



SOP
FOR
DEALING WITH QUESTIONS REGARDING
IMPARTIALITY OF THE INSTITUTE AND SCIENTIFIC ADVISERS
(CONFLICT OF INTEREST)

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1 PURPOSE

The purpose of this SOP is to describe how impartiality issues are handled at the institute, particularly in connection with case handling.

2 BACKGROUND

Funding by private companies and organisations of (cooperation) projects may represent a potential conflict of interest. Consequently, each cooperation project involving private funding is examined to establish whether the National Food Institute may, at a later time, get a role in relation to scientific assessment of a product, a process or similar work.

The background for this SOP is to ensure that no reasonable doubts can be raised about the impartiality of the institute and its employees in relation to case handling.

All employees at the Technical University of Denmark are subject to the Danish administrative law (*Forvaltningsloven*), which, amongst others, covers conflicts of interest in Sections 3 and 4.

According to Section 3 of the Danish administrative law an employee is disqualified if:

- a) *he/she has a particular personal or economic interest in the case outcome or is – or previously, in the same case, was – a representative of somebody with such an interest,*
- b) *his/her spouse or relative by blood or marriage in lineal ascent or descent or a collateral relative as close as sibling's children or other close relatives has a particular personal or economic interest in the outcome or represents somebody with such an interest,*
- c) *he/she participates in the management of, or is otherwise closely associated to, a company, an association or another private legal person who has a particular interest in the outcome,*
- d) *the issue concerns complaint about case handling where he/she assisted,*
- e) *there are other circumstances which could raise doubts about his/her impartiality.*

Subsection 2. However, a conflict of interest does not exist if, due to the nature or strength of the interest, the nature of the case or the person's role in relation to the case handling, it cannot be assumed that there is risk that the decision on the matter may be influenced by irrelevant considerations.

Subsection 3. If a person has conflicting interests in a particular case, he/she may not take a decision, participate in the decision or otherwise contribute to the case handling.

Exception: Besides the exception mentioned in Section 3, Subsection 2, the Danish administrative law also allows for an exception in Section 4: *The provisions in Section 3 do not apply if it would be impossible or involve significant difficulties or reservations to let another person replace the person in question while the case is under review.*

3 IMPORTANT CHANGES IN THE NEW SOP VERSION COMPARED TO THE PREVIOUS VERSION

This is the 2nd version. Only linguistic corrections have been made.

4 DEFINITIONS

See FOOD-R-001, SOP for definitions in relation to research-based consultancy services.

5 LIMITATION

This SOP only concerns the question of impartiality of the institute and the scientific adviser/scientific advisers. Registration is done in DTU DOC. Reference is made to SOP R-KVA-004 concerning case handling.

6 PROCEDURE

The institute

The National Food Institute renders research-based consultancy to Danish and international authorities, organisations and companies as well as to the public in the widest sense.

List of partners: It is essential that the consultancy rendered is factual and trustworthy, and that any questions about the impartiality of the institute are handled publicly and transparently. Therefore, on its website the institute publishes a list of the authorities, organisations and companies with which it has entered economic cooperation agreements. The extent of this cooperation, in the form of topics and economy, is not published. The institute's coordinator for research-based consultancy services is responsible for the updating of this list every six months, at least.

The institute takes the view and has as its policy that questions about impartiality relate only to economy. Thus, the employees' religious and political beliefs, their sexuality, hobbies, etc. are not part of the evaluation of impartiality in relation to the institute's research-based consultancy.

Upon receipt of a case, depending on how the case is introduced to the institute, either the scientific adviser or institute management evaluate whether conflict of interest concerns could be raised, ref. Paragraph 2 above. Regardless of how the case was presented to the institute it should be considered whether legitimate doubts about the institute's impartiality could be raised.

How to handle conflict of interest issues: If legitimate doubts about impartiality exist the institute may choose between four options:

- 1) opt out of the project,
- 2) accept the project following an accurate assessment of the project's inherent risk and scope (in terms of professional competences and budget size) as concerns impartiality,
- 3) accept the project, however, opt out of any future roles related to assessment and consultancy,
- 4) accept the project as well as any future assessment and consultancy if this is undertaken by employees who have not previously participated in the project. Besides, assessment and consultancy may hereafter be evaluated by an independent external agent.

During case handling a form for assessing impartiality questions (Attachment 1) could be filled in. If doubts about the institute's impartiality arise the scientific adviser presents the case to head of division or institute management. Subsequently, regardless of the outcome, a short written notice should be prepared and registered on the case.

Employees

After receiving a case, the scientific adviser is to assess whether doubts about impartiality could be raised, ref. Paragraph 2 above. One important question in this regard is whether the scientific adviser has any commercial secondary employment of significance to the question of impartiality.

Approval of commercial secondary employment: As an employee at the Technical University of Denmark, scientific advisers are to announce any commercial secondary employment at least one month before starting in secondary employment, enabling the director of institute to decide whether it may be combined with the job at the Technical University of Denmark. In addition, the employee must annually report his/her commercial secondary employment.

The Technical University of Denmark defines commercial secondary employment as follows:

- Employment with another public or private company including own company
- Member of the executive board and/or board of directors in commercial companies or commercial foundations etc.
- Responsibilities in commissions and committees
- Long-term teaching obligations at other institutions
- Adviser/consultant for private or public companies

In addition, as a rule at the National Food Institute a scientific adviser who owns shares in a company which is part of a case must brief head of division, who will then deal with the question of impartiality.

If the scientific adviser has conflicting interests, or doubts prevail in this regard, head of division must be briefed, and he/she is then to decide whether a new scientific adviser should be appointed. Considerations should, amongst others, include a comparison of the interested party's character and strength with the nature of the case, ref. Danish administrative law, Section 3, Subsection 2 (see Paragraph 2 above).

If head of division concludes that considerable conflict of interest prevails and that there is no alternative, qualified scientific adviser the issue is to be presented to the director of institute. Based on the institute's guidelines (see Subparagraph 6.2) and the Danish administrative law, Section 4, the director of institute takes a decision in the question of impartiality.

If no scientific adviser with no conflict of interest can be identified at the institute the director of institute may decide to let the scientific adviser in question handle the case on the condition that the case handling and its results are discussed with the scientific adviser's head of division at all times. Otherwise the case must be dismissed with a written explanation to the institution or person concerned. If possible, the institute refers to other expertise in Denmark or abroad, e.g. at the German institute BfR ((Bundesinstitut für Risikobewertung) or the French institute ANSES (Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail), with whom the National Food Institute has had a formal cooperation agreement since 2010.

7 FILING

The assessment form is filed in DTU DOC.

8 RESPONSIBILITY

It is the responsibility of the scientific adviser to consider the question of impartiality. It is, furthermore, the responsibility of the scientific adviser to obtain approval of any commercial secondary employment and to, annually, provide information about any commercial secondary employment.

9 ATTACHMENT

Attachment 1: Form for assessing whether there is a possible conflict of interest

