



CCJE-BU(2021)1

Strasbourg, 21 January 2021

## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

**Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):**

**“Evolution of the Councils for the Judiciary  
and their role for independent and impartial judicial systems”**

*Please in your answers do not send extracts of your legislation  
but describe the situation in brief and concise manner.*

### General

1. Is there a Council for the Judiciary in your judicial system?	X yes O no
2. What is the exact title/denomination of this body? <b>Domstoladministrasjonen/The Norwegian Courts Administration</b>	
3. This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.	
Defending and fostering the independence of judges and the judiciary/the rule of law	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input checked="" type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Defending judges/the judiciary against public attacks	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input checked="" type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board

	<input checked="" type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Administration of the judiciary	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Selection of new judges	<input type="checkbox"/> HJC <input checked="" type="checkbox"/> MoJ <b>Formal appointment by the King in Council (Government)</b> <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input checked="" type="checkbox"/> A special Judicial Appointment Body <input checked="" type="checkbox"/> other, please specify <b>Appointment of Chief Justice of the Supreme Court without involvement of the Judicial Appointment board.</b>
Selection of judges for promotion	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> A special Judicial Appointment Body <input type="checkbox"/> other, please specify <b>Not applicable for Norway</b>
Evaluation of judges	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify <b>Not applicable for Norway</b>
Evaluation of court performance	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input checked="" type="checkbox"/> other, please specify <b>Parliament`s Auditor General</b>
Conducting disciplinary procedures	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents

	<input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input checked="" type="radio"/> other, please specify <b>Independent Disciplinary Board (The Supervisory Committee for Judges)</b>
Drafting and enforcing a code of ethics	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Public relations/media coverage for the judiciary, or individual courts	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input checked="" type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Providing input on legislative projects	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Training of judges	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input checked="" type="radio"/> other, please specify <b>Judges training committee appointed by the Council following consultation with the Norwegian Association of Judges.</b>
IT, including digitalisation of the judiciary and online hearings	<input checked="" type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
The allocation of financial resources to the judiciary including individual courts	<input checked="" type="radio"/> HJC <input checked="" type="radio"/> MoJ <input checked="" type="radio"/> Parliament <input type="radio"/> Court Presidents

	<input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
Salaries of judges	<input type="radio"/> HJC <input type="radio"/> MoJ <input checked="" type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> Bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> other, please specify <b>The salaries for judges and court presidents in first and second instance courts are fixed by the Government pursuant to an agreement with the state and following consultations between Government and the Council. Prior to fixing also consultations between the Council and the Norwegian Association of Judges. Salaries for the Supreme court judges are fixed by the Parliament.</b>

- If there is a Council for the Judiciary in your country, has it other duties not mentioned here? Is it in a position to appoint or remove presidents of courts to and from the office? Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country?  
**The Council is also responsible for general quality work. The Council is not in a position to remove Court presidents.**
- If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country?

### Legal basis

4. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

Existence of a Council for the Judiciary	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Composition	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Selection of members including tenure and removal during tenure	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Tasks	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Resources, funding, administration	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify

Independence	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
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- Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country?  
**No**

### Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there? **9**
- Are there ex-officio members? **No**
- How many members must be judges? **4 judges**. Do they need specific qualifications or experiences, must they come from different court systems or instances? **1 judge shall come from Land Consolidation Courts. Except for this judge the practice has been that 1 judge from each instance is represented in the Council.**
- Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions) **Yes, 2 practicing lawyers, 1 member from other court personnel, and 2 members from the public.**

6. Please describe the procedure of appointment:

- Who nominates the members? (judges or other institutions or authorities – please specify) **All members except for members from the public are appointed by the King in Council (The Government). The public members are appointed by the Parliament.**
- Please describe the appointment system **Appointment of judges following prior consultation with the Norwegian association of Judges**
- If members are elected by Parliament, are these members elected with a simple or qualified majority? **With simple majority.**

7. How is integrity and independence of members ensured in the selection process and during their time on the Council? **By law**

8. How is the President and/or Vice-President of the Council selected and appointed? **The president is appointed by the Government following consultations as described above. The vice president is elected by the council.**

9. What is the term of office for a member of the Council? **4 years with a possibility to be re-appointed for 1 more 4 year period.**

10. May a member be removed from office against his/her will and, if so, under what circumstances? **Yes, the King in Council (Government) may remove the Council in the event of lack of follow-up of their duties pursuant to the law or regulations including lack of follow-up of criticism by the Office of the Auditor General.**

## Resources and management

11. Which body provides funding for the Council for the Judiciary?	X MoJ X Parliament O other, if so specify
12. Is the administration of the Council for the Judiciary independent from other branches of government?	<b>X yes Pursuant to legislation the King in Council (Government) may instruct the council following prior consultation from the council. This right of instruction has never been exercised.</b>

## Relations within the Council for the Judiciary and within the judiciary

13. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? If yes, what was the character of these conflicts and have they been solved? **No**
14. Have there been conflicts between the Council for the Judiciary and the judiciary? Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved? **No serious conflicts. However, individual judges have from time to time argued that the Council has not represented their interests properly. There are regular consultations between the Council and the Norwegian Association of Judges.**

## Relations with other branches of government, governmental bodies, civil society and media

15. Have there been conflicts between the Council for the Judiciary and the executive or legislative? If yes, what was the character of these conflicts and have they been solved? **No conflicts**
16. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed? **Problems would be subject for discussions in regular meetings with the Minister of Justice and with the Standing Committee for the judiciary in the Parliament.**
17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies? **The judiciary has, inter alia, been subject to a recent evaluation by Greco.**
18. How does the Council for the Judiciary in your judicial system interact with NGOs? **No particular interaction with NGOs.**
19. How does the Council for the Judiciary in your judicial system interact with associations of judges? **There are regular consultations with the Norwegian Association of Judges.**
20. How does the Council for the Judiciary in your judicial system interact with media? **Information officers are employed by the secretariat of the Council and court president of bigger courts, and there is also a group of “media judges” appointed by the Norwegian Association of Judges and working together with the Council.**
21. What, if any, is the role of the Council for the Judiciary in the vetting of judges? **There has never been vetting of judges in Norway.**

## Challenges, developments

22. Does the Council for the Judiciary in your judiciary face particular challenges? If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary. **No particular problems, except for those shown above.**
23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how? **No**
24. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? If so, what were the objectives of these reforms and have they been successful? **There is an ongoing reform process in Norway now. A commission appointed by the Government has recently delivered a report proposing various amendments to the Constitution and legislation with the purpose of enhancing the independence and accountability of the judiciary. The proposed changes are many, but include securing the independence of the Council in the Constitution, appointment and composition of the Council, termination of the present right for the Government to instruct the Council and the financing of the judiciary. The report is presently under consideration by the MoJ.**
25. In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced?