

Act on the Government Offices of Iceland¹⁾

Entered into force on 28 September 2011. Amended by **Act no. 173/2011** (entered into force on 30 December 2011), **Act no. 115/2012** (entered into force on 2 November 2012), **Act no. 82/2015** (entered into force on 23 July 2015 except for the latter sentence of Art. 1 which entered into force on 1 September 2015) and **Act no. 130/2016** (entered into force on 1 July 2017).

Chapter I On the Government Offices of Iceland.

■ **Article 1** The ministers of the Icelandic government and their ministries constitute the Government Offices of Iceland. Ministers manage and are responsible for the all executive action, each in their own areas of competence. The minister, whom the President of Iceland appoints as head of the Icelandic government, is called the Prime Minister.

□ Ministers act under the authority of the Althing. The Prime Minister is obliged to tender his/her resignation and that of his/her cabinet, if a vote of no confidence is passed by the Althing. If the Althing passes a vote of no confidence against a specific minister in the government's cabinet, the Prime Minister is obliged to submit a motion to the President for the minister in question to be discharged from office.

■ **Article 2** The Government Offices of Iceland are divided into ministries. Ministries are the ministers' offices and constitute the highest executive authorities in their particular areas of competence. The number of ministries and their names shall be determined by presidential decree, pursuant to Art. 15 of the Constitution, on the basis of a proposal from the Prime Minister. The proposal shall be submitted to the Althing in the form of a draft resolution, which must be discussed and voted upon without delay by parliament before the presidential decree is issued.

□ The Government Offices of Iceland are located in Reykjavík.

□ [The minister determines the location of an agency which operates under his/her auspices, except as otherwise specifically provided for by law. Before changing the location of an agency the minister shall report the intended transfer to the Althing.]¹⁾

¹⁾ Act No 82/2015, Art.1.

Chapter II On the appointment of ministers and the division of tasks between them.

■ **Article 3** The President of Iceland appoints the Prime Minister. The President of Iceland appoints other ministers upon a proposal from the Prime Minister. The President of Iceland discharges the Prime Minister and his/her cabinet, as well as individual ministers from office, upon a proposal from the Prime Minister.

■ **Article 4** Pursuant to Art.15 of the Constitution, the state matters assigned to ministries shall be determined by presidential decree, on the basis of a proposal from the Prime Minister.

□ In the division of state matters between ministries, cf. Par. 1, care shall be taken, taking into account the division of Government Offices into ministries, pursuant to Art. 2, to ensure that state matters of a similar nature are grouped under the same ministry.

□ It is permissible for the same minister to head more than one ministry at a time.

□ In the event of any doubts or disagreements regarding which ministry a particular state matter should fall under, the Prime Minister shall decide.

■ **Article 5** In the event of a state matter being transferred from one ministry to another, pursuant to Art. 4, the handling of any uncompleted administrative matters shall be managed by the ministry that takes over.

Chapter III Regarding the cabinet and coordination of tasks between ministers.

■ **Article 6** Cabinet meetings shall be convened for the following issues:

1. New legislation: i.e. proposals which ministers intend to submit to the Althing as government bills and other issues, which require the President of Iceland's approval, such as a draft parliamentary resolution.
2. Important state matters. Important state matters are considered to be, for example, regulations and declarations, which are considered to entail important strategies or shifts in emphasis, or regulations and declarations which could result in Treasury expenditure exceeding budgetary allocations or have an impact on economic issues in general. [Important state matters also include for example information about ministerial meetings concerning important issues with representatives from within or outside the administrative system or when important information is provided to them as representatives of the government or they are made aware of important issues that should be considered to concern the government as a whole.]¹⁾
3. Other issues which ministers may wish to raise.

□ . . . ¹⁾

□ [Any matter submitted by a minister to the cabinet shall be accompanied by a specific memorandum from the minister to the cabinet where the most important points are highlighted and the main underlying reasons set out. When an approval of the cabinet is requested, a clearly worded proposal shall be submitted therein. Under special circumstances the obligation to introduce a matter in writing may be derogated from with an approval by the Prime Minister.]²⁾

□ The Prime Minister chairs Cabinet meetings.

¹⁾ Act No 82/2015, Art. 2 ²⁾ Act No 115/2012, Art. 1

■ **Article 7** The Prime Minister shall designate a member of the Prime Minister's Office's staff to act as cabinet secretary.

□ The minutes of Cabinet meetings shall contain a record of its conclusions, and an account of the ministers' reports and notifications, as well as a record of the matters that were discussed, if no formal conclusion was reached, and ministers may request their positions to be noted in the minutes. [If a conclusion of a matter is grounded on other reasons than those described in the minister's memorandum, cf. Par. 3 of Art. 6, or other submitted documents, it shall be explained in the meeting minutes.]¹⁾

□ The minutes of the meetings shall be approved by the Prime Minister and distributed to the other ministers once they have been approved. If a minister wishes to submit any comments on the minutes, they shall be entered into the minutes of the following meeting.

□ [The Cabinet meetings' agenda shall be made public upon the conclusion of the meeting, notified to the media with news releases and published at the web page of the Government Offices of Iceland. The minister who is responsible for an item on the agenda gives further accounting regarding its content in accordance with the government's decision, of his/her own volition or in response to inquiries. It is authorised to exclude items from being published if they relate to matters that are exempted from the public's right to information pursuant to the Information Act, when the cabinet has not finished discussing the matter, a final decision on the handling of a matter has not been taken or when other objective considerations justify derogation from the principle of publishing. Access to material from the cabinet is governed by the provisions of the Act on Information.]¹⁾

□ The cabinet shall in other respects operate under the rules of procedure²⁾ set by the cabinet.

¹⁾ Act No 115/2012, Art. 2 ²⁾ Regulation 195/2017.

■ **Article 8** The Prime Minister shall ensure that the division of tasks between ministers, pursuant to Art. 4, is as clear as possible. Ministers shall endeavour to coordinate policies and ministerial measures where tasks and areas of competence overlap. The Prime Minister shall

endeavour to ensure that policies and ministerial measures in specific areas are coordinated if required.

■ **Article 9** The Prime Minister can decide, with the cabinet's approval, to appoint ministerial committees to discuss particular issues or a category of issues.

□ The Prime Minister chairs ministerial committee meetings or designates other ministers to chair the ministerial committee meetings.

□ Even though a minister may have raised an issue at a ministerial committee meeting, this does not relieve him/her of the obligation to raise the issue with the cabinet, cf. Art. 6.

□ [In addition to the ministerial committees which operate at each given time in accordance with the decision of the Prime Minister, pursuant to Par. 1, a ministerial committee on state finances and on economic affairs shall always operate. The Prime Minister and the minister responsible for state finances have a permanent seat in the ministerial committee on state finances. The Prime Minister and the minister responsible for economic management and financial stability have a permanent seat in the ministerial committee on economic affairs. In other respects the same rules apply to the ministerial committees on state finances and on economic affairs as to other ministerial committees cf. Par 1.]¹⁾

¹⁾ Act No 82/2015, Art. 3

■ **Article 10** The minutes of ministerial committee meetings shall contain the conclusions, as well as the accounts and notifications of ministers and accounts of the matters that were discussed, if no formal conclusion was reached, and the positions of individual ministers may be noted upon their request.

□ The minutes of the meetings shall be approved by the Prime Minister, or the minister the Prime Minister has appointed to chair the ministerial committee, and distributed to the other ministers in the ministerial committee once they have been approved. If a minister wishes to submit any comments on the minutes, they shall be entered into the minutes of the following meeting.

□ The Prime Minister sets the rules¹⁾ of procedure for the ministerial committees in consultation with the cabinet.

¹⁾ Regulation 166/2013.

■ **Article 11** [A registry shall be kept of any formal communications and meetings, as well as informal communications, if they are deemed important, between government ministries as well as external entities.]¹⁾

□ The Prime Minister shall issue rules²⁾ on this registration.

¹⁾ Act No 82/2015, Art. 4 ²⁾ Regulation 320/2016.

Chapter IV On the administrative and supervisory scope of ministers.

■ **Article 12** A minister is responsible for supervising the authorities that are responsible for the implementation of state matters that are within [his/her]¹⁾ area of competence, provided the law does not specify that the authority shall be independent of the minister.

□ Supervision cf. Par. 1 includes, inter alia, the minister's right to issue general and specific instructions to authorities regarding the execution of its functions and the management of its funds and assets, cf. Par. 3 of Art. 13, provided, however, that this is not contrary to the law or the nature of the issue.

□ The minister is authorised to issue non-binding opinions, which can serve as guidelines for the implementation of policy in his/her area of competence, provided the law or nature of the issue does not prohibit him/her from doing so.

¹⁾ Act No 82/2015, Art. 5

■ **Article 13** The minister shall monitor the operations, finances and assets of the authorities that come under his/her ministry's general administrative scope.

□The minister shall, moreover, monitor the operations, finances and assets of any independent authorities that work under its administrative scope. The supervision of independent authorities does not apply to procedures or decisions relating to individual cases.

□If an asset of an authority has, pursuant to Art. 4, been transferred to a ministry other than the one the authority is administratively subject to, that ministry becomes responsible for the general supervision of the asset, cf. Art. 15.

■**Article 14** The minister can request an authority that is under his/her supervision to provide any information and explanations he/she might need to perform his/her supervisory role.

□The minister can request an independent authority within his/her administrative scope to provide any information and explanations he/she might need to perform his/her supervisory role, pursuant to Art.13 and the minister's other legal obligations.

□If, in this context, it proves necessary to provide the minister with information to which general or specific duties of confidentiality apply, the minister and his/her ministry shall be bound to secrecy in the same manner as would be required by the duty of confidentiality in question.

■**Article 15** The minister shall undertake general supervision of state property, including holdings in private legal entities, that have been submitted to the minister in question.

Chapter V On the internal organization of ministries and human resources.

■**Article 16** Permanent secretaries manage ministries under the supervision of the minister. In the absence of the permanent secretary, a deputy performs the function of the permanent secretary. The deputy permanent secretary shall come from the ranks of the director-generals and be designated by the permanent secretary.

□The permanent secretary of the Prime Minister shall also act as the secretary of the State Council of Iceland.

■**Article 17** [A minister shall organize the ministry's General Secretariat by dividing it into directorates and each directorate shall be directed by a director-general under the supervision of the permanent secretary. Special units and ministerial agencies may also be created that operate as a part of a ministry. Such organs are directed by an official, within the meaning of the Act on the Rights and Duties of Civil Servants, under the authority of the permanent secretary.]¹⁾

¹⁾Act No 82/2015, Art. 6

■**Article 18** The minister appoints a permanent secretary and director-generals upon receiving an assessment from an evaluation committee, cf. Art.19. Other employees are recruited.

□The minister sets the terms of reference for the permanent secretary and the minister's adviser, and the permanent secretary sets the terms of reference for the director-generals, specifying inter alia their areas of responsibility and duties. The Prime Minister's Office shall issue guidelines for terms of references for permanent secretaries, director-generals and ministers' advisers in the Government Offices of Iceland.

■**Article 19** Before appointing permanent secretaries and director-generals to the ministry, pursuant to Art. 18, cf. however the provisions of Art. 21, the minister shall appoint a three-member committee to evaluate the candidates' qualifications for office.

□The conclusions of the evaluation committee serve as an advisory opinion for appointments. The Prime Minister sets the rules¹⁾ for the evaluation committee, which cover inter alia the appointment of the committee and the eligibility of committee members, as well as its functions and procedures.

¹⁾Regulation 393/2012.

■**Article 20** A minister shall seek the opinion of the ministry to ensure that his/her decisions and actions comply with the law.

□The personnel of ministries shall, in accordance with their positions and functions, provide the minister with information and advice that is based on fact and professional evaluations of options to enable the minister to fulfil his/her statutory role and form policy.

■**Article 21** A minister's scope to transfer officials between the Government Offices of Iceland is subject to the Act on the Rights and Duties of Civil Servants and other applicable laws.

□Furthermore, personnel that are employed in a ministry on a permanent basis can be transferred between ministries for specific periods or permanently, provided both the minister and the employee in question agree to the transfer.

□[When state matters are transferred between ministries, cf. Par 1 of Art. 4, budgetary allocations and employees should be transferred with them as well to the degree deemed appropriate in light of the scope of the transferred tasks and circumstances. The ministries in question shall conclude an agreement on the transfer of budgetary allocations and employees between the ministries cf. the first sentence. The minister in charge of state finances lays down criteria concerning the transfer of state matters between ministries. If no agreement is concluded within two weeks from the time the presidential decree was issued, cf. Par 1 of Art. 4, the Prime Minister resolves the matter.¹⁾

□In the event of state matters being transferred from one ministry to another, pursuant to Art. 4, the relevant employees shall be offered the opportunity to continue working in this area in the ministry that takes over. The employees' terms of employment will not be changed as a result of the transfer.

□The provisions of the Act on the Rights and Duties of Civil Servants regarding the obligation to advertise vacancies do not apply to transfers of officials and employees as provided for in this Article.

□The Prime Minister can set more detailed regulations regarding arrangements for the transfer of employees between the Government Offices of Iceland.

¹⁾Act No 82/2015, Art. 7

■**Article 22** A minister is permitted to appoint an adviser or advisers to work in his/her ministry. No more than two advisers per minister shall be appointed to work in the Government Offices of Iceland at any given time, although a further three advisers can be appointed, subject to the government's approval, if deemed necessary. The provisions in the Act on the Rights and Duties of Civil Servants regarding the obligation to advertise vacancies do not apply to the appointment of advisers. The minister's adviser works for the minister for as long as the minister decides, although for no longer than the minister's term of office.

□The minister's adviser reports directly to the minister. The principal role of the minister's adviser is to work on policy making in the ministry's areas of competence under the supervision of the minister and in collaboration with the permanent secretary. The minister's adviser is not authorised to sign government documents on the minister's behalf.

□The minister's adviser's salary and terms of employment is pursuant to the terms of employment for director-generals.

□The minister's adviser is entitled to three months severance pay after he/she leaves office. If the adviser previously worked as a civil servant, he/she has the right to return to his/her former post or another civil service post of no lower basic salary. If the minister's former adviser receives payments for other jobs performed during the period in which he/she is entitled to severance pay for his/her work as the minister's adviser, these payments shall be deducted from the amount of the severance pay.

¹⁾Act No 130/2016, Art. 8

■**Article 23** The rights and duties of officials and employees of the Government Offices of Iceland are otherwise determined by the Act on the Rights and Duties of Civil Servants and other applicable laws.

Chapter VI. Ethical principles in the operations of the Government Offices of Iceland

■ **Article 24** The Prime Minister approves a code of conduct¹⁾ for employees in the Government Offices of Iceland. The regulations shall be drafted in consultation with the employees to whom they apply and on the basis of recommendations from the University of Iceland's Centre for Ethics. Each Ministry is authorised to produce more detailed codes of conduct that take into account the special functions that they perform. The Prime Minister is authorised to set special codes of conduct for advisers to ministers, cf. Art. 22.

□ The cabinet approves the code of conduct²⁾ for ministers. The Prime Minister signs the code of conduct on the cabinet's behalf and publishes them. The recommendations of the University of Iceland's Centre for Ethics shall be sought during the drafting of the code.

□ Codes of conduct shall be made public in an easily accessible manner.

¹⁾Code of Conduct 410/2012. ²⁾Code of Conduct 190/2017.

■ **Article 25** [The Prime Minister's Office advises administrative authorities on the interpretation of the codes of conduct if requested, and disseminates information about the codes within the Government Offices and monitors the efficacy of the measures provided for therein.

□ In order to ensure harmony with the work of the Althing Ombudsman and the Icelandic National Audit Office, the Prime Minister's Office shall work in regular consultation with these bodies.]¹⁾

¹⁾Act No 82/2015, Art. 8

Chapter VII Language policy

■ **Article 26** The Prime Minister forms a language policy for the Government Offices of Iceland in consultation with the Icelandic Language Committee and according to the provisions of the Language Committee on Icelandic sign language. It shall state that all documents should be available in Icelandic where possible and provisions shall be made for exemptions to be granted to this rule. It shall also contain rules for the use of Icelandic sign language and Icelandic Braille in the documents and proceedings of Government Offices. Moreover, it shall state which documents are available in foreign languages and specify in which languages. Regulations shall also be set for the rights of a person of foreign origin to communicate with the Government Offices of Iceland in a language other than Icelandic.

□ The language that is used in the operations of Government Offices or operations conducted on their behalf shall be precise, simple and clear.

Chapter VIII Other provisions

■ **Article 27** The Prime Minister is authorised, by means of a regulation, to establish further provisions regarding the implementation of this Act.

■ **Article 28** The present Act shall enter into force forthwith. . . .

□ . . .¹⁾

¹⁾Act No 115/2012, Art. 3

Transitional Provisions

■ **I.** Notwithstanding the provisions of Art. 2, the number of ministries and their names shall be determined by a presidential decree, on the basis of a proposal from the Prime Minister, as soon as this Act comes into force, without being preceded by a parliamentary draft resolution and their number and names shall remain unchanged from the taking effect of this Act.

■ **II.** Notwithstanding the provisions of the second sentence of Par. 1 of Art. 28, Art. 5 of Act no.73/1969 shall remain in force until 1 May 2012.