

Instructions on Impartiality and Trust in the Research Council of Norway

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1. Introduction

These provisions apply to employees of the Research Council, experts/evaluators, members of governing and advisory bodies, as well as any other person performing service or work for the Research Council, cf. § 10 of the Public Administration Act.

The rules apply generally, including to appointments, procurements, and the grant application process in the Research Council.

A separate guidance document exists; see the document *Guidance on Impartiality and Trust in the Research Council of Norway*.

2. Definitions

For the purposes of these provisions, the following definitions apply:

Party – A person to whom a decision is directed or whom the case otherwise directly concerns, cf. § 2(e) of the Public Administration Act. A party normally also includes an individual who is directly identified in an application and who has a central role in the project.

Decision – A resolution or other action that is of significance to the further handling of a case. This may also include choices that involve not making a decision or not taking action.

3. Impartiality Requirements and Determination of Impartiality

3.1 Automatic Disqualification

An employee, expert/evaluator, member of governing or advisory bodies, or any other person performing service or work for the Research Council is in all cases disqualified from preparing the basis for a decision or making a decision in a case:

- when he or she is personally a party to the case;
- when he or she is related by blood or marriage to a party in the direct ascending or descending line, or in a collateral line as close as siblings;

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- when he or she is or has been married to, is or has been a partner of, is engaged to, is cohabiting with, or is a foster parent or foster child of a party;
- when he or she is a guardian or legal representative for a party in the case, or has been such after the case commenced;
- when he or she manages, holds a leading position in, or is a member of the governing body or corporate assembly of a public or private undertaking that is a party to the case;
- when he or she is, or within the past three years has been, a supervisor of a party with a view to a doctoral degree.

3.2 Disqualification Based on Discretion

An employee, expert/evaluator, member of governing or advisory bodies, or any other person performing service or work for the Research Council is disqualified from preparing the basis for a decision or making a decision in a case when special circumstances exist that are likely to undermine confidence in his or her impartiality.

In the assessment, consideration shall in particular be given to whether the decision in the case may entail a particular benefit, loss, or disadvantage for the person concerned or for someone with whom he or she has a close personal connection. Consideration shall also be given to whether an objection regarding disqualification has been raised by a party.

3.3 Competitive Disqualification

A person who is disqualified pursuant to sections 3.1 or 3.2 may not prepare the basis for, or make, a decision in a case that is in a direct competitive relationship with the case in which the person is disqualified.

Such a competitive relationship exists when the decision in the case is highly likely to have a direct impact on the case in which he or she is disqualified.

3.4 Disqualification of Employees of the Research Council

If an employee of the Research Council is disqualified pursuant to sections 3.1 or 3.2, he or she may not prepare the basis for a decision or make a decision in the case. If a manager is disqualified, the decision in the case may also not be made by an employee who is directly subordinate to the disqualified manager.

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New employees who have been recruited from an undertaking/group that has sought research funding, or from an undertaking from which the Research Council procures goods or services, will—depending on their previous position—as a general rule be disqualified in relation to grant applications or procurements linked to that environment for a certain period after appointment.

4. Procedures

4.1 Declarations of Interest

These instructions shall be sent to those appointed as members of the Research Council’s governing and advisory bodies, as well as to experts/evaluators. The individual shall sign an expert declaration confirming that he or she is familiar with, and will comply with, these provisions.

Experts/evaluators shall declare whether they are aware of circumstances that render them disqualified in relation to the application(s) they have been asked to assess.

Members of the Research Council’s governing and advisory bodies shall disclose offices, positions, and similar engagements that are relevant to their duties in the Research Council.

4.2 Procedural rules

Employees, experts/evaluators, members of governing and advisory bodies, and any other persons performing service or work for the Research Council shall, in good time, notify of circumstances that do, or may, render them disqualified. The immediate superior shall decide whether the employee is impartial.

All persons involved in preparing or deciding a specific appointment case must consider whether there are circumstances that may undermine confidence in their impartiality.

The impartiality of experts is determined by the Research Council’s administration following dialogue with the experts.

In governing and advisory bodies, the issue of impartiality shall be raised with the chair of the body. The chair shall consult with the administration. The governing and/or advisory body shall decide the question of its members’ impartiality.

In connection with every meeting, there shall be a standing agenda item under which circumstances relevant to members’ impartiality are raised. Under this agenda item, it shall be briefly recorded in

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the minutes that the question of disqualification has been on the agenda, which circumstances have been discussed, and the body's decision.

A member shall leave the meeting/room during the consideration of the question of his or her own impartiality after first having explained the factual circumstances relating to the issue.

Under this agenda item, the body shall adopt a final decision in all matters concerning disqualification requiring withdrawal (cf. § 8, second paragraph, of the Public Administration Act).

The body must be quorate when considering questions of impartiality.

If, in an application or in one and the same complex of cases, questions of disqualification arise for several members, none of them may participate in the decision on their own or another member's impartiality, unless the body would otherwise not be quorate. In the latter case, all attending members shall participate.

Where disqualification has been established, the member concerned shall leave the meeting/room during the consideration and decision of the relevant case(s).

A disqualified member shall, in cases under consideration by the body, not be given the opportunity to safeguard his or her party interests in any other way than other parties (e.g. by providing supplementary information or clarifications).

The administration may assess disqualification prior to the meeting and facilitate case processing in a manner that, to the greatest extent possible, seeks to reduce the consequences of disqualification.

5. Amendments

- **11 September 2012:** Amendments made to the provisions on close professional collaboration. Section 3.2 *Disqualification Based on Discretion* and Section 4 *Assessment of Disqualification Based on Discretion* in Appendix 2 were amended, and Appendix 3 *Background for the Impartiality Provisions on Close Professional Collaboration* was added.
- **5 April 2013:** Amendments made regarding the distribution of case documents to board members in Section 4.2 *Case Processing Procedures* and in Section 6 *Competitive Disqualification* in the guidance.
- **14 August 2014:** Amendments made by adding a new Chapter 7 on disqualification in connection with membership in reference groups, etc. A clarification of the application of the

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impartiality rules was also included in Appendix 2, section 6.2, concerning competitive disqualification for programme board and committee members.

- **14 November 2022:** Programmes and programme boards were replaced by portfolios and portfolio boards. Section 6.2 was clarified with regard to decisions adopted *en bloc* and handling of disqualification.
- **19 June 2025:** Amendments made to the instructions through linguistic simplifications, restructuring of chapters/subchapters in the guidance, and elaboration of certain parts of the guidance. Clarifications regarding shareholdings and ownership were added to the guidance, and a provision on competitive disqualification in continuous application processing was included.