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FOURTH EVALUATION ROUND

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

SECOND COMPLIANCE REPORT

NORWAY

Adopted by GRECO at its 82nd Plenary Meeting
(Strasbourg, 18-22 March 2019)

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I. INTRODUCTION

1. The Second Compliance Report assesses the measures taken by the authorities of Norway to implement the recommendations issued in the Fourth Round Evaluation Report on Norway (see paragraph 2) "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The Fourth Round Evaluation Report on Norway was adopted at GRECO's 64th Plenary Meeting (16-20 June 2014) and made public on 25 June 2014, following authorisation by Norway ([Greco Eval IV Rep \(2013\) 10E](#)).
3. The Compliance Report was adopted by GRECO at its 74th Plenary Meeting (2 December 2016) and made public on 15 February 2017, following authorisation by Norway ([GrecoRC4\(2016\)12](#)). As required by GRECO's Rules of Procedure, the authorities of Norway submitted a Situation Report on measures taken to implement the recommendations. This report was received on 29 September 2018 and served, together with the information submitted subsequently, as a basis for the Compliance Report.
4. GRECO selected Liechtenstein (in respect of members of parliament) and Azerbaijan (in respect of judicial institutions) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were a member of the delegation of Liechtenstein, and Mr Elnur MUSAYEV, Senior Prosecutor, Anticorruption Directorate, Prosecutor's Office, on behalf of Azerbaijan. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.

II. ANALYSIS

5. GRECO, in its Fourth Round Evaluation Report, addressed seven recommendations to Norway. In the Compliance Report, GRECO concluded that recommendations v and vi had been implemented satisfactorily and recommendation iv had been dealt with in a satisfactory manner. Recommendations i, iii and vii had been partly implemented. Lastly, recommendation ii had not been implemented. Compliance with the four pending recommendations is examined below.

Corruption prevention in respect of members of parliament

Recommendation i.

6. *GRECO recommended that the Ethical Guidelines be (i) further developed with the participation of the members of the Storting (to cover issues such as the prevention of conflicts of interest, acceptance of gifts and other advantages and contacts with third parties, including lobbyists), (ii) and complemented by practical measures in order to provide adequate guidance and counselling to members of the Storting regarding ethical matters.*
7. GRECO, in its Compliance Report, welcomed the adoption of the amendments to the Ethical Guidelines and to the Regulation on the Register of members of Parliament (Storting), and thereby, considered the first part of the recommendation implemented. With respect to the second part, while it commended the authorities for the reinforcement of the personnel entrusted with advisory responsibilities in Parliament, it encouraged the authorities to include ethical issues in the e-learning programme under preparation.
8. The Norwegian authorities report that, as a part of the introductory program for new members of parliament, following the General Election in September 2017, a new session on the Ethical Guidelines, the Guidelines on Gifts and the Register was

introduced. The session was opened by the former Vice President of Parliament (Storting), who had been heading the working group set up by the Presidium to follow up the initial recommendations from GRECO. Members of staff from the Constitutional Department gave presentations on different aspects of the Ethical Guidelines, the Guidelines on Gifts and the Register. After the session, all members were reminded of the deadline for registering the necessary information and the contact information to the relevant points of contact. The members of Parliament all registered the required information within the deadline, which is one month after the Storting has convened. Reminders of the obligation to update the Register are sent to all members during the Storting's term.

9. Furthermore, in accordance with the Presidium's decision of September 2018, the Ethical Guidelines now explicitly underline the importance of ethical awareness when Members take part in inter-parliamentary cooperation and election observation missions.
10. The Storting's administration recently finalised the work on the e-learning programme on Ethical guidelines and the Register. The programme is available on the Storting's internal web pages, and consists of short written introductions to the different issues and regulations, supplemented by some examples and questions for practicing. The Ethical Guidelines, the Guidelines on gifts and the Register are all covered by the programme. There is also contact information for the relevant members of staff, and links to relevant regulations and other documents, and the electronic form used to register the obligatory information.
11. GRECO is pleased to note the steps taken by the Storting to raise awareness and provide better guidance to its members regarding integrity issues and concludes that recommendation i has been implemented satisfactorily.

Recommendation ii.

12. *GRECO recommended that a requirement of ad hoc disclosure be introduced when a conflict emerges between the private interests of individual members of parliament and a matter under consideration in parliamentary proceedings.*
13. GRECO, in the Compliance Report, considered this recommendation as not implemented given the absence of a requirement on ad hoc disclosure in the Rules of Procedure of the Storting. It further stressed the importance of effective cross-checks between the Register kept in the Storting and public databases.
14. The Norwegian authorities reiterate that, in giving effect to this recommendation, constitutional principles must be born in mind, notably, members of the Storting must be able to consider all subjects, including the ones which could have an impact on them. Notwithstanding this consideration, particular steps have been taken to approximate to GRECO's concerns. In particular, the Storting has adopted a new provision in the Regulation of the Register to accommodate registration of information connected to conflicts of interest, which states that 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 in Parliament, but which is not subject to mandatory registration, such information may also be registered (Provision 15, Regulation of the Register). The notion of personal or economic interest is understood broadly and applies to all matters that affect members as part of a group or a broad class of the public.
15. Moreover, a new provision has been introduced which establishes obligatory registration of economic business interests which are indirectly owned through another company or stakes in security funds or other mutual funds if there are

particular personal or economic interests that may give rise to potential conflict of interest (Section 9, Regulation of the Register). The Ethical Guidelines have been adjusted accordingly.

16. With particular reference to the encouragement made by GRECO to strengthen the supervision regime of the Register (more closely linked to recommendation iv which GRECO considered, in the RC-Report, as dealt with in a satisfactory manner), the authorities point at further progress made in this area. Since the start of the incumbent parliamentary term (October 2018), the administration of the Storting is entitled to conduct more systematic checks on the information given against other public available information, such as the Register of Business Enterprises and the Register of Company Accounts. If there are inconsistencies between the information from different sources, the member in question is then asked to clarify the case. It is still the member's responsibility that the information in the Register is correct and complete. The authorities stress that, in their view, this increased administrative control further contributes to the Register being more accurate and updated at any given time.
17. GRECO welcomes the efforts taken to enhance transparency and prevent conflicts of interest in the Storting, including by introducing an additional provision for its members to record in the Register any personal interest which, although not listed in the categories subject to mandatory registration, may give the impression that could influence his/her actions. Further, GRECO notes that the new provision of ad hoc disclosure covers both matters related to the MP in question and his/her family, as well as matters of a more general application that affect MPs as part of a group or a broad class of the public. The issue of ad hoc declaration is further developed in the Ethical Guidelines. These moves encapsulate the commitment of the Storting towards transparency. GRECO is also pleased to note that the authorities intend to be more proactive when it comes to verifying the information contained in the Register. These are indeed very valuable efforts.
18. Consequently, GRECO concludes that recommendation ii has been implemented satisfactorily.

Recommendation iii.

19. *GRECO recommended (i) that the existing declaration system be further developed, in particular by including quantitative data on the financial and economic interests of member of parliament as well as data on significant liabilities; (ii) that consideration be given to widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).*
20. GRECO, in the Compliance Report, assessed recommendation iii as partly implemented. It was satisfied with the refinement of the declaration system following changes in regulation, with the exception of disclosure of data on significant liabilities, which remained an outstanding matter. In this regard, GRECO noted that there was no obligation to disclose significant liabilities, except for loans from former employers.
21. The Norwegian authorities underline that the Storting has now adopted regulatory changes requiring members to declare information on debts from business activities exceeding 10 times the Base Amount of the National Insurance (currently that figure amounts to 968 830 kroner - about 100 000 EUR), and business warranty liabilities exceeding 20 times the Base Amount of the National Insurance (currently that figure amounts to 1 937 660 kroner - about 200 000 EUR). The obligation to declare also extends to mortgage on real estate used for business purposes. The

article applies to debt and liabilities which the member is personally responsible for. Consequently, debt and liabilities taken on by a company with limited responsibility is not included in the statute, as the financial risk in these cases is placed on the company itself, not on its owners, i.e. shareholder. The name of the creditor, the name of any beneficiary of the warranty or bail, and the nature of the responsibility shall be stated, as outlined in Section 9 a) of the Regulation on the Register.

22. GRECO is pleased to note that there is now an obligation for members of Parliament to disclose significant liabilities and, therefore, concludes that recommendation iii has been implemented satisfactorily.

Corruption prevention in respect of prosecutors

Recommendation vii.

23. *GRECO recommended (i) that a set of clear ethical standards/code of professional conduct – based on the general Ethical Guidelines for the Public Service and accompanied by explanatory comments and/or practical examples specifically for prosecutors, including guidance on conflicts of interest and related issues – be made applicable to all prosecutors and be made easily accessible to the public; and (ii) that complementary measures for its implementation, including dedicated training on the above issues, be taken in respect of all prosecutors.*
24. GRECO, in the Compliance Report assessed this recommendation as partly implemented. It noted that the Code of Ethics for members of the prosecuting authority, applicable to the prosecutors of the Director of Public Prosecutions, regional prosecutors and prosecutors in special units, provided guidance on ethical measures and enhanced the awareness of these issues. GRECO noted, however, that the code was not applicable to the prosecution authority within the police, but that the authorities were working on this direction too. Regarding the second part of the recommendation, GRECO noted that dedicated training on ethical issues had not yet been carried out.
25. The Norwegian authorities indicate that the Director of Public Prosecutions issued a new Code of Ethics for members of the prosecuting authority 29 June 2017. This Code is applicable to all members of the prosecuting authority (including the prosecution authority within the police). The Code is available online, on the website of the DPP and also on Lovdata.no (a website containing all Norwegian laws, judgements, etc.).
26. In the introduction to the Code of Ethics it is clearly stated that every public prosecutor, police prosecutor and office employee are expected to acquaint themselves with the Code of Ethics, as well as to take it into consideration in their everyday work. The Code is also accompanied with explanatory comments. Furthermore it is expressed in the introduction that public and police prosecutors should show attention to the Code of Ethics during their annual meetings and seminars. For the most part, all public and police prosecutors attend these annual meetings, which make the meetings suitable for raising awareness on the Code.
27. The Director of Public Prosecutions also refers to the Code of Ethics when appropriate, for instance during seminars for newly qualified police prosecutors and in the annual circular within the Prosecuting Authority (“Mål og prioriteringsrundskrivet”), containing aims and priority-setting directives. The Code of Ethics mentions that practical scenarios regarding different ethical dilemmas may be composed as grounds for discussion. The Director of Public Prosecutions has decided to compose a battery of 58 different scenarios dealing with ethical dilemmas to be routinely discussed at the relevant annual meetings of prosecutors,

in order to ensure the Code of Ethics receive adequate attention throughout all the regions. Further, regional offices (prosecutors and police prosecutors) are to include in their respective annual reports to the Director of Public Prosecutions, concrete information on how they have complied with their obligation to make prosecutors acquainted with the Code of Ethics. On 19 March 2019, a letter was sent by the Director of Public Prosecutors to all regional offices to this effect.

28. GRECO is pleased to note that the 2017 Code of Ethics for members of the prosecution authority now applies to all prosecutors, including those within the police. GRECO is also pleased to hear that complementary measures have been taken to promote the Code among the profession. In particular, the authorities have decided to provide for mandatory discussion of a long-list of practical cases and scenarios on ethics and integrity matters in the regular annual meetings where all the profession gathers, in an effort to make the code a living document. Therefore, GRECO notes that the first discussion will take place in spring 2019; the Norwegian authorities may wish to keep GRECO informed of new developments in this respect.
29. Therefore, GRECO concludes that recommendation vii has been dealt with in a satisfactory manner.

III. CONCLUSIONS

30. **In view of the foregoing, GRECO concludes that Norway has implemented satisfactorily, or dealt with in a satisfactory manner, all seven recommendations contained in the Fourth Round Evaluation Report.**
31. More specifically, recommendations i, ii, iii, v and vi have been implemented satisfactorily. Recommendations iv and vii have been dealt with in a satisfactory manner.
32. With respect to members of Parliament (Storting), the system relies on openness, trust and public scrutiny. The Storting has persevered in its efforts to build up its internal ethos by, inter alia, further developing practical awareness-raising tools in order to provide better guidance to its members on integrity matters, infusing greater transparency in the information provided to the public on members' relevant interests, and enhancing the corresponding supervision and enforcement mechanisms. Judges and prosecutors have a long standing reputation of independence and competence. The few areas where GRECO called for targeted improvements have been tackled satisfactorily; in particular, by enhancing transparency of the system of appointment of short term judges and by developing a Code of Ethics for the prosecution service.
33. GRECO wishes to commend the authorities of Norway for the substantial measures taken in order to implement all recommendations. Norway is a role model whose experience and endeavours could inspire other GRECO members. The adoption of the Second Compliance Report terminates the Fourth Round Compliance procedure in respect of Norway.
34. Finally, GRECO invites the authorities of Norway to authorise, as soon as possible, the publication of the report, to translate the report into the national language and to make this translation public.