

Key elements of the deontology of public expertise underlying the cnDAspe's mission

Deliberated at the plenary meeting on May the 25th, 2023

This note summarises the provisions recommended by the CNDAspe within its field of competence, to public expertise bodies and institutions whatever their status. These "essential" provisions are inspired by the [Charte nationale de déontologie des métiers de la recherche](#), the [Charte nationale de l'expertise scientifique et technique](#), the [Charte de l'expertise sanitaire](#), the [Charte de l'ouverture à la société des établissements publics de recherche, d'expertise et d'évaluation des risques sanitaires et environnementaux](#), as well as observations made by cnDAspe on the best practices of the establishments and organizations listed in Decree 2014-1628 of December 26, 2014.

Independence

Public bodies charged with carrying out expert scientific or technical assessments to support decision-making by risk management authorities must be free to define their scientific objectives and choose their working methods. The impartiality and scientific excellence of their work (see below) determines the relevance and quality of the support provided to risk management authorities. This independence fosters a critical mindset that enables us to identify problems that are just beginning to emerge and take action to prevent them from getting worse. It also allows us to explore new issues not yet on the risk manager's agenda, which is invaluable in a rapidly evolving scientific and technological environment.

This requirement for independence implies :

- Clear definition of scientific or technical expertise requirements by risk management authorities, including reasonable response times, without any form of pressure to express or obtain an expected response (without excluding duly justified emergency referrals).
- Management and resources for the entity dedicated to expertise, whether internal to an establishment encompassing both risk management and expertise functions, or external to a separate establishment. In the case of an internal entity, this department dedicated to expertise must have a strong decision-making capacity conferred by law and by its status within the establishment encompassing both risk management and expertise functions (see the Scientific and Technical Excellence section below for the articulation of expertise and

research). The entity dedicated to expertise must be free to take on such tasks on its own initiative.

- That this department be able to draw on the support of a scientific advisory board made up of outside figures recognized for their competence in the field concerned, to determine its working methods and the overall assessment of its scientific and technical activity.
- That this department be solely responsible for allocating financial and human resources to the various components of the appraisal entity, if necessary within the envelope dedicated to this appraisal function if the entity belongs to an establishment that encompasses both risk management and appraisal functions. This department is also solely responsible for the assessment of the staff serving the appraisal unit.
- Openness to representatives of stakeholders in the field under consideration, with different interests, as a factor favoring the independence of expertise. It provides a vigilant outside view of possible malfunctions, and can sound the alarm internally and, if necessary, externally, in compliance with the legal framework. This openness may relate in particular to the definition of expertise and research priorities, as well as to the formulation of expertise questions.

Apart from this transparent procedure of openness to stakeholders, and the questions asked via its official channels, the entity must ensure that no outside organization can unduly influence its operation and the impartiality of its appraisal activities, to avoid any form of capture of its missions.

Preventing conflicts of interest

This independence must be consolidated by resolute action to prevent conflicts of interest. Poorly managed links of interest affect the impartiality of expert appraisals, and hence their quality and credibility. They produce biased information for the regulator and for society as a whole. This requirement applies both to the staff of the organizations in charge of providing expert appraisals, and to any outsiders they may call upon to provide specific expertise on a subject related to their skills.

This requirement relating to the prevention of conflicts of interest implies :

- The submission by each member of staff of a declaration of interests in relation to the tasks of the expert body, which shall be updated at least once a year and immediately whenever these links of interest change. The internal rules of the entity shall specify the categories of staff whose declaration of interests is public, the nature of the links of interest that must be declared and the period to be taken into account for the declaration of these interests.
- Internal and external publication of the interest analysis grid, which enables management to decide whether to remove an expert who cannot be involved in a subject in which he has major interest links, or to decide that the expert must inform the other people involved in a subject in which he has minor interest links. The composition of the body responsible for analysing links of interest shall be public.
- If the entity providing the expertise is separate from the entity responsible for risk management, the agreement between the two shall specify the measures to be taken to prevent the entity providing the expertise from providing its expertise to a party (public entity or private operator) on a subject for which it may also be called upon to respond to a request for expertise from the risk manager. Rules shall be published to prevent agents providing expertise to different parties from

being placed in a conflict of interest situation on the same or a similar subject when contributing to a request made by the risk manager.

Scientific and technical excellence

The practice of expertise requires the continuous maintenance of a high level of scientific and technical competence, especially as scientific knowledge and technologies evolve rapidly. For this reason, it is essential that the function of scientific expertise be linked to the research activities carried out by these experts or to which they have close access. In the case of mainly technical expertise, the link is less close but still relevant. In France, there are two coexisting forms of articulation between the scientific expertise function and research activities: (i) a form in which the entities in charge of expertise to support risk managers have in-house laboratories where research activities are carried out on a more or less significant part of the spectrum of research needs related to their expertise function; (ii) a form in which these research activities are carried out entirely by higher education and research actors.

The first situation is the one that guarantees the greatest fluidity between expertise and research functions, making the expertise entity more attractive to high-potential scientists, as well as a greater capacity to perceive evolutions in knowledge, and thus to anticipate future issues.

In all cases, expertise entities must have the legal, financial and functional capacity to mobilize outside expertise, whether in the form of framework collaboration agreements, scientific councils and/or specialized thematic expert groups.

This requirement for scientific and technical excellence implies :

- Integration into the research and higher education "ecosystem", including the hosting of doctoral and post-doctoral students and, in the first situation described in the introduction to this section, periodic evaluation of laboratories by the HCERES, which implements the standards of the European Higher Education Area.
- The ability to draw on and contribute to the full range of scientific literature, while respecting academic freedom. Scientific publications produced in this way bind only their authors and not the institutions to which they belong; they may not be the subject of requests for modifications by them or by stakeholders. .
- Care is taken to ensure that the groups in charge of expert appraisals have the relevant skills, the appropriate equipment and a variety of viewpoints on the subjects in question, so as to ensure that expert appraisals are plural and contradictory.
- Strict compliance with the rules of scientific integrity in research activities.

Transparency

Transparency guarantees the public's right of access to reliable and comprehensible information. It is an essential element in building and maintaining society's confidence in the reliability and impartiality of expertise.

This transparency requirement implies :

- The prompt publication of all opinions issued (in particular, in the case of an opinion prior to a decision, without waiting for the decision to be published), as well as the results of research activities carried out as part of the public appraisal mission, once they have been forwarded to the entities concerned by the opinion. Limits on transparency concern activities relating to national defense, industrial

secrecy, the requirements of the General Data Protection Regulation (RGPD) and in particular anything relating to individual health data. The composition of the groups of experts authoring the opinions and research reports is made public at the latest at the same time as the latter, as are the links of interest of these experts. The elements supporting the conclusions of these opinions and studies are clearly explained, as are all the sources of information used to reach these conclusions.

- Provisions must be put in place to ensure that representatives of the various stakeholders in the expertise entity's field of expertise participate in its governance bodies. This participation provides an external, critical viewpoint that reinforces the entity's vigilance regarding possible malfunctions or deviations from its missions or rules of best practice; it can lead to internal or, where appropriate, external alerts. The criteria used to select the stakeholders involved in these governance bodies must be made public.
- Systematic publication of any divergent opinions expressed by participants in an expert appraisal or research project, or in an entity's governance body, with the identity of their authors.

Conditions for meeting these requirements

The legal status of the institution and/or establishment in charge of these missions, and where applicable of its components, must guarantee compliance with these essential provisions.

The level of funding and human resources allocated to the institution and/or establishment in charge of these missions, and where applicable to its components, must guarantee its or their capacity to fully accomplish these missions.