that are relevant in the Norwegian context, such as close networks and conflicts of interest.

3. Norway relies substantially on high expectations of and trust in its senior officials. It sets conflicts of interest, financial disclosure and other integrity related standards, but violations of those have limited formal consequences other than political repercussions, public opprobrium or, in a worst-case scenario, the potential enforcement of criminal measures. Likewise, more efforts are required to ensure formalised training and counselling channels on ethical matters. Moreover, to be utterly effective, a system that relies primarily on trust needs to couple that expectation with full transparency. In this connection, there is some issue as to whether information in Norway is as transparent as it should be and specific information that would help the public make its own determinations on conflicts of interest is not public. On the other hand, Norway has not yet had a significant (known) failure with establishing principles and then trusting officials to follow them, but like other countries, disagreements are getting fiercer and that may expose lapses in the system, which have heretofore gone unrecognised, or create incentives to push the envelope in terms of conduct.

4. The police is undergoing reform to streamline its operation. Steps have been taken in recent years to strengthen internal control and audit systems, which is a welcome development. More can be done to ensure a better coordinated and proactive integrity policy. This requires the refinement of risk assessment and information gathering tools, as well as better monitoring and cross-checking of integrity-related registers (e.g. business interests, data on disciplinary measures, vetting and re-vetting, internal deviation reports, etc.). Moreover, the Code of Conduct for the police needs to be accompanied by additional measures to render it meaningful. Positive steps have been taken in recent years to improve whistleblower protection in Norway, including with the latest 2020 legislative amendments. The police has made good effort to develop whistleblower guidance and operational arrangements; work is ongoing in this respect. Additional action can be taken to intensify training and awareness-raising activities on whistleblowing for all levels of hierarchy and chains of command in the police.

II. INTRODUCTION AND METHODOLOGY

5. 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), Third (in February 2009) and Fourth (in June 2014) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017.¹

6. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Norway to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Norway, which determine the national institutions/bodies that are to be 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 GRECO's recommendations.

7. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Norway from 25 to 29 November 2019, and reference was made to the responses by Norway to the Evaluation Questionnaire, as well as other information received, including from civil society. The GET was composed of Mihaita BARLICI, Head of Anticorruption Studies and Prognosis Unit, General Anticorruption Directorate, Ministry of Internal Affairs (Romania); Vladimir GEORGIEV, Commissioner, State Commission for Prevention of Corruption (North Macedonia); Jenni JUSLÉN, Chief Superintendent, National Police Board (Finland); and Jane LEY, Former Deputy Director of the US Office of Government Ethics (United States of America). The GET was supported by Laura SANZ LEVIA from GRECO's Secretariat.

8. The GET interviewed representatives of the Ministry of Justice and Public Security, the Ministry of Local Government and Modernisation, the Office of the Prime Minister, representatives of political leadership in Government and the Parliament, the Agency for Public Management and E-government, the Norwegian Government Agency for Financial Management, the Parliamentary Ombudsman, the Office of the Auditor General, the Police (National Police Directorate, ØKOKRIM, KRIPOS, Oslo Police District), the National Bureau for Investigation of Police Affairs and the Norwegian Police University College.

9. Finally, the GET met with representatives of Transparency International Norway, academics, the media and trade unions.

¹ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](http://www.coe.int/greco).

III. CONTEXT

10. Norway has been a member of GRECO since 2001 and has been evaluated in the framework of four evaluation rounds focusing on different topics related to the prevention of and fight against corruption². Norway holds unparalleled records of implementation in GRECO, with 100% of its recommendations fully implemented throughout all four previous evaluation rounds.

11. Norway consistently ranks among the top ten countries in [Transparency International's Corruption Perception Index](#) and was placed 7th in 2020. Norway ranked fifth among 30 advanced economies in fighting corruption according to the [Inclusive Growth and Development Report \(2017\)](#) of the World Economic Forum. The World Bank Governance Indicators (WGI) submits that Norway has had an average score nearing 100% on corruption control for the last two decades.

12. Norway is one of the most robust democracies in the world ([Freedom House](#), 2019) and its citizens are highly satisfied with services and institutions ([OECD Government at a Glance](#), 2015). There is a general impression that there is little domestic corruption in Norway, with administrative corruption and petty bribery being almost non-existent (GAN Business Anticorruption Portal, [Norway Corruption Report](#)). Norway's economic crime-fighting unit, ØKOKRIM, has proven its proactivity in investigating and prosecuting corruption in Norway and abroad ([OECD Phase 4 Report: Norway](#), 2018).

13. A study on [Norway's Integrity System](#) (Transparency International, 2012) reflected on the fact that the anticorruption research, which has been carried out to date on Norway, has failed to uncover corruption-related challenges (other than bribery and the like) that are evident in the Norwegian context (such as close networks and conflicts of interest). The study further points at some areas where the risk of corruption is higher, including local government, business operation (particularly oil and gas companies, as well as building construction), development work abroad and public procurement.

14. In 2017, the Office of the Auditor General found that the Parliament had disregarded standard procurement rules and other safeguards for major building projects, leading costs to balloon from an initially budgeted 847 million NOK (around 78.7 million EUR) to more than 2.3 billion NOK (approximately 214 million EUR). The President of Parliament was forced to resign in March 2018. In August 2018, the Minister of Fisheries resigned after violating security rules during a private trip to Iran: he failed to give the government prior notice of the trip and brought his official mobile phone to the country ([Freedom House](#), 2019).

15. Regarding the police, a public survey suggests that corruption is very rare within the force ([Global Corruption Barometer](#), 2013). The reliability of police services to protect companies from crime is considered very high ([Global Competitiveness Report](#), 2017-

² Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

2018). The Norwegian government is considered to have effective mechanisms to investigate and prosecute corruption among police officials ([Human Rights Report](#), 2018).

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

16. Norway is a monarchy with a multi-party parliamentary system. The King³ is formally the Head of State but his duties are mainly representative and ceremonial. He is the symbol of national unity. The legislative and executive powers lie with the country's elected bodies. When the Constitution states that: "the executive power is vested in the King", as discussed further in paragraph 20, this now means that it is vested in the government.

17. More particularly, the King plays a ceremonial role connected to the functioning of government (for instance in the formation of a government, the making of certain appointments, the formal opening of the parliamentary session every autumn, the presiding of the Council of State and giving royal assent to passed legislation). However, in these respects, he acts on the advice of the government and strict constitutional principles which limit his role to a ceremonial one. As an example, each new session of Parliament is formally opened by the King who delivers on this occasion a speech outlining the main features of the government's policies for the coming year; however, he plays no role in drafting the speech and has no discretion over its content. All acts of state, in order to have validity, must be countersigned by a minister, who bears legal responsibility for the decision.

18. The King is the highest-ranking officer in Norway. He is Commander-in-Chief of Norway's armed forces and holds the rank of general in the Army and Air Force, and admiral in the Navy. Military authority is exercised by the King in the Council of State which means it is the government that has the ultimate military responsibility in times of war and peace.

19. Finally, the King can confer orders and medals as a reward to citizens for their outstanding contribution to the public good. Such decorations must be publicly announced; their bestowal does not confer any special rights upon the recipient.

20. As agreed by GRECO, a Head of State is covered in the 5th evaluation round under "central governments (top executive functions)" if s/he actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions. The GET notes that in Norway, the King does not actively participate on a regular basis in the development and/or the execution of governmental functions. The King clearly has a representative and honorary role. All his acts and decisions must be prepared and countersigned by a member of the government, which prevents the King from exercising discretionary executive powers. When addressing the Head of State, the constitutional term "the King" invariably means "the King in Council" *de jure* as

³ The current monarch is King Harald V. The order of succession is lineal, so that only a child born in lawful wedlock of the Queen or King, or of one who is herself or himself entitled to the succession may succeed, and so that the nearest line shall take precedence over the more remote and the elder in the line over the younger.

well as *de facto*. This position of the monarch is based on long standing practice in Norway and is not contradicted by other information received by the GET. Indeed, the suppression of any kind of personal political powers for the King as Head of State has been observed over the last 110 years. It therefore follows that the functions of the King of Norway do not fall within the scope of "persons entrusted with top executive functions" (PTEF) addressed by the present evaluation round.

21. Norway's unicameral parliament, the *Storting*, has 169 members who are directly elected for four-year terms through a system of proportional representation in multi-member districts. The last elections took place in 2017. The opposition Labour Party led the voting with 49 seats, followed by the ruling Conservatives with 45 seats, the right-wing Progress Party with 27, the Centre Party with 19, the Socialist Left Party with 11, the Christian Democratic Party and the Liberal Party with 8 each, and the Green Party and Red Party with 1 each. After the election, the Conservatives renewed their governing coalition with the Liberal Party, the Progress Party, and the Christian Democratic Party. The *Storting* passes legislation, decides on the State budget and oversees the activities of the government.

22. The government, led by the Prime Minister, exercises executive power. Formally, the King in Council decides which ministries shall exist at any one time and the distribution of tasks between them. After the on-site visit, the Progress Party left the government in January 2020, resulting in the current government formed by the Conservative Party, the Liberal Party and the Christian Democratic Party, which comprises 20 cabinet ministers (in some cases two ministers are appointed per ministry). The Prime Minister is a woman and there are 12 male (60%) and 8 female ministers (40%). This ratio is in line with the Committee of Ministers' [Recommendation Rec\(2003\)3](#) on balanced participation of women and men in political and public decision-making. Moreover, women are represented in government at all levels above the OECD average ([OECD Government at a Glance](#), 2017)⁴; at present, not only the Government, but also the Supreme Court and Parliament are led by women.

23. The Prime Minister is formally appointed by the King. As a single party rarely has a majority in the *Storting*, parties form alliances. The leader of the largest alliance and the largest party in that alliance is usually selected as Prime Minister-elect.

24. When a Prime Minister no longer considers the government's basis in the *Storting* to be present, the government will tender its resignation. The situation may arise when a government has received a vote of no confidence in the *Storting*, when a government has demanded a vote of confidence and lost, when the government party/parties have suffered an election defeat or lost an important referendum, or when the internal cooperation within a government has caused a shift of government.

25. The King in Council assigns the ministers to their cabinets, in accordance with proposals from the Prime Minister. The system of government is ministerial, in that each minister has the highest executive power within his/her purview. Individual ministers are answerable for all activity in their respective ministries and subordinate agencies. The extent to which a minister acts as an organisational leader in addition to the political leadership depends mainly on individual administrative considerations. Some ministries are large and have complex

⁴ In 2015, 68% of public sector employment in Norway was filled by women. This was beyond the OECD average for the same period which stood at 58%.

portfolios that require more than one minister. Resource considerations may indicate that multiple policy areas can share the same administrative apparatus. However, in ministries with two ministers only one will (in addition to be a member of the Council of State) be appointed as the chair of administrative matters. Even if delegation occurs (administrative/organisational authority is generally delegated to the secretary general), the minister is still responsible for monitoring how this authority is being exercised. Ministerial responsibility is both political and legal. Individual decisions by the minister are subject to appeal to the King in Council, according to the provisions of the Public Administration Act (Article 28); complaints can further be brought before the Parliamentary Ombudsman. Decisions handed down by the King in Council are not subject to administrative appeal, but can be brought before the courts. The issuance of regulations cannot be appealed.

26. As a collegiate body, the government has two types of fixed meetings per week: the Council of State meeting and the government conference. Meetings of the Council of State are generally held on Fridays at the Royal Palace in Oslo. Every Thursday there is a government conference. It is in the conferences that the political debates take place, although no formal decisions can be taken therein. The King does not attend government conferences.

27. The general rule is that matters of importance shall be decided in the Council of State (Article 28, Constitution), e.g. appointments to senior official posts in the civil service, pardons, legislative bills, appropriation bills, white papers, sanctioning of legislation passed by the *Storting*, provisional ordinances and matters in which the King has statutory authority. For decisions to be made in the Council of State more than half its members must be present. Husband and wife, parent and child or two siblings may never sit at the same time in the Council of State. What constitutes a “matter of importance” is discretionary and, therefore, the government has some room for manoeuvre to determine which matters will be dealt within the Council of State. However, since 1945, the number of matters dealt with in the Council of State has been declining.

28. There is no provision in law which deals specifically with government conferences, although there are internal guidelines available and certain key principles have developed in this respect. Matters are discussed as follows: firstly, a presentation is made by which the responsible minister provides a written account of the matter in the form of a government memorandum (*r-notat*) and his/her assessment of it; secondly, a recommendation of his/her ministry follows.

29. Regarding other PTEF (other than members of government), state secretaries are formally appointed by the King in Council by royal decree presented by the Office of the Prime Minister. They are equated with the ministers with respect to dismissal and electability to the *Storting*. They report directly to the minister and are responsible for assisting him/her with the ministry’s leadership. They act on behalf of the minister to the extent so directed. Political advisers⁵ are appointed by the Office of the Prime Minister. They do not have independent authority to act on behalf of the ministry or to issue instructions to employees in a ministry, but the minister may grant such authority within a reasonably limited scope. Unlike members of government, state secretaries and political advisers cannot attend meetings of the *Storting* nor take part in any proceedings there (Article 74, Constitution). Nor can a state secretary or

⁵ Political adviser is the collective title used for what were previously known as the personal secretaries and personal advisers to ministers. The change was implemented from 1 July 1992. The position of political adviser is not regulated in the Constitution and is not an official office.

a political adviser substitute for the minister in the Council of State. The number of political appointments is low and currently stands at an average of two/three state secretaries and one political adviser per ministry (as of May 2020, there were around 47 state secretaries and 20 political advisers). Their names, contact details, portfolio, and sometimes their CVs, are available online (www.government.no).

30. The status of PTEFs is in a class of its own, outside of the permanent civil service. They are governed by the applicable rules included in the Constitution (except political advisers, see footnote 5), as well as other legislation and regulations, including the Instructions for Members of Government, Regulations for the Ministries' Organisation and Administrative Procedures, Regulations on Working Conditions for the Ministries' Political Leadership, and the Political Leadership Handbook. The Office of the Prime Minister holds responsibility for employer interests for political leadership in the ministries. Political appointees do not hold employment arrangements in the normal sense; depending on the political situation, they must be prepared to vacate their position immediately. State secretaries and political advisers always vacate their positions no later than the minister whom they are assisting vacates his or hers. Dismissal of ministers and state secretaries is decided by the King in Council, while dismissal of political advisers is decided by the Prime Minister or the person to whom s/he delegates that power.

31. Cabinets are also assisted by civil servants. The most senior civil servant in a ministry is the secretary general, who is the administrative director of the ministry (financial management, planning and procedures, personnel management and recruitment, division of work and internal coordination, etc.) and advises the minister on departmental and political (not party-political) issues. This position functions as a link between the political leadership and the employees in the ministry but falls outside of the organisational structure of the ministry. They guarantee professionalism and political neutrality in the system. The cooperation between the responsible minister and the secretary general of the ministry is based on transparency, loyalty and cooperation. As civil servants, they fall under the statutory regulation of public administration (covered under GRECO's Second Evaluation Round). In view of this, permanent secretaries are not considered PTEFs for the purpose of this report.

Status and remuneration of persons with top executive functions

32. The Salaries Commission of the *Storting* fixes the annual remuneration for the members of government, including the Prime Minister. This information is at public disposal and available on the *Storting's* website (<https://www.stortinget.no/no/Stortinget-og-demokratiet/Representantene/Okonomiske-rettigheter/>). The annual remuneration for state secretaries and political advisers is determined by the Office of the Prime Minister. Income for PTEF is subject to the normal rules for income tax.

33. The annual range of (gross) salaries for PTEF is as follows⁶:

Position	Salary (NOK)	Salary (EUR)
Prime Minister	1 735 682	183 000
Ministers	1 410 073	149 000

⁶ The average annual gross income in Norway in 2019 was 547 320 NOK (57 700 EUR).

Position	Salary (NOK)	Salary (EUR)
State secretaries	963 500	102 000
Political advisers	724 800	76 000

34. Ministers benefit from a pension scheme, along the same principles as the Norwegian Public Service Pension Fund; it is regulated by Act 60/2011. State secretaries and political advisers are members of the Norwegian Public Service Pension Fund unless they apply for a separate (private) pension arrangement.

35. PTEF are reimbursed for expenses related to the office, including travel. They may also receive allocations for electronic communication, commuter housing, removal expenses, return home travel, family visits, childcare related expenses, etc. Additional benefits in kind (e.g. compensation for loss of private property, expenses for clothes, TV license, newspapers, etc.) may apply. They are all exhaustively regulated, and their provision is decided on a case-by-case basis, as appropriate, by the Prime Minister's Office.

36. Ministers who have served for 12 months automatically receive one month's severance pay, regardless of whether they have other income. Those who have served for less than 12 months may receive severance pay based on a decision by the Prime Minister. A maximum of three months' severance pay can be granted. Severance pay exceeding one month requires an application to the Office of the Prime Minister stating that the person in question has no other income or an income that is lower than the severance pay. State secretaries and political advisers have no automatic right to severance pay. Applications for severance pay must be sent to the Office of the Prime Minister. No severance pay is granted to PTEF who are also elected members of Parliament and who return to the *Storting*.

37. The Prime Minister is entitled to a separate allowance to manage inquiries and to be able to continue personal commitments both nationally and internationally. The allowance includes expenses for renting office premises and operating expenses of up to 400 000 NOK (40 000 EUR) per year, as well as payroll expenses for an employee equal to the applicable remuneration for political advisers. The salary monies may alternatively be used by the outgoing Prime Minister him/herself; however, s/he cannot receive both these salary monies and the severance pay. Compensation is paid for two years after leaving office for Prime Ministers who have served four years or more and is paid for one year for Prime Ministers who have served between two and four years. It is paid for six months for those who have served up to two years. The arrangement does not apply to outgoing Prime Ministers who return to the *Storting*.

38. In Norway, information on all taxpayers' net capital and income, as well as paid taxes, is available to the general public. This transparency extends to PTEF's remuneration and benefits listed above, which are made available to the public upon request.

39. The Office of the Auditor General ensures that public funds are properly used and administered. When a ministry is responsible for covering the expenses of PTEF, it has independent control responsibility on their use, in accordance with finance rules, tax regulations, etc. Further, internal audit mechanisms may apply (see paragraph 79).

Anticorruption and integrity policy, regulatory and institutional framework

40. When taking up their duties, all PTEF make a declaration of confidentiality. Those PTEF, who are not ministers, undergo security clearance (checks of criminal records, including those of the immediate family). The Office of the Prime Minister is responsible for such clearance. The authorities explained ministers are exempted from security clearance because their backgrounds are well known before their appointments and because members of government are accountable to the Parliament and under constitutional control and that such a clearance would raise fundamental democratic dilemmas. On the other hand, it is the GET's view that armed with the additional information gathered by such a process as well as the information from each Minister's financial disclosure (as described in paragraphs 118-120), the Prime Minister would be in a better position to make more informed judgements about the selection and services of his/her cabinet members just as the PM's office does with regard to other PTEF. The GET trusts that this situation will be monitored in the future and consideration be given to amending this practice should the situation warrant

41. Regarding the broader issue of a specific anticorruption policy, strategies and action plans were issued in the past in this domain, e.g. the 2002 "Bondevik II government" three-year programme to intensify Norway's international role as a leader in fighting corruption and money laundering. Currently, there is not such a dedicated policy in place, although, under the commitments of the Fourth Norwegian Action Plan Open Government Partnership (2019-2021), specific focus is placed on openness and anticorruption. When it comes to corruption prevention activities, these mainly deal with better systematisation, coordination and communication of anticorruption measures to the broader public (e.g. rules, sanctions, results of risk and threat assessments, etc.). Additionally, the Action Plan includes targeted measures to streamline and improve public procurement by full digitalisation of the procurement process, as well as to establish a public register of beneficial owners.

42. There is no separate anticorruption agency or commission; instead, several institutions partake in the fight against corruption. In 2019, the Ministry of Justice and Public Security established a Cooperation Forum for Anticorruption, where different public administration actors (from ministries and public agencies) gather to exchange information on the activities they have in place to curb corruption. The next step planned is to create a platform for sharing this information, as well as any other integrity-related data, with the public; this is an ongoing process. The GET welcomes this development as it heard criticism from civil society on the proactiveness and effectiveness of the authorities in coordinating and communicating anticorruption efforts. The GET further sees merit in the formalisation of a devoted anticorruption policy and encourages the authorities to open-up a broad reflection process, with multi-stake holder participation, on this matter. With particular reference to the rules promoting integrity and improving the prevention and management of conflicts of interest and corruption of PTEF, the GET trusts that the recommendations included in this report further contribute to the identification of areas that need additional development.

Ethical principles and rules of conduct

43. The Political Leadership Handbook includes guidance on several ethical matters, as well as other work-related information, which PTEF are to follow when taking office, including on gifts, fees, secondary employment, incompatibilities, impartiality and recusal, quarantine, financial disclosure, etc. The Handbook also refers to other materials of the civil service that

apply, as adjusted, to PTEF, including the Guidance on Gifts and the Ethical Guidelines for Public Service.

44. The Ethical Guidelines were issued by the Ministry of Local Government and Modernisation in 2005 and most recently updated in 2012. They contain principles, accompanied by comments, on such issues as freedom of information, whistleblowing, impartiality, outside jobs, gifts, etc. They are conceived as a document of general reference and State bodies are encouraged to further develop and strengthen ethical awareness among its employees in order to better engage in interactive and inclusive reflection on the topic. Furthermore, each individual organisation must review whether it needs to supplement the Ethical Guidelines with separate guidelines adapted to the needs of the individual organisation.

45. The GET heard on-site, including from civil society representatives, that the aforementioned rules are generally sound, but that the lack of a range of consequences for failure to meet the obligations was an issue, as will be described later in this report. There are also a few areas where the applicable ethical/integrity principles and rules for PTEF should be amended or enhanced, as referred to below.

Awareness

46. When new PTEF are appointed they are given a briefing concerning expected conduct etc. by the Office of the Prime Minister. They are also given a copy of different publications, such as the Political Leadership Handbook, the Instruction for Official Studies, the booklet "About Councils of State", Instructions for the government, the Quarantine Act, the Security Act, the Ethical Guidelines and the Booklet "About the relationship between Political Leadership and the Civil Service". The last document discusses core public administration values, such as democracy, the rule of law and professional integrity. It is recommended that its guidance be used actively and on a regular basis; the target group is first and foremost the civil service in the ministries, but they are also considered to be useful for the political leadership. Except from the discussions recommended in this Booklet, there is limited systematic refresher training, although the authorities indicated that specific topics may be addressed at the government conferences or the Council of State.

47. It is the responsibility of the PTEF to evaluate his/her circumstances in relation to the rules. In case of doubt, ethical dilemmas can be discussed with the secretary general in one's own ministry or with the Office of the Prime Minister. The latter has, for example, issued specific guidelines regarding the obligation to report the purchase and sale of securities (see paragraph 99 for details).

48. Advice can also be sought from the Legal Department of the Ministry of Justice and Public Security (e.g. on impartiality and conflict of interest). Additionally, the Employer Policy Department of the Ministry of Local Government and Modernisation, which is, *inter alia*, also responsible for placing anticorruption on the agenda in the public sector, resolves questions related to the Ethical Guidelines and the Guidance of Gifts. The Department has received several inquiries about PTEFs along the years. While not providing specific ethics advice, the Norwegian Agency for Public and Financial Management (DFØ) is responsible for governance, organisation and management in practice. DFØ also offers employer support, management

training, and skills development for the public sector. PTEFs may also use the electronic training programmes produced by DFØ.

49. The GET notes that there is no system for determining consistency of advice given by the four different potential sources which can provide such advice. The Ministry of Local Government and Modernisation publishes general interpretations of the ethical guidelines. In addition, the interpretations of the Ministry of Justice and Public Security in cases regarding impartiality and conflict of interest are made public. The latter has an expectation, or at least a hope, that all advice givers use those public interpretations as guidance. The GET was also told that the Ministry of Justice and Public Security holds regular meetings with the Secretaries General of the different ministries, where they can bring up topics dealing with ethical standards. Nevertheless, **GRECO recommends that (i) dedicated training on ethics, conflicts of interest and corruption prevention is systematically provided to persons entrusted with top executive functions at the start of their term and on a regular basis throughout their term of office; and (ii) a system is established to ensure consistency of interpretation among those responsible for giving advice on ethical matters.**

Transparency and oversight of executive activities of central government

Access to information

50. Norway ratified the Council of Europe Convention on Access to Official Documents (CETS 205) on 11 September 2009. Norway was one of the founders of the Open Government Partnership in 2010. It is currently implementing its Fourth Action Plan (2019-2021), where particular importance has been attached to three focus areas (i) openness in public administration, (ii) anticorruption and (iii) reuse of data. Norway has committed itself to electronic openness. Accordingly, the Norwegian authorities launched the Electronic Public Records (OEP) - an online access portal to public records in 2010, which government authorities use to register documents. The OEP platform was replaced by the E-access solution in 2018, which also opens for registering documents from the regions and municipalities; it is managed by the Norwegian Digitalisation Agency.

51. Since 2004, the right to free access to public documents is enshrined in the Constitution. Section 100 provides that everyone has a right of access to documents of the State and municipal administration and a right to follow the proceedings of the courts and democratically elected bodies. Limitations to this right may be prescribed by law to protect the privacy of the individual or for other weighty reasons. Moreover, the Freedom of Information Act (FOIA) requires openness and transparency in public administration and establishes a general right to access public documents, journals and similar registers. Its provisions are to be read in conjunction with the Public Administration Act (rules regarding duty of confidentiality, processing of cases, justification, complaints, etc.) and the Archives Act and Regulations (registration requirements).

52. For a document to fall under the scope of the FOIA, it must relate to the administrative entity's sphere of responsibility of activity (Section 4, FOIA). Anonymous requests are possible and access to information is consistently provided free of charge. Information requests shall be decided without undue delay (Section 29, FOIA). This means as soon as possible and, normally, at the latest, within three working days. The FOIA applies to authorities at central and local levels, as well as to most independent legal bodies controlled by public authorities.

The FOIA provides for exceptions to the general right of access to information (Sections 12 to 26, FOIA). For example, internal documents and documents obtained from outside for internal case processing (for pre-decisional and deliberative purposes) may be exempt from public access (Sections 14 and 15, FOIA).

53. There is also some discretion for public administration to determine whether to exclude a certain document from free access. The main rule is that there can *a priori* be no legal basis for excluding an entire document from public access. Moreover, the FOIA provides for “*enhanced access to information*”, pursuant to which the administrative agency should allow access if the interest of public access outweighs the need for exemption. Refusals of access must be made in writing and justified, with reference to a legal basis. Refusals can be appealed, firstly, to the hierarchical administrative level, and secondly, to the Ombudsman. The Ombudsman can express an opinion on the matter, but s/he does not have the authority to adopt binding decisions or to reverse decisions made by the administration. The case may also be taken to the ordinary courts. If the person who requested information has not received a reply within five working days after the request was received, this shall be regarded as a refusal which may be appealed. However, this does not apply where the King in Council is the appellate instance nor to some certain other cases (Section 32, FOIA).

54. Regarding access to government-related information, government memoranda (i.e. memoranda with annexes for use in internal discussions and government conferences) and the agendas and the discussions of government conferences, these are internal documents within the government, exempted from public access. Moreover, generally, draft legislative proposals, notices and royal decrees are exempt from public access until they are considered by the Council of State. Later, most decisions of the Council of State are public; exceptions to this principle may apply regarding, for example, all or parts of royal decrees relating to Norway’s foreign policy interests, national defence or security interests, etc. It is the ministry that has issued the decree that must determine whether the presentation and the decision by the Council of State should be fully or partly exempt from public disclosure. The Official Bulletin from the Council of State (*Offisielt fra statsråd*) is distributed after the end of the relevant meeting; it includes a brief summary of the decisions taken. The website of the Office of the Prime Minister also publishes news from the Council of State, the Official Bulletin of the Council of State and other related information (e.g. propositions and reports), immediately following the relevant meeting. The minutes of the Council of State are automatically subject to parliamentary scrutiny. The agendas of the Council of State are not publicly available in advance.

55. Special restrictions are set for access to annual State budget proposals and other preparatory documents linked to the annual budget. These documents are only made public once they have been sent by the Office of the Prime Minister to the *Storting*. The exemption does not apply to budgetary documents pertaining to public entities other than the government or a ministry. Additionally, government accounts are published online every month and then, in compiled form, on an annual basis. A new portal (www.statsregnskapet.no) was launched in October 2017 and subsequently upgraded in June 2018. It provides simple and graphic presentation of the central government’s revenues and expenses and makes it possible to make comparisons across central government entities. In addition to accessing information upon request, data are provided through the government’s public online channel (<https://www.regjeringen.no/en/id4/>). Each ministry, including the Office of the Prime Minister, has a separate website under this portal.

56. During the evaluation visit, the GET repeatedly heard that an important feature of the Norwegian system is that it is founded on a culture of reciprocal trust and a basis of common shared values and standards. However, the GET heard that, in practice, in some agencies there could be reluctance to disclose information and rather find an exception to use in order to withhold all or a part of information contained in a document. The GET also understood from a number of sources that the application of the FOIA was inconsistent across government entities, which suggests the need to develop targeted training with a view to creating a more common understanding and application of the law. Moreover, the GET is aware that Norway is in the process of amending the FOIA based on a recent review. The GET did not see any proposal and the authorities confirmed that a draft had not yet been sent to Parliament. On site, the GET heard that a total exemption for calendars of PTEF might be one of the proposals for amendment, but it was subsequently told that this proposal is not going forward.

Transparency of the law-making process

57. Legislation can be initiated either by the government or by a member of parliament individually. With respect to government initiatives, proposals concerning minor items of legislation are usually dealt with by a ministry or by a working group with representatives from several ministries. In the case of more important pieces of legislation or an extensive revision of an existing law, the government appoints an expert committee or commission, composed of stakeholders, independent experts and/or representatives from public authorities. The Ministry of Local Government and Modernisation has adopted guidelines on the composition of such bodies. Reports from expert committees are published in the series entitled Official Norwegian Reports (NOU), but may also be published through other means. There is no established/separate system for urgent legislative proceedings, which are rarely used (an example of such uncommon instance is the covid-19 pandemic).

58. There is a long tradition of civil society participating in policy formulation, as well as the hearing of interested parties when developing new legislation/policies. Co-creation and user involvement constitute regular practice by public administration in Norway. Civil society organisations are often invited to participate in work on public reports, green papers, proposed laws and regulations. There are some exceptions to the principle of public consultation, as per the Instructions for Official Studies and Reports, pursuant to which circulation for consultation may be omitted if it (i) would not be practicable, (ii) might complicate implementation of the measure, (iii) is considered obviously unnecessary.

59. The Instructions for Official Studies and Reports (2016) establish whole-of-government procedures for preparing regulatory proposals, impact assessments, stakeholder engagement and ex-post evaluation. They are also applicable in cases where all or part of the study is conducted by private parties, e.g. research institutes or consultancy firms, at the behest of ministries or subordinated agencies.

60. Public consultations are conducted for all draft laws; the Instructions recommend that those consultations are carried out at an early stage. The Instructions also encourage better coordination between national and local governments, and the use of inclusive mechanisms and technological tools (e.g. videoconference, social media) to facilitate public consultation.

61. The deadline for submitting consultative comments is tailored to the scale and importance of the measure. In principle, it is set at three months and no less than six weeks.

The threshold to depart from the rule of public consultation is set high. Derogation is only possible on an exceptional basis; it must be made in writing, be reasoned and be included in the case file. If the consultative comments result in major amendments to the proposal, the revised proposal shall be circulated for consultation anew.

62. Further, the Instructions set in place criteria to be used in determining whether a full or simplified impact analysis should be carried out and require that, when a regulation has a large impact on many people, an evaluation of related costs and benefits should be conducted. Consultation statements cannot be excluded from public disclosure; they are made available online on the website of the respective ministry/ies.

63. The Instructions fall under the responsibility of the Ministry of Finance, including by providing guidance and training, as necessary. The Ministry of Justice and Public Security is responsible for scrutinising the legal quality of regulations under development (tax legislation is exempted from this review) and must be informed prior to embarking on major legislative efforts that may raise structural legislative issues. The Better Regulation Council, which was established in 2016, reviews those regulatory proposals and impact assessments that have consequences for business and publishes formal opinions thereafter. The Council is under the *aegis* of the Ministry of Trade, Industries and Fisheries.

Third parties and lobbyists

64. The authorities indicate that there are some available tools which contribute to transparency of PTEF contacts with third parties, as for example, an overview of a selection of the ministers' future activities are publicly available on the government's website (regjeringen.no) and in social media (facebook, flickr, twitter, Instagram, etc.). A similar overview from previous governments can be found in the historical archive of the government's website. Written invitations and acceptance of meetings are subject to registration, pursuant to the Archives Regulations; information about the sender/recipient and the case, content and subject matter must be included when documents are registered. Finally, the rules and procedures on public consultation add to the set of instruments with which the Norwegian government assures openness of its operation.

65. Norway does not have specific rules or principles on PTEF's contacts with third parties, including lobbyists and interest groups. In recent years, the *Storting* has considered several proposals on a register of lobbyists; none of them has gained the support of a majority.

66. The GET heard that practice on the actual disclosure of information diverged and criticism was raised that the government is restrictive in its application of the FOIA⁷. PTEF are required to register requests for meetings in the public system (meetings, phone calls, emails); however, there is no consequence for failing to do so other than embarrassment or political repercussions. The GET further notes that exceptions to the obligation to register and disclose important pieces of information held by PTEF are broad. The GET also heard there are practical limitations on the type of public search of registered documents that can be carried out online. In the GET's view the current situation calls for the development of specific principles and guidance on contacts between PTEF and third parties, as well as to increase the public transparency in respect of such contacts. Moreover, reference must be made to informal

⁷ See for example: [Evaluation of the Freedom of Information Act, Oxford Research \(2016\)](#) and [Norway's Integrity System, Transparency International \(2012\)](#).

contacts that happen outside the workplace whenever someone is asking a PTEF because of his/her official capacity for a favour, or special access to information, meetings, etc. **GRECO recommends (i) introducing rules/principles and guidance on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties seeking to influence governmental processes and decisions, and (ii) increasing the transparency on the purpose of such contacts (formal and informal), such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.**

Control mechanisms

67. Actions of the executive are subject to parliamentary oversight. The Constitution assigns several supervisory functions to the *Storting*, including examining the records (decisions) of the Council of State, reviewing treaties concluding with foreign powers and auditing State accounts. The *Storting's* access to information is also of vital importance in matters pertaining to control. Norway's Constitution contains several key provisions in this respect, notably on the right to access documents (Article 75(f)), the right of summons with the associated duty to testify (Article 75(h)) and the government's disclosure requirement (Article 82).

68. Moreover, perhaps the strongest instrument in the hands of the *Storting* is the motion of no confidence. A motion of no confidence may either be directed against the sitting government as a whole or a particular minister. The reason behind a motion of no confidence may be a specific decision taken by the government/individual minister, or general disagreement with the government/individual minister's policies. There do not have to be particular grounds for tabling a motion of no-confidence. The usual practice during a motion of no-confidence is to demand a roll call vote. A government minister or a government that has lost a vote of no-confidence is obliged to resign. To date, only two governments have lost motions of no-confidence, in 1928 and 1963 and no individuals have been subject to votes of no confidence (whilst votes of no confidence have been used against individuals, these have been solved by the concerned individual withdrawing before the vote).

69. The government may also demand a vote of confidence in order to put pressure on the *Storting* either to obtain a majority in a matter or to prevent a proposal from the opposition from being adopted. Votes of confidence are traditionally used in matters of notable significance or political urgency. If the government is defeated, it must resign. Dismissals due to losing a vote of confidence happen rather seldom, in newer history only twice (Willoch in 1986 and Bondevik in 2000).

70. Other oversight tools at the *Storting's* disposal, are special commissions of inquiry (e.g. in connection with major accidents), questions and interpellations. The Committee on Scrutiny and Constitutional Affairs, which is one of the *Storting's* 12 standing committees, plays a key role in the supervision of the government and public administration; it reviews their action and can make recommendations thereafter. Reports from the Office of the Auditor General (particularly on performance audit) constitute the bulk of its workload. The Committee also examines reports from the government, such as the records of the Council of State. Furthermore, the Committee can act on its own initiative to perform an inquiry. Such inquiry may only be made after the relevant minister has been notified and requested to submit the required information. The Committee also deals with matters concerning

constitutional responsibility. It is empowered to initiate inquiries that may lead to an impeachment process against a member of the *Storting* or the government, or a Supreme Court judge.

71. Other committees may also on occasion deal with supervisory matters that are referred to them by the *Storting*. For example, the Committee on Foreign Affairs and Defence reviews the annual report on treaties and agreements concluded with foreign powers.

72. Questions and interpellations addressed to the members of government provide an opportunity for parliamentarians to obtain information on specific matters and to ascertain the views of the ministers on specific political issues. Question time is generally held in the *Storting* every Wednesday morning. It is split in oral question time (members of government answer brief questions put to them orally) and ordinary question time (members of government answer questions that have been submitted in writing). A general debate is not permitted, nor resolutions being passed in their respect. Additionally, a parliamentarian who wishes to have a written answer to a question put to a member of the government submits the question in writing to the President of the *Storting* with an endorsement stating that a written answer is requested. Although ministers are entitled to refuse to answer questions, as a rule all questions are answered.

73. Interpellations are a more elaborate way of presenting questions. They deal with matters of greater scope and political importance than questions, and generally lead to debates. They should be answered in the *Storting* at the earliest possible opportunity, preferably within one month after they are submitted.

74. Furthermore, the *Storting* has established three independent bodies to ensure that the government and public administration implement its decisions: the Office of the Auditor General, the Parliamentary Ombudsman and the Committee for the Monitoring of Intelligence, Surveillance and Security Services.

75. The Office of the Auditor General is led by five auditors, appointed by the *Storting*, and is responsible, *inter alia*, for carrying out the annual auditing of the central government accounts (financial audit) and for undertaking systematic investigations on finances, productivity, achievement of objectives and efficiency (performance audit). It also performs a third type of audit, i.e. corporate control, of the government's interests in companies and banks. The workload of the Office of the Auditor General is distributed as follows: 65% financial audits, 26% performance audits and 9% corporate control. The Office of the Auditor General sends an annual report to the *Storting* on its activities. The current staff of the Office amounts to 450 employees, although the GET was informed that it is now downsizing.

76. The Parliamentary Ombudsman, appointed by the *Storting*, ensures that individuals do not suffer injustice and errors at the hands of public administration, including the government (central and sub-national levels). The Ombudsman acts upon complaint or at his/her own initiative. S/he is vested with investigative powers and makes recommendations thereafter, which, although without a formal binding nature, are generally followed. The Ombudsman sends an annual report to the *Storting* on his/her activities. If the Ombudsman becomes aware of negligence or errors of major significance or scope, s/he may submit a special report to the *Storting* and to the appropriate administration.

77. The Committee for the Monitoring of Intelligence, Surveillance and Security Services is a permanent seven-member committee, which monitors the Police Security Service, the Defence Security Service and Intelligence. It investigates complaints and also takes up issues on its own initiative, as appropriate. It reports annually to the *Storting*.

78. A strict and comprehensive internal control system is in place for public administration; it covers all public agencies, including ministries. The agency management is responsible for ensuring that the internal controls are in accordance with the risk profile and the significance of the agency, and that it operates satisfactorily and is possible to document. Internal control is primarily integrated in the internal management of the agency. The internal control system shall prevent management failure, errors and deficiencies such that: (a) financial limits are not exceeded and that expected revenues are received, (b) achievement of objectives and results are satisfactory in relation to established objectives and performance requirements, and that any substantial deviation is prevented, disclosed and corrected to the extent necessary, (c) use of resources is efficient, (d) accounts and information on results are reliable and accurate, (e) the agency's assets, including real estate, supplies, equipment, securities and other financial assets, are managed in a proper manner, (f) financial management is properly organised and is executed in compliance with applicable laws and rules, including that transactions are in accordance with underlying conditions, and (g) malpractices and financial crime are prevented and disclosed (Section 2.4 of the Regulations on Financial Management in Central Government).

79. Additionally, internal audit can be established as a part of the system for internal control described above; in taking such a decision, consideration must be paid, *inter alia*, to its benefit/cost. To date, the only ministry which has a system of internal audit is the Ministry of Defence; although some government agencies (non-ministry) have instituted those systems. The respective internal auditing department functions as the control and surveillance body of the agency's management; it monitors whether established objectives and performance requirements are being achieved, whether funds are used efficiently and whether assets are properly managed. The frequency and scope of the evaluations shall be based on the agency's distinctive features, its risk profile and its significance. The institution of internal audit is voluntary for government agencies; only government agencies which have expenditures or revenue exceeding 300 million NOK (29.5 million EUR) are required to assess whether they establish internal audit. During the on-site visit, the GET heard positive views on the role and work of those internal audits already in place. In the GET's view the system of internal audit is good practice, which could be considered by other government agencies, even if not meeting the statutory threshold.

80. Grant schemes fall under strict transparency and control requirements: according to the Regulations on Financial Management in Central Government, they must describe objectives, criteria for achievement of objectives and criteria of allocation, as well as specific provisions on monitoring and control. These elements must be included in regulations governing the grant scheme decided by the responsible ministry and communicated in letters of award and in letters of assignment⁸. Furthermore, in its Guide to Regulatory Techniques,

⁸ In September 2019, the Provisions on Financial Management in Central Government was amended to fully align with the Public Administration Act (Chapter 6). Among other things, it was clarified that the specific regulation for each grant scheme will often take the form of a subordinate regulation (because it contains rights and duties for the recipients); one of the consequences is that the regulation should be sent on consultation when it is established or changed.

the Ministry of Justice and Public Security has recommended that grant schemes focused on larger groups should be regulated by law. Each ministry shall, in its budget proposition, provide the *Storting* with a report on the results of the work within its area of responsibility. Having said that, however, certain grant appropriations, notably, the so-called budget items “at disposition” (needs that may arise during the budget term or miscellaneous matters that don’t belong to other defined budget items) and the so-called single grants (earmarked grants for the recipient concerned) are exempted from some of the rules on public funding, in particular, those related to announcement, allocation and regulation requirements. Consequently, there is not always an official competitive procurement procedure in respect of these types of grants. Accordingly, PTEF can be more personally involved in these types of grants because of the related discretion. In 2012, a minister had to leave office because of giving an earmarked grant to a close party. In this connection, the GET heard that some ministries were resorting to at disposition or earmarked grants more frequently than others. Against this backdrop, the GET welcomes the fact that regulations were amended in September 2019 to, *inter alia*, restrict the margin of discretion regarding earmarked grants⁹. The authorities further underscored that grants under the exemption rules have always been and still are under the same strict control regime of other public grants, including their reporting to the *Storting*. The GET however considers that additional action can be taken in this domain. In recognition that these particular types of grants have already raised real concerns, GRECO trusts that the authorities have enhanced and will continue to provide practical guidance to PTEF specifically regarding the impartiality expected of them in making these grants, and observes that it might be wise to consider again whether the exemptions for announcement, allocation and regulation of these types of grants should be further narrowed.

81. Finally, the media in Norway has an important control function. It has further played a pivotal role in putting the subject of corruption on the agenda, by uncovering cases and increasing people’s awareness on the matter. The work of the Foundation for a Critical and Investigative Press (SKUP) has also been critical in this respect. Norway is amongst those countries in the world with the highest density of newspapers. Freedom of expression is enshrined in the Constitution (Article 100(6)) and government support to the press (e.g. grants for production for smaller newspapers, exemption from VAT payment) is an important instrument for ensuring the diversity of opinion in the media landscape.

Conflicts of interest

82. There is no specific definition of conflict of interest in Norwegian legislation. That said, the prevention of conflicts of interest is mainly dealt with through rules on disqualification, as well as rules on secondary activities of PTEF, as will be detailed below. The principle of impartiality is repeatedly referred to in the applicable regulations and guidance documents for PTEF. It is a cornerstone value of the executive power. The Political Leadership Handbook provides information on this particular topic by referring to two main instruments, i.e. the Public Administration Act and the Booklet on Councils of State.

⁹ The rules on 6.4 Deviations from the ordinary procedure were revised on 23 September 2019. The former letter b (*the provisions of 6.2.1 shall also be adapted to the size of the grant amount. Relatively small contributions may be given by the grant administrator after a brief administrative procedure and without a complete letter of grant commitment or detailed control measures*) has been taken out of the rules.

83. The rules on disqualification laid out in the Public Administration Act (Section 6) apply to state secretaries and political advisers. They also cover ministers insofar they act as head of a ministry but not in their capacity as members of government (in Council of State, preparatory Councils of State and government conferences). The authorities explained, after the on-site visit, that amendments to the Public Administration Act were underway to, *inter alia*, rectify the situation (i.e. in the proposal for new rules, Section 27 on the exemption for ministers when they act as members of government is removed); the draft has already been subject to public consultation but awaits further legislative action. Furthermore, the authorities underscored that when ministers act in their capacity as members of government, similar rules laid out in non-statutory law apply (the main content of these rules is described in the Booklet on Councils of State, Chapter 13). Many examples were provided of cases in which ministers have been disqualified or have been close to disqualification. For the GET, the differentiation between ministers acting as head of a ministry or in their capacity as members of government is irrelevant, because at the end, they take part in the discussions about a certain matter and must refrain from the decision if in conflict of interest. The GET understood that, pursuant to non-statutory law, it is required that ministers, even in their capacity as members of government, follow the disqualification rules of the Public Administration Act as a starting point, and that, depending on the circumstances, such a principle be tailored to the needs of the function (to ensure that decisions and activities are efficiently performed). The GET believes that this practice would benefit from further formalisation and welcomes the intention of the authorities to do so, as per the proposed amendments to the Public Administration Act, which are currently in the pipeline. **GRECO recommends formalising the application of the rules on disqualification to ministers when they act in their capacity as members of government, similar to those applying to them in their capacity as head of a ministry.**

84. Disqualification immediately applies if the person is: (a) a party to the case; (b) related by blood or by marriage to a party in direct line of ascent or descent, or collaterally as close as a sibling; (c) is or has been married or is engaged to a party, or is the foster parent or foster child of a party; (d) is the guardian or agent of a party to the case or has been the guardian or agent of a party after the case began; (e) is the head of, or holds a senior position in, or is a member of the executive board or the corporate assembly of (i) a cooperative or an association, savings bank or foundation that is a party to the case, or (ii) a company which is a party to the case. This will, however, not apply for a person who performs services or work for a company that is wholly State owned and this company, whether alone or together with other equivalent companies or the public administration, has full ownership of the company that is a party to the case (Section 6(1), Public Administration Act). The authorities explained on-site that a “case” could be read more broadly than a matter involving specific individuals or companies. It looks at the reality of the matter at issue: if it involves only a few individuals or companies or some disproportionality, then the disqualification could be triggered.

85. Additionally, there is a more generally formulated rule on disqualification whereby the person may be disqualified on the basis of a specific, discretionary assessment when other special circumstances exist that are apt to weaken confidence in his/her impartiality. In such a case, importance shall be attached, among other things, to whether the decision in the case may entail a special advantage, loss or inconvenience for him/herself or someone with whom he/she has a close personal relationship. Importance shall also be attached to whether a disqualification objection has been raised by a party (Section 6(2), Public Administration Act).

86. The assessment of whether disqualification applies is a personal call. The most important criterion when conducting the aforementioned discretionary assessment is whether there are certain circumstances which could impair confidence in the relevant PTEF's impartiality. There must be a broad assessment of whether the person's association with the case is of such a nature, and so closely and strongly linked, that it may cause grounds for concern that someone may receive special treatment – whether positive or negative. In case of doubt, advice can be sought from the Legal Department of the Ministry of Justice and Public Security. Their analyses of the latter are publicly available at www.regjeringen.no, except if the case is exempted from public disclosure (i.e. cases exempted from public disclosure would typically be cases with information that is subject to duty of confidentiality, e.g. an individual's personal affairs such as health conditions, criminal offences, personal opinions etc., information about business matters which for competition reasons it is important to keep secret). The authorities underscored that, in general, the Legal Department tries to formulate their opinions in a way that will facilitate publication. Moreover, for opinions that are not published at regjeringen.no, it may be possible to grant access based on an individual assessment and eventually to a modified version of the document.

87. Regardless of whether an official is disqualified, s/he may deal with a case or make a provisional decision in a case if it cannot be postponed without causing considerable inconvenience or harm. As to the procedure for disqualification, if a minister considers him/herself to be disqualified, s/he is expected to notify the Office of the Prime Minister as soon as possible. This also applies if the minister is unsure about his/her own impartiality. During government conferences/preparatory Councils of State, the relevant minister must clearly announce his/her disqualification to the Prime Minister (or the person chairing the government conference) before the matter is considered. The same applies if there may be doubts about the minister's impartiality. If a minister is disqualified, s/he is expected to leave the conference room while the matter is being considered. The Office of the Prime Minister will issue a royal decree proposing the appointment of another minister as acting minister for a certain matter or a specifically defined area. There is well-established practice in this respect.

88. State secretaries and political advisers who are disqualified must refrain from preparing the basis for a decision or from making any decision in the relevant case. They should also excuse themselves from meetings at which the case is being discussed. If a state secretary or political adviser is disqualified, a brief memo should be prepared stating that s/he has recused him/herself and the reasons for doing so. The memo is stored by the secretary general together with other confidential personal data.

89. A general rule stated in the Public Administration Act is that if rules of procedure set out in the act or regulations made in pursuance thereof have not been observed in dealing with a case concerning an individual decision, the administrative decision shall nevertheless be valid. However, this condition only applies when there is reason to assume that the error cannot have had a decisive effect on the contents of the administrative decision (Section 41). For instance, there is usually no need to invalidate a decision if, according to the law, there would be no other possible outcome. However, pursuant to non-statutory law, a decision made in conflict with the rules on disqualification or other rules of procedure is invalidated if there is reason to believe that the procedural error has affected the decision and an overall evaluation calls for the decision to be invalidated. The authorities further confirmed that, in practice, a breach of the rules on disqualification is a procedural error that in these situations typically may lead to invalidation.

90. There are no disciplinary or administrative sanctions for PTEF for failing to disqualify oneself other than political accountability or embarrassment. The rules for immediate disqualification are fairly clear (Section 6(1), Public Administration Act). The law also provides for a more generally formulated rule whereby the person may be disqualified, based on a discretionary assessment, when other special circumstances exist that are apt to weaken confidence in his/her impartiality (Section 6(2), Public Administration Act). It is particularly in the latter case where the issue of an adequate enforcement system acquires prime importance. Furthermore, the transparency that one might expect to balance the voluntary disqualification standard leaves some room for improvement as will be described later in this report in relation to financial disclosure. Only if the conduct is of such a nature to trigger general criminal standards are there statutory consequences. These include “intentional, serious misconduct” (Section 171, Penal Code); “grossly negligent misconduct” (Section 172, Penal Code); and/or “misuse of public authority” (Section 173, Penal Code). GRECO has taken the position that sanctions for misconduct should be effective, proportionate and dissuasive, not just criminal sanctions. Lacking any alternatives between embarrassment and criminal charges seems easily not to be proportionate. A recommendation is set out later in paragraph 127 that will cover this as well as other matters of conduct.

Prohibition or restriction of certain activities

Incompatibilities and outside activities

91. The Political Leadership Handbook states that PTEF must not hold secondary positions, secondary occupations, board positions or have other paid assignments that may impede their ordinary work unless special authorisation has been granted. What is concerning about this standard, as written, is that it could allow a PTEF to get an authorisation to have an outside position that would impede his/her ordinary work. Norway has assured the GET that “no” is the default but concedes that the standard can be further clarified. In the GET’s view, Norway should consider rewording this standard so that it is clearly written that “no” is the default, unless the position will not impede ordinary work or raise an issue of conflicts of interest with official duties. This is particularly true for state secretaries and political advisers discussed below regarding membership of the latter in boards and councils of companies/institutions.

92. The Prime Minister grants authorisation for ministers, while authorisation for state secretaries and political advisers is granted by the minister responsible. When the GET asked for data on how many authorisations were given to see how often PTEF had been allowed to retain outside positions, the authorities could not provide any, explaining that the authorisations are handled on a political level and not recorded by the administration. When the GET narrowed the request to just those authorisations provided by the Prime Minister to the 20 ministers, they still could not provide that information.

93. Other than the advice in the Political Leadership Handbook, there is no explicit provision on whether PTEF can be members of boards and councils in companies and institutions. However, there has been an unwritten rule, and standard practice, that members of government take a leave of absence from such positions while in office. There has been a somewhat more liberal practice for state secretaries and political advisers; the Political Leadership Handbook calls for caution in this respect. It is possible to gather information about board memberships in the relevant Brønnøysund registers (e.g. www.proff.no allows entering the name of any person and obtaining a list of the person’s relevant positions, boards

memberships, etc.). Additionally, information on government members' positions and financial interests is also available in the relevant financial disclosure statements (see paragraphs 119 to 121). While it does not provide any information about whether these positions/activities were or could have been authorised, a recent review of the registers of the 20 Ministers revealed that 14 of the 20 had secondary positions and/or activities both paid and unpaid. As other PTEF are currently not required to file this information, the GET was not able to ascertain the frequency of such positions/activities with those PTEF.

94. PTEF are permitted to accept fees for academic or newspaper articles when it is customary for this type of work to be remunerated. In any event, fees must not be accepted for lectures within one's own jurisdiction/area of responsibility. PTEF may be elected to the Storting but cannot attend meetings of the Storting for as long as they hold their positions in government. Similarly, they cannot hold positions in municipalities and county authorities. Further, PTEF cannot serve as a jury member or a lay judge.

95. Whether for compensation or not, secondary positions and occupations can cause real questions of partiality and concerns for conflicts of interest; they can also impede one's full ability to carry out official duties either through the time those activities take or that they create a need to recuse from official matters. On the other hand, some, for example unpaid social or charitable activities, can be perfectly acceptable. In order to differentiate between these in a transparent and consistent manner, **GRECO recommends that (i) the standard for the retention or acceptance by persons entrusted with top executive functions of paid and unpaid secondary positions, occupations, board positions, or other paid assignments be amended to prohibit such activities unless the person has received a written authorisation based on a considered determination that the position/activity will not impede ordinary work or raise an issue of conflicts of interest, and (ii) such authorisations be made available to the public.**

Financial interests, purchase and sale of shares

96. PTEF are expected to exhibit due care regarding their transactions in the stock market; the same applies to their close parties. The formal restrictions included in the Securities Trading Act (Sections 3(1), 3(4) and 3(7)) are of key importance in this regard. They prohibit the subscribing, purchasing, selling or exchanging of listed instruments if the person in question has inside information. PTEF, in particular, may have this type of information in connection with, for example, budget work, stipulating general framework conditions of the market, processing individual decisions of importance to the relevant companies, etc. Information about government shares, sales, etc. may also be deemed inside information.

97. Any person who obtains knowledge of inside information in the course of his/her work is subject to a duty of confidentiality and prohibition of advice to others. PTEF also have a duty of confidentiality in this regard pursuant to the rules of the Public Administration Act (Section 13) if, in the course of their work, they obtain information about operational or business matters which, for competition reasons, it is important to keep secret in the interest of the person whom the information concerns.

98. If PTEF have doubts about their own impartiality or the right to execute transactions, this should be discussed with the secretary general in their own ministry or with the Office of the Prime Minister.

99. To assist in establishing clarity concerning the financial interests of employees, the Office of the Prime Minister has issued Guidelines on the Purchase and Sale of Securities. Notably, they establish the following:

- i. PTEF who commence positions in the ministries/with the Office of the Prime Minister must give notice if they hold financial instruments, particularly negotiable securities and options, valued at more than 20 000 NOK (2 000 EUR) that are linked to a Norwegian company or a foreign company with activities in Norway.
- ii. Notification must also be given of trades in financial instruments in Norwegian companies or foreign companies with activities in Norway that were executed at the PTEF's own expense and in his/her own name or on behalf of minor-age children when the transaction involves amounts exceeding 20 000 NOK (2 000 EUR).
- iii. Notification does not apply to units in securities funds¹⁰.
- iv. They must also give notice of customer relationships with financial institutions when the customer relationship must be deemed to have been entered into on particularly favourable terms.
- v. Such notice must be sent to the secretary general at the relevant ministry/secretary to the government. This notice shall be stored in the same manner as other confidential personal data.
- vi. Depending on the circumstances, trading in financial instruments or the entering into of customer relationships by a PTEF's spouse/registered partner/co-habiting partner may be equated as transactions conducted by the member him/herself. It is the responsibility of the individual PTEF as to whether s/he will give the above-stated notice in such instances.
- vii. PTEF are expected to generally exhibit care when trading in securities during the periods in which particular questions can be asked about the individual's access to information. Examples of such periods are budget conferences and the period prior to presentation of the budget to the *Storting*. Irrespective of this, it is recommended that PTEF refrain from trading in securities from August and until the national budget has been presented in the *Storting*.

100. Members of government are also obliged to report business interests, but not these transactions, in their respective financial disclosure statements. As with financial disclosure, there is no consequence for failure to report these transactions, other than political.

Contracts with state authorities

101. There are no specific restrictions on the particular issue of PTEFs entering into contracts with State authorities. That said, the general rules on conflicts of interest and rules on public procurement are applicable to such situations, and the GET did not come across any concerns regarding this issue.

¹⁰ However, for ministers, economic interests which are indirectly owned through another company or stakes in securities funds or other mutual funds shall be reported if there are particular personal or economic interests that may give rise to potential conflicts of interest (Section 9, Regulation on the Register of Members of the *Storting's* Appointments and Economic Interests).

Gifts

102. Pursuant to Section 13 of the Political Leadership Handbook, the rules on gifts for civil servants apply to members of government, state secretaries and political advisers. More particularly, according to Section 39 of the Civil Servants Act, no civil servant or senior civil servant may, on behalf of himself or others, accept a gift, commission, service or other payment which is likely to influence his/her official actions, or which is intended by the donor to do so, or which is prohibited by the regulations or instructions of the agency. For civil servants, violations may result in disciplinary action, termination or dismissal. For PTEF, there are no statutory or regulatory sanctions, although there may be political consequences.

103. The Office of the Prime Minister sets out procedures for handling gifts in service that apply to employees and political leadership at the Office of the Prime Minister, as well as political leadership in the ministries. The procedures are published at www.Government.no. The main points are:

- Because many gifts will easily be covered by the prohibition in Section 39 of the Civil Servants Act, the main rule is that State employees and political leadership should not receive gifts in service. The ban applies to receipt both by themselves and for others, including family, friends and the State.
- Gifts that are nevertheless received shall, as a rule, accrue to the State.
- All gifts received in service, regardless of value and type, shall be registered.

104. Whether a gift received can be retained privately must be considered specifically in each case. However, there will very rarely be an opportunity to keep gifts other than those of a customary nature and of negligible value, i.e. an estimated value of less than 300 NOK (27 EUR).

105. Gifts over 2 000 NOK (209 EUR) must be recorded in the register of appointments and economic interests (see paragraph 119) when the gift/benefit is given in connection with the individual's work as a member of government.

106. The general rules for taxation when accepting gifts also apply for the political leadership. Among other things, this entails that gifts that are kept must be taxed as personal income unless the gift is of negligible value.

Misuse of public resources

107. The misuse of public resources is sanctioned only under the Penal Code. Misappropriation/embezzlement constitutes an offence which is punishable under Section 324 of the Penal Code with a penalty of fine or imprisonment for a term not exceeding two years. The Political Leadership Handbook addresses the use of such things as commuter housing (covering, *inter alia*, commuting equipment, as well as cleaning-related expenses) and transportation. The GET notes that the Handbook could offer greater guidance concerning the use of staff, facilities or equipment for other than official purposes. These are issues which are covered in detail in the [Booklet on Relationships between Political Leadership and Civil](#)

[Servants](#), but that could be mirrored in the Handbook for ease of reference. As with the other standards of conduct, there are no non-criminal consequences.

Misuse of confidential information

108. All PTEF sign a declaration of confidentiality upon taking office. Further, it is the duty of any person rendering services to, or working for, an administrative agency, to prevent others from gaining access to, or obtaining knowledge of, any matter disclosed to him/her in the course of his/her duties concerning (i) an individual's personal affairs; (ii) technical devices and procedures, as well as operational or business matters which for competition reasons it is important to keep secret in the interests of the person whom the information concerns (Section 13, Public Administration Act). The same applies to matters which are assigned a higher protection level in accordance with the Security Act and the Information Protection Instructions. The duty of confidentiality continues to apply after the person concerned has terminated his/her service or work.

109. Media statements are made by those persons appointed to do so by the responsible minister. However, in routine matters or in respect of documents that may not be withheld from public access, other public servants in the ministries may respond to media requests unless otherwise determined by a superior.

110. Section 209 of the Penal Code incriminates the breach of the duty of confidentiality. It is punished with fines or imprisonment for a term not exceeding one year.

111. The duty of confidentiality is decidedly critical regarding transactions involving the stock market. The provisions of the Securities Trading Act, as well as the Public Administration Act, apply in this respect.

Revolving doors

112. In Norway, key importance is placed on enabling mobility between the public and private sectors; however, it is also recognised that certain circumstances could justify post-employment restrictions. Therefore, in 2005, the first quarantine guidelines were introduced. In 2015 the Act on the Duty of Information, Quarantine and Recusal for Politicians, Civil Servants and Civil Servants (so-called Quarantine Act) was enacted; it was last amended in 2017. The rules cover the moves from PTEF as well as civil servants out of (and within) the public service.

113. In the case of PTEF (members of government, state secretaries and political advisers), the authority to decide such cases is the Committee on Post-Public Employment Restrictions. It is an independent body, appointed by royal decree that cannot be given government instructions. It is composed of five members, from whom at least two must have been a cabinet minister, state secretary or political adviser, no nearer than two years prior to their appointment. At least two members (including the chair or the deputy chair) must have a law degree or master's degree in legal studies. Members are appointed for a four-year term, which is renewable once.

114. No later than three weeks before starting a new position, a PTEF is required to inform the Committee on commencing the new job or accepting a position outside the public service

or starting a business. The obligation to provide information applies to all new positions taken up within one year of leaving public office, even when the move does not occur directly after leaving public service. The GET could not get information about the average number of applications per year the Committee receives from PTEF. All formal correspondence between PTEF and the Committee is open to the public, and copies of letters from the Committee to PTEF are published on the internet. If the obligation for providing information is breached or the PTEF has behaved at variance with an imposed disqualification or recusal, the Committee can impose enforcement measures, i.e. coercive fines, confiscation or violation fines, which accrue to the State. The maximum fine is equivalent to six months' salary.

115. The Committee can then rule, within two weeks, on either quarantine (temporary disqualification) or recusal (abstention from involvement in a decision). More particularly, temporary disqualification – up to six months– will only be requested in certain cases, when (i) there is a concrete connection between the PTEF's previous spheres of responsibility or duties and the relevant organisation's interest; (ii) special circumstances exist in connection with the person's earlier duties and responsibilities that have given or could give the organisation special advantages, or (iii) might undermine confidence in the public service in general. The PTEF is entitled to receive remuneration during the temporary disqualification period corresponding to the net salary s/he received on leaving, plus holiday pay and pension costs. Instead of, or in addition to, being subject to temporary disqualification, the Committee may decide that the PTEF abstain from involvement in certain cases (in areas where the PTEF has been directly involved by virtue of his/her government position) for up to one year, provided this adequately safeguards the interest that must be protected.

116. Moreover, the rules also cover moves of PTEF within public service, whether to take a different post in the same ministry or in a different ministry. A six-month (if move takes place in same ministry) or three-month (if move takes place in different ministry) quarantine period is imposed in such cases. During this period, the PTEF cannot have any duties that imply a direct advisory relationship to the political leadership, or that pertain to issues that the PTEF had to deal with in his/her previous political position. During the temporary disqualification period, the PTEF is entitled to the salary that corresponds to the new office.

117. The GET notes that there is no concrete guidance on or procedures to follow when dealing with conflicts of interest of a current PTEF that may arise from his/her activities prior to government service, such as the interests of a former employer, a former client or an ongoing matter in which the PTEF had been substantially involved before coming into government. Nor is there any specific guidance on conflicts that may arise with and the need to disqualify from matters involving those with whom the PTEF is negotiating for future private employment while still in government service. There is the general provision in Section 6 of the Public Administration Act, which suggests disqualification (at the PTEF's decision) where there are "any other special circumstances that are apt to impair confidence in impartiality". In addition, ties or bindings to former or future employers shall be reported pursuant to Sections 5 and 6 in The Regulation on the Register of Members of the Storting's Appointments and Economic Interests. The GET was told that some PTEF had voluntarily disclosed this type of information (for example, former clients) to their respective secretary general in order to proactively seek help with screening matters from which they might need to consider disqualification, but such disclosure is not legally required and it is not public information. The GET was further informed that, following a request from the *Storting*, a working group has recently been established with a mandate to discuss/consider whether or not there should be

a particular obligation for ministers and state secretaries recruited from the communication business to disclose the names of their former customers. The working group is chaired by the Office of the Attorney General. For the GET, this is certainly a welcome development, which displays the proactive approach taken by the authorities to the challenging, and evolving, issue of revolving doors. In supporting the current system, **GRECO recommends developing general guidelines to address the conflicts of interest that can arise from former private activities when an individual comes into government service as a top executive official and when a person entrusted with top executive functions is negotiating for a new position outside of government service if the negotiations occur before leaving public office.**

Declaration of assets, income, liabilities and interests

Declaration requirements

118. Members of government are subject to the same disclosure requirements as members of the *Storting*. Since 2012, such a disclosure regime is mandatory. The *Storting* maintains the register for all filers. The categories of interests to be reported has been extended along the years; the last two amendments to the Regulation on the Register of Members of the *Storting's* Appointments and Economic Interests took place, in 2012, 2016 and 2018, with a view to meeting a recommendation made by GRECO during the Fourth Evaluation Round. GRECO considered that, with the changes introduced, Norway had fully met the relevant recommendation for members of parliament. While disclosure requirements for members of parliament and members of government need not to be the same, the possibility to widen the scope of financial declarations to spouses and dependent family members was discussed at length in the country. However, taking into consideration the Data Protection Authority's view, the *Storting* took the stance that, on the subject of transparency of economic interests, concerns for individual family members' privacy outweigh the public interest.

119. More specifically, 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 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 government work, including work as a farmer, doctor, lawyer, journalist, 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 (5 000 EUR).
- Paid employment or contract work that is undertaken in addition to the individual's role as a member of government. 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.
- Employment, contract work or similar agreements with future employers or contractors, even if they take effect only after the member of government has left office.

(ii) Economic interests

- Real property that is of considerable value and that is used for business purposes. The designation of the real property, nature of ownership, and the municipality where it is situated must be stated. Property that is essentially residential or holiday accommodation does not need to be registered. The same applies to farmhouses and work buildings on a farm.
- Business interests (shares, stakes, etc.) which the member in question owns him/herself, either directly or indirectly, through another company or that s/he is managing. The company's name and nature of liability, as well as the stake (but not the dividends), must be stated. Changes in business interests which are indirectly owned through another company, must be reported twice a year. Business interests, which are indirectly owned through another company, are not subject to mandatory registration if the member, together with the related parties, owns less than 10% of the company, and does not take part in investment decisions. This exception does not apply to companies organised as general or limited partnerships. Stakes in securities funds or other mutual funds do not have to be reported. Regardless of the above, economic interests which are indirectly owned through another company or stakes in securities funds or other mutual funds must be reported if there are particular personal or economic interests that may give rise to potential conflicts of interest.

(iii) Debts and liabilities

- Debts from business activities exceeding 10 times the base amount of the National Insurance (currently that figure amounts to 998 580 NOK, around 97 520 EUR), and business warranty liabilities exceeding 20 times the base amount of the National Insurance (currently that figure amounts to 1 997 160 NOK, around 195 040 EUR), for which the member is personally responsible. This does not include debt or warranties in stock-based companies or other limited companies where a member has ownership interests. The name of the creditor, the name of any beneficiary of the warranty or bail, and the nature of the responsibility has to be stated.

(iv) Gifts and travels abroad

- Gifts or financial benefits of a value of more than 2 000 NOK (200 EUR) received from domestic or foreign donors in connection with work as a member of government. The name of the donor, the nature of the benefit and the date when

it was given are to be stated. Anniversary gifts and gifts of appreciation from a member's own party or party group do not need to be declared.

- Trips and visits abroad related to work as a member of government, if they are not covered in full by the member him/herself, his/her political party or by public funds. The country visited and the date of the trip have to be disclosed, along with the name(s) of those who covered the expenses.

(v) Blanket clause

- If a member finds that s/he has interests of a particular personal or pecuniary nature which might be thought by others to influence his or her actions, but which are not subject to mandatory registration, also need to be registered.

120. Information for the register shall be reported to the *Storting's* administration within one month of becoming a member of government. Changes in business interests which are indirectly owned through another company, shall be reported twice a year, respectively no later than one month after the newly elected *Storting* has assembled in the autumn session and no later than April 1 in the spring session. Otherwise, and more generally, changes are to be reported as they occur. Declarations made are publicly available on the parliamentary website within 20 days of disclosure; an updated version of the register is published once a month. The information that is registered is removed from the electronic register after the member has left the government.

121. The GET welcomes the amendments made throughout the years to broaden the content of financial declarations and which were positively assessed by GRECO in its Fourth Evaluation Round. That said the GET encourages the authorities to continue to review these requirements for further modifications, as necessary. For example, in the GET's view the current declaration requirements would benefit from further, or more precise, itemisation for the purpose of better determining conflicts of interest particularly for those carrying out executive functions. For instance, only real property used for business purposes and which is of "considerable value" (which has no guidance as to threshold) is required to be reported. In the GET's view conflicts of interest can arise with non-business property, for example, in land or buildings' use matters and "considerable" is not a useful threshold standard. Further, only debts from business activities are required to be reported. In this connection, the GET considers that the disclosure of personal debts owed outside of the consumer context, including details on at least to whom one owes money, can be an important consideration for purposes of a potential conflict of interest determination. These are issues which should be kept in mind for any future reform in this area.

122. The GET notes that state secretaries and political advisers are not subject to financial disclosure requirements, other than the obligation (as any other citizen) to file income and asset information for tax-related purposes; this information is public. In the GET's view, a tax return will not provide information necessary for determining conflicts of interest. Furthermore, as was already recognised as a shortcoming in the Fourth Evaluation Round (at the time regarding the financial declaration system for MPs which is the same one applicable to PTEF), the obligation to declare does not extend to the economic interests of PTEF spouses or other family members. Finally, the GET learned that while MPs file electronically, ministers file their reports in pdf form which requires the *Storting* registrars to convert/retype the

information into the format used to make it public in the system. The responsible registrars should not be subject to question of whether an entry on the public data base was an input error on their part or a misstatement by the filer. If Norway is to rely heavily on trust it needs to balance that with more transparency. Therefore, **GRECO recommends that (i) state secretaries and political advisers be subject to the same disclosure requirements as ministers; (ii) consideration be paid to requiring the same information for spouses and dependent family members (it being understood that such information of close relatives does not necessarily need to be made public); and (iii) disclosures be filed electronically in a manner that would eliminate the possibility of transcription errors on the part of the registrar.**

Review mechanisms

123. It is the member of government him/herself who is responsible for providing correct and complete information for the register. The authorities indicated that experience has shown that MPs and members of government are generally very conscientious in submitting their declarations. The GET was told that information provided by ministers is not verified by the registrar; when converting the information into a format that can be used for the public release, if it is obvious that a declaration is not correct or is incomplete, the filer is given an opportunity to clarify the filing. Having no system of review of the information for potential conflicts of interest or violations of conduct standards, is a significant preventative opportunity lost. The media follows the register closely and non-compliance with declaration requirements would have a significant negative impact on a member's image and reputation. There are no penalties in law for failing to file, late filing or for filing a false or knowingly incomplete disclosure. Again, the penalties are simply public embarrassment and possible political consequences. **GRECO recommends that (i) enforceable sanctions are enacted for failing to file or knowingly false statements on the disclosure reports; (ii) a formal system or systems for review of the declarations of persons entrusted with top executive functions be established; and (iii) the reports filed be used for counselling purposes regarding the application of the rules dealing with disqualification, outside activities and positions, and gifts.**

Accountability and enforcement mechanisms

Criminal proceedings and immunities

124. PTEF do not enjoy any immunity in relation to criminal proceedings. In the event of a suspected offence of bribery, fraud or misuse of public funds, they are subject to criminal proceedings and sanctions, in accordance with ordinary law. This is good practice which could serve as inspiration for other GRECO members.

125. If members of government contravene their constitutional duties, they can be held accountable by way of impeachment procedures. Possible cases of impeachment are first assessed by the Committee on Scrutiny and Constitutional Affairs in the *Storting*. The Committee may do this at its own initiative or at the request of external instances. Support from one third of the members is enough for the Committee to assess a possible impeachment case. In order to bring charges a simple majority of votes in a plenary session of the *Storting* is required. The Court of Impeachment, composed of six judges elected for six years by the

Storting, as well as of the five longest-serving judges of the Supreme Court, including its President, pronounces judgments in the first and last instance.

126. The last time an impeachment process was instituted was in 1926. The GET was told that should acts or omissions by the government or by an individual minister appear as unacceptable to Parliament, the wide variety of parliamentary control mechanisms now at hand (see paragraphs 67 to 74) would be much more likely to be called upon.

Non-criminal enforcement mechanisms

127. As noted before in this report, actions of the government are subject to parliamentary oversight. Other than that, the GET was told that for ethical breaches of PTEF, in practice, the most dissuasive and effective sanction is “name and shame”. The GET understands that the Norwegian system is built on trust and a common basis of shared values and standards of conduct. That said, the GET considers that additional preventive and detective controls could be developed, as a complement to trust, in order to ensure that ethical misconduct is detected and addressed even without media scrutiny and public/political pressure. Consequently, **GRECO recommends that the standards set forth regarding conflicts of interest, incompatibilities, outside activities, gifts and relations with lobbyists and third parties be subject to credible and effective control and sanctions.**

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

128. Law enforcement services in Norway are provided by the country's single national civilian police force, the Norwegian Police Service (hereinafter the police), which operates under the Ministry of Justice and Public Security. The police consists of a central National Police Directorate, five special agencies, twelve police districts and four other agencies with national competence. In addition, the Police Security Service is also part of the police. The police is responsible for border control, certain civil duties, coordinating search and rescue operations, counter-terrorism, highway patrolling, writ of execution, criminal investigation and prosecution. In Norway, the lowest level of the prosecution authority is also part of the police¹¹. The following table provides details on the current level of human resources of the police.

Category	Paid FTEs, except parental leave	Share per category	Number of paid employees, inclusive employees on parental leave			Per share	
			Female	Male	Total	Female	Male
Police Officers	10,029	59%	3,414	7,047	10,461	33%	67%
Police Attorneys	905	5%	572	378	950	60%	40%
Civilian positions	6,057	36%	4,248	2,164	6,411	66%	34%
Total	16,991		8,234	9,589	17,822	46%	54%

129. The organisation and activity of the police is governed by the Police Act, the Police Instructions, the Police Register Act, the Penal Code and the Criminal Procedure Act. There are also several other general laws and regulations that apply to the police including the Civil Servants Act, the Public Administration Act and the FOIA. Of particular interest for the police is also the National Security Act and the Regulations and Provisions on Financial Management in Central Government.

130. A centralisation process of the police has taken place since the start of the XXI century. In 2001 police districts were reduced from 54 to 27, and then in 2016 reduced again to the current 12 police districts. The latest reform was triggered by a response to the terrorist attacks of July 2011, which called for a reassessment of the police capacity to effectively and rapidly respond to emergency crises. An Inquiry Commission was established in 2012, a Police Analysis report was issued in 2013, and following their conclusions, a government proposal and parliamentary discussion took place in 2015. The result of this reflection process was the ongoing reform of the police focusing on two fronts (i) structure (strengthening central and regional control by merging police districts and local police stations, and thereby streamlining the police) and (ii) competence (improving steering and leadership processes, quality and performance).

131. Each police district is led by a chief of police who is responsible for all police services, the budget and results. Police districts are divided into rural police and police station districts.

¹¹ The prosecution authority was dealt with in GRECO's Fourth Evaluation Round.

The National Police Directorate manages and coordinates the police (except for the Police Security Service, which is directly subordinate to the Ministry of Justice and Public Security). It is responsible for professional management, supervision, follow-up and development of the police. It is headed by the National Police Commissioner. Cooperation between the different police districts is ensured, *inter alia*, through monthly national leader group meetings. In operative cases, the police districts also extensively cooperate with each other, as well as with special/other agencies. The police also closely cooperates with other public authorities, both in crime prevention and law enforcement activities. An example is the crime prevention cooperation organised through the so-called Police Council, where the police meets regularly with different sectors within the municipalities. Investigation of economic crime and so-called work-related crime also involves regulated cooperation between the police and other authorities, such as tax, customs and social security authorities.

132. The police has five special agencies, with specialised tasks, which assist police districts in their activities: the National Criminal Investigation Service (KRIPOS), the National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM), the National Police Immigration Service (PU), the Central Mobile Police Service (UP) and the Police University College. ØKOKRIM, established in 1989, has key responsibility in the investigation and prosecution of the most serious corruption cases. It is both a police specialist agency and a public prosecutors' office with national authority. As a police agency, ØKOKRIM reports to the National Police Directorate regarding administration and funding. When it comes to prosecution of criminal cases, ØKOKRIM reports to the Director General of Public Prosecutions. It is organised with multidisciplinary teams, composed of special investigators, some of whom have law enforcement experience, while others have financial and environmental experience.

133. The Ministry of Justice and Public Security has the ultimate responsibility for police operations and sets out the framework for their plans, goals and funding. The Police Department within the Ministry is administratively responsible for the police and can give instructions to it as part of the government's criminal policy, but not in individual cases. Beyond this, the police enjoys operational independence and cannot be given instructions of a political nature.

134. The GET notes that following the latest reform, the National Police Directorate's duty is to lead, organise and develop the police. To this end, it has been vested with stronger responsibility for coordination, efficiency and the provision of more uniform solutions. In this connection, the GET can only welcome the steps already taken by the National Police Directorate to enhance measures for better strategic management, coordination and development, such as national leader group meetings and a national scheme to collect and disseminate operational good practice or guideline renewal proposals. Still, in the GET's view, there are some areas where responsibilities of the National Police Directorate, the Ministry of Justice and Public Security, and even police agencies, would benefit from additional clarification. Furthermore, internal control and auditing systems have been substantially strengthened in the last years, as will be described later in this report (see paragraphs 184 to 189). In this area too, the National Police Directorate can play a key role. The same can be said as to the steering of an integrity policy/targeted measures within the police. The GET encourages the authorities pursuing their efforts to consolidate the role of the National Police Directorate, with a view to ensure a coordinated, and therefore more efficient, corruption prevention function within the force.

Access to information

135. The police website contains information on its activities. Information held by the police is otherwise available upon request, in line with the principle of public access set out in the FOIA. However, access to information on ongoing and final criminal cases is only possible in relation to the parties in the case; exceptions to this are possible and the Director of Public Prosecution has issued guidelines in this respect.

136. The National Police Directorate issues annual reports to the Ministry of Justice and Public Security on its activities and the use of public resources. The reports are available to the public online. More detailed versions of the reports are submitted to the Ministry every four months. The National Police Directorate can also be asked to report on special matters. Internal audit reports can be made public upon request, according to the FOIA. Some audit reports are available on the intranet. As a general principle, it must be assessed in each case whether a report can be made publicly available, depending on the sensitivity of the information contained.

Public trust in law enforcement authorities

137. Every year a survey on citizens' trust in the police, so-called Police's Inhabitant Study (*Politiets innbyggerundersøkelse*) is released; it is made available online. The latest report, from 2019, shows that 79% of the citizens have a high degree of confidence in the police. This percentage is slightly lower than in the last four years (for instance, in 2017, confidence rate stood at 83%). The decrease appeared in the following areas: treating people with respect, explaining decisions and actions to the public when asked to do so, preventing offences where there is threat or violence. The citizens' positive impression of the police in terms of getting to the scene quickly when called upon after violent crime remained unchanged from previous reports.

138. The GET notes that Norway's figures on citizens' trust in the police remain high compared to the European average. The slight decrease in confidence levels experienced in recent years has not yet been analysed in detail, although the GET heard on site that it could be linked to the Utøya tragic events, as well as the over-advertisement of the reform process (and its sense of urgency) that followed. Some of the areas where this decrease has been recorded (see paragraph above) touch upon integrity work and ethical policing, and, as such, would merit a thorough analysis and remedies. The police could also explore ways to communicate more effectively to the public and capitalise on its various reforms and achievements (e.g. crime prevention measures, specialisation, strengthened internal control, etc.). The recommendations included in this report can further assist in this area.

Trade unions and professional organisations

139. The Norwegian Police Union (*Politiets Fellesforbund*, PF) is the largest union specific to the police. The Union organises employees on all levels within the police. It has 17 000 members. The Police Lawyer Union (*Politijuristene*) is a union for the lawyers and other employees with a law degree and focuses on lawyers' interests. Almost all lawyers in the police belong to this union. It has 1 100 members. In addition, there are several other unions/associations where police officers are represented, but these are not specific to the police. Trade unions play an important role in labour related matters. They are key

counterparts of the government as the latter develops policy/strategic documents for the corps (e.g. on police reorganisation). For the GET, the current level of cooperation and coordination with the unions in the preparatory processes of policy development/reform constitutes a good practice which should be continued, with further consideration being given to providing the unions with an even earlier involvement in the preparations.

Anticorruption and integrity policy

Policy, planning and institutionalised mechanisms for implementation

140. There is no dedicated anti-corruption and integrity policy as such for the police, but these aspects are dealt with through regulation and guidance (e.g. Civil Servants Act, Ethical Guidelines for Public Service, Police Code of Conduct, etc.). Creating a sound integrity policy is not a simple task, and for the GET, there are certainly many valuable elements in place in the current Norwegian approach. Furthermore, the GET was told that the Police Directorate is exploring ways to improve the system for corruption prevention, including by strengthening risk analysis in certain risk prone areas, although the scope and timeframe of this project has not yet been decided. In the GET's view, the time is right to advance measures in this domain and to provide for a more coordinated, unified and holistic approach to integrity. This is important in the current context of a reformed system, as well as in the light of the change in the trend of public trust levels, a change that, although not significantly alarming, may open for some follow-up and self-criticism. It will be important to consolidate the overall development and coordination role of the National Police Directorate in this particular area. Further, more can be done to enhance risk management tools, including through the development of an information collection plan for corruption prevention purposes and the carrying out of stricter internal oversight through regular cross-checks and audits of (centralised) registers. Such a risk analysis necessitates the use of a wide variety of sources (e.g. audits, analyses of complaints, IT logs, information from screening processes, secondary activities, disciplinary cases, possible staff surveys, etc.), some of those sources are already available and some other would benefit from further development or refinement, as described in this report. **GRECO recommends adopting a coordinated corruption prevention and integrity policy for the police, based on systematic and comprehensive review of risk prone areas, which is coupled with a regular assessment mechanism.**

Risk management measures for corruption prone areas

141. Targeted measures have been taken in recent years to address those areas identified as corruption prone in the course of internal audit and internal control systems. For example, regarding public procurement, formalised internal control systems have been developed, the number of users and ways to access information in the systems have been reduced, routines are now in place requiring a so-called "extended police certificate", tasks are centralised in a common service centre and a single common account has been established for the police. The Norwegian Agency for Public and Financial Management (DFØ) is the external service provider for payroll and accounts. Extensive work has been done to describe processes in these fields, including by identifying risks and setting in place controls to mitigate fraud opportunities.

142. Even though the police, for the most part, rents the buildings it occupies, there is an inherent corruption risk related to properties, building and constructions. The police informs service providers about its ethical rules prior to signing contracts and requires them to sign a

self-declaration related to ethics. Another important risk area identified is the handling of informants (see paragraph 146). In recent years, great efforts have been made to update the Informant Instruction and to develop a new intelligence doctrine based on more levels of control. The Oslo police district has established its own Internal Audit Function.

143. Policing migration has been a priority in recent years, following the refugee crisis during the summer of 2015. The National Police Directorate launched the so-called “Foreigner Project” to train staff in local police districts on migration matters. Training mainly involves practical and technical skills in the use of immigration law and document checking tools. Academic research carried out in 2017 revealed, from the interviews performed as part of the researcher methodology, that ethical challenges were raised when officers spoke about the difficulties of working in the area of migration control. Moreover, surveys reveal that immigrants from non-Western countries (and young people with immigrant background) feel themselves subject to suspicion and have less confidence in the police than Norwegians¹². In the GET’s view this issue merits closer follow-up by the authorities and additional measures to be taken, including on the ethical dimension of work in this domain.

144. Additionally, there are structural tools to prevent corruption and malpractice in the police, including through the application of the four-eyes’ principle, IT log checks, the responsibility of line managers and supervisors to ensure good behaviour of their subordinates, etc. National guidelines are issued to this effect and some units have developed local guidelines tailored to their own needs.

145. It was clear to the GET that Norway had taken important steps to strengthen its internal control and auditing systems and to improve risk management thereafter. Even so, the GET considers that additional measures need to be taken to enhance risk management and early warning systems for corruption prone areas (see also the considerations made in paragraphs 140 and 189). The recommendation made in paragraph 140 should assist in making further progress in this regard.

Handling undercover operations and contacts with informants and witnesses

146. Only a few specialised police units are certified to conduct undercover operations. Special tests (physical and psychological) during training are required for officers to perform this type of work; in addition, the evaluation of the candidates, follows a written analytical exam and an interview. The Director of Public Prosecutions has issued guidelines on expected conduct during undercover operations. KRIPOS has played a central role in developing national standards on handling informants/police agents and witness protection. Likewise, the National Police Commissioner and the Director of Public Prosecutions have co-signed a general instruction dealing with this matter; access to this document is restricted. The instruction is routinely revised to take on board new legislative requirements, but also relevant field experience. Furthermore, in the wake of a case of alleged police corruption (see mention of the case in particular, paragraph 210), the system to handle informants has been subject to substantial reform, notably, by strengthening its control. The handling of informants is also subject to the multiple eyes’ principle.

¹² Official Norwegian Report NOU (2009:12).

Code of ethics

147. The Code of Conduct of the police deals with integrity, respect, impartiality, transparency, employee and leadership conduct. The work on the Code started in 2016 and was finalised in 2018. It was prepared in cooperation with police unions, safety representatives (*Verneombud*) and the National Police Directorate. A consultation process was held with police districts, special branches of the police and the Police University College. Special emphasis is placed on the role of managers in implementing the Code, both because they must lead by example and because they have concrete responsibilities as to its dissemination (including by ensuring that training be followed) and compliance with the Code's provisions by subordinates. The HR Department of the Police Directorate has overall responsibility for the Code's implementation across the police. Although the Code does not directly stipulate sanctions, breaches of it may give rise to disciplinary or criminal liability (if the breach also constitutes a criminal offence), depending on their seriousness. The provisions of the Civil Servants Act and the Penal Code apply, accordingly (see paragraphs 204 and 212 for further details).

148. Further, the Police Instructions refer to the rights and duties of police officers, e.g. use of force, conduct, residential obligations, relationships with the public and within the force (Section 4-1, Police Instructions). The Instructions underscore, *inter alia*, the obligation of all police officers to act in such a manner that they promote ethical standards and the professional skills of both individual members of the force as well as the force as a whole (Section 6-3, Police Instructions). The Police Act (Section 6) also include specific provisions on ethics enshrining the principles of impartiality, objectivity, fairness and public service. Additionally, as already mentioned, the Ethical Guidelines for Public Service also apply to police officers.

Advice, training and awareness

149. The Norwegian Police University College offers a three-year programme that leads to a bachelor's degree. The programme is professionally oriented and intended to provide a broad theoretical and practical foundation for police work. A part of the programme focuses on the role of the police in society and the way the police performs its duties; students are trained in methodical ethical reflection, using academic texts, internship practice, as well as the norms and values of the Code of Conduct as vehicles for developing normative knowledge and skills. With particular reference to the investigation of corruption offences, the College offers two post-graduate programmes where anticorruption is part of the curriculum. Later in service, managers are vested with an essential role in leading by example, promoting ethics among its subordinates (including by ensuring that they enrol on training on ethics) and providing advice, as necessary. Moreover, in case of ethical dilemma, officers can also contact the HR Department or the National Police Directorate for advice.

150. For serving officers, the Code is placed on the intranet to facilitate officers' access. It is also included in the Personnel Handbook (a compilation of all human resources relevant materials). An e-learning module has been developed to enable training and focused reflection on ethical matters. It is based on real life scenarios and is suitable for both individuals and groups. As of May 2020, a total of 1719 persons had completed the e-learning programme (5000 had logged on, 2417 had signed up and 2065 had started by had yet to complete it). There were also separate modules for new recruits.

151. The Norwegian Bureau for the Investigation of Police Affairs also plays a key role in experiential learning. Information on actual incidents of misconduct is a major basis for discussion and learning in the police; the annual report of the Bureau contains brief accounts of all cases dealt with by the courts and all cases involving decisions to prosecute. The Bureau also provides information on its work and experience in direct contact with cadets at the Norwegian Police University College and with employees in the police districts. In addition to providing information on the Bureau's mandate and on its *modus operandi*, it also uses actual experience gleaned from cases to provide information on relevant topics including ethics. The GET considers that the role performed by the Norwegian Bureau for Investigation of Police Affairs in relation to corruption prevention is good practice and commends the institution for its proactiveness in this respect (the other aspect of the Bureau's work, i.e. its investigation powers over corruption cases within the police, is described later in this report, see paragraphs 205 to 210).

152. It emerged from the interviews on-site that although a Code of Conduct had been adopted (in 2018), it is not fully embraced by the profession (some trade unions were particularly critical vis-à-vis the enactment of the Code); most interlocutors on-site referred to Police Instructions when discussing ethical/conduct matters. There are instances where the Code and the Instructions overlap and the purpose of the two instruments could be more clearly communicated to officers. The Police University College is playing a key role in promoting the Code with its students, but the personnel already employed in the force or that hired directly does not have a structured ethics curriculum. Currently, the issue of ethics is mainly dealt with at police district level by using e-learning modules or in the context of annual discussions of managers with their staff regarding their performance. While managers have a key responsibility in promoting ethical behaviour, there is no mechanism to assure they are doing so with their staff. For example, the numbers provided regarding officers who have completed the specific e-learning modules on ethics are still modest. As to managers themselves, the GET welcomes the efforts made in recent years to boost ethical leadership, including through the issuing of guidance in this respect.

153. It is also unclear whether the National Police Directorate has developed, or intends to develop, other methods for raising awareness and promoting implementation of the Code. For example, it is possible to make the Code a living document also through measures promoting and encouraging ethical behaviour, such as acknowledgements or recognitions. Moreover, the Code of Conduct is a valuable statement and merits thorough internal discussions. Likewise, the system would further benefit from appointment of trained persons of trust who provide confidential advice on ethical and integrity matters. In light of the foregoing considerations, the GET is convinced that there is room, and need, for a more coherent and coordinated approach to instilling the Code in the force. The National Police Directorate should take a more active role in this area and capitalise on the work developed by the Norwegian Bureau for the Investigation of Police Affairs in this respect, notably, concerning experiential learning. **GRECO recommends that the implementation of the Code of Conduct is supported by a more uniform, coordinated and comprehensive approach, including by (i) further enhancing in-service training programmes and awareness raising measures on integrity and professional ethics; and (ii) providing systematic confidential counselling on these matters.**

Recruitment, career and conditions of service

Recruitment requirements and appointment procedure

154. Vacant (temporary/permanent) positions are advertised and filled through competition. The selection process takes place before an appointment committee where the employees, the management and the administration are represented. Higher rank positions (director, assistant directors, heads of special units and chiefs of police districts) are hired on a fixed term contract for a period of up to six years, renewable once¹³. The latter appointments are not political and are regulated by the same rules and principles as other appointments in the police (Staff Regulations for the National Police Directorate and Subordinate Units, Section 6).

155. Recruitment is a regulated technical process, which falls under the common rules for all public servants. The relevant processes are designed to ensure transparency, equal treatment and objectivity, based on merit and competence criteria. The police also aims towards a balance between men and women (at present there is a ratio of 54% male and 46% female in the police; although the ratio is lower, 33% female, when it comes to police officers). A decision on employment can be appealed to the court by virtue of the Disputes Act, or to the Parliamentary Ombudsman.

156. Police education consists of a bachelor's programme of three years resulting in generalists in policing. Specialisation can later be sought through the completion of a master's degree in Police Science. Candidates with two years of work experience may also apply for the experience-based masters in Investigation or Information Security. The National Police Directorate has issued guidelines for checking Police University College candidates' record and suitability. The latter comprises the following criteria: interaction, openness, maturity, vigour, analytical capacity and integrity. For this purpose, in line with the Police Act (Section 24b), police registers can be accessed. This task is done by KRIPOS, which subsequently provides the Police University College Board with relevant information, which is then used, as appropriate, by the latter when interviewing the candidate. Candidates to the Police University College also undergo tests which include ethics. For the GET, this type of recruitment constitutes good practice, which can be also transposed for internal recruitment processes.

157. Persons who are employed in the police must have an impeccable record. When entering the police, checks are made concerning (i) clean criminal records (objective standard), followed by (ii) an assessment of suitability of candidates (subjective standard). The GET understood, from the information provided on-site, that the notion of criminal records is wider than just criminal convictions. More stringent security clearance processes may apply for personnel who would have access to objects worthy of protection or security-rated information, pursuant to the provisions of the National Security Act.

158. Regarding in-service vetting, security is a line responsibility, supervisors are responsible for the day-to-day security management of their immediate subordinates. They follow up their subordinates on a regular basis and ensure that they all have adequate security competence and are familiar with and comply with relevant security requirements.

¹³ The head of ØKOKRIM is not hired on a fixed term, as he/she is also head of a prosecuting authority.

Supervisors must encourage their staff to be open about security matters and to inform them of any changes that could affect the employee's own security or that of their co-workers. Discussions relating to security competence and any relevant changes relating to suitability and security that the employer should be aware of must be documented. If doubts are raised with respect to the employee's character or suitability to hold a position with the police service, the matter must be assessed jointly by the person's immediate supervisor, Human Resources and the unit's security manager. If an employee commits an act that would normally prevent them from meeting the requirements for good character and suitability during their period of employment, this may be grounds for dismissal. A comprehensive assessment must be performed and documented. Separate rules (more stringent) apply to employees who have been granted clearance/authorisation pursuant to the Security Act; in this connection, employees who have security clearance have a particular duty with respect to disclosure.

159. The GET notes that a current member of the police who becomes a candidate for a new position within the force is not required to undergo new tests as a general matter. That said, there may be tests geared towards assessing specific types of knowledge, but these tests do not include specific questions on ethics. Likewise, there are currently no guidelines for persons conducting the job interviews that require them to specifically consider ethics (although the GET was told that, in practice, such questions inevitably arise in the interview). The GET is of the view that further steps can be taken to reinforce internal recruitment processes, the experience which has been developed with respect to candidates coming from the Police University College can prove valuable to this end (i.e. integrity testing and aptness assessment, written tests, personal interviews). Additional measures could also include the development of a competency framework system, corresponding to different positions within the police. Such a move would allow for increased objectivity in all selection processes, thereby reducing any possibility of favouritism. Concerning screening while in service, the Service Regulations on Staff Security Screening, issued in September 2019, make the line manager responsible for ensuring that his/her subordinates meet the required suitability and security requirements. The GET considers that a more formalised and systemic type of re-vetting, can be developed for corruption prevention purposes and be prompted also when doubts arise. Obviously, certain positions require such measures more than others. The GET acknowledges the efforts having been made already by Norway to reinforce integrity matters in the police and calls on the authorities to pursue and further enhance its action in this domain, as highlighted above. **GRECO recommends taking additional measures to reinforce the role of integrity matters in internal recruitment processes, as well as the carrying out of integrity checks of employees in the police force at regular intervals depending on their exposure to corruption risks and the required security levels.**

Performance evaluation and promotion to a higher rank, transfers and termination of service

160. An annual appraisal takes place between line managers and his/her staff to, *inter alia*, exchange views and increase motivation; ethics could be discussed on these occasions, as well as in the context of leader-to-leader discussions/appraisals (and the GET was told that this is usually the case). This type of interview is not for promotion purposes. Rather, promotion takes place through appointments (after a regular recruitment process). As a rule, management positions must be filled through formal recruitment and appointment body decisions, but managers can be moved horizontally (same level in the hierarchy) for organisational purposes.

161. Transfers are voluntary and they follow specific rules on mobility (guidelines have been issued both in respect of the police and, more generally, in respect of public officials governed by State collective agreements). More precisely, all opportunities for secondments are published internally and interviews are carried out by the employing unit. Decisions on secondment cannot be appealed. Employees are not seconded against their will.

162. As explained before, rotation is not a policy *per se*. It is not mandatory, nor does it constitute a specific anticorruption tool. Changes in postings happen, due, for example, to altered family situations, officers' individual careers and preferences, and changes of an organisational nature. It is more common among lower rank officials for the purpose of gaining experience and building expertise. It is a requirement for promotion in lower grades (from level 1 to levels 2 and then 3). The GET would like to stress the value of rotation as a corruption prevention measure (particularly, in areas and positions that are more vulnerable to malfeasance) and encourages the authorities to keep exploring ways to use it, while balancing it with the requirement of specialisation which is a notable attribute of the Norwegian police.

163. Dismissal is decided by a committee (the same composition as the appointment bodies). A dismissal decision can be appealed to the Central Employment Council for the Police. The decision of the latter can be subsequently appealed to a court. Members of the different appointment bodies and the Central Employment Council must assess their own eligibility and possible conflict of interest before a case can be dealt with. A conflict of interest on the part of an individual who participates in a decision on appeal constitutes a procedural error which may lead to a decision being considered invalid.

Salaries and benefits

164. The gross entry salary of a police officer is around 32 600 NOK (3 294 EUR) per month. This does not include overtime and other variable pay (e.g. work on holidays). Additionally, officers receive 35 190 NOK (3 555 EUR) per year as compensation for inconvenient working hours.

165. Salaries are set on the same basis applying to the whole public administration in Norway. Tasks and responsibility, and whether police authority is needed in the position¹⁴, are essential to decide on the relevant pay plan and position code. Salary conditions/adjustments are contained in collective agreements, as negotiated with the trade unions. The salary levels of the employees in the police, as well as information on additional benefits, are accessible to the public (upon request), as they are for all public servants.

Conflicts of interest

166. As outlined in the first part of the report, all persons working for public administration have a duty to avoid conflicts of interest (see paragraphs 84 to 86 on disqualification grounds and recusal). Additionally, it is recognised that because of the particular nature of law enforcement and the significance that individually and collectively officers' integrity and impartiality bears in public confidence, the officials working in this area must abide by even stricter rules of conduct.

¹⁴ In the police, employees are appointed as police officers, police prosecutors or civilian employees.

167. In this connection, the Police Instructions further stress the importance of the requirement of impartiality for police officers. Likewise, the Code of Conduct (Section 5) contains specific provisions on impartiality. As police employees act on behalf of the public, personal preferences, expectations, or even pressure or threat to influence their actions or decisions must never happen, according to these standards. It is therefore expected that police work shall always be performed without consideration for one's individual advantage or disadvantage. Consequently, it is crucial that police officers do not handle or facilitate cases that may affect or benefit relatives, friends or other individuals with a connection to him/herself.

168. Moreover, the rules which will be described below regarding incompatibilities, side activities, confidentiality, etc. add to the framework in place to prevent conflicts of interest in the police. It is primarily the responsibility of the employee him/herself to identify conflicts of interest on an on-going basis and to step aside when needed. Each potential conflict of interest must be subject to an individual assessment, involving (i) the nature of the relationship, and (ii) the actual potential to create a conflict of interest situation at present or in the future. In case of doubt, advice can be sought from supervisors or the HR Department.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

169. Under the law, officers cannot hold side occupations or board positions or take on other assignments that are incompatible with the activities of the police or otherwise capable of undermining public trust in the force. The tasks and the role of police in society, including its function as the State's civil instrument of power and criminal investigation authority, demands clear restrictions in this regard. Accordingly, the Police Act provides that senior civil servants and staff members with police authority (including police students assigned police authority¹⁵) must not hold another paid position, carry on private trade or possess a public licence to pursue business without the approval of the chief of police (or a party authorised by the chief of police)¹⁶. Such approval may not be given if doubt may arise as to which capacity the police officer is acting in, or as to his/her independence in official matters, or where the side occupation may reduce the police officer's ability or opportunity to perform his/her duties in a proper manner (Section 22, Police Act).

170. Directive 2008/10 provides detailed guidance for chiefs of police on how to deal with secondary activity's requests. Each application for approval must be subject to a specific and holistic assessment. The considerations that may indicate that a particular side occupation would not be compatible with the police functions, include: respect and trust that the position requires; risk of conflict with duty; risk that the performance of the secondary occupation may be confused with the exercise of police authority; risk of disqualification on the grounds of lack of impartiality; proper performance of duties – suitability/availability. Specific examples and elaborated explanations are provided for each of the aforementioned situations and factors.

¹⁵ The possibility to refuse approval for side-line occupations for students is somewhat more restricted than for ordinary police officers given that they must be able to hold side-line occupations/part time jobs to help finance their studies.

¹⁶ Authorisation of secondary activities of chiefs of police and other senior officers are handled by the National Police Directorate.

171. Holding interests through shares or other ownership models is also covered by the prohibition. Various types of other engagements or activities that do not strictly involve the performance of work but do include personal gain or financial interests are equally treated as side occupations. This also includes unpaid work for a company owned by a spouse, cohabitant or other family member in order to acquire earnings or profit. Politically elected offices are not considered side occupations, even if they involve monetary remuneration. Unpaid leisure activities are not considered side occupations. Such activities may nevertheless also cause conflicts between the officer's police function and his/her private role, and therefore, caution must be taken regarding engagement in such activities.

172. Individuals who hold a secondary occupation have a duty to notify his/her manager in line regarding material changes during the approval period (generally, the time limit is two years), including the cessation of the activity. If the applicant transfers to a different position within the police, a new application must be submitted. Moreover, the employee has a duty to submit any new application in good time and, at least, one month before the end of the approval period. Decisions regarding secondary activity can be appealed to the National Police Directorate. Approval for a secondary occupation may be revoked at any time. There does not need to be actual misuse or specific negative conditions for approval to be revoked; changed conditions or assessments can be a sufficient basis for reversing approval. In such a case, the employee must be allowed reasonable time to discontinue the ancillary activity.

173. Employees without police authority are not covered by the aforementioned rules. That is not to say that they can operate without restriction. Directive 2008/10 tangentially deals with this group of persons and recalls the obligations they have under their respective contracts and as civil servants (e.g. to safeguard reputation of the employing body, loyalty, efficiency, impartiality, etc.).

174. The exercise of outside activities requires an application for authorisation; therefore, information about such cases is registered and available in each police district, but access to it is restricted. The GET heard on-site that the police considers the risk of bias or potential conflict of interest that may arise in the performance of official duties to be low. Still, the figures on authorisations given for side activities were of some significance, for example, an estimation of around 500 police employees had side-line occupations in Oslo police district. However, there is no systematic follow-up performed to ensure that the circumstances of the approved applications are relevant over time and that refusals have been heeded. Likewise, there is no central data base of the authorisations granted. The GET considers that if centralised records were kept and appropriate access allowed for preventive and policy analysis purposes, oversight and accountability in this area would be considerably more effective. **GRECO recommends developing a streamlined system for authorisation and recording of secondary activities within the police, coupled with effective follow-up measures.**

Gifts

175. The rules on gifts in the Civil Service Act and the related Guidelines also apply to employees in the police. Moreover, the Code of Conduct of the police includes detailed provisions on gifts. It clearly states that all employees in the police force must not accept any gift, including benefits, such as services charged below market price, queue or waiting list jumping, etc. Other examples include travel, hotel accommodation, entertainment, bonus

cards, loans or any other benefit that could either, consciously or unconsciously, influence action in service. Moreover, the Code of Conduct states that the officers shall never accept “police discounts” from restaurants, service stations or shops. Even if the “gift element” of an individual service may appear modest, over time it would constitute an improper advantage.

176. According to the Code of Conduct, officers may give or receive celebratory gifts when the size or value of the gift is in line with general standards of courtesy. They may give or receive gifts as a reward for a personal work contribution if the value of the gift is less than 500 NOK (50 EUR). If the gift is given in the form of flowers, products with local historical association, or items bearing the logo of a district or organisation, it is not necessary to value the gift, provided that it is of limited monetary value.

177. If an officer is offered or receives an advantage that is contrary to the Code of Conduct, this must be reported to the nearest supervisor in line or the relevant HR department. This is in order to agree on ways to hand it back if possible and ensure proper internal reporting of the incident. In addition to the above, the Ethical Guidelines for Public Service, as well as the bribery-related provisions of the Penal Code apply to the police.

Misuse of public resources

178. Police officers cannot sell services to the police or use framework agreements or discount schemes for private purposes. Further, they cannot place private orders with police suppliers if this could raise any question about mixing public and private funds. They must comply with the relevant financial, purchasing and public procurement rules and be aware of the boundaries between camaraderie and bribery and corruption in all forms of contact and network building. The misuse of public resources could also constitute misappropriation/embezzlement under Section 324 of the Penal Code, which is punished with the penalty of a fine or imprisonment for a term not exceeding two years.

Misuse of confidential information

179. There are strict rules for the duty of confidentiality in connection with criminal proceedings. However, the duty of confidentiality does not impede information from being made available to parties in a case, the aggrieved person or their representatives, or when no legitimate interest dictates that it shall be held secret. The aggrieved has the right to inspection of documents if this will not interfere with investigations or be to the detriment of third parties. Breaches of the duty of confidentiality may lead to sanctions, pursuant to Sections 209 and 210 of the Penal Code, and include disciplinary measures, termination of work or immediate dismissal.

180. Access to the data in police records is strictly regulated, and the data may only be used where there is an official purpose for such use pursuant to the Police Records Act. The police have a statutory duty to protect data against unauthorised access. One of the measures used is the tracking of all use of police registers and systems and regular checking of the tracking log. To fulfil this purpose, the National Police Directorate and KRIPOS developed, in 2017, a tracking and analysis system for central police registers. The current system has a major preventive effect on unauthorised queries and research; it is currently being refined. In the event of breaches, the response may vary from a reminder concerning the current rules for use of registers to an administrative or disciplinary sanction. If the breach constitutes a

criminal offence, the matter is reported to the Norwegian Bureau for the Investigation of Police Affairs.

Post-employment restrictions

181. Pursuant to the Service Regulations on Staff Security Screening, when the employment relationship comes to an end, it is important to be aware that the change in relationship between the employee and the employer could constitute an increased risk. The employee's immediate supervisor must be aware of this risk, especially when the employment relationship is terminated by the employer. Supervisors are recommended to hold an exit meeting with subordinates who leave the police service, to learn more about the reason for the employee's decision and to remind them that their duty of confidentiality remains in effect. Units must ensure they have good routines for the return of documents, equipment and key cards/ID cards, as well as the removal of user rights for IT systems, etc. Employees must tidy up and delete any information of a private nature that they themselves have produced, such as non-archivable emails, files stored on personal user areas, etc. Employees are not permitted to take (copy, etc, for later use) any police-related information with them when their term of employment comes to an end.

182. There is no particular prohibition on post-employment activities for police officers. However, civil servants and senior civil servants may have a quarantine period imposed prior to undertaking new work outside the public sector, according to the provisions of the Quarantine Act (see under paragraphs 114 to 116 for details). In practice, this happens very rarely for police officers.

Declaration of assets, income, liabilities and interests

Declaration requirements

183. There are no requirements on staff of the police to file declarations of assets and interests, other than the information to be submitted for the purpose of security clearance in those instances where this type of clearance is required. Additionally, as for all other Norwegian citizens, general information (in cumulative numbers) about police officers' net annual income, paid taxes and assets is publicly available online by the tax authorities. The GET believes that financial disclosure constitutes a valuable tool to help prevent situations that could ultimately lead to corruption. In this connection, the GET points at the experience of other GRECO members in this respect, where there is either general financial disclosure regimes for all officers across the board, or for those in top management positions, or in respect of particularly vulnerable positions (e.g. officials dealing with public procurement decisions). The GET understands that, at present, the financial information of some officials (e.g. in respect of top management and/or certain at risk positions) is verified in relation to security clearance processes and that the relevant registers are also checked accordingly. However, the GET encourages the authorities to pay further reflection to this topic. The introduction of financial disclosure for officials within the police could further prove instrumental when implementing the recommendations on the enhancement of risk management and the reinforcement of integrity checks in-service (see paragraphs 140 and 159, respectively).

Oversight mechanisms

Internal audit

184. The Police Internal Audit was established in 2017 and is part of the police's system for management and control. The unit covers tasks performed in the National Police Directorate, police districts, special agencies and other units. The internal audit, under the National Police Directorate, reports directly to the National Police Commissioner and is functionally independent of other line organisation.

185. The Police Internal Audit chooses the theme for audit through a systematic analysis of the risk picture for the police and, based on this analysis, works out an annual plan that is approved by the National Police Commissioner. Internal audit assists in ensuring that policing is performed in accordance with the basic governance principles for State-owned enterprises, as stipulated in the Regulations on Financial Management in Central Government. Furthermore, it contributes to achieving the police's objectives through performing audits that deal with topics such as planning and strategy work, reliable reporting, prevention and detection of fraud, risk management, compliance with laws and regulations, cost-effective use of resources, and ICT management and security.

186. The recommendations issued in the corresponding internal audit reports are followed up systematically and the status of their implementation is reported periodically to the National Police Commissioner. Each recommendation that has not been met in accordance with the timetable continue to undergo follow-up until it has been fulfilled. The GET positively values the audit role performed by the National Police Directorate so far and encourages the Directorate to perform regular legality checks, as well as to think expansively in the selection of new themes for audits, including certain processes (procurement, travel, side jobs, follow-up to given instructions, etc.) and areas which have been recently reformed. Such audits should, in principle, work well and assist in preventing corruption within the police (this should be taken into account when implementing the recommendation included in paragraph 140). The GET noticed that there seems to be keen political interest in the functioning of the force, which has been made evident through several inspections of the Office of the Auditor General (e.g. on handling seized objects, weapons, etc.), as commissioned by the *Storting*. Those inspections have looked into very specific areas, a task which will now probably be taken over by the National Police Directorate. This transfer of tasks should enable the Office of the Auditor General to look into more strategic or larger themes.

Internal control

187. Internal control is performed at central and entity level, although, as part of the ongoing work to strengthen the governance and control of the police, greater emphasis has been placed in streamlining and centralising the existing protocols. To this end, an agency-wide framework for internal control was established in 2018. Roles and responsibilities, as well as annual processes for planning, implementation, follow-up and reporting have been better articulated and strengthened. Several risk areas and processes have now undergone enhanced control both at central and entity level (e.g. payroll and accounting processes – see also paragraph 141).

188. The National Police Directorate issues an annual plan highlighting a set of focus areas for internal control. The plan is risk based and takes into account recommendations given by the Office of the Auditor General, Internal Audit, etc. The annual plan is the starting point for all entities when they are creating local plans. The execution of local plans is followed up by the central internal control function on a regular basis (three times per year) and forms the basis for regular reporting to the Ministry of Justice and Public Security on the status of internal control.

189. The GET notes that risk management is done systematically as part of the police's strategic assessment on threats and risk areas; it is then used within the internal control system. It provides priorities for the control and audit units and is regularly checked against the performance of the control system as a whole. Within this picture, there is though little focus on the integrity picture and this area may benefit from further refinement. This should be done by better exploiting available information as well as by further developing internal registers. For example, at present, there is no centralised register to keep track on how many officers have been sanctioned, nor a special focus to overview and/or analyse trends in the disciplinary situation of the police (e.g. through monitoring data on crimes committed by police officers, sanctions, typology and frequency of breaches, factors that favoured their occurrence, recommendations which followed thereafter, etc.). A more determined coordinating role of the National Police Directorate in this respect is necessary, including through periodic collection of the statistics being gathered at regional level. The same can be said regarding other types of information which are currently dispersed (e.g. outside activities authorisations, internal deviation reports) across the force. Further efforts are required to ensure proactive and retrospective checking of existing registries for corruption prevention purposes. Likewise, more can be done to use the data coming from the operational cases of the Bureau for Investigation of Police Affairs, for both grasping a better picture of risks and triggering lessons on critical incidents and risks of integrity. These considerations must be taken on board when implementing the recommendation issued in paragraph 140.

External oversight and control by other State bodies

190. Several institutions play a key oversight role of the police, including the Office of the Auditor General, the Norwegian Data Protection Authority, the Norwegian Communication Authority, the parliamentary Committee for the Monitoring of Intelligence, Surveillance and Security Services, the Norwegian Labour Inspection Authority, the Equality and Antidiscrimination Ombudsman and the Norwegian National Security Authority. The Parliamentary Ombudsman has an oversight role for maladministration, including regarding appointments, decisions not to investigate a case, access to information from the police, handling of public complaints, etc., but the GET noticed that the Ombudsman powers in this respect were somehow limited. S/he only sees matters/complaints as a last resort, s/he normally does not initiate an investigation on her/his own initiative, and his/her opinions do not have a binding nature. As is the case for PTEF, the media plays an essential role in supervising the activities of the police. Following the evaluation visit, the *Storting* was looking into questioning the Head of Norway's Intelligence Unit (PST) and the Minister of Justice and Public Security regarding the illegal gathering and storage of information from airline passenger lists by the PST.

Public complaints system

191. Since 2001, several reforms and improvements have taken place in this area to upgrade ways of police oversight (e.g. by establishing in 2005 the Norwegian Bureau for the Investigation of Police Affairs who took over complaints from the prosecution authority where they were often dismissed as they rarely concerned criminal offences, by articulating in 2006 detailed instructions and procedures for handling inquiries and complaints concerning reprehensible conduct in the police, by issuing in 2015 a national checklist for the handling of complaints, etc.); the latest changes date from 2019.

192. More particularly, if an individual wishes to make a complaint about a police officer or department, there are two ways of doing so (dual track system): (i) filing a report (criminal acts) – see paragraphs 205 to 210 for details on how this course of action is followed by the Norwegian Bureau for the Investigation of Police Affairs or (ii) making a complaint (non-criminal acts). The latter is available for cases where conduct may be blameworthy, but not criminal, and these complaints should be directed to the individual police district or the special agency. The chief of police in the district concerned will consider the complaint. After the investigations have been completed s/he makes a decision in the case and send the complainant an answer with the grounds of the decision. As a rule, the matter should be dealt with within a month from when the police received it (or if later than that, the complainant must be provided with written information on when the complaint is likely to be processed). Inaction regarding the handling of a complaint by a police district can be reported to the National Police Directorate or otherwise to the Parliamentary Ombudsman.

193. There are no formal requirements to submit complaints and they are free of charge. Anonymous complaints are also possible. The website of the police includes a dedicated section on how to make a complaint (<https://www.politiet.no/en/contact-the-police2/making-a-complaint/>). The number and nature of complaints received, including the outcome of the complaints, are reported to the Ministry of Justice and Public Security annually. The reports are available at the [police's website](#).

Reporting obligations and whistleblower protection

194. The Police Instructions introduce a specific duty to report misconduct (Section 6-3, Police Instructions); the reporting obligation is also underscored in the Code of Conduct. Practical guidance on the procedure to be followed for whistleblowing in the police has been issued. It encourages the reporting of “censurable conditions” (reporting is mandatory in several cases, including when suspicion of criminal offences occurs) and describes in detail how to notify (internally – preferred option, to an external public authority, or publicly - if either one of the latter channels has been exhausted) and how to handle notifications. It further emphasises the need to treat the whistleblower with due respect.

195. The Working Environment Act includes specific provisions on whistleblower protection (Chapter 2A); important amendments were introduced in 2019 and entered into force, after the on-site visit, on 1 January 2020. They were aimed at articulating a clearer regulatory framework, including by clarifying key notions of the law and better developing reporting and protection procedures. By virtue of these provisions, all employees in the public and private sectors have the right to raise suspicions of misconduct in their respective organisation. The misconduct need not amount to a breach of the law but is broader as it targets any censurable

activity. There are both internal and external channels for whistleblowing and anonymous reporting is possible. Whistleblowers are protected from retaliation (onus of burden of proof on employer, right of the whistleblower to claim compensation – including for financial losses) and there is an employer's duty of care to the whistleblower. Further, if the whistleblower is subject to retaliation by his/her employer, the individual can claim redress without consideration of the employer's culpability.

196. The processing of a whistleblower notification must be based on confidentiality and trust. The group of persons made aware of the notification's content, and of the whistleblower's identity if known, should be limited to individuals who have an absolute need to deal with the case due to the content of the notification. In each individual case, impartiality must be considered and responsibility assigned to the correct level. Different means are enabled to facilitate whistleblowing notifications (in writing, by email or letter, orally, by telephone or in person). However, case handling must always be recorded in writing. A dedicated reporting channel has been established (www.justisvarsel.no); it is managed by a law firm.

197. Management responsibility in whistleblowing cases is shared among different instances:

- the Health and Safety manager (HSE), who receives the notification, is to ensure that the notification is followed-up and gives the necessary advice and managerial support;
- a chief safety officer and a safety officer, who look after the employee's interests, are to ensure that the employer handles the notification following the established internal procedures, and that the whistleblower and the subject of the whistleblowing are treated with due respect;
- the assessment group in whistleblowing cases, which consists of the HSE manager, an individual from Human Resources with employment-law expertise and the Chief Safety Officer (*Hovedverneombudet*), is to assess the content of the notification and propose follow-up that ensures that the case is handled correctly and, if appropriate, investigated further.

198. The Senior Working Environment Committee, a decision-making and advisory body that assures proper implementation of the Working Environment Act, must be informed annually of whistleblowing cases in the police. The local Working Environment Committees are also notified about all cases that may have an impact on the working environment. Finally, individual units are encouraged to hold group discussions regarding risks and what could represent a censurable condition¹⁷.

199. The GET considers that there are very valuable features for whistleblower protection in the Working Environment Act. The successive amendments of legislation in this regard have introduced both clarity and enhanced requirements to better ensure whistleblower protection, such as more structured reporting channels, greater awareness raising measures and the concrete obligation to protect whistleblowers against retaliation. Legislative improvements have been targeted at resolving practical challenges as they occurred; much of the criticism of the system being that the system had not taken off.

¹⁷ Censurable conditions are conditions at the workplace of which an officer becomes aware, and that, although of some general interest, they are not generally known or accessible to others and contravene laws and regulations, codes of conduct, general perceptions of what is reasonable or ethically acceptable, other guidelines and instructions. They may involve bullying, harassment, discrimination, substance abuse, a poor working environment, circumstances that are hazardous to individuals' lives and health, or irresponsible case handling.

200. For this reason, the GET values the efforts made by the police to issue detailed guidance on whistleblowing within the corps (*Thanks for Speaking Out*); such guidance was adopted before the 2020 amendments, and promptly adjusted thereafter. The Police Directorate and the Chief Safety Officer also went on a tour in 2017-2018 to all police districts and special bodies to promote whistleblowing and to make employees aware of the available rules/guidance and reporting channels. Moreover, the GET was told on-site that procedures and organisational arrangements to support whistleblowers were under further development, notably, through the appointment of Health and Safety Managers (HSE) and the setting up of assessment groups in whistleblowing cases. Group discussions regarding risks and reporting cases are envisaged, but practice is at variance. Trade unions were quite critical regarding whistleblower protection in the police, to the point that they had warned their members on the current risks of reporting and retaliation.

201. Against this background, it is to be welcomed that the 2020 legislative amendments now provide for a more elaborated framework regarding the legislative ban on retaliation; their effective implementation will be key. In supporting such implementation, the GET notes that it will be important to ensure some centralisation of information on whistleblowing cases to the benefit of a coherent approach within the force.

202. Finally, the GET was told that, in spite of the adopted rules on whistleblowing, there is still a certain sense of disloyalty and betrayal about blowing the whistle at the workplace. This is not circumscribed to the police, but rather applies to all sectors of society and the GET understands that it may take some time to embed the legal provisions in working practice and in organisational culture. Within the police, since 2016, there has been a gradual increase in the number of reports filed, which suggests that the efforts made to raise awareness on this particular subject are bearing fruit. Even so, the GET believes that more can be done to promote awareness in this domain, particularly in the light of the latest legislative changes. In the furtherance of the efforts already displayed by the police in this area and in order to raise awareness and recognition of the underlying anticorruption value of whistleblowing, **GRECO recommends conducting dedicated training and awareness-raising activities on whistleblowing for all levels of hierarchy and chains of command in the police.**

Enforcement and sanctions

203. Breaches of ethical and integrity-related provisions may give rise to disciplinary or criminal liability, depending on their seriousness, as follows.

Criminal procedure

204. Police officers do not enjoy any sort of immunity. Professional misconduct is punished, pursuant to Sections 171 and 172 of the Penal Code, with a penalty of a fine or imprisonment not exceeding two years. The penalty for grossly negligent professional misconduct is a fine or imprisonment for a term not exceeding one year. If it is suspected that the illegal act was carried out as part of the police duty, the matter is investigated by the Norwegian Bureau for the Investigation of Police Affairs. Other cases are investigated and prosecuted by the ordinary police and prosecution authorities.

The Norwegian Bureau for the Investigation of Police Affairs

205. The Norwegian Bureau for the Investigation of Police Affairs, which was established in 2005, deals with cases where employees of the police (or the prosecuting authority) are suspected of committing criminal offences in the course of duty. The Bureau is also responsible for helping to strengthen the prevention of internal crime in the police. The Bureau is not part of the police; it is an independent body administratively subordinate to the Ministry of Justice and Public Security and professionally subordinate to the Director of Public Prosecutions. To ensure sufficient independence, it is the Civil Affairs Department of the Ministry of Justice and Public Security (not the Police Department) that is responsible for the Bureau.

206. The Bureau has the power to investigate all cases within its remit and is vested by law with investigative powers to this effect. It is also given the power to decide whether to prosecute or not. It is organised at two levels: one for investigation (with three investigative divisions: East Norway, West Norway and Mid Norway) and one for overall management. The Director of the Bureau has overall responsibility for its activities and decides on prosecutions in all cases. Major factors in the assessment of whether there are reasonable grounds for initiating investigation include the probability that one or more criminal acts have been committed, the seriousness of any such criminal acts and a specific assessment of objectivity. In carrying out investigations, the Bureau may solicitate assistance from the police (always a different police district from the one where the suspect is employed).

207. Decisions of the Bureau can be appealed to the Director of Public Prosecutions, who can instruct the former to initiate or terminate an investigation or change a decision. Generally, in cases where the Bureau's decision not to prosecute has been appealed, the Director of Public Prosecutions upholds the Bureau's decision. If in connection with the Bureau's investigation, matters come to light that should be assessed administratively, the Bureau must refer the case to the chief of police or special body concerned. These are cases where the Bureau finds lack of "good policing" and there is reason to consider disciplinary action against individuals or to review routines/guidelines. Experience with these cases shows that managers primarily respond by tightening up practice within his/her unit and providing training measures and reminders concerning applicable norms. Each year, approximately 50 cases are referred for administrative assessment.

208. The Bureau hires its own staff. For investigators, both relevant education and experience are required. Integrity and independence are also key requirements for the post. Training is provided on a continuous basis and deemed essential in the sector. The Bureau has 35 permanent employees. In addition to the permanently employed, the Bureau has appointed persons to secondment posts. These posts are held by lawyers in private practice who work on a case-by-case basis. They are considered crucial to increase the external competence of the Bureau, as well as to secure its independence and better contribute to strengthening openness and trust in its operation. The Bureau receives its funding directly from the Ministry of Justice and Public Security. In 2018, the budget of the Bureau stood at 46 million NOK (approximately 4.6 million EUR).

209. The Bureau is also required to ensure that the public is provided with information on how it is organised, who is working in the organisation and how cases are decided upon. On the Bureau's homepage, the public can access all annual reports, decisions (anonymised) in

cases regarded as being of public interest, as well as short summaries of all decided cases per month. The annual report also includes information on the number and type of alleged crimes (e.g. misuse of confidential information, professional misconduct, embezzlement of drugs, careless handling of firearms, traffic violations, etc.).

210. The Bureau received 1151 complaints in 2018; 48% of them had no reasonable grounds for investigation (because many complaints concern entirely lawful performance of duty, or because some complaints are clearly subjective or groundless). In the last five years, the Bureau has handled one case regarding corruption. It involved a now retired police officer who was indicted for aiding and abetting import (or attempted import) of drugs, as well as for gross corruption, i.e. by receiving money and other economic advantages from a co-accused amounting to an approximate value (as per the original indictment) of 2.1 million NOK (212 400 EUR). At Oslo district court, the retired police officer was sentenced to imprisonment for 21 years and subject to confiscation of 667 800 NOK (67 540 EUR). The case was heard upon appeal and the retired police officer was acquitted from aiding and abetting the import of drugs but found guilty of the corruption offence and sent the case for retrial (according to Section 376a of the Criminal Procedure Code). The defendant appealed to the Supreme Court against the court's ruling that the case be retried. The Supreme Court overruled his appeal, and the case has later been re-handled by the Court of Appeal, which, on 19 June 2020, convicted the accused for both corruption and abetting import of drugs to a penalty of prison for 21 years, and a confiscation measure up to 1 418 000 NOK (131 590 EUR). The conviction is appealed.

211. Transparency International publishes a compilation of all corruption cases handled by the Norwegian court system. In the period 2003-2018 there are three cases involving police officers (in 2008, 2009 and 2011, respectively). The case described in the paragraph above is in addition to these figures.

Disciplinary procedure

212. Disciplinary sanctions may alternatively - or additionally – be applied for breach of official duties or failure to fulfil official duties, or for inappropriate conduct in or outside the service that damages the respect or confidence essential to the post or service. The relevant provisions are found in the Civil Service Act, Sections 25 and 26. In respect of less severe breaches, sanctions include loss of seniority, a written note of criticism or a permanent or temporary transfer to another post. In very serious cases, the employee may be dismissed, or summary dismissed. In the case of reasonable suspicion of serious breaches of law or work duties, officers may be suspended during investigations. Information on disciplinary measures shall be entered in the personal file of the officer.

213. Disciplinary cases are handled by police districts or the special agencies. The GET was told that Police Commissioners have a rather wide margin of discretionary powers in this respect and that some were known for being harsher, while others were softer, when addressing alleged misconduct. Sanctions are decided by a collegial committee (the same composition as appointment bodies, see also paragraph 154). The employer may take decisions regarding suspension or temporary transfer to another service in cases requiring rapid action. Even so, in such cases, notification of the decision shall be given immediately to the relevant committee, which may reverse the decision or make a different one, if there are

grounds for doing so. Appeals are possible before the Central Appointment Committee or the Ministry of Justice and Public Security.

214. There are no national statistics available on the number of disciplinary cases handled/sanctions imposed. The GET sees merit in keeping detailed statistics on corruption related misconduct in order to help identify deviant behaviour and better signal those instances for risk management purposes (this can additionally assist in implementation of recommendation viii, paragraph 140). Publishing the outcome of misconduct cases serves to reiterate the significance of both fully grasping and complying with integrity-related requirements. This is also in line with the importance of reassuring the public of the corrective action that is taken. In order to provide for a more systematic approach in this area, **GRECO recommends establishing national statistics on disciplinary measures and clearly communicating them to the public, while respecting the anonymity of the persons concerned.**

VI. RECOMMENDATIONS AND FOLLOW-UP

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

Regarding central governments (top executive functions)

- i. that (i) dedicated training on ethics, conflicts of interest and corruption prevention is systematically provided to persons entrusted with top executive functions at the start of their term and on a regular basis throughout their term of office; and (ii) a system is established to ensure consistency of interpretation among those responsible for giving advice on ethical matters (paragraph 49);**
- ii. (i) introducing rules/principles and guidance on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties seeking to influence governmental processes and decisions, and (ii) increasing the transparency on the purpose of such contacts (formal and informal), such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion(paragraph 66);**
- iii. formalising the application of the rules on disqualification to ministers when they act in their capacity as members of government, similar to those applying to them in their capacity as head of a ministry (paragraph 83);**
- iv. that (i) the standard for the retention or acceptance by persons entrusted with top executive functions of paid and unpaid secondary positions, occupations, board positions, or other paid assignments be amended to prohibit such activities unless the person has received a written authorisation based on a considered determination that the position/activity will not impede ordinary work or raise an issue of conflicts of interest, and (ii) such authorisations be made available to the public (paragraph 95);**
- v. developing general guidelines to address the conflicts of interest that can arise from former private activities when an individual comes into government service as a top executive official and when a person entrusted with top executive functions is negotiating for a new position outside of government service if the negotiations occur before leaving public office (paragraph 117);**
- vi. that (i) state secretaries and political advisers be subject to the same disclosure requirements as ministers; (ii) consideration be paid to requiring the same information for spouses and dependent family members (it being understood that such information of close relatives does not necessarily need to be made public); and (iii) disclosures be filed electronically in a manner that would eliminate the possibility of transcription errors on the part of the registrar (paragraph 122);**
- vii. that (i) enforceable sanctions are enacted for failing to file or knowingly false statements on the disclosure reports; (ii) a formal system or systems for review of the declarations of persons entrusted with top executive functions be established;**

and (iii) the reports filed be used for counselling purposes regarding the application of the rules dealing with disqualification, outside activities and positions, and gifts (paragraph 123);

- viii. that the standards set forth regarding conflicts of interest, incompatibilities, outside activities, gifts and relations with lobbyists and third parties be subject to credible and effective control and sanctions (paragraph 127);**

Regarding law enforcement agencies

- ix. adopting a coordinated corruption prevention and integrity policy for the police, based on systematic and comprehensive review of risk prone areas, which is coupled with a regular assessment mechanism (paragraph 140);**
- x. that the implementation of the Code of Conduct is supported by a more uniform, coordinated and comprehensive approach, including by (i) further enhancing in-service training programmes and awareness raising measures on integrity and professional ethics; and (ii) providing systematic confidential counselling on these matters (paragraph 153);**
- xi. taking additional measures to reinforce the role of integrity matters in internal recruitment processes, as well as the carrying out of integrity checks of employees in the police force at regular intervals depending on their exposure to corruption risks and the required security levels (paragraph 159);**
- xii. developing a streamlined system for authorisation and recording of secondary activities within the police, coupled with effective follow-up measures (paragraph 174);**
- xiii. conducting dedicated training and awareness-raising activities on whistleblowing for all levels of hierarchy and chains of command in the police (paragraph 202);**
- xiv. establishing national statistics on disciplinary measures and clearly communicating them to the public, while respecting the anonymity of the persons concerned (paragraph 214).**

216. 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 30 April 2022. The measures will be assessed by GRECO through its specific compliance procedure.

217. GRECO invites the authorities of Norway to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

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.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.