

# 2021 Annual Report, at a glance

The cnDaspe highlights four key points of its actions in 2021:

Its role in supporting public expertise institutions in establishing their internal public health and environmental whistleblower report registers.

Its expansion of deontology in expertise to the European level due to its direct implications in public health and the environment in France.

Its expert group's recommendations laid out in a report focusing on extending European Union (EU) Member States' possibility to appeal to "safeguard clauses" to protect human health and/or the environment from suspected harmful chemicals.

Its institutional engagement for better protection of whistleblowers in the areas of public health and the environment.

The steady increase in the number of reports processed in 2021 (+60%) and the progressive implementation of internal report registers by public expertise and research institutions active in public health and environment, are signs of an increasing visibility of the cnDaspe's role and actions.

The cnDaspe's operating model is now reaching the limits of its modest resources. It is the responsibility of the public authorities to provide the cnDaspe with the means to carry out its substantial and demanding remit.

## **Establishment of robust procedures for the prevention and management of conflicts of interest in French and European public health and environmental expertise institutions**

The cnDaspe is responsible for promoting the deontology of expertise, and more specifically the procedures for preventing conflicts of interest within the public institutions it accompanies.

The cnDaspe has finalized its own procedure for the prevention and management of conflicts of interest, which completes the revision of its declaration of interests form. This procedure applies to Commission members vis-à-vis the agenda items for the plenary sessions and qualified persons in the composition of the Commission's working groups. It is available on the deontology page of the cnDaspe website.

The cnDaspe's survey on the organisation and positioning of the function of "deontology of expertise", established since 2020, identified best practices to be shared among public expertise and research institutions in the fields of public health and the environment. According to the survey, the areas of



improvement within these institutions concern the following: implementing a collective approach to facilitate better appropriation of an ethical culture, informing their employees of the reporting tools at their disposal regarding deontological breaches, and introducing an assessment of the prevention of conflicts of interest procedures in the institution's evaluation.

The mandate on the deontology of expertise has led the cnDAspe to focus on ethical practices at the level of the EU; specifically within agencies whose opinions influence decisions applicable in France. The goal of the [cnDAspe's published opinion](#) is to strengthen citizens' confidence in the process of evaluating the European renewal of the authorisation of glyphosate. It recommends the independent verification of the respect of the principle of impartiality at all stages and by all the parties involved in the European Food Safety Agency's (EFSA's) assessment of the hazard and risks of this herbicide to human health and biodiversity.

## **Development of public health and environmental whistleblower report registers within the public expertise institutions listed in French *law no. 2013-316 of 16 April 2013* (known as the Blandin law)**

Since 2019, the cnDAspe has conducted an annual survey of the thirty-four public research and expertise institutions and bodies noted in the French *Decree 2014-1628 of 26 December 2014*. The survey allows for updated information on the procedures for recording internal alerts, monitoring their progress, and identifying areas of improvement.

An encouraging sign is that the number of registers reported in 2021 is steadily increasing. This result is attributed to the cnDAspe's continued dialogue, through its workshops, bilateral meetings with organisation leaders, and the pedagogical virtue of its annual survey. The results show a better understanding of the provisions of the Blandin law and initiatives such as the establishment of several "register correspondents" that are close to the teams on the field.

Nevertheless, the number of internal reports remains very low. None were identified in 2021. The cnDAspe will continue its support of the different organisations through the recommendation to conduct regular awareness campaigns with their employees on the existence and functions of these registers. Particularly in the context of the new French *law n°2022-401 of 21 March 2022* aimed at improving the protection of whistleblowers.

## **Recommendations allowing the European Union Member States to use "safeguard clauses" to protect human health and/or the environment, vis-à-vis products suspected of posing a risk to human health and biodiversity**

Based on the conclusions of the Commission's independent expert group, set up in June 2020, the [opinion of the cnDAspe](#) endorses the twelve recommendations made by the expert group and adds several more general proposals. All of which are likely to improve the re-evaluation process of product families subject to a regulatory procedure for authorisation, notification, and registration.

The cnAspe underlines the legitimacy of the scientific community and civil society stakeholders to contact the competent expert agency when they consider that published scientific data justifies calling into question the use of a market authorised product. The cnDAspe calls on these expert agencies to be more transparent about the criteria, the scientific data used, and the reasons for updating the risk assessment and their recommendations.

With the goal of improving the quality of public discourse, the cnDAspe considers it important to promote scientific culture, both technical and epistemological, with a variety of professional actors involved in the scientific controversies surrounding the regulation of chemical substances (i.e., elected officials, journalists, administrative officials, public officials, etc.); beyond the scientific specialists and experts working for the competent agencies.

## **Institutional engagement for better protection of whistleblowers in the areas of public health and the environment**

Since 2020, the cnDAspe has been involved in the preparation of the transposition of *European Directive No. 2019/1937 on the protection of persons who report violations of Union law*. The Commission made its position known on improving the protection of whistleblowers throughout the drafting process of the bill introduced by "M.P." Sylvain Waserman; specifically during the French Department of Justice's investigation, the consultations organized by the rapporteur, and its review by the Senate. After its unanimous adoption, the cnDAspe highlighted the great democratic advancement in national law. Notably the provision extending the role of the facilitator to legal persons under private, non-profit organizations who accompany a whistleblower and guaranteeing them the same level of protection.

On a prospective level, the cnDAspe presented its mission and its work on the treatment of public health and environmental alerts to "M.P." Cécile Muschotti. This meeting was part of the mission entrusted to her by the Prime Minister to explore the creation of an "Environmental Defender" following the model of the French Human Rights Defender. This allowed the Commission to gain visibility for its role in mediation, specifically regarding its feedback in handling local alerts.

Internationally, the Commission has begun to establish contacts in order to form a European network of entities with equivalent missions in the other EU Member States.

## **Outlook for 2022**

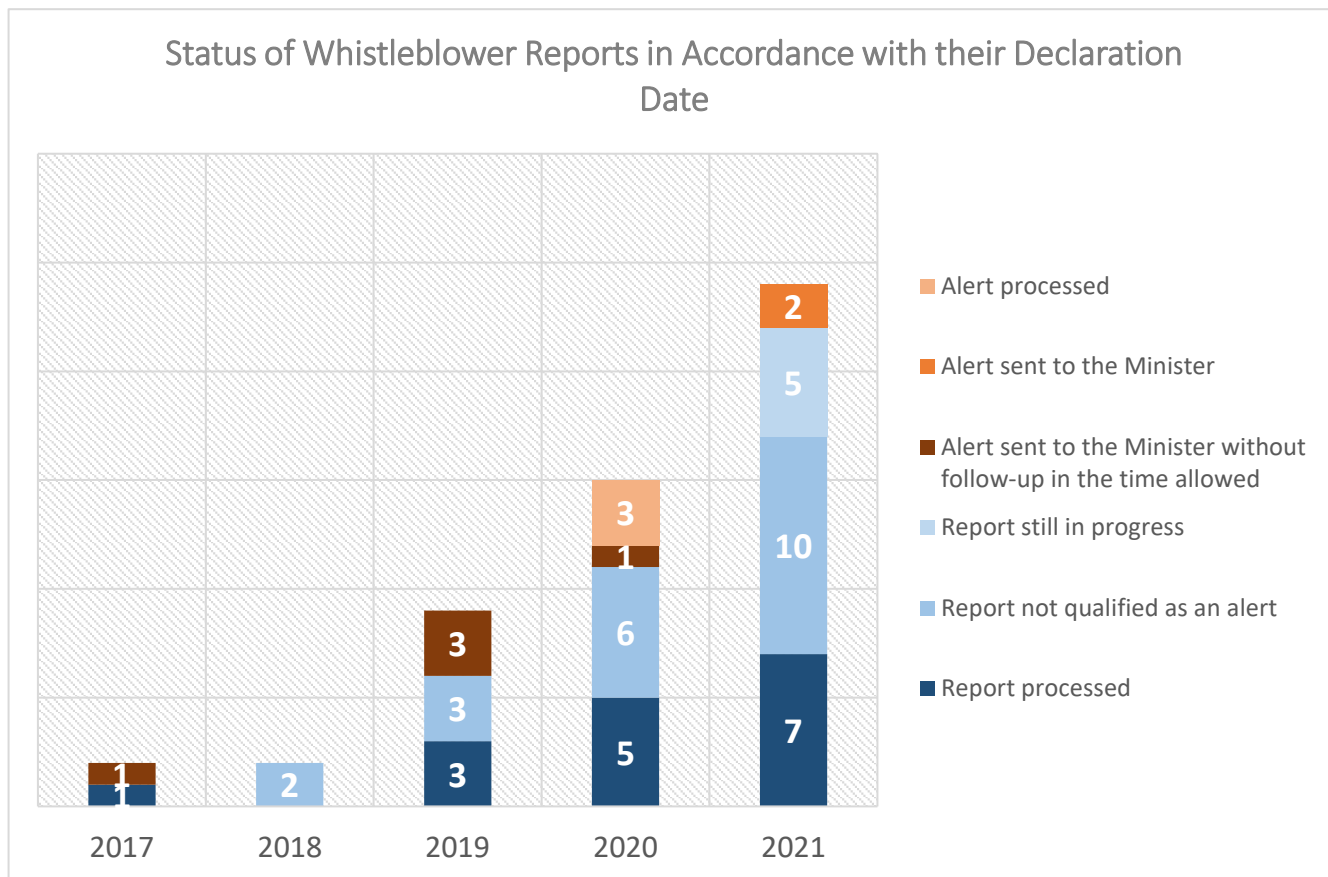
In 2022, the cnDAspe will focus on adapting its procedures for processing and monitoring reports in accordance with the new legislative framework established by *Law no. 2022-401 of 21 March 2022 aimed at improving the protection of whistleblowers*. Without predicting the creation of an Environmental Defender, it will engage in a thorough reflection on its role of mediation between public authorities and civil society. Internationally, the Commission will broaden its initial contacts in order to establish a European network of entities with missions' equivalent to its own in the other EU Member States.

The cnDAspe will remain particularly vigilant on the deontological issues of expertise at the national and European levels. This vigilance will lead to the preparation of an opinion on the conditions for the independence of research and expertise in the context of public/private collaborations and the consolidating, with contributions from civil society stakeholders, of its analysis of EFSA's management of the interests of its internal and external experts.

## **Focus on whistleblower reports and alerts**

The number of reports in 2021 increased significantly compared to 2020 (+60%). The year 2020 was marked by an increase (+40%) in the number of reports processed directly at the territorial level. The increase in the number of unqualified alerts (+67%) includes those not sufficiently documented to enable

them to be processed (10% of responses), alerts outside the scope of the Commission (60%), and reports classified as not acted upon because of preference for local instruction (30%).



The French National Commission on Deontology and Alerts in Public Health and the Environment (cnDAspe, pronounced sé èn dasp) was created by the French law of 16 April 2013 on the independence of expertise and the protection of whistleblowers in matters of public health and the environment. These missions aim to:

- Facilitate the advancement of “reports” from civil society on threats or damage to the health and environmental fields.
- To stimulate the responsiveness of the competent authorities so that they respond increasingly better to reports that point to genuine alerts.
- Support the public bodies of scientific and technical expertise which, in these fields, inform the action of the authorities, in the continuous improvement of their practices in terms of deontology and openness to the various stakeholders.

<https://www.alerte-sante-environnement-deontologie.fr/>