

# Code Strategy and Policy Advice



## Introduction

NWO's task is to promote the quality of scientific research and to initiate and stimulate new developments in scientific research.

NWO-I aims to promote excellent science and the quality of scientific research in general, to have high-quality scientific research carried out in specific areas, to initiate and stimulate new developments in scientific research and to relay the results of scientific research initiated, carried out and stimulated by it for the benefit of society, as well as to manage Institutes.

NWO and NWO-I are advised on strategy and policy in the performance of these tasks and in the realisation of these objectives. This concerns topics relevant to NWO and NWO-I in society and science.

Advice to NWO and NWO-I on strategy and policy (hereinafter: the advice) must be independent and not influenced by personal interests. At the same time, it is important that the advisors understand the subject matter. These demands of independence and expertise can be at odds with each other and therefore require continuous attention of all those involved in providing advice.

The NWO Executive Board and the NWO-I Board are responsible for preventing the advice from being influenced by personal interests. To this end they have, among other things, adopted the Code Strategy and Policy Advice (hereinafter: the Code). The Code therefore only relates to advice on strategy and policy. This may include, but is not limited to, advice from the NWO Advisory Council, Institute Advisory Councils, Scientific Advisory Committees and various preparatory and evaluation committees.

NWO and NWO-I will prepare and annually update an addendum listing advisors and/or advisory bodies to which this Code relates. The Supervisory Board has laid down the relevant rules of procedure in its regulations.

The Code does not relate to advice on the (primary) subsidy process. That form of advice is subject to the *Code of Handling Personal Interests*.

In addition to the adoption of the Code, NWO and NWO-I members of advisory bodies must equip themselves in such a way that these members are able to take their responsibility for dealing with personal interests when advising. NWO and NWO-I supervise the handling of personal interests when advising.

The Code distinguishes between dealing with personal interests before and after having been appointed in an advisory body. The following is discussed, in the order as stated:

1. Who is responsible for what?
2. Personal interests
3. Handling of personal interests before appointment
4. Handling of personal interests after appointment

## 1 Who is responsible for what?

The NWO Executive Board and the NWO-I Board are ultimately responsible for dealing with personal interests with regard to providing strategy and policy advice. They place this responsibility in the first instance with the members of the advisory bodies. These members, both individually and collectively, have the task of considering whether and under which conditions the provision of advice can be participated in.

The responsibilities for dealing with personal interests are divided as follows:

- **The NWO Executive Board and the NWO-I Board:** It is the responsibility of the NWO Executive Board, the Domain Boards, the NWO-I Board and all other decision-making bodies:
  - to equip all members of the advisory bodies in such a way that they are able to assume their responsibilities with regard to dealing with personal interests
  - to supervise the handling of personal interests by members of advisory bodies
  - to make a final decision on the handling of personal interests of members of advisory bodies
- **Members of advisory bodies** are, as such, responsible for dealing with their personal interests.

## 2 Personal interests

A personal interest is deemed to exist when an (intended) member of an advisory body has an interest that:

- does not form part of the interests that NWO should represent on the grounds of its statutory duty
- or
- does not form part of the interests that NWO should represent on the grounds of its statutory objective

A personal interest may involve:

- private interests
- professional interests
- interests from other positions
- business (financial and/or economic) interests

### Explanation

Contrary to what the term may suggest, a personal interest is not just limited to an interest in which the member of an advisory body enjoys (direct) personal gain. A personal interest can also exist if, for example, the university or organisation for which the member in question works benefits from a particular recommendation.

Personal interests can be roughly classed in four categories: 1. Private, 2. Professional, 3. Ancillary positions and 4. Business. However, it is possible that a personal interest does not fit in any of these categories. More often than not, a personal interest falls into more than one category (a friendship at work for instance).

A personal interest can be an interest from the past, an interest in the present or a (possible) future interest.

Examples of personal interests are:

- An Institute Advisory Council is asked to give advice on the relocation of a research centre to Vrije Universiteit Amsterdam (VU) or the University of Amsterdam (UVA). One of the members of the advisory body is a professor at the VU.
- At the request of the Executive Board, a theme committee issues advice on the important themes in soil research in the next five years. The sister of one of the members of the theme committee recently initiated a start-up in this field and is looking to gain recognition.

## 3 Handling of personal interests before appointment

Prior to the appointment of a member in an advisory body, the decision-making body decides whether the personal interests of the intended member impede his installation. To this end, the intended member provides the necessary information (including a CV, overview of ancillary positions and financial interests).

In the case of a personal interest, an explicit consideration must be made as to whether the intended member can be appointed. The following factors must in any case be included in this consideration:

- the tasks/function of the advisory body
- the nature of the personal interest

- the scope of the personal interest
- the number of members and the composition of the advisory body
- the role of a member within the advisory body

The following persons are excluded from membership of an advisory body:

- Members of the NWO Executive Board
- Members of the Board of Stichting NWO-I

### Explanation

Prior to appointment, there is a need to gain insight into the background of an intended member. This is because the information provided by the intended member may reveal interests in relation to what the advisory body must advise on.

In the event of a (potential) personal interest, it must be assessed whether this impedes the appointment. An advisory body usually advises on a range of topics at strategic and policy level over a long-term period. Some degree of conflict of interests can therefore be expected beforehand, to the extent that the appointment cannot be made at all.

In order to make a conscious and consistent consideration, a number of factors must be taken into account in the assessment and be viewed in relation to each other. An explanation of these factors is given below.

### Tasks/function of the advisory body

Tasks and functions of advisory bodies can vary strongly. The NWO Advisory Board, for example, has a broad and abstract task, namely advising the NWO Executive Board on relevant developments in society and science, whereas a preparatory committee has a narrower and more concrete task, namely advising on a specific subsidy instrument or research programme.

The intensity of the advice can also vary considerably. Some advisory bodies have the task of issuing a single recommendation, whereas other advisory bodies advise over a longer period, such as an Institute Advisory Board. The wider and more abstract the task and

function and the more frequent advice is issued, the less likely a personal interest will stand in the way of an appointment.

### Nature of the personal interest

When referring to the nature of the personal interest, you refer to its character. For example, does the interest originate from private circles, professional circles or financial circles. A member of an NWA advisory committee who works at an NWO institute and who is affiliated to a university at the same time, for example.

### The scope of the personal interest

The size and scope of the interest are about the impact of it. For example, about the scope of a potential financial interest, the topicality of a professional relationship (recent or longer ago) or the length of the period in which a participant holds or has held an ancillary position.

### The number of members and the composition of the advisory body

Generally, the risk of influencing the decision-making process will be higher with a relatively small number of members of an advisory body compared to a large number.

In addition, attention must be paid to the total set of interests of all members of an advisory body combined.

### The role of a member within the advisory body

Depending on the duties, function and structure of an advisory body, a member can fulfil a variety of roles. The role of the (deputy) chairman is particularly important in this respect. The (deputy) chairman is responsible for the course of the decision-making process and as such for preventing influencing the decision-making process by personal interests. Hence a (deputy) chairman may be subject to stricter requirements as regards personal interests.

## 4 Handling of personal interests after appointment

If a member of an advisory body has a (potential) personal interest when providing advice, the member must report this to the other members of the advisory body. The members of the advisory body then jointly decide whether the member in question has, in fact, a personal interest in the advice. If the votes are tied, the chairman will have the deciding vote.

In the event of a personal interest when providing advice, the member in question must abstain from forming an opinion and be excluded from the decision-making process in this respect. This abstention must be reported to the decision-making body when issuing the recommendation.

However, in the event of a personal interest, the member in question can participate in the conceptualisation phase. This participation must be reported when issuing the recommendation.

### Explanation

An advisory body may have a desire to utilise the expertise of a member with a personal interest when advising. In that case, making an explicit distinction between the three phases of the decision-making process is useful:

- **Conceptualisation**

This phase is about making an inventory and collecting all relevant information needed to be able to make a commendation.

- **Opinion-forming**

This phase is about exchanging views that relate to the advice.

- **Decision-making**

**In this phase, a decision is made about the recommendation.**

The member in question may play a role in the “first” phase of conceptualisation, but he must abstain from forming an opinion and making decisions in this respect. This means that the member in question will not be present during the opinion-forming and decision-making processes and he must abstain from any other (informal) method of influencing. For example, lobbying at the coffee machine.

In such a case, it is up to the chairman to make a clear distinction between the phases and to ensure this distinction is maintained.

### Dutch Research Council (NWO)

#### Netherlands Foundation of Scientific Research Institutes (NWO-I)

Laan van Nieuw Oost-Indië 300  
2593 CE The Hague  
PO Box 93138  
2509 AC The Hague

+31 (0)70 344 06 40  
code@nwo.nl  
www.nwo.nl

1 July 2019

The Code Strategy and Policy Advice comes into force on 1 July 2019, after adoption by the NWO Executive Board and the Board of Stichting NWO-I.