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Date: 12/01/2015 13:40
Subject: ACCC/C/2013/93 (Norway) - Norway's closing statement

Dear Ms. Marshall,

Enclosed please find Norway's closing statement at the meeting of the Compliance Committee concerning the above mentioned Communication, as requested by the Committee at the meeting.

With regard to the question raised by the Compliance Committee Member Mr. Jerzy Jendrośka on the legal status of Norwegian Ministries, we confirm the answer given in the meeting.

The Ministries are part of the State as one single legal person. The Ministries are separate organizational units but not legal persons. The Ministries are the offices of the King's Council and act according to delegated powers and instructions. The King (in practice the Government) decides the number of Ministries and the division of tasks between them. Each Ministry has powers to take individual decisions and actions within the limits of the powers delegated to them and instructions directed at them. They do however in many of these cases cooperate very closely and handle cases that are part of political processes and require decision by the King in Council, such as in the case leading to the above mentioned Communication. An appeal against a decision taken by a Ministry must be decided upon by the King in Council (unless the Ministry decides to change its decision in accordance with the appeal). Court action against decisions or actions taken by a Ministry must be directed at the State as a legal person. As a Ministry is not a legal person it has no legal standing. Although the State in such cases will be represented by the Ministry that has taken the decision, it is the State that is the legal person with legal standing in the case.

Best regards,

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