

# Independent Reporting Mechanism

Results Report:  
Norway 2019–2022

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Open  
Government  
Partnership



Independent  
Reporting  
Mechanism

## Executive Summary

**Norway's fourth Open Government Partnership (OGP) Action Plan (2019–2022) contained 10 commitments, including digital public procurement, prevention of corruption, and beneficial ownership transparency. Most commitments saw only limited completion. Completed commitments included initiatives that existed outside the OGP framework. Key shortcomings remained in the country's co-creation and participation practices throughout the action plan cycle because Norway acted contrary to OGP process.**

### Early Results

In total, 4 of 10 commitments achieved marginal early results. Commitment 8, identified as noteworthy in the Independent Reporting Mechanism (IRM) Design Report, is analysed in further depth in Section II. The implementation and early results of this commitment to establishing an Ultimate Beneficial Ownership (UBO) Register was hindered by Norway's response to the Court of Justice of the European Union (CJEU) ruling invalidating public access to beneficial ownership information, despite Norway's government approving legislative bills on the establishment of a UBO Register and developing a technical solution to host the Register. In light of the judgement, establishing a sound legal basis for opening the register will be a key challenge. Furthermore, sufficient funding must be secured for key verification mechanisms that would allow the register to serve its anti-money laundering and anti-corruption purposes. Marginal early results were analysed further for Commitment 3, which focused on expanding the use of the digital archiving system "elnnsyn" to municipalities and counties.

### Completion

The original action plan submitted in 2019 contained eight commitments focusing on areas such as digitalisation of public procurement, youth involvement in rural areas, expansion of access to digitalised archiving practices, and prevention of corruption. Amendments to the action plan in 2021 added two more commitments (and amended existing commitments). Out of the ten commitments, five were fully or substantially completed (a similar level of completion as for the third action plan, where five of nine commitments were completed). The commitment on beneficial ownership, which was identified as noteworthy in the IRM Design Report, has achieved a substantial completion.

Of the five commitments completed at the end of the fourth action plan cycle, one included an initiative that had been finished by the launch of the original action plan. The remaining four commitments covered activities that formed the pre-existing initiatives beyond the OGP framework as most government bodies responsible for implementation confirmed that the activities would have taken place regardless. Barriers to implementation included limited high-level political buy-in as well as COVID-19.

## IMPLEMENTATION AT A GLANCE

### LEVEL OF COMPLETION

**5/10**

Complete or substantially complete commitments

### EARLY RESULTS

**4/10**

Commitments with early results

**0/10**

Commitments with major or outstanding early results

### COMPLIANCE WITH MINIMUM REQUIREMENTS

**Not acting according to OGP process.**

### Participation and Co-Creation

The Ministry of Local Government and Modernisation (KDD) oversees the OGP process in Norway. An OGP Council made up of five members from civil society organisations (CSOs) and businesses was appointed in 2019 and functions as an advisory body. Key shortcomings existed both in the co-creation process (although they have improved since the previous action plan) and during implementation. Civil society on the OGP Council regretted, *inter alia*, the format of the action plan's co-creation meetings, where little background information and time to formulate commitment proposals were provided to participants and follow-up on stakeholders' proposals and advice were limited. Similar structural shortcomings remained throughout action plan implementation. Civil society and the public had no opportunities for oversight of the commitment implementation progress,<sup>1</sup> and the national OGP website is not regularly updated with commitment status. As a result, Norway acted contrary to OGP processes during the design and implementation of its action plan.

### Implementation in context

Norway is amongst the world's strongest democracies, ranking high on international indices measuring civil liberties and civic participation, freedom of information, and anti-corruption. According to interviewees, this status can mean that OGP is perceived as superfluous because other formal channels to guarantee civic participation and transparency are already well established (e.g., public hearings, regular consultation processes on legislative bills).<sup>2</sup> The limited high-level political buy-in to the OGP process has affected the ambition of the action plan, with most commitments included representing existing initiatives; to some extent, it has also affected the level of implementation. Civil society have argued that delayed or limited implementation of commitments was the result of limited political push behind the initiative. The COVID-19 pandemic was also considered a barrier to achieving results in terms of the realisation of commitment-specific activities, such as those for Commitment 3B (youth panel),<sup>3</sup> Commitment 6 (digitalisation of public procurement),<sup>4</sup> and Commitment 7 (prevention of corruption).<sup>5</sup> The COVID-19 pandemic was also a barrier to the broader strategic interaction between and amongst governmental bodies, civil society, and the OGP Council, which did not meet in person throughout action plan implementation.<sup>6</sup>

<sup>1</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022; Tom Arne Nygaard and Terje Dyrstad, interview by the IRM, 12 October 2022.

<sup>2</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.

<sup>3</sup> Knut Ove Nordås (KDD) and Morten Mediå (Centre of Competence on Rural Development), interview by the IRM, 15 November 2022.

<sup>4</sup> Andre Hoddevik (Norwegian Agency for Public and Financial Management), interview by the IRM, 8 November 2022.

<sup>5</sup> Mona Ransedokken (Ministry of Justice and Public Security), interview by the IRM, 3 November 2022.

<sup>6</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022.

# Table of Contents

Section I: Key Observations.....1  
Section II: Implementation and Early Results .....4  
Section III. Participation and Co-Creation .....10  
Section IV. Methodology and IRM Indicators .....13  
Annex I. Commitment Data .....15

## Section I: Key Observations

An analysis of Norway's fourth action plan cycle highlights room for improvement in the country's approach to OGP. This action plan cycle showed that the quality of co-creation affects the ambition of commitments, that peer support and high-level political buy-in can generate ambitious commitments and drive implementation, that legislative and judicial barriers can block ambitious reform, and that mechanisms for oversight of implementation could better ensure commitments are completed.

### **Observation 1: Peer support and high-level political buy-in are needed to generate ambitious commitments and drive full implementation.**

Most governmental and non-governmental stakeholders interviewed for this Results Report stated that OGP does not get political prioritisation in Norway.<sup>7,8</sup> This lack of support has affected the level of ambition in the action plan overall (most commitments represent existing initiatives) and the extent to which commitments were implemented. More specifically, civil society have observed a lack of political urgency and leadership in implementing a beneficial ownership register.<sup>9</sup> After the register first appeared in its 2016–2018 OGP Action Plan, Norway was close to fully implementing the transformative commitment to developing a public beneficial ownership register during this action plan cycle. The recent CJEU judgement has delayed implementation of the commitment, but the Ministry of Finance has declared its intention to overcome this obstacle and find a secure legal basis for full disclosure, with the aim of ensuring an open register as before. Clearer political leadership on this issue could lead to completion of this task so that there is public access to beneficial ownership information in the business register.

Moving forward, KDD and the OGP Council could jointly identify topic areas where high-level political buy-in exists or could be possible and where activities outside the action plan process, such as similar thematic peer groups, can help maintain momentum. In practical terms, this approach could lead to exploratory meetings with relevant ministers to explain the role and potential of the OGP in areas in which they work, followed by invitations to the ministries, including the Prime Minister's Office, to attend multi-stakeholder co-creation meetings and monitor commitment implementation. In parallel, the multi-stakeholder forum or other interested stakeholders in government and civil society could use the OGP process to add value to pre-existing initiatives that might be included the action plan. This approach could mean exploring use of the OGP process to gain international perspectives on specific policy areas, build cross-institutional collaboration on common policy issues, or strengthen public engagement in policy making or implementation.

### **Observation 2: Legislative and judicial barriers can block ambitious reform.**

Legislative and judicial obstacles that have arisen or become apparent over the implementation period have created setbacks for commitments in Norway's action plan. Although these obstacles have not stopped implementation of technical frameworks or internal systems, they have limited commitments' results, such as enabling public access. For example, full implementation of the transformative commitment to introduce a public beneficial ownership register in Norway was postponed because of the CJEU judgement, which invalidated the legal basis for public access to beneficial ownership information as outlined in the EU's fifth anti-money laundering directive. In response to this unforeseen setback, in December 2022, Norway's Ministry of Finance postponed publishing the Norwegian register until the ministry had established a clear legal basis (although it maintained the objective of publishing an open register). This issue has delayed what would otherwise have been a reform with potentially

transformative results. Commitment 6, on digitizing and making procurement information publicly available, also saw limited implementation because of personal data restrictions. Technical changes were made, but data-protection issues prevented procurement information from being shared with the public, stalling the initiative's rollout. Greater care and attention during the co-creation process to such legislative barriers are needed when designing commitments, and such issues point to a need for more time for deliberation and consideration of potential obstacles to implementation. Data-protection restrictions also have limited the number of data sources included in the eBevis system, which pulls together supplier information from different databases, as well as the Doffin system, which provides tender data in the national public procurement notice database.

**Observation 3: The quality of co-creation affects the ambition of commitments.**

Key shortcomings in the co-creation process of Norway's fourth action plan cycle have contributed to the design of an action plan with commitments of limited ambition and, in turn, results with minimal impact in most cases. Although there were improvements to the way government interacted with civil society during the co-creation process for the fourth action plan compared with the third one,<sup>10</sup> key shortcomings remain. Representatives of the KDD highlighted struggles to engage in the OGP process with other ministries and with representatives of broader civil society.<sup>11</sup> Civil society regretted the format of the action plan's co-creation meetings, where participants were given little background information or time to formulate commitment proposals and follow-up to stakeholders' proposals and advice was limited.<sup>12</sup> Representatives of the OGP Council expressed concerns about the process itself, arguing that a more transparent, structured, and open mechanism for participating in commitment design and monitoring achievement of results would be beneficial and should be prioritised. They noted the need for a robust co-creation methodology and more conscious outreach approach to ensure inclusive participatory processes and to reach and include smaller CSOs in the process.<sup>13</sup>

The limited time for meaningful collaboration and development of commitments during co-creation of this action plan meant that the plan contained ongoing government initiatives without ambitious targets and expected results in opening government. For example, stakeholders interviewed about Commitment 5 said that it would have been implemented irrespective of its inclusion in the OGP action plan. Other reforms and activities had already started before they were included in the OGP action plan (such as Commitment 3B on the youth panel for rural development).

For the design of Norway's future action plans, the IRM recommends that the KDD prioritise a restructuring and redefinition of the OGP co-creation process jointly with members of the OGP Council to focus on securing a quality process that meets Participation and Co-Creation Standards. A common methodological framework with defined timelines should be agreed upon to identify ways to include a larger and more representative number of Norwegian CSOs in the process, design commitment themes and activities collaboratively, and provide feedback on the proposals civil society receives.

**Observation 4: Mechanisms for implementation oversight could better ensure that commitments are completed.**

Similar structural shortcomings stemming from co-creation remained throughout action plan implementation. No formal monitoring mechanism granting oversight to civil society and the general public of commitment implementation exists,<sup>14</sup> and the national OGP website is not regularly updated with commitment status.<sup>15</sup> The lack of a defined monitoring mechanism meant that there was minimal interaction between the governmental bodies responsible for the implementation of individual commitments and civil society. Throughout the implementation cycle of the fourth action plan, no official meetings between government and civil society on the status

of implementation were held.<sup>16</sup> The IRM also notes that at least one ministry did not reply to requests for input to the Results Report, implying a lack of awareness of or interest in the OGP process.

The KDD could dedicate a section of the national OGP website to detailing and updating each commitment's implementation status. In this respect, Norway could draw inspiration from other countries' national repositories, such as Italy.<sup>17</sup> This section should be a collaborative space where members of civil society can add input on their own monitoring of progress. Additionally, the KDD and the OGP Council could jointly define monitoring mechanisms through which CSOs and government bodies responsible for commitment implementation are required to be in touch regularly (at least once every six months) to discuss progress and potential challenges. Civil society could be included in the implementation of commitments more directly, as well, which could ensure greater accountability and provide an incentive for institutions to implement ambitious reforms. Open meetings with relevant stakeholders are also encouraged to provide a general overview of the status of action plan implementation (at least one per year).

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<sup>7</sup> Tom Arne Nygaard and Terje Dyrstad, interview by the IRM, 12 October 2022.

<sup>8</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022; Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022.

<sup>9</sup> Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022.

<sup>10</sup> Open Government Partnership, *Norway Design Report 2019–2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>11</sup> Tom Arne Nygaard and Terje Dyrstad, interview by the IRM, 12 October 2022.

<sup>12</sup> Ibid.

<sup>13</sup> Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022.

<sup>14</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022; Tom Arne Nygaard and Terje Dyrstad, interview by the IRM, 12 October 2022.

<sup>15</sup> "Åpenhet i Forvaltningen" [Norway OGP], accessed 12 February 2023, <https://open.regjeringa.no/>.

<sup>16</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022; Tom Arne Nygaard and Terje Dyrstad, interview by the IRM, 12 October 2022.

<sup>17</sup> "Evaluation and Monitoring of the 5NAP," Italia OpenGov, accessed 12 February 2023, <https://open.gov.it/governo-aperto/piano-nazionale/5nap/monitoraggio>.

## Section II: Implementation and Early Results

The following section looks at the two commitments that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments identified as noteworthy in the Design Report as a starting point. After verification of completion evidence, the IRM also took into account commitments that were not determined as noteworthy but that, as implemented, yielded significant results.

### Commitment 8: Establishment of a public register of beneficial ownership, Ministry of Finance

#### Context and Objectives:

Building on an initiative carried out as part of the third Norwegian OGP action plan,<sup>18</sup> this commitment seeks to establish a UBO Register of Norwegian companies.<sup>19</sup> The IRM Design Report<sup>20</sup> assessed this commitment as potentially transformative, as the establishment of a UBO Register would respond to key priorities of Norwegian civil society and help enhance transparency, access to information, and (in the long term) strengthen anti-money laundering and anti-corruption efforts. This commitment was updated in the amended action plan to include targeted milestones,<sup>21</sup> providing additional information about steps towards the register's establishment.

The Norwegian Parliament passed a Beneficial Ownership Act<sup>22</sup> in March 2019. The Act mandates the establishment of a UBO Register accessible to the public, in line with the requirements of the fourth EU Anti-Money Laundering Directives (AMLDs).<sup>23</sup> The Act was followed by an implementing regulation, which was adopted in 2020 following public consultation and entered into force in 2021.<sup>24</sup> The regulation clarifies the scope of the Act and better defines the obligations of UBOs, including exemptions. It also outlines the technical features of the register itself, whose development is the responsibility of the Brønnøysund Register Centre,<sup>25</sup> a governmental agency responsible for the management of several of the country's public registers, including the Register of Business Enterprises.

#### Did It Open Government? Marginal:

Upon completion of the action plan, this commitment was on track to yield promising early results.

An interviewed representative of the Brønnøysund Register Centre explained that the Centre was initially tasked by the Ministry of Trade and Fisheries in 2018 to deliver a definition of the UBO Register's scope, including the type of technical solution, milestones for implementation, and budgetary implications.<sup>26</sup> This scope was developed in line with what were at the time the contents of the draft Act. The contents of the adopted Act, which entered into force in 2019, and of the 2021 implementing regulation, however further expanded the scope of the register to better align it to EU AMLDs. This expansion had implications for the register's development. Accordingly, the development of the technical solutions was split into three phases:

- **Phase 1.** In this phase, the register would include information about the owner's name, Norwegian identification number or date and year of birth, citizenship and country of residence of the UBO, the type of ownership control, and whether there is indirect ownership.<sup>27</sup> Phase 1 would be ready for launch on 2 January 2023. This solution coincided with the scope of the register originally agreed upon with the Brønnøysund Register Centre and was the only phase for which funding was available.
- **Phase 2.** In this phase, the scope of the register would be expanded to include more information about indirect ownership, including implementation of a solution to report

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information about the entities through which the UBO's control is held. This phase would also include mechanisms to report information about discrepancies in the UBO information registered and the opportunity to follow up with relevant entities concerning fines for a UBO's failure to register information. This phase is expected to be implemented throughout 2023.

- **Phase 3.** In this phase, the register would be connected to the EU Beneficial Ownership Register Interconnection System. This phase was expected to be implemented throughout 2024.

Interviewees from the Brønnøysund Register Centre<sup>28</sup> and Tax Justice Network Norway,<sup>29</sup> a CSO that has closely followed the development of the UBO Register, confirmed that all verification mechanisms (e.g., automated reminder messages, warnings for non-submission) are planned for Phase 2. Targeted guidance will be provided during the submission process for entering the information. A mechanism should be in place to allow cross-checking of data from other government sources and preventing submission of data that violate or are in logical opposition to other information already in the register. Similarly, non-legal entries (e.g., declaration of ownership above 100%) will not be accepted, and there will be no open-text field on the e-form for submission except for one on “other types of control.” Chat support is also expected to be activated.<sup>30</sup>

The Brønnøysund Register Centre interviewee further explained that two types of access would be possible:

- One for governmental and financial institutions, which would be able to see the Norwegian UBO identification number, exempted beneficial owners, and information about misregistration
- One for members of the public, who will be able to access information about ownership; share of ownership; and voting rights only, including the list of people with the right to appoint or remove more than half of the company's board members, free of charge<sup>31</sup>

The representative from Tax Justice Network Norway stated that access to the public, with plans to make data available for at no cost and in structured, open data format, is in line with EU standards and that overall, if the register is launched with all planned functionality, it would be a high-quality solution.<sup>32</sup> The Centre representative confirmed that it is currently cooperating with civil society outside the framework of OGP to prepare the guidelines for using the register and completing the necessary information about UBOs. Selected CSOs tested the solution in December 2022.<sup>33</sup>

The representatives of the Centre<sup>34</sup> and Tax Justice Network Norway<sup>35</sup> both confirmed that the launch of the Register is an important and needed step in the Norwegian landscape, as no other types of registers that include information about UBOs are currently available.<sup>36</sup> An interviewed representative of the OGP Council<sup>37</sup> further praised the commitment for being ambitious and relevant. All interviewed parties, however, expressed significant concerns about the government's decision not to include financing for the next phase of the register in the **its budget for next year (2023-4)**. Limiting the register to its Phase 1 functionality would have a serious impact on its relevance and usefulness, as Phase 2 includes all the verification mechanisms crucial to ensuring that the register serves its purpose.<sup>38</sup> The interviewed Tax Justice Network Norway representative further highlighted that compliance with the EU AMLDs and Financial Action Task Force 2024 recommendations will be limited until the second phase is implemented because mechanisms to ensure that information is adequate, correct, and up to date will not be available until then.<sup>39</sup> The IRM contacted the Ministry of Finance several times with requests for comments on the status of this commitment's implementation, including challenges and recommendations, but received no response.

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Another key challenge that interviewees identified is the existence of regulatory discrepancies between the Act on Beneficial Ownership and its implementing regulation and Norway’s Anti–Money Laundering Act.<sup>40</sup> Under certain circumstances, the Anti–Money Laundering Act and the Beneficial Ownership Act have different ways of identifying beneficial owners.<sup>41</sup> According to the interviewees,<sup>42</sup> these discrepancies could lead to significant issues in terms of notifications of misregistration and affect the work of banks and financial institutions in their anti–money laundering efforts. This challenge was brought to the attention of the Ministry of Finance, which was responsible for drafting both legislative acts.<sup>43</sup>

The register was due to be launched on 1 January 2023, but judgement in Joined Cases C-37/20 and C-601/20 of the CJEU invalidated public access to beneficial ownership information per the fifth AMLD. The Ministry of Finance announced that it would assess the consequences and significance of the judgment in Norway, with the aim of putting the necessary clarifications in place so that the register can be put into use as soon as possible and of maintaining the clear goal that the register should be established with the greatest possible transparency.<sup>44</sup> Opening the register to public access is currently suspended, meaning that although most internal activities have been completed as envisioned, there are currently only marginal early results with respect to openness.<sup>45</sup>

#### Looking Ahead:

Following the CJEU judgement, full completion of the commitment would benefit from the Ministry of Finance stepping up its work to open the register and make it available to the public as soon as possible. Furthermore, continuation of the initiative in Phases 2 and 3 will ensure that an open register can fulfil its role as a key anti–money laundering and anti-corruption tool. Cooperation and coordination amongst the Brønnøysund Register Centre, civil society, and the Ministry of Finance to identify and implement relevant verification mechanisms and systems as well as a solution to the issue of regulatory discrepancies between the UBO Act and the Anti–Money Laundering Act are also recommended as the initiative moves forward.

#### **Commitment 3: E-access and potential expansion of e-access in the municipal sector/improve the e-access system “elnnsyn” to make the public administration more open and accessible to the public, Norwegian Digitalisation Agency (DigDir)**

##### Context and Objectives:

This commitment seeks to promote and expand the use of the “elnnsyn” platform<sup>46</sup> in municipalities. The commitment aimed to gather knowledge through a dedicated survey on the use of the “elnnsyn” platform by municipalities.<sup>47</sup> DigDir launched “elnnsyn” under Norway’s third action plan (2016–2018),<sup>48</sup> and it is an online platform for publication of electronic records and journals of governmental authorities. Under the regulatory framework that the Freedom of Information Act provides,<sup>49</sup> state public authorities are obliged to publish their records, but municipalities are not. Additionally, state authorities can use the “elnnsyn” system at no cost, whereas municipalities must pay. At the time of writing of the IRM Design Report (2020), only Oslo was using “elnnsyn” to publish its journals online; the approach to archiving amongst municipalities was fragmented.<sup>50</sup> When the survey was complete, the amended action plan included follow-up activities aimed at expanding the platform’s use amongst municipal and county authorities, documenting the work of political bodies at the municipal and county levels, ensuring transparency into the work of the “elnnsyn” management committee, and increasing the proportion of full-text documents published. The amended commitment was more targeted and ambitious and included well-defined milestones, with a target for system adoption by the

municipalities, although the target dates went beyond the duration of the action plan (lasting in some cases until 2024). This development led to the potential impact of the commitment increasing from minor to major.

#### **Did It Open Government? Marginal**

At the end of the action plan implementation period, this commitment had yielded marginal early results.

An interviewed representative of DigDir<sup>51</sup> explained that although there has been some progress and success in expanding the system's use to municipalities beyond Oslo (seven municipalities<sup>52</sup> and three counties<sup>53</sup> currently use the system), it has been slower than initially hoped. The main challenges and obstacles relate to the regulatory framework and lack of funding—namely, as outlined earlier, that municipalities and counties are expected to pay to access the system. Other unexpected regulatory and bureaucratic issues related to the inclusion of value-added tax on invoices for these services have slowed the adoption process. The interviewee, however, confirmed that several municipalities had expressed interest in using the system.<sup>54</sup> An interviewed representative of the OGP Council also praised the “elnnsyn” system, although he confirmed that the adoption targets in the municipal sector had not been achieved because of the costs for municipalities to connect to this solution.<sup>55</sup> The interviewee further confirmed that discussions were held in the context of the Freedom of Speech Commission<sup>56</sup> to broaden the use of the solution mandatorily to the municipal sector, although no formal decision had yet been taken.<sup>57</sup> Because the adoption process was slow, the focus of the initiative was redirected to the publication of full-text documents (Milestone 4), and the number of implementing agencies has grown from three in 2018 to eleven at the time of writing of this report.<sup>58</sup> According to the DigDir representative, the publication of documents in full text provides citizens with better access to information and increased transparency because documents can be searched for easily in the system without the need to submit a Freedom of Information request. Documents available in the “elnnsyn” system include correspondence, meeting agendas and minutes, and budget and spending information. Challenges in implementation have included a degree of resistance to publication from state agencies based on fear of breaches to data protection regulations. The current share of full-text documents on the portal remains relatively low (1,414,763 out of 54,277,472 [2.6%]).<sup>59</sup> The DigDir representatives explained that inclusion in the OGP action plan adds value by providing an additional layer of accountability to the activity's realisation.<sup>60</sup>

In light of these considerations, this commitment is considered to have reached limited completion because current regulatory challenges have prevented its realisation. Early results for providing public access to information about the local level so far have been marginal, with the achievements to date representing steps towards expanding the use of the “elnnsyn” system in the municipal sector.

#### **Looking Ahead:**

The IRM recommends that the DigDir to continue the initiative to ensure that the public can easily access and use the information at the local level. It should collaborate with the Ministry of Justice and Public Security on how to solve key regulatory challenges preventing further adoption as well as address resistance from state agencies to publication of documents in full-text format based on data-protection concerns. The latter could be achieved, for example, through targeted awareness campaigns. Regular interaction and cooperation with civil society to identify, for example, priority documents for publication could also be useful.

- <sup>18</sup> Open Government Partnership, *Norway's Third Action Plan: January 2016–December 2017*, Commitment 9, published 18 May, 2016, accessed 14 February 2023, [https://www.opengovpartnership.org/wp-content/uploads/2019/05/Norway\\_Action-Plan\\_2016-18.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/05/Norway_Action-Plan_2016-18.pdf).
- <sup>19</sup> Open Government Partnership, *Norway Action Plan 2019–2022*, Commitment 9, published 1 April 2019, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-action-plan-2019-2022/>.
- <sup>20</sup> Open Government Partnership, *Norway Design Report 2019–2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.
- <sup>21</sup> Note that out of five milestones, only the first three have start and end dates for implementation.
- <sup>22</sup> "Lov om Register over Reelle Rettighetshavere," LOV-2019-03-01-2, accessed 12 February 2023, <https://lovdata.no/dokument/NL/lov/2019-03-01-2>.
- <sup>23</sup> Directive 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (AMLD IV), 20 May 2015, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015L0849>
- <sup>24</sup> "Forskrift til Lov om Register over Reelle Rettighetshavere," FOR-2021-06-21-2056, accessed 14 February 2023, <https://lovdata.no/dokument/SF/forskrift/2021-06-21-2056>.
- <sup>25</sup> Brønnøysund Register Centre, accessed 14 February 2023, [www.brreg.no](http://www.brreg.no).
- <sup>26</sup> Representative of the Brønnøysund Register Centre, interview by the IRM, 11 November 2022.
- <sup>27</sup> Although in case of indirect ownership, it will not be possible to see what kind of legal entity the intermediary is.
- <sup>28</sup> Representative of the Brønnøysund Register Centre, interview by the IRM, 11 November 2022.
- <sup>29</sup> Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022.
- <sup>30</sup> Ibid.
- <sup>31</sup> Representative of the Brønnøysund Register Centre, interview by the IRM, 11 November 2022.
- <sup>32</sup> Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022.
- <sup>33</sup> Representative of the Brønnøysund Register Centre, interview by the IRM, 11 November 2022.
- <sup>34</sup> Ibid.
- <sup>35</sup> Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022.
- <sup>36</sup> A Norwegian Tax Administration's Shareholder Register exists, but the information is not available to the public.
- <sup>37</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.
- <sup>38</sup> Representative of the Brønnøysund Register Centre, interview by the IRM, 11 November 2022; Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022; Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.
- <sup>39</sup> Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022.
- <sup>40</sup> "Lov om Endringer i Verdipapirhandelloven mv. (samleproposisjon)," LOV-2022-06-22-79, updated 16 September 2022, accessed 14 February 2023, <https://lovdata.no/lov/2022-06-22-79>.
- <sup>41</sup> More specifically, taking Company A and Company B, where B is the intermediary entity, under the Beneficial Ownership Act in the case of intermediary entities, a UBO must be in control of more than 50 percent of the intermediary entity to be identified in the register as a UBO of Company A. Under the Anti-Money Laundering Act, irrespective of the shares of control of intermediary Entity B, an individual who owns more than 25 percent of Company A will be identified as a UBO.
- <sup>42</sup> Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022; representative of the Brønnøysund Register Centre, interview by the IRM, 11 November 2022.
- <sup>43</sup> Representative of the Brønnøysund Register Centre, interview by the IRM, 11 November 2022.
- <sup>44</sup> "EU-Domstolens Avgjørelse om Register over Reelle Rettighetshavere," Regjeringen.no, published 20 December 2022, accessed 14 February 2023, <https://www.regjeringen.no/no/aktuelt/eu-domstolens-avgjorelse-om-register-over-reelle-rettighetshavere/id2952452/>.
- <sup>45</sup> "Register for Reelle Rettighetshavere Utsatt," Brønnøysund Register Centre, published 21 December 2022, accessed 14 February 2023, <https://www.brreg.no/nyhet/register-for-reelle-rettighetshavere-utsatt/>.
- <sup>46</sup> "eInnsyn," accessed 14 February 2023, <https://einnsyn.no/>.
- <sup>47</sup> Open Government Partnership, *Norway Action Plan 2019-2021*, Commitment 3, published 1 April 2019, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-action-plan-2019-2022/>.
- <sup>48</sup> Open Government Partnership, *Norway National Action Plan 2016–2018*, Commitment 2, published 22 June 2016, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-national-action-plan-2016-2018/>.
- <sup>49</sup> "Act Relating to the Right of Access to Documents Held by Public Authorities and Public Undertakings," **Error! Hyperlink reference not valid.** LOV-2021-06-11-76, updated 21 December 2022, accessed 14 February 2023, <https://lovdata.no/dokument/NLE/lov/2006-05-19-16>.
- <sup>50</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.
- <sup>51</sup> SteinMagne Os (DigDir), interview by the IRM, 2 November 2022.
- <sup>52</sup> Åmli (municipality); Arendal (municipality); City of Oslo; Gjerstad (municipality); Grimstad (municipality); Stavanger (municipality); Vegårshei (municipality).
- <sup>53</sup> Nordland County Council; Trøndelag County Council; Westland County Council.
- <sup>54</sup> SteinMagne Os (DigDir), interview by the IRM, 2 November 2022.
- <sup>55</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.

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<sup>56</sup> “Mandate for the Freedom of Expression Commission,” Ytringsfrihetskommisjonen, published 14 February 2020, accessed 14 February 2023, <https://www.ykom.no/2020/02/14/mandate-for-the-freedom-of-expression-commission/>.

<sup>57</sup> Norwegian Ministry of Culture and Equality, *Official Norwegian Reports NOU 2022: 9 Summary: The Norwegian Commission for the Freedom of Expression Report*, published September 2022, accessed 14 February 2023, <https://www.regjeringen.no/contentassets/753af2a75c21435795cd21bc86faeb2d/en-gb/pdfs/nou202220220009000engpdfs.pdf>.

<sup>58</sup> SteinMagne Os (DigDir), interview by the IRM, 2 November 2022.

<sup>59</sup> “eInnsyn,” accessed 14 February 2023, <https://einnsyn.no/>.

<sup>60</sup> SteinMagne Os (DigDir), interview by the IRM, 2 November 2022.

## Section III. Participation and Co-Creation

***Government engagement with civil society was limited throughout the implementation of the fourth action plan cycle. Although the co-creation process improved compared with the previous action plan, there was little follow-up on stakeholders' proposals. Throughout implementation, interaction between government agencies and civil society was minimal and, where it took place, happened outside the scope of OGP. There is no official framework for joint monitoring of action plan implementation.***

***During implementation, Norway acted contrary to the OGP process: Although a national OGP repository is available, it was not maintained or updated with information about commitment progress during the implementation period.***

In Norway, the OGP process is led by the Unit for Administration Policy within the KDD. There were no changes to the mandate in relation to OGP between the third and fourth action plan cycles, and two unit staff members remain in charge of coordinating OGP-related work. An OGP Council made up of five members of CSOs and businesses (Transparency International Norway, Publish What You Pay, Tax Justice Network Norway, Abelia, and a private sector representative) was appointed in 2019.<sup>61</sup> According to interviewed KDD representatives, the Council is intended to function as an advisory board and has no formal mandate or responsibility for commitment proposal or implementation monitoring.<sup>62</sup> A mandate with a broad definition of task, dated 2017, is available on the Council's web page.<sup>63</sup>

Interviewed representatives of both KDD and civil society highlighted significant challenges with the OGP framework in Norway, including struggles to engage government bodies and CSOs to participate in the process.<sup>64</sup> A key underlying challenge that most interviewees identified is limited high-level political will to support the process. Norway is amongst the world's strongest democracies, ranking high in international indices measuring civil liberties and civic participation, freedom of information, and anti-corruption.<sup>65</sup> According to interviewees, this ranking can mean that OGP is perceived as superfluous, with other formal channels to guarantee civic participation and transparency being well established (e.g., public hearings, regular consultation processes on legislative bills).<sup>66</sup> Interviewed representatives of the OGP Council, however, believe that there is added value for OGP in Norway, in particular for key issues not covered by ongoing processes, such as lobbying transparency or full transparency in public procurement. Additionally, smaller organisations still find it challenging to access broader participatory processes, such as hearings; in such cases, OGP could act as a catalyst for broader participation that is better structured and more widely publicised than the current process.<sup>67</sup>

The limited political commitment to OGP has affected the level of ambition, quality, and relevance of the commitments included in the fourth action plan—with most commitments consisting of planned or ongoing initiatives—as well as the level of cooperation with and oversight by civil society in the action plan's implementation.

Although development of the fourth action plan saw broader participation from CSOs compared with previous action plans,<sup>68</sup> representatives of the OGP Council and CSOs feel that civil society is not adequately represented because of structural weaknesses in the way the co-creation and participation processes are approached. This lack of representation includes, *inter alia*, a narrow process that reaches only the larger, more established organisations; an extremely short timeline for the co-creation process; and lack of a structured methodology to enable broad and inclusive

civil society participation.<sup>69</sup> Interviewees further highlighted that the process could benefit from additional transparency and digital accessibility to increase inclusivity.<sup>70</sup>

Interviewed OGP Council and CSO representatives welcomed the inclusion of relevant topics such as beneficial ownership, digital spatial planning, digital access to municipal archives, and digitalisation of public procurement,<sup>71</sup> but they regretted the low level of ambition of most of the initiatives proposed. They highlighted that commitments that seem to have achieved a higher level of completion (e.g., Commitments 2 and 3B) are mostly initiatives that had already been proposed outside the OGP action plan framework, and therefore, the results achieved are not attributable to OGP.<sup>72</sup>

In terms of participation, interviewed government representatives responsible for implementation of the commitments included in this action plan indicated that if they did interact with civil society during implementation of the commitments, they did so outside of the OGP framework and based on existing practices and procedures.<sup>73</sup> No formal monitoring or participation mechanisms existed for civil society during implementation of the action plan, leading to limited visibility into the results achieved. Interviewed representatives of the OGP Council regretted the lack of opportunities for monitoring implementation of the commitments in an overarching and structured framework.<sup>74</sup> Although a national OGP website is available,<sup>75</sup> it was not maintained because no information about commitment implementation status was provided during the implementation period.

### Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP’s Participation and Co-Creation Standards for the purposes of procedural review.<sup>76</sup> During co-creation of the action plan, Norway acted contrary to the OGP process.<sup>77</sup> The two minimum requirements listed below must achieve at least the level of “in progress” for a country to have acted according to OGP process.

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Acted according to OGP process during the implementation period?	
<p><b>The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan.</b> Although a national OGP website is available,<sup>78</sup> it was not regularly updated because no information about the status of commitment implementation was provided during the implementation period.</p>	Red
<p><b>The government provided the public with information on the action plan during the implementation period.</b> Although a national OGP website is available,<sup>79</sup> it was not regularly updated because no information about the status of commitment implementation was provided during the implementation period. Interviewed government representatives</p>	Red

responsible for implementation of the commitments indicated that where they did interact with civil society during implementation, they did so outside the framework of OGP and based on existing practices and procedures.<sup>80</sup>

<sup>61</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>62</sup> Tom Arne Nygaard and Terje Dyrstad, interview by the IRM, 12 October 2022.

<sup>63</sup> “Mandat for OGP-rådet,” Regjeringen.no, published 1 January 2017, accessed 14 February 2023, <https://www.regjeringen.no/no/dep/kdd/org/styret-rad-og-utvalg/ogp-radet/mandat-for-ogp-radet/id2577506/>.

<sup>64</sup> Tom Arne Nygaard and Terje Dyrstad, interview by the IRM, 12 October 2022; Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022.

<sup>65</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>66</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.

<sup>67</sup> Ibid.

<sup>68</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>69</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>; Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022.

<sup>70</sup> Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022.

<sup>71</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022; Peter Ringstad (Tax Justice Network Norway), interview by the IRM, 3 November 2022.

<sup>72</sup> Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022; Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.

<sup>73</sup> SteinMagne Os (DigDir), interview by the IRM, 2 November 2022; Hilde-Johansen Bakken and Mari-Olea Lie (Ministry of Local Government and Modernisation), interview by the IRM, 11 November 2022; Andre Hoddevik (Norwegian Agency for Public and Financial Management), interview by the IRM, 8 November 2022; Mona Ransedokken (Ministry of Justice and Public Security), interview by the IRM, 3 November 2022.

<sup>74</sup> Mona Thowsen (Publish What You Pay/OGP Council) and Ingrid Hjertaker (OGP Council), interview by the IRM, 10 November 2022.

<sup>75</sup> “Handlingsplan—Hva Er Det?” Norway OGP National website, accessed 14 February 2023, <https://open.regjeringa.no/handlingsplan-hva-er-det/>.

<sup>76</sup> Please note that a future IRM assessment will focus on compliance with the updated OGP Participation and Co-Creation Standards that came into effect on 1 January 2022, available at <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

<sup>77</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>78</sup> “Handlingsplan—Hva Er Det?” Norway OGP National website, accessed 14 February 2023, <https://open.regjeringa.no/handlingsplan-hva-er-det/>.

<sup>79</sup> Ibid.

<sup>80</sup> SteinMagne Os (DigDir), interview by the IRM, 2 November 2022; Hilde-Johansen Bakken and Mari-Olea Lie (Ministry of Local Government and Modernisation), interview by the IRM, 11 November 2022; Andre Hoddevik (Norwegian Agency for Public and Financial Management), interview by the IRM, 8 November 2022; Mona Ransedokken (Ministry of Justice and Public Security), interview by the IRM, 3 November 2022.



## Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle.<sup>81</sup> The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.<sup>82</sup>

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.<sup>83</sup> The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

### Completion

The IRM assesses the level of completion for each commitment in the action plan. The level of completion for all commitments is assessed as one of the following:

- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

### Did It Open Government?

The IRM assesses changes to government practices that are relevant to OGP values, as defined in the OGP Articles of Governance, under the “Did it open government?” indicator.<sup>84</sup> To assess evidence of early results, the IRM refers to commitments or clusters identified as promising in the Action Plan Review as a starting point. The IRM also takes into account commitments or clusters with a high level of completion that may not have been determined as “promising” but that, as implemented, yielded significant results. For commitments that are clustered, the assessment of “Did it open government?” is conducted at the cluster level, rather than the individual commitment level. Commitments or clusters without sufficient evidence of early results at the time of assessment are designated as “no early results to report yet.” For commitments or clusters with evidence of early results, the IRM assesses “Did it open government?” as one of the following:

- *Marginal*: Some change, but minor in terms of its effect on level of openness
- *Major*: A step forward for government openness in the relevant policy area but remains limited in scope or scale
- *Outstanding*: A reform that has transformed “business as usual” in the relevant policy area by opening government

This report was prepared by the IRM in collaboration with Federica Genna (Fondazione SAFE) and was reviewed by Andy McDevitt, IRM external expert. The IRM methodology, quality of IRM products and review process is overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:

- Snjezana Bokulic
- Cesar Cruz-Rubio

- Mary Francoli
- Maha Jweied
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual<sup>85</sup> and in the Norway Design Report 2019–2021. For more information, refer to the “IRM Overview” section of the OGP website.<sup>86</sup> A glossary on IRM and OGP terms is available on the OGP website.<sup>87</sup>

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<sup>81</sup> For definitions of OGP terms, such as *co-creation* and *promising commitments*, see “OGP Glossary,” Open Government Partnership, accessed 14 February 2023, <https://www.opengovpartnership.org/glossary/>.

<sup>82</sup> “Handlingsplan—Hva Er Det?” Norway OGP National website, accessed 14 February 2023, <https://open.regjeringa.no/handlingsplan-hva-er-det/>.

<sup>83</sup> See OGP, “Creating OGP’s Future Together: Strategic Planning 2023–2028,” <https://www.opengovpartnership.org/creating-ogps-future-together/>.

<sup>84</sup> See OGP, *Open Government Partnership Articles of Governance*, published 17 June 2019, [https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP\\_Articles-of-Governance\\_2019.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf).

<sup>85</sup> Independent Reporting Mechanism, *IRM Procedures Manual*, V.3, 16 September 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

<sup>86</sup> Open Government Partnership, *IRM Overview*, <https://www.opengovpartnership.org/irm-guidance-overview/>.

<sup>87</sup> OGP Glossary, Open Government Partnership, accessed 14 February 2023, <https://www.opengovpartnership.org/glossary/>.

## Annex I. Commitment Data<sup>88</sup>

### Commitment 1: Guidance for the fulfilment of the duty to journaling and archiving documents

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> No evidence available</li> <li>• <b>Did it open government?</b> No early results to report yet</li> </ul> |
|--|---|

This commitment aimed to improve the archiving practices of Norwegian public authorities. As outlined in the IRM Design Report, Norway does not always sufficiently live up to mandatory archiving and record-keeping practices, which can negatively affect public access to information, the work of journalists or civil society, and public accountability.<sup>89</sup> Technical solutions, such as the “elnnsyn” platform, exist (see Commitment 3), but different standards are applied across government bodies and agencies required to do the record-keeping.<sup>90</sup> The commitment focused on providing guidelines and educational materials to harmonise the archiving approach across all implementing bodies. As outlined in the Design Report, this commitment was expected to be finalised in June 2019, before the official action plan launch (July 2019).<sup>91</sup> The commitment was therefore removed from the amended action plan because of incompleteness. The IRM contacted representatives of the Ministry of Culture and Equality to request evidence of the creation of the guidelines and educational materials and of the resulting impacts, but no response was received.

### Commitment 2: Making energy statistics available/easier access to energy statistics

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Did it open government?</b> Marginal</li> </ul> |
|--|--|

This commitment lacked clearly defined milestones because it was “an ongoing process where it is not natural to set milestones,” according to the action plan.<sup>92</sup> The commitment aimed to improve the accessibility and understandability of Norway’s statistics on energy production with the creation of dedicated websites on renewable energy and petroleum. At the time of writing the Design Report, the Ministry was already publishing information about petroleum production<sup>93</sup> but not about renewable energy. The Ministry representative interviewed at the time explained that the commitment would involve finding ways to publish complex energy-related information in a way the public could understand by improving the petroleum website and creating a website on renewable energy.<sup>94</sup> Representatives of the Ministry did not respond to requests for interviews for the IRM Results Report. The website on renewable energy (including information about other types of energy) is currently running.<sup>95</sup> Information is downloadable either in the form of JPEG images or .xsl files, depending on the type of data. The data are current up to 2020. Research organisations Climate Analytics and NewClimate Institute use the data to populate their Climate Action Tracker.<sup>96</sup>

<b>Commitment 3: E-access and potential expansion of e-access in the municipal sector/improve the e-access system “elnnsyn” to make the public administration more open and accessible to the public</b>	
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Did it open government?</b> Marginal</li> </ul>
This commitment is assessed in Section II.	
<b>Commitment 3B: Youth panel on rural development</b>	
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Civic participation</li> <li>• <b>Potential impact:</b> Minor</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Did it open government?</b> Marginal</li> </ul>
<p>This new commitment was included in the amended action plan under the responsibility of the KDD and the Centre of Competence on Rural Development. The commitment aimed to create a Youth Panel that would meet regularly and deliver recommendations to the national government on rural regional development policy through a targeted co-creation process based on data collection on youth needs in rural regions. The recommendations were expected to be presented in April 2021, following five panel meetings. Once presented to KDD, KDD was expected to disseminate these recommendations to relevant public authorities and follow up on responses to recommendations. Although the commitment deals with a relevant topic in Norwegian society and, according to interviewees,<sup>97</sup> activities have been completed with the establishment of a panel of 10 appointed youth from each county (except Oslo) between 15 and 23 years of age,<sup>98</sup> the commitment has resulted in only marginal changes in part because of the commitment’s design, which did not include dedicated mechanisms to ensure that the recommendations would be implemented or that formal bodies with regulatory power to drive regular participation would be established. Interviewed representatives of the implementing agencies confirmed that the 10 recommendations the panel produced were disseminated to the relevant ministries and local bodies, but they received limited response. The recommendations included improving access to work and educational opportunities, better mobility and internet access, and better mental health services, among other ideas. The representative from KDD confirmed that the agency had no formal task to follow up on the advice with concrete activities and that the panel is no longer active because the policy process has ended.<sup>99</sup></p>	
<b>Commitment 4: Implementing a strategy for open cultural data</b>	
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Did it open government?</b> No early results to report yet</li> </ul>
<p>Under this commitment, the Ministry of Culture and Equality pledged to coordinate with other relevant public authorities to identify and publish priority datasets in an open format as well as develop recommendations for making cultural data more publicly available. As outlined in the Design Report,<sup>100</sup> Arts Council Norway in February 2020 submitted to the Ministry of Culture and Equality its recommendations on behalf of the working group for making cultural data publicly available. The IRM could not find evidence of further follow-up work or that the recommendations were taken up. A representative of the Ministry of Culture and Equality reported that one result of this initiative was that it broadened the knowledge and understanding of ongoing work in this field. Steps were taken towards coordinated work with administrations to make open data available, but significant work remains.<sup>101</sup> An interviewee from the OGP Council highlighted that the commitment had limited ambition and that data available now were generally already accessible.<sup>102</sup></p>	
<p><b>Commitment 5: Digital spatial planning processes with adapted guidance and area statistics profiles</b></p>	
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Complete</li> <li>• <b>Did it open government?</b> No early results to report yet</li> </ul>
<p>This commitment was adjusted slightly to clarify the terminology in the amended action plan milestones. The commitment aimed to establish more participatory spatial planning processes (by preparing standards, specifications, guidance, and examples of digitalised and transparent spatial planning), although no concrete reference to activities focusing on participation were made in the action plan. Interviewed representatives of the KDD Department for Planning confirmed that the initiative had been ongoing for several years (dating back to 2013) and that it would have been implemented irrespective of its inclusion in the OGP action plan.<sup>103</sup> The activities foreseen as part of the action plan have been completed; since the initiative began in 2013, an increasing number of municipalities have established the planning register. Currently, only 3 percent<sup>104</sup> do not have a register. It is not clear, however, that lack of a register has led to the following outcomes, as outlined in the action plan: creation of a better knowledge base and clearer land-use plans, a better basis for participation, better and more targeted guidance, early conflict resolution, or more predictable processes for land use and development. Key challenges that remain include the differences amongst municipalities in the level of completeness of the register, the accuracy and up-to-datedness of the information included,<sup>105</sup> and the lack of a central register in which all information can be accessed directly.<sup>106</sup></p>	
<p><b>Commitment 6: Streamlining and improving public procurement by fully digitalising the procurement process</b></p>	
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Potential impact:</b> Minor</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Did it open government?</b> No early results to report yet</li> </ul>
<p>This commitment was amended to include a description of targeted milestones in response to feedback received from the IRM in the Design Report. The commitment aimed to fully digitalise Norway’s public procurement process to streamline it and improve transparency. According to an interviewee from the Norwegian Agency for Public and Financial Management (DFØ),<sup>107</sup> the initiative forms part of a Norwegian programme for digitalisation of public procurement established in 2018. Norwegian civil society consider the commitment to be particularly relevant because no fully digitalised procurement system currently exists in Norway, and such a system would allow the public and CSOs to trace procurement funds and carry out related analyses.<sup>108</sup></p> <p>Implementation of this commitment was limited. Under Milestone 1, the fundamental technical layout of the raw-data repository (“data lake”) approach was established, and the DFØ is currently populating it with data, but data-protection issues (in relation to data included in procurement invoices, such as personal addresses) prevent the data from being shared with the public, stalling the rollout of an initiative to enable better access to information and clearer data on public procurement. Activities related to Milestone 2 on the use of the eBevis<sup>109</sup> service (to improve access to public registers necessary to certify suppliers for public procurement) were completed, but data-protection restrictions and the limited amount of data included in the system limit the solution’s usefulness. Updates as part of Milestone 3 that would have enabled better access to tender data in the national public procurement notice database (the Doffin system) have also been restricted by legislative barriers related to data protection (as explained earlier).<sup>110</sup> The initiative remains in its beta version. According to the interviewee, updates also depend on the development of related technical solutions for e-forms at the European Commission level.<sup>111</sup></p>	
<p></p>	
<p><b>Commitment 6B: Openness on artificial intelligence and algorithms</b></p>	
<ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> <li>• <b>Potential impact:</b> Minor</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Completion:</b> No evidence available</li> <li>• <b>Did it open government?</b> No early results to report yet</li> </ul>
<p>This commitment was introduced in the amended action plan and focused on the development of guidance on responsible use of artificial intelligence (AI) in public administration; the establishment of a safe technological space for trialling new products (a “regulatory sandbox”) for data protection to better understand regulatory requirements and reduce the time from development and testing to roll-out of AI solutions in the market; establishment of an agreement that AI-based solutions in public administrations must be transparent and verifiable; and an amendment to the Public Administration Act and other relevant regulation to cover the use of AI in automated case processing. The commitment further included the development of an analytical platform to provide opportunities for analysis of data from Norwegian health registers while ensuring compliance with data-protection regulations. The commitment forms part of the existing Norwegian National AI strategy.<sup>112</sup> The activities related to making AI solutions in public administration more transparent through regulatory changes ensure that the commitment is relevant to the OGP value of access to information. The IRM received no response after contacting representatives of the KDD to request additional information about</p>	

the design and implementation of this commitment. The IRM was unable to find information about implementation.

**Commitment 7: Preventing corruption**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> No</li> <li>• <b>Relevant:</b> Unclear</li> <li>• <b>Potential impact:</b> None</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Limited</li> <li>• <b>Did it open government?</b> No early results yet to report</li> </ul> |
|--|---|

This commitment was modified to include milestones in the amended version of the plan.<sup>113</sup> Although the original commitment was not verifiable and was considered to have no potential impact, the amended commitment included milestones that made the commitment verifiable, and the IRM determined that it would have minor potential for results. The commitment sought to strengthen the dialogue on anti-corruption among public authorities to ensure a more comprehensive overview of ongoing activities across different bodies and agencies and to better inform the public on these activities by publishing them on a dedicated online platform. The commitment achieved limited completion. A Cooperation Forum on Anti-Corruption was established in spring 2019 with a mandate from the Ministry of Justice and Public Security. It involves representatives of various public authorities.<sup>114</sup> An interviewed representative of the Ministry of Justice and Public Security<sup>115</sup> further confirmed that the platform was created with the goal of sharing this information to the broader public but that COVID-19 slowed the effort, and the webpage is not currently active or populated with content. In addition to COVID-19, other identified challenges to completion include limited resources to collect relevant content. Once launched, the platform is expected to work as a repository showcasing all anti-corruption efforts that government agencies have implemented, such as ethical guidelines for public employees, penal code provisions, and recommendations from international bodies. No dissemination or awareness-raising efforts are planned to inform the public of this new initiative. At this stage, the commitment has not opened government; rather, it has focused on strengthening cooperation within the public administration only.

**Commitment 8: Establishment of public register of beneficial ownership**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• <b>Verifiable:</b> Yes</li> <li>• <b>Relevant:</b> Access to information</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Completion:</b> Substantial</li> <li>• <b>Did it open government?</b> Marginal</li> </ul> |
|--|---|

<ul style="list-style-type: none"> <li>• <b>Potential impact:</b> Transformative</li> </ul>
This commitment is assessed in Section II.

<sup>88</sup> Editorial notes:

1. This Results Report covers the commitments included in the action plan and its amendments. The commitment numbers follow the numbers of the action plan as originally submitted in 2019. New commitments included in the amended action plan are identified with the letter “B” next to the number.
2. Commitments’ short titles may have been edited for brevity. For the complete text of commitments, please see the amended action plan at <https://www.opengovpartnership.org/documents/norway-action-plan-2019-2022/>.
3. For more information about the assessment of the commitments’ design, see Norway Design Report 2019–2021 at <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>89</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Norway Action Plan 2019–2021 (version 4), Norway Action Plan 2021–2022 (version 4b).

<sup>93</sup> Norsk Petroleum, accessed 14 February 2023, <https://www.norskpetroleum.no/>.

<sup>94</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>.

<sup>95</sup> Energifakta Norge, accessed 14 February 2023, <https://energifaktanorge.no/>.

<sup>96</sup> “Norway,” Climate Action Tracker, updated 29 June 2022, accessed 14 February 2023, <https://climateactiontracker.org/countries/norway/>.

<sup>97</sup> Knut Ove Nordås (Ministry of Local Government and Modernisation) and Morten Mediå (Centre of Competence on Rural Development), interview by the IRM, 15 November 2022.

<sup>98</sup> “Ungdommens Distrikspanel” (Youth Panel on Rural Development), Distriktsenteret, accessed 14 February 2023, <https://distriktsenteret.no/ungdommens-distrikspanel/>.

<sup>99</sup> Knut Ove Nordås (Ministry of Local Government and Modernisation) and Morten Mediå (Centre of Competence on Rural Development), interview by the IRM, 15 November 2022.

<sup>100</sup> Open Government Partnership, *Norway Design Report 2019-2021*, published 24 November 2020, accessed 14 February 2023, <https://www.opengovpartnership.org/documents/norway-design-report-2019-2021/>; also reported in the Arts Council of Norway Annual Report 2020 at <https://www.regjeringen.no/contentassets/bfc80a4a827d42a28f66e5d1f379ae35/arsrapport-kulturradet-2020-med-riksrev-beretning.pdf>.

<sup>101</sup> Inger-Lise Kurseth (Ministry of Culture), correspondence with the IRM, 16 November 2022.

<sup>102</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview the IRM, 2 November 2022.

<sup>103</sup> Hilde-Johansen Bakken and Mari-Olea Lie (Ministry of Local Government and Modernisation), interview by the IRM, 11 November 2022.

<sup>104</sup> Ministry of Local Government and Modernisation, *Survey on the Use and Benefit of Digital Planning Registers: 2021 Report*, published January 2021, accessed 14 February 2023, [https://www.regjeringen.no/contentassets/7889cbb1d9ac440d95012acb88ba686f/agenda\\_kaupang\\_digitalt\\_planregister.pdf](https://www.regjeringen.no/contentassets/7889cbb1d9ac440d95012acb88ba686f/agenda_kaupang_digitalt_planregister.pdf).

<sup>105</sup> Ibid.

<sup>106</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.

<sup>107</sup> Andre Hoddevik (Norwegian Agency for Public and Financial Management), interview by the IRM, 8 November 2022.

<sup>108</sup> Tor Dolvik (Transparency International Norway/OGP Council), interview by the IRM, 2 November 2022.

<sup>109</sup> “Anskaffelsesprosessen Steg for Steg,” Anskaffelser.no, updated 31 January 2023, accessed 14 February 2023, <https://anskaffelser.no/anskaffelsesprosessen/anskaffelsesprosessen-steg-steg/konkurransegiennomforing/velge-tilbud-og-inngaa-avtale/vurdere-kvalifikasjoner/ebevis>.

<sup>110</sup> “Doffin,” Doffin.no, accessed 14 February 2023, <https://doffin.no>.

<sup>111</sup> Andre Hoddevik (Norwegian Agency for Public and Financial Management), interview by the IRM, 8 November 2022.

<sup>112</sup> Norwegian Ministry of Local Government and Modernisation, *National Strategy for Artificial Intelligence*, published January 2020, accessed 14 February 2023, [https://www.regjeringen.no/contentassets/1feb3bb2c4fd4b7d92c67ddd353b6ae8/en-gb/pdfs/ki-strategi\\_en.pdf](https://www.regjeringen.no/contentassets/1feb3bb2c4fd4b7d92c67ddd353b6ae8/en-gb/pdfs/ki-strategi_en.pdf), p. 28.

<sup>113</sup> Note that Milestones 1 and 2 are written “in retrospective” (i.e., detailing work that was already performed during the first iteration of the action plan). None of the three milestones have an end date.



<sup>114</sup> The Ministry of Justice and Public Security; the KDD; the Ministry of Trade, Industry and Fisheries; the Ministry of Finance; the Ministry of Foreign Affairs; the Ministry of Climate and Environment; the National Police Directorate; and the National Authority for Investigation and Prosecution of Economic and Environmental Crime.

<sup>115</sup> Mona Ransedokken (Ministry of Justice and Public Security), interview by the IRM, 3 November 2022.