



SUPREME COURT OF NORWAY

O R D E R

issued on 24 June 2025 by a division of the Supreme Court composed of

Justice Bergljot Webster
Justice Espen Bergh
Justice Erik Thyness
Justice Knut Erik Sæther
Justice Thomas Chr. Poulsen

HR-2025-1188-A, (case no. 25-037357STR-HRET)
Appeal against Agder Court of Appeal's order 27 February 2025

Fædrelandsvennen AS
The Norwegian Association of Editors (intervener) (Counsel Halvard Helle)

v.

The Public Prosecution Authority (Mads Fredrik Baardseth)

(1) Justice **Sæther**:

Issue and background

- (2) The case concerns an order directed at a newspaper to disclose information about the customer relationship and reading history of a reader who has been charged in a criminal case. The central issue is the right to freedom of expression, as protected under Article 100 of the Constitution and Article 10 of the European Convention on Human Rights (ECHR). The question is whether the disclosure order constitutes an interference under Article 10 (1) of the ECHR, and if so, whether that interference is justifiable under Article 10 (2) of the ECHR.
- (3) On 27 November 2024, Agder Police District ordered the regional newspaper *Fædrelandsvennen* to disclose information about a subscriber under section 210 subsection 2 of the Criminal Procedure Act. The following day, an application for a disclosure order was submitted to Agder District Court.
- (4) The background to the application was the investigation of a case involving serious damage caused by arson during the night of 10 June 2024, in a warehouse at Nedenes in Arendal. Through the investigation, the police learned that a suspect in the case had subscribed to *Fædrelandsvennen* on 10 June 2024. The police requested the disclosure of information concerning the customer relationship, any previous subscriptions, the reading history for three days following the creation of the subscription, and the IP addresses used.
- (5) The application was reasoned as follows:
- “The information requested is assumed to be of evidentiary value under section 210 of the Criminal Procedure Act. The case concerns arson. Reference is made to the police report in document 05.03.29, which outlines the grounds for suspicion, the creation of a user account, and screenshots found on the digital devices of the suspect and others. The police seek to clarify which news articles the suspect has accessed and read, the time at which the article(s) were read, and/or the frequency of readings, as the suspect’s interest in the fire may shed light on his connection to the arson.”
- (6) By decision dated 4 December 2024, the District Court granted the application. However, following an appeal by *Fædrelandsvennen* AS, the company that owns the newspaper, Agder Court of Appeal set aside the decision on 20 December 2024, on the grounds that the District Court had failed to consider the issue of freedom of expression. The Court of Appeal noted, among other things, that in a renewed hearing before the District Court, the Public Prosecution Authority should clarify the reasons for seeking access to the IP addresses.
- (7) On 3 January 2025, the police submitted a new application for the disclosure of the same information. The reason provided for requesting access to IP addresses linked to the user profile of the accused was that such access would provide a more reliable basis for assessing whether he could be identified as a reader of the news articles concerning the fire.
- (8) By decision dated 5 February 2025, Agder District Court granted the application, after which *Fædrelandsvennen* AS submitted another appeal.
- (9) By order dated 27 February 2025, the Court of Appeal dismissed the appeal. The Court found that the disclosure order constituted an interference with the right to freedom of expression

under Article 100 of the Constitution and Article 10 of the ECHR, but held that the interference was minor and justified under Article 10 (2) of the ECHR.

- (10) Fædrelandsvennen AS has appealed to the Supreme Court. The appeal challenges the general interpretation and the individual application of the law. The Norwegian Association of Editors is participating as intervener in analogy with section 15-7 of the Dispute Act.
- (11) On 20 March 2025, the Supreme Court's Appeals Selection Committee decided to refer the appeal to a division of the Supreme Court composed of five justices, see section 5 subsection 1 second sentence of the Courts of Justice Act.
- (12) According to information provided to the Supreme Court, the accused has admitted to having started the fire. Apart from that, the case remains as it stood before the Court of Appeal.

The parties' contentions

- (13) The appellant – *Fædrelandsvennen AS* – contends:
- (14) The disclosure order is in breach of the right to freedom of expression and information under Article 100 of the Constitution and Article 10 of the ECHR, and must therefore be set aside.
- (15) The Court of Appeal correctly found that the disclosure order constitutes an interference with the press's right under Article 100 of the Constitution and Article 10 of the ECHR to impart information to the public, as well as the public's right to receive it. However, the Court applied an incorrect threshold in its balancing of interests under Article 10 (2) of the ECHR and section 170 a of the Criminal Procedure Act. Under Article 10 (2), any interference with the right to freedom of expression must be necessary in a democratic society to meet the requirement of proportionality.
- (16) In the present case, the requested information has no, or only strictly limited, evidentiary value, while the disclosure order constitutes a serious interference with the right of the press to impart news without the authorities monitoring its readers. The order is therefore disproportionate and must be set aside.
- (17) Fædrelandsvennen AS asks the Supreme Court to rule as follows:
 - “1. The disclosure order is set aside.
 - 2. Fædrelandsvennen AS is awarded costs before Agder District Court, Agder Court of Appeal and the Supreme Court.”
- (18) *The Norwegian Association of Editors* has endorsed Fædrelandsvennen AS's arguments and elaborated on some of them. The Association has highlighted a growing trend of disclosure orders targeting the media, particularly those concerning reading history and IP addresses, and argued that this will have a chilling effect on public discourse in society.
- (19) The respondent – *the Public Prosecution Authority* – contends:
- (20) The disclosure order does not constitute an interference with the protection afforded by Article 100 of the Constitution or Article 10 of the ECHR. The order does not impose any

formal obstacles to the right to impart or receive statements. The means used to communicate and receive expressions are also protected, but the scope of that protection must be assessed on an individual basis. The situation in the present case is too remote from the core of freedom of expression to warrant protection.

- (21) Any potential interference is, in any event, proportionate. The investigation concerns a serious offense with links to a criminal network, and the information requested holds evidentiary value. The impact on freedom of expression is limited.
- (22) The Public Prosecution Authority asks the Supreme Court to rule as follows:

“The appeal is dismissed.”

My opinion

The Supreme Court’s jurisdiction

- (23) The appeal is a derivative appeal against an order. This means that the Supreme Court may, as a general rule, only review the Court of Appeal’s procedure and general interpretation of the law, see section 388 subsection 1 of the Criminal Procedure Act. With regard to the Constitution and the ECHR, the Supreme Court may also review the individual application of the law, but not the findings of fact. However, the Court may rely on notorious facts and on clear and undisputed circumstances, as set out in Rt-2003-593 paragraph 38. This includes the information that the accused has admitted to having started the fire.

The Criminal Procedure Act’s provisions on disclosure orders

- (24) Section 210 of the Criminal Procedure Act provides the legal basis for ordering a person in possession of an object to surrender it to the police. The first sentence of subsection 1 reads:

“A court may order the possessor to surrender objects that are deemed to be significant as evidence if he is bound to testify in the case.”
- (25) Subsection 2 authorises the police to issue such an order themselves in urgent cases, but the disclosure order must be submitted to the court for approval as soon as possible.
- (26) The term “objects” in the first paragraph also encompasses digitally stored information, as established in Rt-1992-904. The term “evidence” refers both to items that can be directly used as evidence and to items that may lead to information about other evidence in the case, as clarified in the explanatory notes to the provision in Proposition to the Odelsting No. 64 (1998–1999), Chapter 23.
- (27) The requirement that the item must be “deemed to be significant as evidence” is not strict. The provision must be interpreted to require only a reasonable possibility, as set out in Keiserud et al., *Straffeprosessloven, Lovkommentar* [the Criminal Procedure Act – Commentary], note to section 210, Juridika, last revised 1 January 2025.

- (28) A disclosure order may be directed at any person who is bound to give evidence. This duty generally applies to all, under section 108 of the Criminal Procedure Act. In section 125, the duty to give evidence is limited out of consideration for the press's protection of sources, but this provision does not apply in the present case. I will return to the question of whether section 125 may have relevance beyond cases concerning source protection.
- (29) Since a disclosure order is a coercive measure in criminal procedure, the general requirement in section 170 a of the Criminal Procedure Act also applies – that the use of coercive measures must be *proportionate*.
- (30) Based on the general interpretation of section 210 that I have now outlined, Fædrelandsvennen AS is, in principle, required to disclose the relevant information – provided that such disclosure is proportionate. However, the provision must be interpreted in the light of Article 100 of the Constitution and Article 10 of the ECHR.

The significance of the Constitution and the ECHR – introduction

- (31) Article 100, subsections 1 and 2, reads:
- “There shall be freedom of expression.
- No one may be held liable in law for having imparted or received information, ideas or messages unless this can be justified in relation to the grounds for freedom of expression, which are the seeking of truth, the promotion of democracy and the individual's freedom to form opinions. Such legal liability shall be prescribed by law.”
- (32) Article 10 of the ECHR is headed “Freedom of expression” and reads:
- “1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are described by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”
- (33) The wording of Article 100 of the Constitution differs from that of Article 10 of the ECHR, as clarified in HR-2024-986-A *Snapchat*, paragraph 32. When the provision was amended in 2004, this was a deliberate choice to ensure that “the Constitution should, to a greater or lesser extent, be autonomous in relation to ECHR Article 10”, see Report to the Storting No. 42 (1999–2000), section 7.1.3. This approach was maintained in the constitutional revision of 2015, see the Human Rights Committee's report to the Presidium of the Storting dated 19 December 2011, section 28.6. Any differences in the level of protection between Article 100 of the Constitution and Article 10 of the ECHR must therefore be determined individually in

each case. In relation to the issue in the present case, I find no indication that Article 100 of the Constitution affords broader protection than Article 10 of the ECHR. Accordingly, if the disclosure order is not in conflict with Article 10 of the ECHR, it is, in my view, also not in conflict with Article 100 of the Constitution.

- (34) The question, then, is whether the disclosure order constitutes an interference under Article 10 (1) of the ECHR, and if so, whether it can be justified under Article 10 (2).
- (35) Disclosure of information about reading history and IP addresses may constitute an interference with the reader's private life, thereby engaging protection under Article 102 of the Constitution and Article 8 of the ECHR. There are examples where the European Court of Human Rights (ECtHR), in cases regarding safeguarding of sources, has found violations of both Article 8 and Article 10 arising from the same factual circumstances – such as in the judgment of 22 November 2012, *Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands*.
- (36) The parties have addressed the relevance of Article 102 of the Constitution and Article 8 of the ECHR only to a limited extent in their submissions to the Supreme Court. In my view, this reflects a sound assessment. In the present case, Article 100 of the Constitution and Article 10 of the ECHR naturally take precedence, as they are more specialised provisions for the type of situation at hand. As I will return to, considerations of privacy also play a role in the interpretation and application of Article 10 of the ECHR.

Whether the disclosure order is an interference under Article 10 (1) of the ECHR

The threshold for interference in Article 10 (1)

- (37) It follows from the second sentence of Article 10 (1) of the ECHR, that the right to freedom of expression encompasses both the right both to receive and to impart information without interference by public authorities. These two dimensions of freedom of expression are essential to fostering vibrant and informed exchange of ideas and opinions, which is fundamental to the functioning of a democracy.
- (38) The press plays a key role in this regard, and *freedom of the press* encompasses both the right to disseminate information on matters of public interest and the public's right to receive it, as established in Jon Fridrik Kjølbro, *Den Europæiske Menneskerettighedskonvention* [the European Convention on Human Rights], 6th edition, page 1178. Restrictions on press freedom may therefore constitute an interference with Article 10 (1) of the ECHR.
- (39) Although this is not explicitly stated in Article 10, it is well-established in law that the provision affords particularly strong protection against state measures interfering with the *press's safeguarding of sources*. This protection has been developed through longstanding case law from the ECtHR, see the overview in Rt-2013-1290 paragraphs 25 to 27. The rationale is that compelling a journalist to disclose his or her sources may have a chilling effect on potential future sources and negatively affect the press's ability to fulfil its societal role.

- (40) As the safeguarding of sources holds a special position, the relevant case law offers only limited guidance in the present case. Greater weight should be placed on measures that may otherwise amount to an interference with the right to receive and impart information.
- (41) It is well established that the press's protection under Article 10 (1) extends beyond the safeguarding of sources, see the overview in Rt-2015-1286, paragraph 57 et seq. In the ECtHR judgment of 7 December 2021, *Standard Verlagsgesellschaft mbH v. Austria*, the Court found that a disclosure order constituted an interference under Article 10 (1). An online news portal was ordered to disclose the names, addresses, and email addresses of individuals who had posted anonymous comments in its comment section, thereby enabling legal action against them.
- (42) Since the comments were directed at the public, and were not provided as information to journalists, the news portal could not invoke the safeguarding of sources. However, the ECtHR emphasised that “an interference with Article 10 may also occur in ways other than by ordering the disclosure of a journalistic source”, see paragraph 71. The disclosure order was considered an interference because “an obligation to disclose the data of authors of online comments could deter them from contributing to debate and therefore lead to a chilling effect among users posting in forums in general”, see paragraph 74. The Court highlighted that this indirectly also affected the media company's right to freedom of press.
- (43) In other words, where a disclosure order risks having a chilling effect on the dissemination and reception of statements, this indicates an interference with the right to freedom of expression. I also note that the ECtHR, in paragraph 76, emphasises that anonymous internet use is “capable of promoting the free flow of opinions, ideas and information in an important manner”. Accordingly, an expectation of online anonymity may serve to enhance freedom of expression, while a subsequent obligation for a newspaper to lift that anonymity may undermine it.
- (44) A ruling from the ECtHR dated 8 December 2005 in *Nordisk Film & TV A/S v. Denmark* concerned a police request for the disclosure of unedited film footage identifying a person who had been filmed without his knowledge. He was therefore not acting as a source. However, although the material did not contain source information and the person's identity was already known to the police, the obligation to disclose could still have “a chilling effect on the exercise of journalistic freedom of expression”.
- (45) The ECtHR does not specify the concrete chilling effect, but I interpret the ruling as reflecting the concern that a low threshold for ordering the disclosure of unpublished material for use in criminal proceedings may hinder the working conditions of the press. In this case, too, the ECtHR found an interference with the protection under Article 10 (1), emphasising that the existence of such interference must be assessed on an individual basis and may “only be properly addressed in the circumstances of a given case”.
- (46) Finally, I mention the ECtHR judgment dated 12 November 2019 in *Schweizerische Radio- und Fernsehgesellschaft and Others v. Switzerland*. A media regulatory authority had criticised a television program about the use of the drug Botox because it failed to mention that animal testing was necessary for the product's development. The authority ordered the media company behind the program to inform the public about court rulings in the case concluding that omitting information about animal testing was incompatible with the media

company's role as a public broadcaster. The question was whether this order constituted an interference with the protection under Article 10.

- (47) The ECtHR concluded that the order did not constitute an interference. Relevant to the present case is that the ECtHR's presentation of case law in paragraphs 69 to 71 shows that "the concept of interference" must be understood broadly and encompasses a range of different measures, including "formality, condition, restriction, or sanction". It also shows that no strict requirements are imposed for documenting an interference with the right to freedom of expression. However, "purely hypothetical risks" are not sufficient, see paragraph 72.
- (48) ECtHR case law can be *summarised* as requiring an individual assessment to determine whether a measure constitutes an interference with the protection afforded under Article 10 (1). A key consideration is whether the measure may have a chilling effect on the dissemination and reception of statements. While a wide range of measures may constitute an interference, merely hypothetical deterrent effects on freedom of expression are not sufficient.

Individual assessment of whether the disclosure order constitutes an interference

- (49) In assessing whether the disclosure order against Fædrelandsvennen AS constitutes an interference under Article 10 (1), I begin with the premise that the right to impart and receive information lies at the heart of freedom of expression. This implies that even relatively minor measures may constitute an interference. In the present case, the measure involves the use of a coercive procedural measure towards a newspaper, with the police seeking to compel disclosure of information about individuals who accessed published material. This conflicts with readers' legitimate expectation of anonymity when consuming news articles. The less confident readers are in their ability to remain anonymous, the more likely they are to refrain from accessing published material. This, in turn, may impair both the dissemination and reception of information.
- (50) Granting the police broad authority to access information about who has read press coverage of criminal cases may therefore have adverse and unpredictable consequences for freedom of expression. In my view, there is a real risk of a chilling effect, in the sense that some readers – consciously or unconsciously – may choose not to access published material to avoid having their media consumption disclosed to the police. There is also a risk that citizens more generally may become reluctant to interact with the media.
- (51) In my view, the potential adverse impact on freedom of expression is sufficient for the disclosure order to constitute an interference under Article 10 (1) of the ECHR. The question then becomes whether the interference in this case can be justified under Article 10 (2). In this context, the severity of the interference is a relevant factor.

Whether the interference may be justified under Article 10 (2) of the ECHR

Starting points

- (52) Since the disclosure order constitutes an interference under Article 10 (1) of the ECHR, it follows from Article 10 (2) that the interference must be prescribed by law, pursue a legitimate aim, and be necessary in a democratic society. The legal basis is section 210 of the

Criminal Procedure Act, and the pursuit of evidence in criminal cases is a legitimate aim. The question is whether the disclosure order is necessary, which depends on a balancing of interests.

- (53) In my view, such balancing of interests should be grounded in the general proportionality requirement set out in section 170 a of the Criminal Procedure Act. However, Article 10 (2) of the ECHR imposes additional constraints on this assessment, requiring a higher threshold for a disclosure order to be considered proportionate than in cases where the coercive measure does not constitute an interference. In other words, a heightened proportionality standard applies in such cases.
- (54) Fædrelandsvennen AS argues that the interference must be justified by an overriding public interest, meaning that the information sought must be of substantial importance to the resolution of the case. In cases concerning the safeguarding of sources, this requirement is set out in section 125 subsection 3 of the Criminal Procedure Act, and the newspaper contends that the same standard must apply under section 210.
- (55) In my view, there is no basis for applying such a high general threshold. As previously noted, interference with the safeguarding of sources occupies a special position. The ECtHR has consistently held that the protection is stronger than in cases involving other types of interference, see Rt-2015-1286 paragraph 57, with further reference to the ECtHR judgment in *Nordisk Film & TV A/S v. Denmark*. Nor do I find any indication that a heightened, uniquely Norwegian protection for media activity has emerged in recent years that would require the conditions in section 125 to be applied by analogy. The general, relative standard in Article 10 (2) of the ECHR also applies in the present case.
- (56) In the *Snapchat* judgment paragraph 31, the requirement that an interference under Article 10 must be necessary in a democratic society is interpreted as follows:
- “This entails a proportionality assessment that must weigh the protected individual interests against the legitimate societal needs justifying the measure, see HR-2020-663-S paragraph 89. According to ECtHR case law, the requirement that the interference must be “necessary in a democratic society” goes beyond merely requiring that the interference be useful, reasonable, or desirable – there must be a pressing social need for the measure. I refer to HR-2024-775-A paragraph 47, with further reference to ECtHR case law.”
- (57) In that case, which concerned the loss of rights, the reporting justice framed the question in paragraph 36 as whether the loss of rights was suitable, necessary, and proportionate. The individual proportionality assessment was clarified as “an evaluation of whether a measure affects the protected interests in an unacceptably severe manner, despite being suitable and not exceeding what is necessary to achieve its aim.”
- (58) When applied to disclosure orders under section 210 of the Criminal Procedure Act – which constitute an interference with the protection afforded under Article 10 of the ECHR – and viewed in conjunction with section 170 a of the Criminal Procedure Act, this calls for a step-by-step assessment:
- (59) First, with particular emphasis on the seriousness of the offense and the evidentiary value of the information sought, the strength of the societal need must be assessed. Next, the intrusiveness of the order must be evaluated to determine the extent to which it affects the protected interests – the press’s right to disseminate news and the public’s right to receive

information. Any privacy implications must also be considered, to the extent they relate to freedom of expression. Finally, a comprehensive assessment must be conducted to determine whether the order, taking all relevant factors into account, impacts freedom of expression in an unacceptably severe manner and therefore constitutes a disproportionate interference.

My individual assessment

- (60) The offense for which the accused is charged is aggravated vandalism in the form of arson, see section 352 subsection 1 of the Penal Code. The maximum penalty is six years of imprisonment. This must be considered a serious offense, however less serious than especially aggravated vandalism under section 352 subsection 2, and arson that may cause loss of human life, see section 355, which carries a maximum penalty of fifteen years of imprisonment.
- (61) How important it is to solve a crime cannot be determined solely by reference to the maximum penalty. It must also be taken into account that arson causes substantial material damage each year and poses risks to life and health. Moreover, it has been indicated that the arson in the present case may be connected to a criminal environment. For these reasons, society's interest in effective investigation and prosecution must be given considerable weight.
- (62) There is limited basis for assessing the evidentiary value of the material sought to be disclosed, including its relevance to clarifying the case in light of the overall evidentiary context. While the examination of the accused's digital devices has yielded some information about reading history, access to additional data – such as extended reading history and IP addresses – may provide a more reliable foundation for determining whether the accused viewed news coverage of the fire. The police's approach rests on the assumption that interest in the fire may link the reader to the arson, although such a connection has not been substantiated in detail.
- (63) It must be assumed that the information may hold some evidentiary value. However, as the case stands before the Supreme Court, its value is diminished by the fact that the accused subject to the disclosure order has admitted to starting the fire. This applies although there is no confession of criminal guilt, and – as in other cases – it cannot be ruled out that the case may evolve in a way that requires the police to disregard the admission.
- (64) As for the potential adverse effects on freedom of expression, I refer to the reasoning supporting the conclusion that the disclosure order constitutes an interference with the protection afforded under Article 10 (1) of the ECHR. There is a certain risk that lack of anonymity may discourage the public from accessing editor-controlled media, and the order may therefore, to some extent, weaken the public discourse.
- (65) In assessing the extent to which this applies in the present case, I agree with the Court of Appeal that the disclosure order is both restrained and limited. It concerns information relating to a single user – already charged by the police – covering three days of reading history and IP addresses linked to one phone number. It is also relevant that the police only requested disclosure as a secondary investigative measure, following the examination of the accused's own digital devices. All of this helps to mitigate the adverse effect on freedom of expression.

- (66) Taken together, I find that the Court of Appeal's application of the law was correct, given the circumstances of the case as it stood. In weighing the competing interests, I place particular emphasis on society's need to resolve serious cases of arson, and on the fact that the disclosure order was targeted and limited.
- (67) Before the Supreme Court, however, the circumstances have changed. Taking into account that the accused has now admitted to starting the fire, the police no longer have the same need for the information sought. Through this admission, the accused has in any case linked himself to the arson.
- (68) Against this background, I find that, under the current circumstances, societal interests cannot outweigh the interference with freedom of expression. The disclosure order can therefore not be considered necessary in a democratic society and constitutes a disproportionate interference under Article 10 (2) of the ECHR and section 170 a of the Criminal Procedure Act.

Conclusion and costs

- (69) I have concluded that the appeal must be upheld, and the decision to issue the disclosure order must be set aside.
- (70) Chapter 20 of the Dispute Act concerning costs applies by analogy to parties other than the accused who have been compelled to defend themselves against coercive measures, see HR-2021-1436-A paragraph 51. Fædrelandsvennen AS is the successful party and is entitled to full reimbursement of its costs before the Supreme Court under section 20-2 subsection 1 of the Dispute Act. This applies notwithstanding that the case before the Supreme Court slightly differed from that in the previous instances.
- (71) The claim of NOK 453,900, excluding VAT – which Fædrelandsvennen AS is entitled to deduct – is based on a total of 110 hours of work, with hourly rates ranging from NOK 3,680 to NOK 5,300. The hearing before the Supreme Court lasted one and a half court days. The claim is accepted as necessary expenses, see section 20-5 of the Dispute Act.
- (72) Based on my assessment of the case, I find no grounds to award costs for proceedings before the District Court and the Court of Appeal.
- (73) I vote for this

O R D E R :

1. The decision to issue a disclosure order is set aside.
2. In respect of costs before the Supreme Court, the State represented by the Ministry of Justice and Public Security is to pay NOK 453,900 to Fædrelandsvennen AS within two weeks of service of this order.
3. Costs before the District Court and the Court of Appeal are not awarded.

- (74) Justice **Bergh:** I agree with Justice Sæther in all material respects and with his conclusion.
- (75) Justice **Thyness:** Likewise.
- (76) Justice **Poulsen:** Likewise.
- (77) Justice **Webster:** Likewise.
- (78) Following the voting, the Supreme Court issued this

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