

**Act №79 of 4 July 2003 amending the Penal Code
(Penal provisions against corruption)**
(entry into force: 4 July 2003)

We HARALD, King of Norway,

hereby confirm:

That the Storting is requested to pass an Act amending the Penal Code, etc. (penal provision against corruption in accordance with an enclosed draft.

Bill concerning amendments to the Penal Code, etc. (penal provisions against corruption)

I

The following amendments shall be made to the Penal Code of 22 May 1902, No. 10:

In section 12, first paragraph (4)(a), the reference to section 276 shall be amended to *276 to 276c*.

Sections 112–114 shall be repealed.

Section 128, first paragraph, shall read as follows:

Any person who by threats 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 title of chapter 26 shall read as follows:

Chapter 26. Fraud, breach of trust and corruption.

Section 275, third paragraph, shall read as follows:

A penalty pursuant to this section shall not be applicable to an act that comes under section 255, cf. section 256 or *section 276a, cf. section 276b*.

A new section 276a shall read:

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.

A new section 276b shall read:

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.

A new section 276c shall read:

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.

Section 287 shall be repealed.

Section 373(1) shall be repealed. Section 373(2) and (3) shall become section 373(1) and (2) respectively.

Section 405b shall be repealed.

II

In the Military Penal Code of 22 May 1902 No. 13 the following amendment shall be made:

Section 63 shall read:

Persons under military command who commit such offences as are referred to in *section 276a, cf. section 276b* of the General Civil Penal Code, shall be punished as provided there, but by military detention rather than fines.

III

In the Marketing Act of 16 June 1972 No. 47, section 6 shall be repealed.

IV

Section 12, third paragraph, of the Act of 15 June 2001 No. 65 relating to the implementation in Norwegian law of the statutes of the International Criminal Court of 17 July 1998 (the Rome Statutes) shall be repealed. The current fourth paragraph will become the third paragraph.

V

The Act shall enter into force immediately.