

CODE OF ETHICAL STANDARDS OF THE FRENCH AGENCY FOR FOOD, ENVIRONMENTAL AND OCCUPATIONAL HEALTH & SAFETY

following discussions by the Board of Administrators on 20 November 2018

PREAMBLE

Ethical standards cover all the rules governing conduct within a given profession and among those working in it, within the framework of the rights and obligations defined by law. They apply collectively and are of a compulsory nature. They are based on values accepted across society, and compliance with them guarantees the identity and credibility of the profession concerned in the eyes of that society, by ensuring full transparency in the relationship between the profession and its users or customers, whether public or private.

A code of ethical standards is a single, logically-organised document containing a series of standards describing good practice in a given profession. Its purpose is to specify existing principles and develop them in the form of rules of good conduct. A code of ethical standards also has an educational purpose, explaining the reasons behind a legal mechanism and ensuring that it is suited to a particular context which, in this case, means the ethical standards applicable to ANSES.

ANSES's code of ethical standards is based on the general principles of independence and impartiality of good administrative behaviour that are required of any person holding public authority or entrusted with a public service mission.

ANSES's code of ethical standards applies to all its missions: risk assessment, reference, research, expert appraisal, scientific support, monitoring, alert, vigilance, management and monitoring of marketing authorisations (MAs) for veterinary medicinal products, biocidal products, plant protection products, fertilisers and growing media, and measures associated with risk management.

Its purpose is to guarantee the integrity and probity of ANSES's work and to prevent any risk of conflict of interest concerning its officials or external contributors. By striving to avoid inappropriate or illegal behaviour, the code of ethical standards is designed to provide a basis for public confidence in the national system for health and environmental safety.

Several legislative and regulatory texts¹ set out the ethical principles applicable to ANSES².

¹Act No. 2011-2012 of 29/12/2011 incorporated in the Public Health Code (First Part, Book IV, Title V) defines the ethical rules applicable to health-related expert appraisal, particularly in terms of transparency and personal connections, intended to apply to the expert appraisal process led by the Agency with the support of its expert committees and staff under the conditions provided for in Decrees No. 2012-745 of 9/05/2012 and No. 2013-413 of 21/05/2013.

Act No. 2013-907 of 11/10/2013 provides a definition of conflict of interest. This Act also sets out the procedure to be followed by any public official who considers him/herself to be in a situation of conflict of interest.

Act No. 2016-483 of 20/04/2016 strengthens the rules applicable to civil servants and public officials.

²The foundations and principles for the Agency's expert appraisal activities are enshrined in Order No. 2010-18 of 7/01/2010 establishing the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) and Decree No. 2010-719 of 28/06/2010 relating to ANSES. These texts are codified in Articles L1313-1 et seq. and Articles R1313-1 et seq. of the Public Health Code (CSP).



Article 1: Purpose

The purpose of this code – given ANSES's status as a public institution, the texts by which it was established and its internal rules and regulations – is to define and set out its ethical rules in order to ensure the independence and impartiality of its decisions, reports and opinions, as well as of the MAs it issues; to facilitate dialogue with its supervisory ministries and the professionals concerned; and to ensure that its work is transparent to the general public.

Article 2: Scope

This code of ethical standards applies to all ANSES officials and external contributors.

ANSES's internal rules and regulations define officials as being either civil servants, regardless of their position (activity, secondment, assignment) and their administration of origin, or non-permanent contract staff under public or private law.

External contributors are defined as being either persons contributing to its activities in one way or another without being on the Agency's staff, or members of the Agency's bodies and other persons contributing to the work of these bodies. In particular, experts and members of the monitoring committees are regarded as contributors. On the other hand, the definition of ANSES contributor within the meaning of this code excludes service providers, participants in networks run by ANSES, and persons working on scientific research or reference projects (other than within the framework of a Joint Research Unit or a Contracted Unit with ANSES).

Some ethical rules are common to all ANSES officials and external contributors (Title I), others are specific to ANSES officials (Title II), while yet others are specific to experts and expert appraisal activities (Title III). Ethical rules have been established and bodies set up to ensure that these rules are applied within the Agency (Title IV). The guarantee of functional protection and penalties in the event of non-compliance with the rules (Title V) complete this system.

TITLE I: ETHICAL RULES APPLICABLE TO ANSES OFFICIALS AND EXTERNAL CONTRIBUTORS

Article 3: Compliance with general principles

ANSES officials and external contributors are required to comply with the general regulations applicable to civil servants³.

They shall therefore perform their duties with dignity, impartiality, integrity and probity, while upholding the principles of neutrality, secularism and equal treatment of all persons. They shall exercise professional discretion with regard to any facts, information or documents of which they become aware in the course of or in connection with the performance of their duties.

In addition, the French National Charter for Research Integrity, to which ANSES has subscribed, sets out the criteria for a rigorous and integrated scientific approach, applicable in the context of all national and international partnerships. By signing up to this charter, ANSES undertakes to uphold a common set of values and principles, shared with its academic partners.

³ The general regulations applicable to civil servants are set out in Act No. 83-634 of 13/07/1983 as amended on the rights and obligations of civil servants.



ANSES has also subscribed to the National Charter for Expertise, which sets out three fundamental principles:

- transparent and regulated expert appraisals,
- publication by the operator of any personal connections between the experts involved and the parties concerned by the expert appraisal,
- the systematic handling of environmental and health alerts by the signatory institutions.

Article 4: No-gifts policy

Persons required to file a public declaration of interests (PDI) and persons contributing occasionally to the work of ANSES's collegial bodies⁴ may not receive gifts or gratuities in money or in kind of any nature, either directly or indirectly, offered by companies operating within the Agency's sphere of competence⁵.

Article 5: Obligation of confidentiality⁶

The obligation of confidentiality includes:

- professional secrecy, imposed to protect individuals, with infringement punishable under the Penal Code; this concerns information containing medical secrets, business secrets and national defence secrets, according to the conditions and subject to the penalties set out in Article 226-13 of the Penal Code;
- an obligation of discretion, requiring ANSES officials and external contributors not to divulge information or indications concerning their missions, imposed to protect ANSES and ensure that its services function effectively; infringement shall result in disciplinary action.

Professional secrecy and discretion cover any information that may come to the attention of ANSES officials and external contributors in the performance of their duties, including not only information entrusted to them directly but also any information they may have seen, heard or understood⁷.

The fact that other people may already know the facts revealed does not alter their confidential and secret nature. ANSES officials and external contributors may therefore only be released from this obligation of professional discretion by explicit decision of ANSES or by legal procedures.

Article 6: Obligation to exercise restraint

Without contravening the principle of transparency in expert appraisal activities⁸, public expression on subjects related to the Agency's missions must not adversely affect its interests nor bring it into disrepute.

Similarly, without prejudice to the freedom of expression they have been guaranteed, ANSES officials and external contributors shall refrain from expressing extreme written or oral opinions or critical or materially inaccurate remarks that might be damaging to the public service in which they work. This also concerns expression via social networks.

⁴ Bodies referred to in Article L1451-1 of the CSP.

⁵ Article L1451-2 sub-paragraph 1 of the CSP.

⁶ Articles L1313-10 and L1451-1 I of the CSP and Article 26 of the aforementioned Act No. 83-634 of 13/07/1983.

⁷ Without prejudicing application of the provisions laid down in Articles L1451-1-1 and R.1451-6 of the CSP specifying the conditions for transparency in expert appraisal activities, while not categorised as secret, group meetings, the opinions expressed therein, the fact that a report has been forwarded, the significance of its conclusions and the working procedures, among other things, are nonetheless covered by an obligation of discretion. This obligation requires ANSES officials and external contributors not to make such information public, in order to avoid interfering with the proper functioning of the Agency and, more generally, of the authorities with which it works.

⁸ Provisions of Article L1451-1-1 of the CSP setting out the conditions for transparency in expert appraisal activities.



Article 7: Rights concerning whistleblowers

Without being impeded by the provisions of Article 6 of this code, ANSES officials and external contributors have the right to alert the Agency, disinterestedly and in good faith, of a crime or offence, a clear and serious violation of an international commitment duly ratified or approved by France⁹, or of laws and regulations, or a serious threat or harm to the public interest, or facts that could be qualified as a conflict of interest, of which they have personal knowledge.

The whistleblower shall raise an alarm in accordance with the provisions of the laws and regulations in force¹⁰ and the reporting procedure set up at ANSES¹¹.

ANSES undertakes that whistleblowers shall not be subject to any direct or indirect penalties or discrimination related to any alarm they may have raised in good faith.

Article 8: Obligations to declare connections when making public statements

Persons required to file a PDI and who have connections either with companies and establishments producing or exploiting health products or consultative bodies involved with such products, or with companies and establishments operating within the Agency's sphere of competence, must ensure that the public is aware of such connections whenever communicating about such products or the company's activities at a public event, in the printed or audiovisual media, or on social networks¹².

Such information may be conveyed in writing in the case of an article for publication in the press or on the Internet, and either orally or in writing at the start of an oral presentation, in the case of a public event, symposium, or communication intended for the audiovisual media.

Article 9: Obligation of impartiality

In view of the obligation of impartiality and the principle of neutrality applying to public employees, ANSES officials and external contributors must not participate in the examination of any matters involving their personal interest, even if this interest is only indirect or perceived.

They must not have any involvement likely to compromise their independence in the companies or establishments with which the Agency has to deal, whether in their own name or through intermediaries¹³.

Taking unlawful advantage of an interest is punishable by five years' imprisonment and a fine of €500,000 and is defined in Article 432-12 of the French Penal Code as *"the taking, receiving or keeping of any interest in a business¹⁴ or business operation, either directly or indirectly, by a person holding public authority or discharging a public service mission, or by a person holding a public electoral mandate who at the time in question has the duty of ensuring, in whole or in part, its supervision, management, liquidation or payment."*¹⁵

⁹ This also concerns any unilateral act by an international organisation pursuant to such a commitment.

¹⁰ Articles 6 to 16 of Act No. 2016-1691 of 9/12/2016 on transparency, the fight against corruption and economic modernisation and Decree No. 2017-564 of 19/04/2017 on procedures for handling whistleblower reports within legal entities governed by public or private law or State administrations.

¹¹ See Article 24.4 below on the Whistleblower Adviser.

¹² Article L1451-2 al 2 of the CSP.

¹³ Article L1313-10 I and L1451-1 of the CSP.

¹⁴ "Business" is used here as a generic term to cover all forms of legal entity.

¹⁵ The French anti-corruption agency created by Act No. 2016-1691 of 9/12/2016 on transparency, the fight against corruption and economic modernisation, is responsible for making recommendations on preventing and detecting any failures to fulfil the duty of probity (corruption, influence peddling, misappropriation, unlawful taking of interest, embezzlement of public funds and favouritism).



Article 10: Obligation to file a public declaration of interests (PDI)

The PDI is one way of preventing and managing risks of conflicts of interest.

The following persons are required to complete a PDI, prior to being appointed or taking office¹⁶:

- the Agency's managers, directors and executives,
- members of the Agency's governing bodies,
- members of other collegial bodies, commissions, working groups and councils to whom the law, regulations or an internal organisational measure has entrusted the task of taking decisions, making recommendations, establishing references or issuing opinions on public health or safety issues,
- officials involved in the preparation of decisions, recommendations, references and opinions on public health or safety issues,
- officials performing inspection, assessment, surveillance and control duties relating to activities, techniques or products falling within the sphere of competence of public health and safety.

The Ethics Officer is also required to complete a PDI¹⁷.

The list of people within the Agency required to file a PDI is established by decision of the Director General¹⁸.

The PDI must mention personal connections of all kinds, whether direct or through an intermediary, held by the declarer currently or in the five years before taking up his/her position, with companies, establishments, bodies (foundations, associations, etc.) or consulting firms, whose activities, techniques and products fall within the sphere of competence of the Agency or the collegial body of which he/she is a member.

PDIs are updated on the declarer's initiative whenever there is a change in his/her situation¹⁹. In any case, the declarer is required to check each year that his/her declaration is complete and up to date.

Public declarations of interest are published on the Agency's website and on the dedicated website established by the Ministry of Health²⁰.

Article 11: Identifying and managing risks of conflicts of interest

ANSES analyses the interests declared in the PDIs and in view of this analysis takes appropriate steps to prevent any conflicts of interest.

In line with the charter for health-related expert appraisal²¹, ANSES has introduced a guide to analysing declared interests that is applicable to the PDIs of both the ANSES officials concerned and members of the collegial bodies. This guide assists anyone required to analyse PDIs to reach a decision by classifying the identified personal connections as minor or major.

A connection is considered minor when it exists but does not constitute a conflict of interest because it is relatively weak. It is compatible in principle with the performance of the declarer's duties or mandate. The connection is considered major when it is likely to constitute a conflict of interest because it is strong. It will result in the declarer being excluded from the mandate or duties, or from handling the matter in question.

The guide to analysing declared interests, available on the Agency's website, helps increase the transparency and consistency of ANSES's decisions in managing personal connections.

¹⁶ Articles L1451-1 and R1451-1 of the CSP.

¹⁷ Article R1451-1-IV of the CSP.

¹⁸ Article R1451-1-V of the CSP.

¹⁹ Article R1451-3-I of the CSP.

²⁰ The public declarations of ANSES's experts and officials can currently be viewed on two websites: the ANSES website for declarations filed until July 2017 and the "DPI-Santé" website for declarations filed since August 2017.

²¹ Article L1452-2 of the CSP.



Persons required to file a PDI may only take part in the work, deliberations and voting of bodies in which they serve once their PDIs have been completed or updated.

They may not take part in the work, deliberations or voting of these bodies if they have any direct or indirect interest in the matter under consideration. Any infringement shall be punishable by the penalties set out in Article 432-12 of the Penal Code²².

TITLE II: ETHICAL RULES APPLICABLE TO ANSES OFFICIALS

Article 12: Additional management of risks of conflicts of interest

For an official, a conflict of interest is any situation of interference between a public interest and public or private interests likely to influence or appear to influence the independent, impartial and objective performance of his/her duties.

The official is required to immediately cease or prevent any situations of conflict of interest in which he/she finds or could find him/herself. There are four ways of doing this:

- when placed in a hierarchical position, the official refers the matter to his/her superior, who then entrusts the handling of the matter or the preparation of the decision to another person if necessary,
- when the official has received a delegation of signature, he/she refrains from using it,
- when the official belongs to a collegial body, he/she refrains from sitting on it or, where applicable, from deliberating,
- when the official is exercising devolved powers, he/she is replaced by a proxy to whom he/she shall refrain from giving any instructions²³.

Article 13: Obligations in a situation of multiple activities

Public officials²⁴ are required to devote all their professional activities to the tasks entrusted to them. They are prohibited from engaging in any private gainful occupation on a professional basis.

Notwithstanding this principle, it is possible to carry out an ancillary activity.

The ancillary activities that may be carried out are listed exhaustively and are subject to prior authorisation by ANSES. Only the exercise of a voluntary activity for the benefit of public or private not-for-profit entities is permitted.

In addition, an ancillary activity may only be carried out outside the official working hours of the person concerned.

However, the administration may grant authorisation for part-time service to an official wishing to set up or take over a business. In this case, the Public Service Ethics Commission (CDFP), an external body, is consulted. It examines the compatibility of the company creation or takeover project with the duties performed by the official. Its opinion is issued within the time limit and under the conditions laid down in Article 14.

²² Article L1451-1-I sub-paragraph 6 of the CSP.

²³ Article 25b of the aforementioned Act of 13/07/1983.

²⁴ Under Article L1313-10 of the CSP, ANSES contract staff are excluded from the scope of Article 25 *septies* of the Act of 13/07/1983. However, the ANSES Board of Administrators' Decision No 2017-4.08 of 28/11/2017 states that, like civil servants, contract staff wishing to carry out an ancillary activity are required to submit a prior request for authorisation.



Article 14: Obligations when leaving for the private sector

The situation of a public official who leaves office permanently or temporarily in order to exercise his/her professional activity in a private company or firm or on a self-employed basis is subject to the prior opinion of the CDFP. Any organisation or company operating in a competitive sector and in accordance with the rules of private law shall be treated as a private company.

The CDFP assesses the compatibility of any gainful occupation in a private company or body, whether salaried or not, with the functions exercised during the three years preceding the start of such activity.

The CDFP assesses whether the activity exercised or planned by the public official could compromise or call into question the normal functioning, independence or neutrality of the service, or infringe any ethical principle referred to in Article 25²⁵ of the Act of 13 July 1983 as amended, or place the person concerned in a situation where he/she commits the offence of unlawful taking of interest set out in Article 432-13 of the Penal Code²⁶.

The CDFP issues an opinion within two months of the referral.

This may be:

- an opinion confirming compatibility,
- an opinion confirming compatibility but with reservations, which are declared for a period of three years when the opinion has been issued in the context of part-time work to create or take over a company, and for a period of three years after leaving office when the opinion is issued in this regard,
- an opinion confirming incompatibility.

The CDFP's opinion is binding on the administration and on the official. ANSES may request a second deliberation within one month of notification of the CDFP's opinion.

TITLE III: ETHICAL RULES APPLICABLE TO ANSES'S EXPERT APPRAISAL ACTIVITIES AND EXPERTS

Article 15: Guidelines for health-related expert appraisals

Expert appraisal activities at ANSES comply with the principles of impartiality, transparency, plurality and adversarial debate defined in Article L1452-1 of the Public Health Code.

ANSES also applies the provisions of Decree No. 2013-413 of 21 May 2013²⁷ approving the charter for health-related expert appraisal²⁸ that clarifies the definition of expert appraisal, the procedures for selecting experts, the expert appraisal process, the concepts of personal connections and conflicts of interest, and the methods for managing conflicts of interest.

Health-related expert appraisals are carried out with an expert group to ensure the possibility of open debate and the recording of any dissenting opinions.

To apply these principles, ANSES organises and defines the approach to be followed for its expert appraisal activities, particularly by means of documents specifying the internal quality procedure for collective expert appraisals, in compliance with the requirements of the NF X 50-110 Standard.

²⁵ See Article 3 above.

²⁶ Article 432-13 of the Penal Code punishes the offence of unlawful taking of interest with a penalty of three years' imprisonment and a fine of €200,000.

²⁷ Decree No. 2013-413 of 21/05/2013 approving the charter for health-related expert appraisal provided for in Article L1452-2 of the CSP.

²⁸ Article L1452-2 of the CSP.



Article 16: Selecting experts

ANSES proceeds by public calls for applications, ensures that the experts chosen possess the necessary competence and independence, and strives to avoid any bias or discrimination in its choice of experts.

ANSES takes steps to ensure pluralism in its expert bodies and regularly renews their members.

Article 17: Independence and impartiality of those participating in expert appraisal activities

Persons participating in expert appraisal activities and therefore subject to obligations of impartiality may not deal with issues in which they have a direct or indirect interest, nor may they uphold any personal interest. They must act independently of all outside influence, consider only the assessment criteria of their own scientific disciplines, base their conclusions and judgements on an objective analysis of all the data of which they have knowledge, and pay particular attention to uncertain and/or contradictory data.

Anyone taking part in expert appraisal activities must consider whether the conditions under which they carry out their duties enable them to do so in total impartiality. If this is hindered by any personal relationships they have with any natural or legal entity operating within the scope of their missions, or if they have had to deal with similar issues in the past, they must ensure that these circumstances are not likely to bias their judgement (either for or against) and, if in doubt, must notify the Agency. In this case, what is important is not so much any real bias that might result from these elements but the perception by third parties of possible bias. Any suspicion, based on facts such as disputes between two people or the expression of certain positions in the past, may be enough to suggest a lack of impartiality.

Article 18: Avoiding and managing conflicts of interest for people participating in expert appraisal activities

ANSES collects the public declarations of interest of people participating in expert appraisal activities in accordance with the terms of Article 10 above. ANSES keeps a record of its analysis of the personal connections declared before each CES meeting, depending on the agenda, and identifies any risk of a conflict of interest.

If any such risk is identified, the expert concerned is excluded from participating in the matter to be examined. The expert cannot take part in the work, deliberations or voting of the body to which he/she belongs²⁹.

Work conducted by any expert who is subject to a potential conflict of interest may be taken into account under the terms established by the Agency, particularly by means of a hearing. However, this expert may not participate in any phase of the examination of the matter.

Article 19: Transparency of information and traceability of decisions

In environmental matters, the right to information is understood in a broad sense. The Environmental Charter and the Environmental Code³⁰ establish the right for any person to access information on the environment held by public authorities.

ANSES publishes all its reports, opinions and recommendations and the methods used to reach them. It thereby helps improve the sharing of available scientific knowledge and pursues the principle of openness to civil society.

ANSES's opinions and recommendations are published subject to respect for confidential information protected by law, particularly information containing business secrets³¹.

In the event of any disagreement between experts after the discussion phase, the Agency gives full expression to dissenting positions in its published opinions.

²⁹ Article L5425-1 of the CSP.

³⁰ Article L124-1 of the Environmental Code, and the Aarhus Convention ratified by France in 2002.

³¹ Article L1313-3 last sub-paragraph of the CSP.



ANSES is responsible for ensuring traceability of the expert appraisal process and retaining all evidence related to its expert work through to the finished product, including the opinion, irrespective of whether or not a decision has been reached.

To this end, a full audio recording is made of the meetings of Expert Committees in accordance with the procedures specified in the Agency's internal rules and regulations, together with written minutes posted on the Agency's website, also in accordance with the procedures specified in the Agency's internal rules and regulations³². They include the agenda, a record of the discussions, the details and explanations of voting, and any dissenting opinions.

The declarations of interests submitted to ANSES are published with the exception of signatures, specific details relating to family relationships and remuneration of close family members. Specific details relating to any secondary remuneration received by the declarer are published³³.

They are published in accordance with Article R1451-3 of the CSP.

Article 20: Personal involvement in the mission

Experts carrying out missions for ANSES are appointed in a personal capacity (*intuitu personae*); i.e. they may not delegate their authority to anyone else and must express themselves in their own name.

Experts have total freedom of scientific expression during working sessions.

Article 21: Competence and “best efforts”

In the context of their missions and with due consideration for the resources available, experts shall apply their best efforts to devote themselves to the mission and carry out the tasks involved. They shall take care to record an exhaustive account of the methodology followed, sources used, hypotheses advanced and individuals questioned. They shall comply with the standards and references applicable to the Agency.

Article 22: Expression of personal opinions

Except by prior written agreement from ANSES, experts may not exploit their status as experts for the Agency on any professional document for commercial use (offers of service, letterhead or business card, website or any other form of electronic communication).

Experts shall refrain from publicly taking any position or acting in any way that might compromise the dignity of their position or that of the public service with which they work. Experts may not speak in the name of ANSES, including on their missions, unless duly authorised.

Experts undertake to distinguish between information validated by ANSES and their own stated positions, which are in no way binding on ANSES. When speaking in their own names, experts shall not leave any doubt that they are not speaking on behalf of ANSES, for whom they are carrying out an expert appraisal mission.

³² Articles L1451-1-1, R1451-6 and R1451-7 of the CSP.

³³ Articles L1451-1 and R1451-2 of the CSP.



TITLE IV: ETHICAL RULES AND BODIES

In accordance with the applicable laws and regulations, ANSES complies with ethical rules as a legal entity and has set up internal bodies responsible for ensuring compliance with these rules.

Article 23: Ethical rules applicable to ANSES

23.1 ANSES's independence and impartiality in its contractual partnerships

ANSES sets the framework for its contractual relationships to ensure its independence and impartiality. New or renewed contracts include clauses stating that contractual obligations may not contradict the legal and regulatory provisions to which ANSES is subject, especially regarding risk assessment and marketing authorisations for veterinary medicinal products, plant protection products and biocides.

ANSES undertakes not to form partnerships under conditions liable to place it in situations of conflict of interest or call into question the independence of the work it carries out and the opinions it publishes.

Under no circumstances may exploitation contracts lead to any direct or indirect remuneration for the Agency based on sales generated by the partner in France or Europe, wherever the Agency has influence.

A call for expressions of interest shall be used to select contractual partners.

23.2 ANSES's work regarding alerts

ANSES has a general alert mission prescribed by law³⁴. An "alert" is defined as a sufficiently validated signal considered, after an initial risk assessment, to represent a threat to the health of human, animal or plant populations or the environment, and to require an appropriate response.

ANSES's Health Alerts & Vigilance Department receives and processes all alerts notified to the Agency. It maintains the register of alerts provided for by law³⁵ and prepares alert bulletins.

Article 24: Internal ethics bodies at ANSES

24.1 Committee for ethical standards and prevention of conflicts of interests

The Committee for ethical standards and prevention of conflicts of interests (CDPCI) is an independent body with five to eight members whose mandate is exclusive of any other function at ANSES. The members of the CDPCI are appointed for a period of five years by order of the supervisory ministers on the proposal of the Board of Administrators.

The CDPCI reaches decisions on compliance with the ethical principles applicable to the Agency, its staff and external contributors. It issues opinions on the relevance and implementation of the principles, rules and procedures it has adopted to ensure compliance with good conduct.

It may hear requests by the Director General, a member of the Board of Administrators, Scientific Board or one of the Expert Committees, or by an ANSES official. It may also issue requests on its own initiative.

³⁴ Article L1313-1 of the CSP.

³⁵ Article 3 of Act No. 2013-316 of 16/04/2013 on the independence of health- and environment-related expert appraisal and the protection of whistleblowers, and Implementing Decree No. 2014-1628 of 26/12/2014 listing the public establishments and bodies that keep a register of alerts concerning public health and the environment.



24.2 Ethics Officer

The Ethics Officer is appointed by the Director General for a period of three years³⁶.

The task of the Ethics Officer is to verify application of the system for declaring personal connections and preventing conflicts of interest. He/she proposes the necessary measures to ensure effective implementation of the rules of professional conduct, and provides the Director General with an annual report on the conditions of application of the provisions on transparency and personal connections.

24.3 Ethics Adviser

The Ethics Adviser³⁷ is appointed by the Director General.

He/she provides the establishment's officials with any advice needed to ensure compliance with ethical obligations, in particular to put an end to any conflicts of interest brought to his/her attention.

24.4 Whistleblower Adviser

At ANSES, the alert adviser is referred to as the Whistleblower Adviser to avoid the risk of confusion with the alerts managed by the Health Alerts & Vigilance Department

The Whistleblower Adviser is appointed by the Director General.

He/she is part of the system for handling whistleblower alarms raised by Agency staff members as well as external or occasional contributors.

He/she collects, processes and closes these reports. An alarm may be raised in respect of facts relating to a crime or offence, a clear and serious violation of an international commitment, law or regulation, or a serious threat or harm to the public interest.

24.5 Scientific Integrity Adviser

Scientific integrity is the upright honest conduct that must govern all research³⁸.

The Scientific Integrity Adviser is appointed by the Director General and reports to him directly.

He/she has the following tasks: vigilance and monitoring, preventing and dealing with any misconduct, promoting scientific integrity within the Agency, drafting a report to the Director General on the matters addressed.

TITLE V: FUNCTIONAL PROTECTION AND PENALTIES

Article 25: Functional protection

ANSES's internal rules and regulations guarantee the functional protection of its officials and external contributors under the same conditions as those applicable to civil servants. Under their provisions, ANSES defends its officials and external contributors against threats, violence, assault, insult, defamation or offensive comments to either themselves or their families, against their persons or their property, in the course of or in connection with the performance of their duties.

³⁶ The position of Ethics Officer was created by Act No. 2016-41 of 26/01/2016 on the modernisation of our health system, supplemented by Decree No. 2016-779 of 10 June 2016 on ethics officers in health authorities and organisations. It is provided for in Articles L1451-4-II and R 1451-10 to R1451-16 of the CSP.

³⁷ The position of Ethics Adviser was created by Act No. 2016-483 of 20/04/2016 on ethics and the rights and obligations of civil servants, supplemented by Decree No. 2017-519 of 10/04/2017 on ethics advisers in public service. It is provided for in Article 28b of the aforementioned Act of 13/07/1983.

³⁸ "Assessment and proposals for the implementation of the National Charter of Scientific Integrity" - Report submitted by P. Corvol on 29/06/2016.



Article 26: Penalties

Failure to abide by these provisions shall lead to application of disciplinary action or criminal penalties. The two types of penalties can be combined.

26.1 Disciplinary action

Any failure to comply with the obligations set out in the code of ethical standards may lead to action being taken as part of the administrative disciplinary procedure provided for in the general regulations applicable to civil servants. For experts, this may lead to the immediate withdrawal of their appointment to the expert bodies.

26.2 Criminal penalties

Any failure to comply with the obligations related to the "no-gifts" principles is liable to lead to criminal penalties under the conditions provided for in Article L1312-3 of the CSP. Any deliberate failure to draw up, modify or update the data of a PDI, or the provision of false information is liable to lead to criminal penalties under the conditions provided for in Articles L1454-2 and L1454-4 of the CSP.