



CODE OF ETHICS

1. Introduction

The correct management of public funds spent on research and development requires first of all that predetermined and clearly defined criteria are used to allocate the funds.

This calls for the creation of good practices throughout the process, from initial drafting of calls for projects to the project-selection mechanisms, and supervision of the final utilization of funds.

The purpose of this document is to describe the major components of a good practices code, to be respected by all parties involved in programs run by the French National Research Agency (ANR), and more particularly in calls for projects. Please note that ANR shall be entitled to amend or complete this code as required, especially by regulations specific to each of its programs.

It is expected that every party involved in ANR projects, no matter in what capacity or to what extent, will respect and/or will require other parties to respect, all the provisions of this document. This document will be communicated by ANR to its personal as well as to organizations commissioned to realize on its behalf part of the selection process.

2. Definitions and general principles

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

The remainder of this document deals essentially 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 a judgment, or 2) participate in a decision-making process, the result of which could be of direct or indirect benefit to him, within the framework of his scientific activities or in his capacity as a managerial-level scientist. This situation could be expected to occur in the following context:

- Assessment of a project involving himself, or immediate work colleagues, or a team from his laboratory or company (if in charge of a research unit).
- Assessment of a project competing against a project involving himself, or his immediate work colleagues, or a team from his laboratory or company (if in charge of a research unit).
- A decision which could be of advantage to himself, or immediate work colleagues, or a team from his laboratory or company (if in charge of a research unit).
- A decision which could go against a project competing against another project, involving himself, or his immediate work colleagues, or a team from his laboratory or company (if in charge of a research unit).

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

3. Personnel of ANR and of “support structures”¹.

- 3-1. 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, are expected to perform their functions in the general interest of all. 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.
- 3-2. In the event of a real or suspected conflict of interests, the procedure is as follows:
 - The person concerned must inform an "arbitrator"; in general, his hierarchical superior, or the ANR director, if necessary, of the real or potential conflict;
 - It will be up to the arbitrator to evaluate the reality of this conflict;
 - He will take 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 (for example, arbitrator's stamp, mention in a meeting report, name of the person who temporarily replaced the person in charge).
- 3-3. 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 structures” are establishments who themselves have teams which might be interested in replying to this call for projects. In this case:
 - “Support structure” personnels cannot act as financial experts or negotiate with project applicants, unless in the presence of people from third-party establishments, for those programs where persons from the same establishment are involved.

¹ *Organizations commissioned to realize part the selection process*

- The directors of “support structures” must make sure that there is separation between the “support structure” and research units so as to avoid conflicts of interests or the leaking of any confidential or priority information to the latter (for example, a non-published version of a call for projects, information on projects currently being evaluated, etc.).

3-4. 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 4.

4. Committee members

4-1. Assessment committee members are chosen for their technical or scientific expertise or in a manner to ensure that decisions taken by the committees reflect a host of different opinions. 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.

4-2. Strategic committee members are chosen because of their specific expertise or in their capacity as representatives of the main parties concerned by the program in its totality. Therefore, they can represent their employer, bearing in mind that they also have an overriding mandate to act in the best interests of society at large.

4-3. Decisions must be taken collectively by the committees after all salient arguments have been heard. Furthermore, decisions must be justified. All elements which led to the aforementioned decisions must be archived by the “support structure”. Reports will be written up for those committee meetings during which decisions were taken. These reports will be circulated to participants for validation, 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.

Under no circumstances, should committee members identify external experts to third parties, or divulge any other elements, which could remove their anonymity. Likewise, unless within the framework of a specific procedure approved by ANR, committee members should not contact applicants directly.

4-4. Discussions must remain secret and the individual positions of committee members must not be divulged.

4-5. 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 commit to the following:

- not to divulge any information before it has been made public (notably the contents of a call for projects), which would destroy the equality of chance between project applicants;
- not to divulge any confidential information (notably, elements in submitted projects);
- not to exercise moral, psychological or economic stress on other committee members for the selection of a given project.

The only valid modus operandi of a committee’s work is as per sections 4-1 and 4-2 of the present document.

- 4-6. If there is a conflict of interests, the procedure is as follows:
- The person concerned informs the rest of the committee, or its president, of the conflict of interests. This should be done immediately on finding out that a conflict exists, if possible before the next committee meeting.
 - The President, after presenting the facts, refers the matter to the committee. The committee takes the necessary measures to ensure 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 related to him is being discussed. In some cases (for example, a small number of projects to assess) 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 to possible lead to a conflict, as well as the methods used to handle the outcome, should be described in writing in the decision statement or the meeting report.
 - The President can, on his own initiative, consult the committee in respect of a real or possible conflict of interests, of which he became aware in any other manner. In this case, the provisions described above apply.
- 4-7. Committee members must not accept gifts or other benefits which could make them beholden to the other party, and possibly impact the objectivity of their final decision.

5. External Experts

- 5-1. External experts are not part of the assessment committees, and are consulted for their opinion on one or more projects, both ongoing and newly submitted to the ANR. The experts must render their judgment in a fair manner on the basis of explicit criteria to the exclusion of all other considerations. They must also justify their judgment.
- 5-2. External experts working on projects submitted to the ANR for funding, act in an anonymous manner. Under no circumstances must an expert contact an applicant. In the event of further information being necessary, this must be done within the framework of a procedure authorized by ANR (see § 4-4). If an external expert is subjected to pressure of any nature from a project applicant, he must signal this immediately either to the contact person which asked him for his opinion, or to ANR.
- 5-3. 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 must signal this, if possible as soon as he is contacted for his consultation. He will contact the assessment committee President, naming, if possible, alternative external experts which could replace him. If there is a doubt as to the absence/presence of a conflict of interests, the assessment committee President can refer the matter to the assessment committee. In this case, two outcomes are possible:
- The opinion of the external expert is nevertheless considered admissible. In this case, the expert carries out his job as normal, mentioning the (minor) connections which he has with the project. The president can also consult an additional external expert;
 - The external expert is considered too close to the project. In this case, he will be replaced;
 - If the committee members are not unanimous in their decision as regards the external expert, the most restrictive solution will prevail.
- 5-4. External experts must not make copies of projects or other information which they receive, except for information already known to the general public.

Under no circumstances must external experts provide any information of any nature on projects to any third parties, even if the purpose thereof is to collect information from the better-informed third party regarding a project. If an external expert feels that he is not able to correctly perform his mission, he must turn down the request for consultation. If an external expert feels that there are one or more aspects of the mission which he is not able to perform correctly, he must signal the least reliable information in his assessment report.

- 5-5. External experts must not use ideas taken from projects which they assessed, for the purposes of using them in subsequent projects, submitted either by themselves or by colleagues from their immediate circle.
- 5-6. 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 ANR, who must reply.