

Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

NORWAY

(Information as of 20 May 2009)

Date of deposit of instrument of ratification/acceptance or date of accession

The instrument of ratification was deposited 18.12.1998

Implementing legislation

a) *The entry into force of the implementing legislation was 01.01.1999*

Implementation of the Convention into Norwegian Penal Law was done by amending the already existing section 128 of the Penal Code, by adding a paragraph on the active bribery of foreign public servants and servants of public international organisations. After the amendment, section 128 reads:

Any person who by threats or by granting or promising a favour seeks to induce a public servant illegally to perform or omit to perform an official act, or who is accessory thereto, shall be liable to fines or imprisonment for a term not exceeding one year.

The term public servant in the first paragraph also includes foreign public servants and servants of public international organisations

The provision of the previous section, third paragraph, shall apply accordingly.

Section 128 of the Penal Code, is partly repealed after the coming into force of new Penal Code Provisions on 04.04.2003, and now only covers threats.

b) *The implementing legislation, as amended, reads:*

Section 276a

Any person shall be liable to a penalty for corruption who

a) *for himself or other persons, requests or receives an improper advantage or accepts an offer of an improper advantage in connection with a post, office or commission, or*

b) *gives or offers anyone an improper advantage in connection with a post, office or commission.*

By post, office or commission in the first paragraph is also meant a post, office or commission in a foreign country.

The penalty for corruption shall be fines or imprisonment for a term not exceeding three years. Complicity is punishable in the same manner.

Section 276b:

Gross corruption is punishable by imprisonment for a term not exceeding 10 years. Complicity is punishable in the same manner.

In deciding whether the corruption is gross, special regard shall inter alia be paid to whether the act has been committed by or in relation to a public official or any other person in breach of the special confidence placed in him as a consequence of his post, office or commission, whether it has resulted in a considerable economic advantage, whether there was a risk of significant economic or other damage or whether false accounting information has been recorded or false accounting documents or false annual accounts have been prepared.

In addition, Norway has criminalized trading in influence, Penal Code, Section 276c:

Any person shall be liable to a penalty for trading in influence who

a) for himself or other persons, requests or receives an improper advantage or accepts an offer of an improper advantage in return for influencing the performance of a post, office or commission, or

b) gives or offers anyone an improper advantage in return for influencing the performance of a post, office or commission.

By post, office or commission in the first paragraph is also meant a post, office or commission in a foreign country.

The penalty for trading in influence shall be fines or imprisonment for a term not exceeding three years. Complicity is punishable in the same manner.

Other relevant laws, regulations or decrees that have an impact on a country's implementation of the OECD Convention or the Recommendations

The Penal code section 317 covers the offence of money laundering. All criminal offences are regarded as predicate offences.

A new Money Laundering Act is in force from 15.04.2009. The new act implements the third EU Directive on Money Laundering and takes into consideration recommendations made by the FATF.

Other information

Relevant authorities (in particular to whom report information on a bribery offence), including special commissions

ØKOKRIM (national Authority for Investigation and Prosecution of Economic and Environmental Crime) has a specialized anti-corruption team. ØKOKRIM has established a hot-line ("tipstelefon").
<http://okokrim.no>

Ministry of Foreign Affairs

Ministry of Justice

Relevant Internet links to national implementing legislation

<http://www.lovddata.no>

Signature/Ratification of other relevant international instruments

Norway ratified the Council of Europe Criminal Law Convention on Corruption without reservations on 02.03.2004. The Convention entered into force on 01.07.2004.

Norway signed the Council of Europe Civil Law Convention on 04.11.1999 and ratified it on 12.02.2008.

Norway ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime on 16.11.1994.

Norway signed the UN Convention against Corruption (UNCAC) on 09.12.2003 and ratified the UNCAC on 29.06.2006.

Working Group on Bribery Monitoring Reports

Phase 1: Review of Implementation of the Convention and 1997 Recommendation

<http://www.oecd.org/dataoecd/15/35/2389183.pdf>

Phase 2: Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions

<http://www.oecd.org/dataoecd/3/28/31568595.pdf>

Phase 2: Follow-up Report on the Implementation of the Phase 2 Recommendations on the Application of the Convention and the 1997 Recommendation on Combating Bribery of Foreign Public Officials in International Business Transactions

<http://www.oecd.org/dataoecd/35/26/38284036.pdf>