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NOT IN FORCE

Act on the Procedures in Public Administration (Public Administration Act)

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[Prop. 79 L \(2024–2025\)](#) , [Proposition 478 L \(2024–2025\)](#) , [Legislative Resolution 119 \(2024–2025\)](#) . The Storting's first and second readings on 11 and 16 June 2025, respectively. Promoted by the Ministry of Justice and Public Security.

Chapter overview:

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The following law is repealed:

Act of 10 February 1967 on the method of processing administrative matters (Administrative Procedure Act) .

Changes to the following laws:

1 Act of 29 January 1999 No. 6 on Intermunicipal Companies (IKS Act) .

2 Act of 22 June 2018 No. 83 on Municipalities and County Authorities (Municipalities Act) .

Chapter 1 Purpose and scope of the Act

§ 1. *Purpose of the Act*

(1) The Act shall promote legal certainty for the individual and facilitate efficient, uniform and trust-building administration.

§ 2. *Scope of the Act*

(1) The Act applies to

- a. the state, the counties and the municipalities
- b. other legal entities in cases where they make individual decisions or issue regulations.

(2) When a legal entity is covered by the Act pursuant to the first paragraph, letter b, it is considered an administrative agency pursuant to the provisions of the Act.

(3) The rules in Chapter 4 on impartiality and Chapter 5 on confidentiality apply to anyone who performs work or assignments for an administrative agency.

(4) The Act applies unless otherwise provided in or pursuant to law.

§ 3. *Exceptions for the courts, the Storting and bodies of the Storting*

(1) The Act does not apply to the activities of the courts or to the Storting or bodies of the Storting.

§ 4. Exceptions for certain cases

- (1) The Act does not apply when an administrative body itself processes or decides on matters pursuant to
 - a. Court Act
 - b. dispute law
 - c. Arbitration Act
 - d. Enforcement Act
 - e. Criminal Procedure Code
 - f. The Judicial Procedure Act
 - g. Land Reform Act
 - h. bankruptcy law
 - in. Debt Settlement Act
 - j. the third part of the inheritance law
 - k. the Court Fees Act .
- (2) When an administrative body acts on a private law basis, only the rules in Chapter 4 on impartiality and Chapter 5 on confidentiality apply.

§ 5. Application of the Act to Svalbard and Jan Mayen

- (1) The Act also applies to Svalbard and Jan Mayen. The King may issue regulations on the application of the Act to Svalbard and Jan Mayen that supplement or deviate from the provisions of the Act.

§ 6. Emergency powers

- (1) When the realm is at war or threatened with war or the realm's independence or security is in danger, and because of these circumstances there is a danger of a stay, the King in Council may, by temporary regulation, deviate from the procedural rules in this Act or in other acts. Such a regulation may only be issued when and to the extent necessary to maintain essential societal functions, safeguard important societal interests or implement emergency measures.
- (2) Sections 3 and 4 of the Emergency Preparedness Act apply correspondingly.

§ 7. Definitions

- (1) An individual decision is a decision taken in the exercise of public authority, which determines the rights or obligations of one or more specific private persons and which concludes a case or part of it. Among other things, the following decisions directed at private persons are considered to be individual decisions:
 - a. order, prohibition, exemption or permission based on law or regulation
 - b. award or termination of cash benefits based on law or regulation
 - c. award or termination of services or other benefits in kind based on law or regulation
 - d. dismissal of a case for individual decisions
 - e. the use of special coercive measures to implement an individual decision.
- (2) Regulation means a decision made in the exercise of public authority and which determines the rights or obligations of an unspecified group of private persons.

(3) A party is considered to be the person to whom a decision is addressed, or to whom the case otherwise directly applies. In assessing who the case directly applies to, emphasis shall be placed, among other things, on the nature of the decision and the legal or substantial factual effects of the decision.

(4) An administrative body is treated as a private legal entity under this section if the body has the same interest or position in the matter as private parties may have.

§ 8. Application of the Act in decisions on employment, etc. of public officials and appointment to public office

(1) Decisions concerning the appointment, dismissal, suspension, dismissal and transfer of a public servant are considered individual decisions. The same applies to the imposition of disciplinary sanctions.

(2) When an administrative body makes an individual decision in a matter concerning employment, the rules on justification in Section 56 , appeal in Sections 61 to 68 or reversal in Section 72, second paragraph , do not apply .

(3) When a municipal or county body makes an individual decision regarding dismissal, dismissal, suspension or disciplinary punishment, the rules on appeal in sections 61 to 68 do not apply .

(4) The second paragraph applies correspondingly to decisions on appointments to public office when the decision is an individual decision.

(5) The King may issue regulations to the effect that the rules on the handling of cases concerning individual decisions in sections 42 to 60 , appeals in sections 61 to 68 and reversals in sections 71 and 72 shall not apply in whole or in part to specific cases covered by the first paragraph, or to cases concerning appointments to public office when the decision is an individual decision. The King may also issue regulations to the effect that decisions in public service matters other than those mentioned in the first paragraph shall be regarded as individual decisions.

Chapter 2 General provisions

§ 9. Written proceedings and translation

(1) Administrative proceedings shall be in writing.

(2) The administration's internal proceedings may be oral if the interests of an appropriate handling of the case so require. The administrative body's decisions and communications to private parties may only be oral if necessary because the matter is urgent or other special reasons so require.

(3) Oral inquiries, notifications and decisions in a case shall be written down by the administrative body if they contain new information that is of importance for the case proceedings, or that should be preserved for posterity. The same applies to observations that the administration makes during inspections, etc.

(4) If it is necessary to safeguard the interests of legal certainty or to provide appropriate assistance and service, the administrative body shall, as far as possible, ensure that key parts of a reasoned decision and other important documents in the case are translated into a language that a private party understands. In assessing whether a translation should be provided, emphasis shall be placed, among other things, on whether the body can communicate appropriately with the party without a written translation, the seriousness and nature of the case, the capacity and available resources of the administrative body and whether the party has requested a translation.

§ 10. Communication with and within the administration

- (1) An administrative agency shall be accessible and facilitate communication with the agency in a secure, efficient and user-friendly manner.
- (2) An administrative body may use electronic communication when addressing others. Anyone addressing an administrative body may use electronic communication if the body has made arrangements for this and it is done in the prescribed manner. When the administrative body receives an electronic request pursuant to the second sentence, it shall promptly confirm that the request has been received.
- (3) When an individual decision, advance notice or other notification that is of significance to the recipient's legal position or the processing of a case is made available in an electronic information system, the administrative agency shall ensure that the recipient is notified of where and how the person concerned can familiarize himself with the content.
- (4) The King may issue regulations on electronic communication and case processing in the administration and on electronic communication between administrative agencies and individuals, including on exceptions to the rules in the second and third paragraphs, the right to reserve oneself against electronic communication, the use of time limits and requirements for accessibility, integrity and confidentiality.

§ 11. Automation of case processing

- (1) An administrative agency may automate case processing, including making decisions automatically, provided that the requirements otherwise imposed on case processing are met.
- (2) A decision may not be made automatically if the legal basis on which the decision is based prevents this.
- (3) The administrative body may not, without specific authorization, make automated decisions that are covered by Article 22 of the General Data Protection Regulation .
- (4) The King may issue regulations on the development and use of systems for automated case processing and on the content of such systems. The King may also issue regulations on automated decisions, including on the authority to make decisions covered by the third paragraph in specific subject areas.

§ 12. Rights and obligations in the event of automated decisions covered by the General Data Protection Regulation, Article 22

- (1) An administrative body that makes automated decisions covered by Article 22 of the General Data Protection Regulation shall implement measures to ensure
 - a. that personal data is processed securely, and that errors in the data are prevented and corrected
 - b. that the decisions do not involve unfair discrimination
 - c. that appropriate mathematical and statistical methods are used, especially if the decisions concern profiling.
- (2) The data subject has the right to an explanation and a manual review of the decision that has been made. The administrative body shall provide the explanation and inform about the right to manual review as soon as possible after the decision has been made, and in cases of individual decisions no later than in the notification of the decision, cf. Section 59, third paragraph, letter b . Information that may be exempted from party access pursuant to Section 50 may be omitted from the explanation.

(3) The King may issue regulations on obligations in the event of automation of decisions covered by Article 22 of the General Data Protection Regulation , including regulations that supplement and clarify the obligations in the first paragraph and on other obligations for the administrative body than those resulting from the first paragraph.

(4) The King may issue regulations on the right to explanation and manual control pursuant to the second paragraph, including the relationship to the general rules on justification in Section 56 and appeal in Chapter 8 , and that explanations of certain forms of automated decisions shall only be provided upon request by the data subject. Regulations that make exceptions to the right to explanation and manual control may only be issued if there are compelling reasons to do so. The King may also issue regulations on other rights for persons who are the subject of an automated decision.

(5) The King may issue regulations to the effect that the rules in this section shall apply in matters that do not concern natural persons or that do not concern the processing of personal data.

§ 13. Documentation of the legal content in automated case processing systems

(1) The administrative body shall document the legal content of automated case processing systems. The documentation shall be made public, unless special considerations indicate otherwise.

(2) The King may issue regulations regarding documentation and publication pursuant to the first paragraph.

§ 14. The administration's duty to provide guidance

(1) An administrative body shall provide guidance within its area of responsibility. The guidance shall serve to enable parties and others to safeguard their interests.

(2) The administrative body shall, upon request, provide guidance on:

- a. which rules apply, and common practice in the field
- b. the proceedings
- c. which factual circumstances may be particularly important for the outcome of the case.

(3) The scope of the guidance shall be adapted to the importance of the matter, the individual's needs and the capacity of the administrative body.

(4) When the administrative body is handling a case, the body shall, on its own initiative, assess the parties' need for guidance.

§ 15. How guidance should be provided

(1) The administrative body shall determine how guidance is to be provided. The assessment shall take into account the wishes and needs of the person receiving the guidance.

(2) A person who addresses an administrative body with a question of current interest to that person has the right, if necessary, to an oral conversation with a person in the body. The right under the first sentence applies only to the extent that the proper performance of the body's tasks permits.

(3) In cases involving parties with conflicting interests, the administrative body shall provide guidance in a manner that does not give rise to doubt as to the body's objectivity.

(4) Guidance shall be free of charge.

(5) The King may issue regulations on the extent of the duty to provide guidance and on how guidance shall be provided.

§ 16. Referral to the correct administrative body and correction of errors and deficiencies

(1) If someone contacts the wrong administrative body, the body shall, if possible, refer them to the correct body.

(2) If a request to an administrative body contains errors, inaccuracies or other deficiencies that the sender should correct, the body shall notify the defect and, if necessary, provide guidance on how it can be corrected, and set a deadline for correction.

§ 17. Case processing time and obligation to provide information about the progress of the case

(1) The administrative body shall process the matter without undue delay.

(2) If there is reason to believe that it will take more than one month before a request is answered, the administrative body shall provide a preliminary response with information on the expected processing time. The body may refrain from providing a preliminary response if it must be considered clearly unnecessary, including if information on the expected processing time has been provided in the confirmation pursuant to Section 10, second paragraph, third sentence.

(3) If the case is significantly delayed beyond a stated processing time, the administrative body shall inform the applicant thereof, unless it is considered to be manifestly unnecessary. The administrative body shall inform the applicant of the reason for the delay and, as far as possible, when a final response can be expected.

(4) The King may issue regulations on the calculation of processing deadlines.

§ 18. Authorized representative

(1) Everyone has the right to be assisted by a representative during the proceedings. An administrative agency may, in special cases, permit the use of several representatives in a case.

(2) Any person over the age of 18 may be a proxy. An association or foundation may be a proxy if the matter concerns a matter within its purpose and natural scope of activity. A person employed by an administrative body within the administrative area to which the matter falls may not be a proxy.

(3) The administrative body may reject a proxy if

- there is reason to believe that the proxy will disseminate confidential information
- the agent opposes the principal's cause contrary to the principal's wishes
- the proxy in other ways proves unfit to act as proxy.

(4) The representative shall submit a written power of attorney. A lawyer only needs to submit a written power of attorney if the administrative body finds reason to require it.

(5) All inquiries in a matter may be made through the proxy, and the principal has the right to bring the proxy with him to meetings with the administrative body. The administrative body shall address the proxy on matters covered by the proxy. If the body finds it appropriate, it may also address the principal directly. The principal may request to be contacted in addition to or instead of the proxy.

Section 19. *Order to provide information, etc.*

(1) In an order to provide information or hand over documents or other objects, the administrative body shall refer to the rules on which the order is based, and state that it may be appealed under the rules in the second paragraph. In cases concerning administrative sanctions, the administrative body shall provide information on the right to confidentiality, etc. to the extent provided for in Section 83 .

(2) The person receiving the order may appeal in writing or orally against the order on the grounds that the person concerned is not obliged or legally entitled to comply with it. The appeal period is one week. Otherwise, the rules on appeal in Chapter 8 apply accordingly.

(3) The order shall be complied with even if the appeal has not been decided, unless the administrative body that issued the order grants a stay. A stay should be granted if the appeal raises reasonable doubts about the legality of the order. If the documents or objects to which the order relates are sealed and deposited, a stay shall be granted.

Section 20. *Investigation or seizure*

(1) In a decision on investigation or seizure, the administrative body shall refer to the rules on which the decision is based, and state that it may be appealed in accordance with the rules in the second paragraph.

(2) The person concerned by the investigation or seizure may appeal the decision orally or in writing. The appeal deadline is one week. Otherwise, the rules on appeal in Chapter 8 apply accordingly.

(3) The decision may be implemented even if the appeal has not been decided, unless the administrative body that made the decision grants a stay. A stay should be granted if the appeal raises reasonable doubts about the legality of the decision.

(4) The person concerned by the investigation or seizure has the right to be present, provided that this does not cause significant inconvenience or defeat the purpose of the investigation or seizure. In all cases, the person concerned has the right to have a witness present.

(5) The person leading the investigation or seizure shall, without being asked, identify himself and inform about the purpose and the right to have a witness present.

(6) After an investigation or seizure has been carried out, a report shall be prepared, unless it is clearly unnecessary. The report shall state the purpose, time and place and who was present. If illegal matters were discovered, the matters in question shall be stated. If a seizure was made, it shall be stated what was seized and where. As soon as the report is completed, it shall be sent to the person to whom the investigation or seizure applies.

(7) This section does not apply to a search or seizure carried out at a public office or other designated place of business.

§ 21. Use of experts, etc.

(1) The administrative body may use experts, consultants and the like in the preparation of the case, but shall assess the case independently before making a decision.

Chapter 3 Delegation of authority

§ 22. Delegation of public authority

(1) The rules in this chapter apply to the delegation of authority that an administrative body has to make individual decisions or issue regulations.

(2) An administrative body that delegates authority may give instructions on how the authority is to be exercised. A delegation may be withdrawn at any time.

§ 23. The right to delegate

(1) The King and the ministries may delegate authority to their subordinate administrative bodies.

(2) Other state administrative bodies may delegate authority to subordinate bodies when this follows from law, regulation or decision of a superior body, or if there is a special need for delegation for the sake of appropriate handling of cases in the administrative bodies concerned.

(3) Delegation from state administrative agencies to independent bodies, private or other independent legal entities requires legal authority.

(4) Delegation from state administrative agencies to municipalities and county authorities requires legal authority.

(5) For delegation internally within municipalities and county authorities and from municipalities and county authorities to other independent legal entities, the rules in Chapter 5 of the Local Government Act apply .

§ 24. Requirements for the decision on delegation and obligation to announce

(1) A delegation of authority shall be in writing. The delegation shall be published in the Norwegian Official Gazette if it is not limited to specific individual cases under consideration.

(2) The second sentence of the first paragraph does not apply to delegations in municipalities and county authorities. For municipalities and county authorities, the rules in the Local Government Act apply .

Chapter 4 Impartiality

§ 25. What disqualification entails

(1) Anyone who performs work or assignments for an administrative agency shall refrain from preparing the basis for or making a decision in a case where a connection to the case makes the person concerned incompetent pursuant to sections 26 or 27.

(2) When a person is incompetent, a direct subordinate in the same administrative body may not make a decision in the matter. The subordinate may nevertheless prepare the basis for the decision.

§ 26. Circumstances leading to immediate disqualification

(1) A person who is himself a party to the case is incompetent.

(2) A person is incompetent if a party to the case is that person's

- a. current or former spouse or cohabitant, or current fiancé
- b. a relative in the direct ascending or descending line or such a relative's spouse, cohabitant or fiancé
- c. sibling or sibling's spouse, cohabitant or fiancé
- d. a sibling or relative in the direct ascending or descending line of a spouse, fiancé or cohabitant
- e. foster child or foster parent
- f. stepchild or stepparent.

(3) A person is incapacitated when he or she

- a. is or has been a guardian or attorney for a party after the case was initiated
- b. holds a leading position or office on the board or corporate assembly of an enterprise, association or foundation that is a party to the case.

A deputy member is covered by letter b when the person concerned has participated in the board's consideration of the matter.

(4) A person in the appeals body is disqualified if that person has made the decision in the case in the lower instance. This does not apply, however, to an appeal to the King against a decision made by a ministry.

§ 27. Disqualification after a specific assessment

(1) A person is incompetent when there are special circumstances that are likely to undermine confidence in the person's impartiality.

(2) In the assessment of impartiality, emphasis shall be placed, among other things, on whether the decision in the case may entail a particular advantage or disadvantage for the person concerned or someone with whom the person concerned has a close personal connection, and in this connection, how close the connection is, what kind and how great the advantage or disadvantage is, and how likely it is that the advantage or disadvantage will occur.

§ 28. Processing of the case despite disqualification

(1) If a postponement would be of significant disadvantage, the person who is incompetent may prepare the basis for and make a provisional decision in the case.

(2) The person who is incompetent may prepare the basis for and make a decision in the case if it is obvious that the connection to the case or the parties cannot have any bearing on the decision and neither public nor private interests dictate that the incompetent person should step down.

§ 29. *Decision on the question of impartiality, etc.*

(1) The question of competence shall be considered as soon as a person becomes aware of circumstances that may have a bearing on that person's competence.

(2) The individual shall decide on his own impartiality. If the person to whom the impartiality issue applies finds reason to do so, the decision shall nevertheless be made by a superior. In collegial bodies, the decision shall be made by the body if the head or the member to whom the impartiality issue applies finds reason to do so. In such cases, the decision shall be made without the participation of the member in question.

(3) If a collegial body is to assess the impartiality of several members in the same matter, none of them shall participate in the decision on their own or others' impartiality. If necessary for the body to be able to make decisions, all members present shall nevertheless participate.

(4) If necessary, a deputy shall be appointed or elected for the incompetent person. In special cases, the King may decide that the case shall be transferred to a subordinate or superior administrative body.

Chapter 5 Confidentiality

§ 30. *What confidentiality entails*

(1) Anyone who performs work or performs an assignment for an administrative agency is obliged to prevent others from gaining access to or knowledge of confidential information that the person concerned learns about in connection with the work or assignment. Confidential information may not be used for private purposes either. The duty of confidentiality also applies after the work or assignment has been completed.

§ 31. *Confidentiality regarding personal matters*

(1) Information about someone's personal circumstances is confidential.

(2) The duty of confidentiality does not include information about personal identification numbers or numbers with a similar function, citizenship, place of residence, postal address, e-mail address, telephone number, marital status, profession, employer or place of work, unless the information reveals a client relationship or other matters that must be considered personal. The duty of confidentiality also does not include information that appears from a public register that is accessible to the public, information that is known to the public in such a way that the basis for the duty of confidentiality must be considered to have ceased to exist, or information to which the basis for the duty of confidentiality does not apply for other very special reasons.

(3) The King may issue regulations concerning the information covered by the duty of confidentiality under this section.

§ 32. Confidentiality of business secrets

- (1) Information about trade secrets is confidential.
- (2) Trade secrets mean business strategies, business ideas, procedures, production methods or other information about operating or business conditions that it would be of competitive importance to keep secret for the benefit of the party to whom the information relates.
- (3) Information about an enterprise's administrative and general financial affairs does not constitute trade secrets under this section. The same applies to information about decisions made regarding the enterprise.

§ 33. Termination of confidentiality

- (1) The duty of confidentiality under Section 31 shall lapse 100 years after the information arose, or when it is clear that the person to whom the information relates has been dead for at least 20 years.
- (2) The duty of confidentiality under Section 32 shall lapse 60 years after the information arose.
- (3) The King may issue regulations stating that the duty of confidentiality for certain types of information shall lapse earlier or later than that which follows from the first or second paragraphs, and stating when information shall be deemed to have arisen.

§ 34. Exceptions to confidentiality and sharing of personal data

- (1) The duty of confidentiality pursuant to sections 31 and 32 does not prevent
 - a. that information is shared with the consent of the person to whom it relates
 - b. that information is shared with the person to whom it relates
 - c. that the information in a case is shared with the parties to the case or their representatives
 - d. that information is shared to achieve the purpose for which it was provided or collected
 - e. that information is shared within the administrative body or agency to the extent necessary for guidance or for use in matters within the same or related fields of expertise, or for use in archiving, sending decisions and similar practical tasks
 - f. that information is shared with other administrative bodies to the extent necessary to carry out tasks assigned to the issuing body
 - g. that information about a person's connection with the body and about decisions made is shared with other administrative bodies
 - h. that information is shared in connection with control of the administration
 - in. that information is shared for use in statistical processing
 - j. that an administrative body reports or provides information about violations of the law to the prosecution authority, or provides information about violations of the law to supervisory authorities if this is naturally related to the body's tasks or is desirable in the public interest
 - k. that information is shared about the outcome of a pardon case
 - l. that information about a serious incident is shared with people who were present or are otherwise directly affected, when necessary to safeguard their interests
 - m. that information is shared to the extent necessary to avoid danger to life or health
 - n. that information about a deceased person is shared if there are compelling reasons to do so.
- (2) Information that is subject to confidentiality pursuant to Section 31 may not, however, be shared pursuant to the first paragraph if the sharing would constitute a disproportionate interference with the person to whom the information relates.

(3) Personal data, including personal data covered by Articles 9 and 10 of the General Data Protection Regulation , may be shared if access is granted pursuant to the first and second paragraphs.

Section 35. *Regulations on sharing and other processing of confidential information*

(1) The King may issue regulations to the effect that the duty of confidentiality pursuant to sections 31 and 32 shall not prevent certain administrative bodies, or certain administrative bodies and certain independent legal entities as mentioned in section 2, first paragraph, letters c and d of the Public Administration Act , from sharing information in order to perform tasks assigned to the transmitting or receiving body, insofar as the sharing does not constitute a disproportionate interference with the person to whom the information relates. Regulations pursuant to the first sentence may also cover other processing of information in connection with the sharing.

(2) Where there is established cooperation between administrative agencies, regulations pursuant to the first paragraph may, if necessary, also provide access to sharing information that is, under other law, wholly or partially exempt from the sharing access pursuant to Section 34. The same applies where there is established cooperation between administrative agencies and independent legal entities as mentioned in Section 2, first paragraph, letters c and d of the Public Administration Act .

§ 36. *Confidentiality for parties, party representatives and witnesses*

(1) Parties, party representatives and witnesses who gain access to confidential information are themselves subject to a duty of confidentiality. The administrative body shall inform about this and about the criminal liability under Section 209 of the Penal Code at the latest at the same time as access is granted. The criminal liability under Section 209 of the Penal Code only applies if the administrative body has informed about it.

(2) A party and its representative may only use the information to the extent necessary to safeguard the party's interests in the case.

§ 37. *Information on confidentiality and storage of confidential information*

(1) The administrative body shall ensure that the duty of confidentiality is made known to those to whom it applies, and may require a written declaration that they are aware of and will comply with the rules.

(2) The administrative body shall ensure the secure storage of confidential information and document the measures taken to ensure this.

(3) The King may issue regulations regarding the storage of confidential information.

Section 38. *Exceptions to confidentiality for information used for research*

(1) The Ministry may in individual cases decide that an administrative agency may or shall provide information for use in research, notwithstanding the obligation of confidentiality under sections 31 and 32 .

(2) The King may issue regulations regarding researchers' access to confidential information and the use and publication of confidential information provided for use in research.

§ 39. Confidentiality for researchers

(1) Anyone who carries out work or assignments in connection with a research project to which an administrative body has supported, approved or provided confidential information is obliged to prevent others from gaining access to or knowledge of it.

- a. Confidential information pursuant to Sections 31 or 32 that the researcher has received from an administrative agency
- b. information received in connection with research work under a promise of confidentiality
- c. information concerning an individual who is in a relationship of dependence with the business that has put the person in contact with the researcher.

(2) The information may only be used to the extent necessary for the research work. The rules in Section 30, second and third sentences, apply accordingly.

(3) The duty of confidentiality pursuant to the first paragraph does not prevent the results of the work from being published or used externally if the person to whom the information relates consents pursuant to Section 34, first paragraph, letter a , or the need for protection is met by providing the information without individualizing characteristics.

(4) The rules in Section 36, first paragraph, second and third sentences apply accordingly.

Chapter 6 The administration's exercise of discretion

§ 40. Limits on the exercise of discretion

(1) Even if a decision or assessment is left to the discretion of the administration, the administrative body may not give weight to extraneous considerations, practice unfair discrimination or make grossly unreasonable decisions.

§ 41. The right to set conditions

(1) In decisions on the granting of permits or other benefits to which the party is not entitled, the administrative body may impose conditions. The conditions must be objectively related to the granting and may not be disproportionately burdensome.

Chapter 7 Processing of cases concerning individual decisions

§ 42. Advance notice of individual decisions

(1) The administrative body shall notify the party as early as possible in the preparation of an individual decision. The obligation to notify does not apply when the party has initiated the case by application or has otherwise expressed a position on the case.

(2) The advance notice shall explain what the matter concerns, and otherwise contain what is necessary for the party to be able to safeguard its interests in a proper manner. The party shall be given a reasonable period of time to state its position on the matter.

- (3) Advance notice may be waived if
- a. notification will entail a risk that the decision cannot be implemented
 - b. A quick decision on the matter is required.
 - c. notification is not practically possible, for example because it would be disproportionately difficult to track down the party
 - d. notification is obviously unnecessary.

§ 43. *Presentation of information to the party during the preparation of the case*

(1) Information that the administrative body receives during the preparation of the case about a party or about the activities that the party is conducting or planning shall be presented to the party. Unless this would result in an unfortunate delay in the case, other information of material importance for the decision on which the party is presumed to have an interest in commenting shall also be presented to the party. The obligation to provide information only applies when the party has the right to access the information pursuant to sections 46 to 50. The party shall be given a reasonable period of time to comment on the information.

- (2) Disclosure of information may be omitted if
- a. the information is confirmed by a representation that the party itself has given or verified in connection with the case
 - b. A quick decision on the matter is required.
 - c. disclosure is not practicable, for example because it would be disproportionately difficult to track down the party
 - d. presentation is obviously unnecessary.

Section 44. *The administrative body's duty to investigate and cooperation from the party*

(1) The administrative body shall ensure that the case is properly investigated before it makes a decision. The scope of the investigation shall be adapted to the nature of the case and the consideration of the proper use of resources in the administrative body. In the assessment, emphasis shall be placed, among other things, on the significance of the decision for the parties and for any other public and private interests and whether there is a need for a rapid decision.

(2) In a case initiated by a party, the party shall, as far as possible, provide information that is relevant to the decision. The administrative body shall inform the party of the duty to cooperate pursuant to the first sentence and guide the party on the duty if necessary.

§ 45. *Inspection*

(1) If the administrative body is to conduct an inspection, the party shall be notified of the time and place of the inspection and given the opportunity to be present. If the inspection is required by law, the notification shall refer to the rules on which the inspection is based. Notification may be omitted when the conditions in section 42, third paragraph, are met.

§ 46. *The party's right to access the case documents*

- (1) A party has the right to inspect the documents in the case unless otherwise provided for in or pursuant to law. The right of inspection also applies after a decision has been made in the case.
- (2) When exceptions to access are permitted, the administrative body shall nevertheless consider granting full or partial access. Access should be granted if the party's need for access outweighs the need for an exception.
- (3) The King may issue regulations on how the rules on access to parties shall be applied to specific areas of law. If there are compelling reasons to do so, regulations may also be issued on exceptions to the rules on access to parties.

Section 47. *Exceptions from party access to documents prepared for internal case preparation*

- (1) An administrative agency may make exceptions from party access to documents that the agency has prepared for its internal case preparation. The first sentence does not apply
 - a. factual information that is relevant to the decision and is not contained in another document to which the party has access, and summaries or other processing of such information
 - b. lectures on matters that have been considered by the King in Council
 - c. precedent cards that do not reflect internal agency assessments.

Section 48. *Exceptions from party access to documents obtained from outside for use in internal case preparation*

- (1) When necessary to ensure sound internal decision-making processes, an administrative agency may make exceptions to party access for documents that the agency has obtained from a subordinate agency for use in its internal case preparation. The same applies to documents that a ministry has obtained from another ministry for use in its internal case preparation.
- (2) Exceptions may be made from party access to those parts of a document that contain advice on or assessments of how an administrative agency should act in a case, and which the agency has obtained for use in its internal case preparation, when this is required for the proper safeguarding of the public interest in the case.
- (3) The exceptions in the first and second paragraphs apply correspondingly to
 - a. documents regarding the collection of documents as mentioned in the first and second paragraphs
 - b. notices of and minutes of meetings between superior and subordinate bodies, between ministries and between a body and someone who provides advice or assessments as mentioned in the second paragraph.
- (4) The exceptions in the first to third paragraphs do not apply to information as mentioned in Section 47, second sentence, letter a .

Section 49. *Special rules on party access to documents held by municipalities and county authorities*

- (1) The exceptions in sections 47 and 48 do not apply to
 - a. case presentation with attachments to elected bodies in municipalities and county authorities

- b. agendas for meetings of elected bodies in municipalities and county authorities
- c. documents from or to municipal and county control committees, audit bodies and appeal boards
- d. documents in cases where a municipal or county unit acts as an external party to another such unit.

The exception in Section 47 nevertheless applies to documents exchanged between municipal and county control committees and the committee secretariat.

- (2) The exception in Section 47 does not apply to documents from or to
- a. a municipal or county special statutory body
 - b. a municipal or county municipal enterprise pursuant to Chapter 9 of the Local Government Act
 - c. a municipal or county municipal unit in areas where the units have independent decision-making authority.
- (3) The exception in Section 47 nevertheless applies to
- a. documents in cases where the municipal director or the municipal council carries out control measures against an entity as mentioned in the second paragraph, letter c
 - b. draft decisions and recommendations that are presented to the municipal director or municipal council before a decision is made, or before a recommendation is presented to an elected body
 - c. comments on draft after letter b.

Section 50. *Exceptions from party access to certain information*

- (1) Exceptions may be made to the right to access information for parties
- a. about someone's personal circumstances pursuant to Section 31 , when it is not of significant importance for the party to become familiar with the information
 - b. on trade secrets pursuant to Section 32
 - c. about research ideas or research projects in matters concerning financial support or advice from the public sector in connection with research projects
 - d. which, for reasons of the party's health or the relationship with persons close to the party, must be considered inadvisable for the party to become aware of
 - e. who can identify a source of information, if there are compelling reasons to believe that the source should not be made known to the party
 - f. which it is required to exempt because disclosure would facilitate the commission of criminal acts or expose individuals to danger
 - g. which is of importance to Norway's foreign policy interests or national defence and security interests, and which may be exempt from access pursuant to sections 20 or 21 of the Public Access Act .

(2) Information covered by the first paragraph letter d shall nevertheless be made known to a representative of the party upon request unless there are special reasons to the contrary. Letter d does not include information about the party's own health.

Section 51. *Exception from party access to the remainder of a document*

(1) When a body makes a partial exemption from party access to a document, the rest of the document may also be exempted from party access if the remaining parts would give a clearly misleading impression of the content of the document or the exempted information constitutes the most significant part of the document.

§ 52. How the body shall provide access to the parties

- (1) The party may request to receive a paper copy or an electronic copy of documents. Copies shall be provided free of charge. Otherwise, the administrative agency shall determine, based on considerations of proper case management, how documents shall be made available to the party. The King may issue regulations on the right to request payment for copies if special circumstances relating to the documents or the agency so require.
- (2) If party access may hinder the possibility of having the matter clarified, it may be determined that the party shall not have access to the documents as long as investigations are ongoing.
- (3) When a party has been granted access to a document pursuant to section 46 upon request, a deadline shall be set for possible statements if no deadline has been set pursuant to section 43, first paragraph, fourth sentence, or the deadline set is not considered sufficient. This does not apply, however, if considerations of significant public or private interests argue against a postponement.

§ 53. Refusal, justification and appeal against decision on access to information

- (1) A refusal to grant access to the parties shall be given in writing and shall state the provision on which the refusal is based. The refusal shall also state the right to appeal pursuant to the second paragraph and the deadline for appeal pursuant to [Section 63](#).
- (2) Decisions on access to parties may be appealed in accordance with the rules in [Chapter 8](#). Decisions to grant access to parties may not be appealed. The State Administrator is the appeals body when the decision has been made by a municipal or county body.
- (3) If the King in Council wishes to be the appeal body, the administrative body shall inform the complainant that the right to appeal the case to the Civil Ombudsman does not apply to decisions made in Council.

Section 54. Special rules on children's procedural rights

- (1) A child who is a party to an administrative case shall be represented by the guardian unless otherwise provided for in or pursuant to law.
- (2) A child who is capable of forming opinions in a matter to which the child is a party shall be allowed to express those opinions freely. The child's views shall be given weight in accordance with the child's age and maturity. The child shall be provided with sufficient and appropriate information to enable him or her to form opinions on the matter.
- (3) When a child who is a party is represented by a guardian, the child also has the right to an oral hearing pursuant to [Section 15, second paragraph](#), and the right to access the documents in the case pursuant to [Section 46](#). Children under the age of 15 shall not be given confidential information.
- (4) When a child over 15 years of age who is a party to a case is represented by a guardian, the child shall also receive advance notice pursuant to [Section 42](#), information pursuant to [Section 43](#) and notification of the decision pursuant to [Section 58](#).

§ 55. Form of the decision

- (1) An individual decision shall be in writing.
- (2) If a rapid decision in the matter is required or if writing is not practicable for other reasons, the administrative body may make an individual decision orally. Oral decisions shall be recorded in writing without undue delay.

Section 56. Requirement for justification

- (1) An individual decision shall be justified. The justification shall be given at the same time as the decision is made.
- (2) In cases other than appeals, the administrative body may refrain from giving simultaneous reasons if it grants an application and there is no reason to believe that any party will be dissatisfied with the decision. The same applies in cases concerning the distribution of permits or other benefits between several parties.
- (3) In cases referred to in the second paragraph, a party may nevertheless demand a statement of reasons after the decision has been made. A demand for a statement of reasons must be made within the appeal period. If no appeal period is running, the demand must be made no later than three weeks after the party has received notification of the decision. The rules in sections 63 , 64 and 65 apply accordingly.
- (4) The King may, for specific subject areas, issue regulations stating that decisions that must be justified in accordance with the first paragraph shall instead be justified in accordance with the rules in the second paragraph. If compelling reasons make this necessary, the King may, for specific subject areas, issue regulations stating that justification may be omitted.

Section 57. Requirements for the content of the justification

- (1) The statement of reasons shall serve to explain the outcome of the case to the party. The statement of reasons shall state:
 - a. what factual circumstances have had an impact on the outcome of the case
 - b. what rules the decision is based on, and to the extent necessary what the rules are about
 - c. which considerations the administrative body has particularly emphasized in its assessment.
- (2) The scope of the reasons shall be adapted to the significance of the decision.
- (3) Information that may be exempt from party access pursuant to Section 50 may be omitted from the justification.

§ 58. Notification of individual decisions, etc.

- (1) The administrative body shall ensure that the party is notified of the decision as soon as possible.
- (2) Notification may be omitted if it is clearly unnecessary and the decision does not cause harm or inconvenience to the party, or if it would be disproportionately difficult to track down the party.

(3) If an oral decision has been made pursuant to section 55, second paragraph , and the decision-making situation makes it necessary, the administrative body may give a party oral notice of the decision. The administrative body shall, without undue delay, give parties who have received oral notice a written confirmation of the decision with the information referred to in section 59 , unless the conditions in the second paragraph are met.

(4) If advance notice has been sent pursuant to Section 42 and the case is closed without an individual decision being made, the party shall be informed that the case has been closed.

§ 59. Content of the notification

(1) The notification shall contain the decision and the reasons for it. If the administrative body fails to provide simultaneous reasons pursuant to Section 56, second paragraph or regulations pursuant to Section 56, fourth paragraph , the notification shall inform of the right pursuant to Section 56, third paragraph, to demand subsequent reasons.

(2) The notification shall state how the administrative body can be contacted about the decision. The names of the case officer and the person responsible for the decision shall be stated, unless there are compelling reasons to the contrary.

(3) If it may be relevant in the case, the notification shall also contain

- a. information about access to appeal, appeal body, appeal deadline and the appeal procedure
- b. explanation of an automated decision covered by the GDPR Article 22 and information about the right to request manual verification
- c. information about the right to access case documents
- d. information about the administrative agency's duty to provide guidance
- e. information about access to and the main conditions for obtaining coverage of legal costs
- f. information about the right to request that the implementation of the decision be postponed
- g. information about the right to seek free legal aid
- h. information that the right to appeal the case to the Civil Service Ombudsman does not apply to decisions made in the Cabinet
- in. information about special conditions for lawsuits pursuant to Section 60 or other statutory provisions.

(4) The conditions for legal action as mentioned in letter i only apply if they are stated in the notification.

§ 60. Conditions for bringing legal proceedings before the courts

(1) The administrative body may, in a notification pursuant to Section 58, decide that legal action concerning the validity of the decision or a claim for compensation resulting from the decision may only be brought if the party has appealed and the appeal has been finally decided. Legal action may nevertheless be brought after six months have passed since the appeal was lodged, if the complainant is not responsible for the lack of a final decision.

Chapter 8 Complaint

§ 61. Right of appeal

(1) An individual decision may be appealed by

- a. a party
- b. others who are significantly affected by the decision

c. an association or foundation if the decision affects interests that it is within its purpose and natural scope to safeguard.

(2) However, the first paragraph, letters b and c, do not apply if the case affects rights of such a personal nature that it is unreasonable for the case to be appealed by someone other than a party.

(3) The decision of the appeals body cannot be appealed.

(4) For specific subject areas, the King may issue regulations on appeal rules that supplement or deviate from the rules in this chapter. Regulations that limit the right to appeal or otherwise significantly deviate from the rules in this chapter to the detriment of the interests of the parties may only be issued if there are compelling reasons to do so.

§ 62. Appeals body

(1) The appeal body for individual decisions made by a state administrative agency is

- a. immediate superior administrative body
- b. an appeals board if so determined by or pursuant to law.

(2) The appeal body for decisions made by a municipality or county authority is the municipal council or county council. If the municipal council or county council has so decided, the appeal body is a special appeal committee or the chairmanship or county committee. The Ministry is the appeal body for decisions made by the municipal council or county council.

(3) A state administrative body is an appeal body for decisions made by the municipality or county authority, if

- a. it is determined in or pursuant to the law that provides the basis for the decision
- b. The decision has been made following delegation from the state body.

(4) The appeal body for decisions made by separate legal entities that have been granted authority by the municipality or county municipality is one or more special appeal boards appointed by the highest body of the legal entity. The Ministry is the appeal body for decisions made by the highest body of the legal entity.

§ 63. Deadline for appeal

(1) The time limit for appealing is three weeks from the date on which the notification of the decision has reached the party. When an administrative body has made the notification of the decision available in an electronic information system, the notification is deemed to have been received when notification has been sent pursuant to Section 10, third paragraph . If the decision is communicated by public announcement, the time limit for appealing runs from the day on which the decision was first announced.

(2) For a person who has not received notification of the decision, the time limit for appealing shall run from the day on which the person concerned has become or should have become aware of the decision. If the decision is intended to grant someone a right or other advantage, the time limit for appealing shall nevertheless expire for others no later than three months after the decision was made.

(3) If a party has requested a statement of reasons pursuant to Section 56, third paragraph , the time limit for appeal shall be interrupted. A new time limit for appeal shall begin to run when the statement of reasons has reached the party, or when the party has been made aware of it in some other way.

(4) The appeal deadline is calculated according to the rules in the Courts of Justice Act, sections 148 and 149 .

(5) In special cases, the lower court or the appeals court may extend the appeal deadline before it has expired.

§ 64. Compliance with the appeal deadline

(1) The appeal is filed in time when it is sent or delivered to the administrative body that made the decision (the lower instance) before the appeal deadline has expired.

(2) If the complaint is not received, the complainant must resend or deliver it no later than one week after he or she became aware or should have become aware that the complaint had not been received. If the complaint deadline is shorter than one week, the complainant must resend or deliver the complaint within a period equal to the original complaint deadline.

§ 65. Exceeding the deadline for appeals, etc.

(1) Even if the complaint is submitted too late, it may be considered

- a. if the party or the party's representative cannot be blamed for having missed the deadline or for having delayed filing a complaint afterwards, or
- b. if special reasons make it reasonable for the complaint to be tried.

(2) In assessing whether the complaint should be considered, consideration shall also be given to whether changing the decision could cause harm or inconvenience to others.

(3) The complaint cannot be considered as an appeal if more than one year has passed since the decision was made.

§ 66. Addressee, form and content of the complaint

(1) A complaint shall

- a. submitted in writing to the lower court
- b. state which decision is being appealed, and if necessary, provide information needed to determine whether the complainant has the right to appeal and has complied with the appeal deadline
- c. Mention what change the complainant wants in the decision.

(2) The complainant should justify the complaint.

(3) If an oral complaint is permitted, the administrative body shall put it in writing.

(4) If a complaint does not meet the requirements in the first paragraph, the administrative body shall set a short deadline for correction or completion.

§ 67. The lower instance's handling of the appeal case

(1) If the conditions for processing the complaint are not met, the lower instance shall reject the complaint, unless it is taken up for processing pursuant to Section 65 .

(2) The lower instance shall conduct the investigations that the complaint gives rise to. Any opposing parties shall be notified as soon as possible and given a reasonable period of time to submit their comments in accordance with the rules in Section 42. The lower instance may amend or annul the decision in the complainant's favour or reverse the decision pursuant to Section 71 .

(3) If the lower instance does not make a decision pursuant to the first or second paragraph, it shall send the case documents to the appeals body as soon as the case has been prepared. If the lower instance issues a statement on the appeal to the appeals body, it shall send a copy of the statement to the parties, unless the King is the appeals body or the parties do not have the right to access the statement pursuant to the rules on access to parties.

§ 68. *The appeal body's handling of the appeal case*

(1) If the conditions for processing the complaint are not met, the appeals body shall reject the complaint, unless it is accepted for processing pursuant to Section 65 .

(2) The appeal body shall ensure that the case has been investigated in accordance with Section 44 before it makes a decision. The appeal body may examine all aspects of the case and take into account new circumstances. It shall consider the views expressed by the complainant. The appeal body may also address matters not mentioned by the complainant and shall consider whether the decision is lawful. It may order the lower body to carry out further investigations, etc.

(3) If a state body is the appeal body for decisions made by a municipality or county council, the appeal body shall attach particular importance to the consideration of municipal self-government when reviewing the discretion. It shall be clear from the reasons whether a change in the decision is due to changed factual circumstances, errors in the decision or a review of the municipality's discretion. If the appeal body reviews the discretion, the reasons shall also explain how the appeal body has attached importance to the consideration of municipal self-government, and what other considerations have been central to the assessment.

(4) The decision may not be changed to the detriment of the complainant, unless the appeal body finds that the complainant's interests must give way to other public or private interests. Notification that the decision has been changed must be sent to the complainant within three months of the lower body receiving the complaint. The restrictions in the first and second sentences do not apply, however, when the decision is also appealed by another person who is fully or partially successful in his or her appeal.

(5) The appeals body may itself make a new decision in the case. If the appeals body sees reason to do so, it may instead annul the decision and send the case back to the lower body for full or partial re-examination.

§ 69. *Legal costs*

(1) When a decision is changed in favor of a party, he shall be awarded coverage for significant costs that have been necessary to have the decision changed, unless the change is due to the party's own circumstances or circumstances beyond the party's and the administration's control, or other special circumstances argue against it.

(2) A claim for legal costs must be submitted no later than three weeks after the notification of the amended decision has reached the party. The rules in Section 63, fourth and fifth paragraphs , and Sections 64 to 66 apply accordingly. The claim shall be decided by the body that made the new decision in the case. The legal costs shall be covered by the body that made the amended decision.

(3) An individual decision on costs may be appealed in accordance with the rules in this chapter. The King may issue regulations supplementing or deviating from the rules on appeal for specific areas of the case, and stating that specific decisions on costs may not be appealed.

Chapter 9 Correction, reversal and invalidity

Section 70. *Correction of errors in decisions*

(1) An administrative body may, of its own motion or at the request of a party, correct obvious clerical or arithmetical errors, omissions and other similar errors in an individual decision it has made. Incorrect personal data shall be corrected, cf. Article 16 of the General Data Protection Regulation .

(2) The administrative body shall send the corrected decision to the parties to the case. The decision shall state that it has been corrected and what has been corrected.

§ 71. *Reversal of own decision*

(1) An administrative body may reverse its own individual decision if

- notification of the decision has not reached the party and the decision has not been made public by the administrative body
- the change is not detrimental to any party
- the party violates the terms of the decision or key assumptions for the decision fail and the reversal is not disproportionate
- Strong public or private interests that speak in favor of change significantly outweigh the considerations that speak against it.

§ 72. *Transformation into a superior administrative body*

(1) A superior administrative body may reverse an individual decision if one of the conditions in Section 71 is met.

(2) A superior administrative body may also reverse a decision to the detriment of a party if the public or private interests outweigh the interests of the party. In such a case, notice that the decision will be reviewed must be sent to the party no later than three weeks after notification of the decision was sent, and notification that the decision has been reversed must be sent to the party no later than three months after the same time. If the reversal concerns a decision in an appeal case, notification that the decision has been reversed must nevertheless be sent within three weeks.

(3) When it follows from this section or from another law that a state body may reverse a decision made by a municipality or county council, the body shall give great weight to the consideration of municipal self-government when examining the discretion. The rules in section 68, third paragraph, second and third sentences apply correspondingly.

§ 73. *Procedure in reversal cases*

(1) For the processing of cases concerning reversal pursuant to sections 71 and 72 , the rules in chapters 7 and 8 apply , except in the case of refusal of reversal requests.

(2) The administrative body itself considers whether to process a request for conversion.

§ 74. *Invalidity*

(1) An individual decision is invalid to the extent that it lacks the necessary legal basis. In very special exceptional cases, the consideration of a party who has acted in good faith in accordance with the decision will nevertheless result in the decision being valid.

(2) When an error has been made in the processing of the case, the decision is invalid if there is a real possibility that the error may have affected the content of the decision. The decision is nevertheless valid if special reasons so indicate. In the assessment pursuant to the second sentence, emphasis shall be placed, among other things, on whether the party has complied with the decision, whether the party itself is to blame for the error or was aware of it, whether the invalidity is to the advantage or disadvantage of the party or others, what kind of error has been committed, how serious the error is, and how much time has passed.

(3) If the administrative body becomes aware that a decision is wholly or partly invalid, it shall annul or amend the decision to the extent of the invalidity. If the error can be corrected subsequently, the administrative body may instead decide to maintain the original decision. The obligation under the first sentence applies only to the extent that there is a real need to annul or amend the decision.

(4) A revocation, amendment or maintenance of a decision pursuant to the third paragraph may also be decided by a superior administrative body.

(5) The rules in Chapters 7 and 8 apply to the processing of cases pursuant to the third paragraph .

Chapter 10 Implementation and penalty payments

§ 75. *Implementation of individual decisions*

(1) An individual decision may be implemented immediately, unless otherwise follows from the decision or it is decided to postpone implementation pursuant to Section 76 .

(2) The implementation shall be carried out with as much consideration as circumstances permit for those affected.

§ 76. *Postponed implementation*

(1) The lower instance, the appeals body or another superior body may decide to postpone the implementation of an individual decision in whole or in part until

- a. the appeal deadline has expired or any appeal has been processed
- b. the case has been finally decided by the courts, in cases where a lawsuit has been or will be filed
- c. The Civil Liberties Ombudsman has issued a statement in cases where the decision has been or will be appealed to the Ombudsman.

(2) If it would be impossible to reverse the effect of implementing the decision, or there is a risk that implementation could endanger someone's life or health, implementation shall be postponed until any appeal has been dealt with, or if legal action is brought, until a judgment has been rendered in the first instance. The obligation to postpone implementation shall not apply, however, if the administrative body finds that there are weighty social or private considerations against it, or if it is obvious that the appeal or legal action will not succeed.

(3) A request for a postponement of implementation shall be decided as soon as possible. Conditions may be imposed for the postponement. Reasons shall be given for any refusal.

§ 77. Coercive fine

(1) When provided for by law, an administrative body may decide that a party shall be imposed a penalty payment to ensure that the party fulfills obligations arising from law, regulations or an individual decision.

(2) The penalty payment may be determined as a running fine or as an amount due for each violation. A penalty payment shall not be incurred if it becomes impossible to fulfill the obligation as a result of circumstances beyond the party's control.

(3) In special cases, the administrative body may waive any accrued penalty in whole or in part.

(4) The penalty shall accrue to the State Treasury.

(5) If the party disagrees that the conditions for imposing the penalty have been met, or the extent of the penalty, this may be appealed separately. The rules in [Chapter 8](#) apply accordingly.

Chapter 11 Administrative sanctions

Section 78. Scope of the rules on administrative sanctions

(1) The rules in this chapter apply to cases concerning administrative sanctions.

(2) Administrative sanction means a negative reaction imposed by an administrative body for a violation of law, regulation or individual decision, and which is considered a penalty under [the European Convention on Human Rights](#).

§ 79. Violation fine

(1) An administrative agency may impose a fine for a violation when provided for by law.

(2) Violation fines may be imposed at fixed rates or assessed in each individual case (individual assessment) within an upper limit. Fixed rates and upper limits for the assessment must be laid down in or pursuant to law. The King may issue regulations concerning such fixed rates and upper limits.

(3) When individually imposing a fine for an infringement directed at natural persons, emphasis may be placed, among other things, on the scope and effects of the infringement, what benefits have been or could have been obtained by the infringement, as well as the offender's guilt and financial capacity. For enterprises, [Section 81, second paragraph](#), applies.

- (4) Prior notice pursuant to Section 42 may be waived if a violation fine is imposed on the spot.
- (5) The deadline for compliance is four weeks from the date of the decision. A longer deadline may be set in the decision or later.
- (6) The violation fee shall accrue to the State Treasury.

§ 80. Administrative loss of rights

- (1) An administrative body may decide on administrative loss of rights when provided for in law. Administrative loss of rights is an administrative sanction that withdraws or limits a public permit.
- (2) Administrative disqualification may only be imposed to the extent that it is proportionate to the nature, seriousness and other circumstances of the violation. The decision shall be valid for a specified period of time.

Section 81. Administrative corporate sanction

- (1) When it is stipulated by law that an enterprise may be subject to an administrative sanction, the requirement of fault is negligence unless otherwise stipulated. Enterprise means a company, cooperative, association or other association, sole proprietorship, foundation, estate or public enterprise.
- (2) When deciding whether an administrative sanction shall be imposed on an undertaking, and when a sanction shall be imposed individually, the following may be taken into account, among other things:
 - a. the preventive effect of the sanction
 - b. the seriousness of the violation and whether anyone acting on behalf of the company has shown culpability
 - c. whether the undertaking could have prevented the violation through guidelines, instructions, training, control or other measures
 - d. whether the violation was committed to advance the interests of the enterprise
 - e. whether the undertaking has had or could have obtained any benefit from the infringement
 - f. whether the enterprise has committed multiple violations or has previously been subject to sanctions for similar actions or other actions of significance to the case
 - g. the financial capacity of the enterprise
 - h. whether the enterprise or anyone who has acted on its behalf has been subject to other sanctions as a result of the violation, including whether any individual has been subject to an administrative sanction or penalty
 - in. whether an agreement with a foreign state or international organization requires the use of an administrative corporate sanction or corporate penalty.

Section 82. Coordination of sanction cases

- (1) In cases where an administrative body has reason to believe that both a penalty and an administrative sanction may be appropriate responses to the same violation, the body must, in consultation with the prosecution authority, clarify whether the matter should be pursued criminally, administratively or both criminally and administratively.
- (2) In cases where an administrative body has reason to assume that another body may also impose an administrative sanction, the administrative body shall ensure that the handling of the sanction issue is coordinated.

§ 83. Information on the right to confidentiality, etc.

(1) In a case concerning an administrative sanction, the administrative agency shall inform the parties concerned that they may have the right not to answer questions or to disclose documents or objects in cases where an answer or disclosure would expose them to an administrative sanction or penalty. The duty to inform does not apply to parties who must be presumed to be aware that they may have such a right.

Section 84. Competence of the courts in reviewing decisions on administrative sanctions

(1) When a court is to review a decision on an administrative sanction, it may review all aspects of the case.

Chapter 12 Boards and independent bodies in the state administration**Section 85. Scope of the rules on boards**

(1) The rules in sections 86 to 91 apply to collegial bodies in the state administration that make individual decisions. The rules do not apply to the Government.

(2) The King may issue regulations that supplement or deviate from the rules in sections 86 to 91 .

§ 86. Appointment of members of boards

(1) The members of a board and any alternate members are appointed for four years and may be reappointed once.

(2) The appointing authority shall appoint the chairman and, if applicable, the deputy chairman of the board.

§ 87. Termination of office as a member of a board

(1) The appointing authority may remove a member from office if the member requests it for personal reasons, or if the member has seriously violated the duties that accompany the office.

(2) In special cases, the appointing authority may remove one or more members from office if it is necessary for the board to carry out its duties.

(3) When a member of the board resigns pursuant to the first or second paragraph or dies, the appointing authority shall decide whether a substitute member shall be promoted, or whether a new member shall be appointed for the remainder of the appointment period.

§ 88. Delegation to committees

(1) A board may delegate its authority to make decisions to the chair, one or more members of the board or the secretariat when provided for in law or regulation.

§ 89. How decisions are made in committees

(1) A board shall consider matters and make decisions in meeting. The meeting may be conducted as a remote meeting where members can see and communicate with each other.

(2) The chairman of the board may decide that decisions shall be made in writing by circulation among the members if

- a. the matter is urgent
- b. the case is current based on established practice in the tribunal or a decision in principle on similar matters
- c. The matter has been discussed in the meeting and only minor clarifications, additions or changes are needed before the decision is made.
- d. The decision could have been delegated to the chairman of the board, one or more members of the board or the secretariat.

§ 90. Quorum, majority requirement and voting obligation

(1) A board may make a decision when more than half of the members participate in the deliberations and cast a vote. In boards that are to be composed of persons with specific expertise or experience, the considerations behind the requirements for the board's composition must also be taken into account.

(2) Decisions shall be made by a simple majority of the votes cast. In the event of a tie, the chairman of the board shall have a casting vote. The decision shall state any dissent.

(3) The members of the Board are obliged to vote. A member may apply to be exempted from participating in the consideration of a case for weighty personal reasons. The Board shall decide on the application without the member's participation. If several members apply for exemption in the same case, Section 29, third paragraph , shall apply accordingly.

§ 91. Meeting minutes

(1) A board shall keep minutes with information about when decisions have been made, what the decision concerns, and what the board's members have voted on.

Section 92. Independent bodies in the state administration

(1) When a law provides that a state administrative body is independent, other administrative bodies may not instruct the body regarding the procedure or the content of its decisions, either generally or in the individual case. Nor may other bodies reverse the decision of the independent body or make a decision in a matter that falls under the jurisdiction of the independent body.

(2) For decisions made by an independent body regarding the processing of cases, access to information, costs of proceedings or employee conditions, the appeals body is the ministry to which the body administratively falls.

Section 93. *Separate appeal boards in the state administration*

(1) A special appeals board in the state administration that has been established by or pursuant to law may not be instructed in individual cases without legal authority.

(2) A special appeals board may not instruct the lower instance, reverse the lower instance's decision pursuant to Section 72 or annul or amend the lower instance's decision pursuant to Section 74, third paragraph .

Chapter 13 Regulations

Section 94. *Duty to review regulations*

(1) Before an administrative body issues a regulation, it shall ensure that the matter has been properly investigated. The administrative body shall, among other things, investigate the need for the regulation, alternatives to regulatory regulation and the effects the regulation will have on public and private interests. The scope of the investigation shall be adapted to the importance of the matter and the need for a rapid decision.

Section 95. *Hearing on proposals for regulations*

(1) Before a regulation is enacted, a hearing shall be held. Hearings shall be open to input from all. Public and private enterprises and organizations to which a regulation shall apply, or which safeguard interests that are affected, shall be informed of the hearing. The same applies to others to the extent necessary to obtain sufficient information on the matter.

(2) The administrative body shall determine how the consultation is to be conducted and shall set a deadline for giving a statement. The consultation deadline shall be adapted to the scope and importance of the regulation and shall be set in such a way that the consultation bodies have a real opportunity to participate. The deadline shall be at least three months unless special reasons indicate a shorter deadline.

(3) The administrative body may waive a hearing if

- it is not practically possible because a quick decision in the case is necessary
- consultation may make the implementation of the regulation more difficult or weaken its effectiveness
- consultation is obviously unnecessary.

Section 96. *Formal requirements for regulations*

(1) A regulation shall

- referred to as regulations
- state the administrative body that has issued the regulation
- expressly refer to the provision(s) that give the administrative body the authority to establish the regulation.

(2) If the regulations contain technical rules pursuant to the EEA Consultation Act , the regulations shall refer to them in accordance with Section 12 of the EEA Consultation Act .

Section 97. *Promulgation of regulations*

(1) A regulation shall be published in the Norwegian Gazette as soon as it is enacted. The King may issue regulations for publication in another manner in cases where publication in the Norwegian Gazette is not appropriate due to the nature or content of the regulation.

(2) A regulation may be applied to the detriment of an individual only if it has been published in accordance with the first paragraph, or if the person concerned knew or should have known about the regulation because it has been made available in another appropriate manner.

§ 98. *The right to deviate from regulations*

(1) An administrative agency may only deviate from a regulation in individual cases if the regulation itself or the law authorizing the regulation allows for this.

Chapter 14 Final provisions

§ 99. *Entry into force*

(1) This Act shall enter into force from such time as the King may determine. The King may bring the individual provisions into force at different times and issue transitional provisions.

(2) From the time this Act enters into force, the Act of 10 February 1967 on the method of processing administrative cases is repealed .

Section 100. *Amendments to other laws*

From the time the law comes into force, the following changes will be made to other laws:

1. The following amendments are made to the Act of 22 June 2018 No. 83 on Municipalities and County Authorities :

Section 11-10 new fifth paragraph shall read:

The decision on the impartiality of a member is made by the elected body itself, without the member's participation. If the body is to assess the impartiality of several members in the same matter, none of these members shall participate in the decision on their own or others' impartiality. If it is necessary for the body to have a quorum, all members present shall nevertheless participate.

Section 18-1 new fifth paragraph shall read:

The Public Administration Act applies to intermunicipal political councils with the special rules that follow from the Act here.

Section 19-1 new fifth paragraph shall read:

The Public Administration Act applies to joint tasks with the special rules that follow from the Act here.

2. The following amendments are made to the Act of 29 January 1999 No. 6 on intermunicipal companies :

Section 15 shall read:

§ 15. *Disqualification*

Regarding disqualification of the company's employees and members of the company's governing bodies, Section 13-3 and Section 11-10 of the Local Government Act apply accordingly.

New Section 15 a shall read:

Section 15 a. *The relationship with the Public Administration Act*

The Public Administration Act applies to intermunicipal companies that are covered by the Public Administration Act .