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1. Objective:

To set out good deontological practices to be observed by all actors implicated in ANR activities in order to ensure that all procedures are transparent, that selection criteria are respected for all project proposals and that public funds are well used.

2. Field of application:

All actors involved in ANR procedures of research programming, selection and follow-up.

3. Main points:

See document content.

4. Definitions:

Does not apply.

5. Introduction

The proper management of public funds allocated to research and development requires that funding decision procedures respect fully the initially determined funding criteria.

The purpose of this document is to set out the major components of a code of good practices to be respected by all parties involved in the management of calls for proposals, in project selection and in project follow-up, for all programs of the Agence Nationale de la Recherche (ANR). ANR reserves the right to amend or supplement this code in the future and in particular by the addition of stipulations specific to each individual program.

It is understood that all parties who participate in the work of the ANR in whatever capacity will carry out their duties in respect of all of the articles of this code and will ensure that all those over whom they exercise authority or whose work they supervise will likewise act in full accordance with this code. This document will be communicated by the ANR not only to all ANR personnel but also in the form of articles included in agreements that bind the ANR to exterior entities regardless of their nature.

In particular:

- All members of steering committees, evaluation committees, and sectoral committees pledge to become familiar with, respect and apply this code.
- Outside experts participating in the selection and follow-up of projects pledge to become familiar with, respect and apply this code.
- The pledge to uphold the code is signified by the signature by all concerned parties of a document attesting to the fact that they have made themselves familiar with the code. The signature may be on paper or in certified electronic form.

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6. Definitions and general principles

All parties involved directly or indirectly in ANR programs must act objectively, with no self-interested motives. A further requirement is the respect of information confidentiality: opinions expressed during evaluation meetings as well as information which parties are the first to obtain should be kept confidential.

The remainder of this document essentially deals with how to react in the event of a conflict of interests, i.e. a situation where a party finds itself unable to respect the rules above. By "conflict of interests", we mean any situation where an individual has to 1) make an assessment, or 2) participate in a decision-making process, the result of which could be of direct or indirect benefit to that individual, within the framework of that individual's scientific activities or capacity as scientist or research administrator. Conflicts of interest could be expected to arise in the following types of situations:

- evaluation of a project in which the evaluator, collaborators of the evaluator or research teams from the evaluator's laboratory or enterprise are implicated;
- evaluation of a project competing against a project in which the evaluator, collaborators of the evaluator or research teams from the evaluator's laboratory or enterprise are implicated;
- a decision which could favour the decision-maker or collaborators of the decision-maker or research teams from the decision-makers laboratory or enterprise;
- a decision which could disfavour a project competing against any project in which the evaluator, collaborators of the evaluator or research teams from the evaluator's laboratory or enterprise are implicated.

This notion of conflict of interests can be extended to a group of individuals, an organization, an establishment, or an enterprise whenever this entity has to 1) make an assessment or 2) take part in a decision-making process of potential benefit to itself.

7. ANR personnel and support structures¹.

7-1. All persons employed by, or whose services are made available to, the ANR as well as all persons working in a support structure mandated by the ANR for program management are understood to be working in the general interest.. In particular, they must take into account the plurality of national establishments and organizations, and must be fair and impartial in their dealings with them.

7-2. In the event of a real or suspected conflict of interests, the procedure is as follows:

- The person concerned must inform an "arbitrator" who is in a position of responsibility over the activity in question, for example, the chair of the committee involved, the head of the ANR department or program in which the activity takes place or if required by circumstances the chief executive of the ANR.
- It will be up to the arbitrator to evaluate the reality of the alleged conflict of interest.
- The arbitrator will suggest the necessary measures to prevent illegal interest or decisions which could be considered unfair. For example, this might mean temporarily replacing the person concerned by such risks.
- In the event of precautionary measures being taken because of real or potential conflict of interests, this must be formalized in writing (i.e., mentioned in a meeting's minutes, initiated by the arbitrator and including the name of the person who temporarily replaced the person in charge).

7-3. When preparing and implementing a call for projects, ANR and its support structures must avoid situations of individual or collective conflicts of interests. This is especially true when the support

¹ Support structures are any organization mandated by the ANR to carry out some aspect of the evaluation process.

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structures are establishments which themselves have teams that might be interested in responding to a particular call for proposals. In this case:

- Support structure personnel cannot act as financial experts or negotiate with project applicants except in the presence of representatives of third-party establishments, for those programs in which persons from the same establishment are involved
- The directors of support structures must ensure a separation between the support structure and research laboratories so as to avoid conflicts of interests, breaches of confidentiality or disclosures of privileged information to laboratories (for example, a non-published version of a call for projects, information on projects currently being evaluated, etc.).

7-4. All persons employed by, or whose services are made available to ANR, or any person working in a support structure entrusted by ANR to manage a program, must respect the same obligations as committee members, as detailed in section 8.

8. Committee members

8-1. Evaluation committee members are chosen for their technical or scientific expertise or in a manner to ensure that decisions taken by the committees reflect a range of opinion. Therefore, unless otherwise explicitly stated, they do not represent their company, organization or establishment. The role of the committees is to ensure that teams submitting projects of a similar quality have an equal chance of success.

8-2. Qualified individuals are chosen to be members of steering committees on the basis of competence, reputation, independence, seriousness of purpose and an overall vision recognized in their field of expertise. They do not represent their firm, organization or institution.

8-3. Members of sectorial committees are appointed *intitui personae* by the Chief Executive of the ANR on the basis of competence, reputation, independence, and seriousness of purpose. They do not represent their firm, organization or institution.

8-4. Decisions must be taken collectively by the committees after all arguments have been heard. Furthermore, decisions must be substantiated. All elements which contributed to a decision must be archived by the support structure. Minutes will be kept for those committee meetings during which decisions are reached. These reports will be circulated to participants for verification, and to absent parties for information. Whenever possible, these reports should not contain any information which could directly or indirectly identify which parties put forward which arguments. In the context of the selection process, committee members should refrain in all cases from identifying external experts to third parties, and from divulging any other element which could compromise their anonymity. Likewise, and unless within the framework of a specific procedure approved by ANR, committee members should not contact applicants directly. If any committee member is the object of any pressure whatsoever from a project applicant, he or she must notify immediately either the ANR or the entity having requested the evaluation.

8-5. The substance of committee debate must remain secret and the individual positions of committee members must not be divulged.

8-6. Under no circumstances should committee members take advantage of their position either for their own benefit or for the benefit of people in their immediate circles. In particular, committee members pledge to:

- not divulge any information before it has been made public (notably the contents of a call for proposals), which would destroy the equality of chance among project applicants;
- not divulge any confidential information (notably, elements in submitted projects);

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- not exercise moral, psychological or economic pressure on other committee members for the selection of a given project.
- The only valid modus operandi of a committee is as per sections 8-1 and 8-2 of the present document.

8-7. If there is a conflict of interests, the procedure is as follows:

- The person concerned informs the rest of the committee, or the committee chair, of the conflict of interests.

This should be done immediately on finding that a conflict exists, if possible before the next committee meeting.

- The committee chair, after presenting the facts, refers the matter to the committee. The committee takes the necessary measures to ensure that the related decision and discussion will not be biased, or suspected to be so. In general, this consists in requesting the person concerned to leave the proceedings when the project in question is being discussed. In some cases (for example, a small number of projects to evaluate) the committee may have to ask the person concerned not to participate in any part of the selection process. If the committee members are not unanimous in their decision to totally or partially exclude the concerned person, the most restrictive solution will prevail.

- Conflicts of interests, or situations which were considered possibly to lead to a conflict, as well as the methods used to handle the outcome, should be included in the written decision statement or meeting minutes.

- The committee chair may, on his or her own initiative, consult the committee in respect to a real or possible conflict of interests, which has been brought to the chair's attention by any means whatsoever. In this case, the provisions described above apply.

8-8. Committee members must not accept gifts or other benefits which could foster indebtedness to another party with a consequential impact on the objectivity of their final decision.

9. External Experts

9-1. External experts are not members of the committees and are consulted either for their opinion on one or more projects in the context of an evaluation or for their expertise in the follow-up of an ongoing project. The experts should evaluate projects according to explicit criteria to the exclusion of all other considerations. They should also substantiate their opinion.

9-2. Concerning project selection:

9.2a External experts evaluating projects submitted to the ANR for funding work in an anonymous manner. Under no circumstances should an expert enter into contact with an applicant. In the event that further information is needed, this information must be gathered within the framework of a procedure authorized by the ANR (cf. § 8.5). If an external expert is the object of any pressure whatsoever from a project applicant, the expert must indicate this immediately either to the contact person who requested the opinion, or to the ANR.

9.2b All external experts sign an agreement to refrain from situations where there are conflicts of interests. In the event of a real or possible conflict, the expert should whenever possible call it to the attention of the evaluation committee chair as soon as contacted for an expert opinion. If possible, the expert will provide the chair with names of alternative experts. In the case of doubtful conflict of interests, the evaluation committee chair may refer the matter to the committee. In this case, two outcomes are possible:

- The opinion of the external expert is upheld as admissible. In this case, the expert functions normally, although the president may also consult an additional external expert.

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- The external expert is considered too close to the project. In this case, he is replaced.
- If the committee members are not unanimous in their decision regarding the external expert, the most restrictive solution will prevail.

9.3 Concerning project follow-up:

9.3a In follow-up evaluation, members of the evaluation and steering committees responsible for initial selection are considered as external experts, and the guidelines below apply to them.

9.3b The identity of external experts selected for follow-up evaluation of a project should be divulged to the project coordinator. The latter may reclude one or more of the experts if it is felt that there is a risk of a conflict of interest, in which case the coordinator should indicate this to the entity charged with the follow-up evaluation, providing all necessary substantiation of this doubt.

9.3c If an external expert is the object of any pressure whatsoever from a project member, this should be brought to the attention of the entity that requested the expert's participation or of the ANR.

9.3d All external experts sign a statement attesting to the absence of any source of conflict of interests. In the event of a real or possible conflict, the expert should whenever possible call it to the attention of the entity that solicited the expert's participation, as soon as contacted. If possible, the expert will provide the entity with names of alternative experts. In the case of doubtful conflict of interests, two outcomes are possible:

- The external expert's opinion is judged to be valid and impartial. In this case the expert will function normally and will state the ties he or she has with the project.
- The expert is considered to be too closely tied to the project, in which case another expert will be appointed instead.
- In the case of lack of consensus on how to proceed, the more restrictive solution will prevail.

9.4 External experts must in all cases refrain from communicating to any individual whomsoever any information relative to the projects under review even for the purpose of obtaining a second opinion from a more competent expert. If an external expert does not feel competent, he or she should decline the proposed evaluation task. If the felt incompetence is partial, the expert should indicate which parts of the evaluation are less reliable.

9.5 Before taking up any duties mandated by the ANR, all external experts pledge in writing to respect the confidentiality of all information made available to them.

9.6 External experts should not intentionally save any copies of project documents in whatever form beyond the date of completion of the mission relative to that project.

9-7. External experts must not make use in subsequent project submissions either by themselves or by close collaborators of the content of projects which they have evaluated. This restriction is in effect for five years from the time of the last evaluation activity relative to the project in question.

9-8. If a project applicant has reasonable grounds to suspect that these rules were not respected, he may signal this in writing either to the "support structure" or to the ANR, which is obligated to provide a response.