



Guidelines:

The Swedish Research Council's guidelines for managing conflicts of interest

1. About the guidelines

Impartiality and conflict of interest issues may arise in all types of matters occurring at the Swedish Research Council. According to the Swedish Research Council's conflict of interest policy¹, the Council shall itself decide on guidelines for managing conflicts of interest. The following guidelines aim to objectify the conflict of interest policy, and shall also provide support in the management of matters at the Swedish Research Council. For some types of matter, there are also specific governing documents for managing conflicts of interest that complement these guidelines.

2. About impartiality and conflict of interest

In all its activities, the Swedish Research Council shall be objective and impartial and protect everyone's equality before the law. The Swedish Research Council must not be guided by any interests other than those it shall look after, or take account of irrelevant circumstances. This follows from the objectivity principle, as expressed in Chapter 1, Section 9 of the Instrument of Government (Regeringsformen) and Section 5, second paragraph of the Administrative Procedure Act (Förvaltningslagen 2017:900).

The requirement for objectivity and impartiality does not just cover how a matter has actually been managed, or what actual reasons underlie a decision or other action. How the Swedish Research Council's actions may be perceived by outsiders is also important. Even the risk that outsiders may perceive that the Swedish Research Council has not observed objectivity and impartiality may contravene the objectivity principle.

A conflict of interest refers to circumstances that may shake the trust that a decision-maker or administrator is impartial in the management of a matter. Sections 16–18 of the Administrative Procedure Act (Förvaltningslagen 2017:900) contain provisions aimed at ensuring the objectivity principle's requirement for impartiality are maintained. The provisions state primarily the

¹ Adopted by the Board of the Swedish Research Council on 30 January 2019.



conditions under which a conflict of interest exists, the effect of a conflict of interest, and how conflict of interest issues shall be managed. The provisions cover persons involved in the administration of the Swedish Research Council's matters.

When the Swedish Research Council employs subject experts or similar sub-contractors in a matter who are not involved in the administration in any other way, the Council shall ensure that the requirements that follow from the objectivity principle are complied with, to the same extent as applies for the Council's own officers. Even if the provisions governing conflict of interest in the Administrative Procedure Act are not directly applicable when employing a sub-contractor, guidance should be sought in the principles expressed in the provisions.

3. Reporting a conflict of interest

To prevent and manage conflicts of interest, the Swedish Research Council needs to know whether any circumstances exist to cause the impartiality of a person taking part in the administration of a matter to be questioned. This often assumes that persons who are to take part in the administration provide information of such circumstances themselves, by reporting a conflict of interest. According to the Administrative Procedure Act, persons taking part in the administration are obliged to provide such information to the Swedish Research Council.

The following applies for reporting a conflict of interest to the Swedish Research Council:

- A person who is aware of any circumstance that may mean his or her impartiality in a matter may be questionable shall voluntarily and immediately inform the Swedish Research Council of this circumstance.
- Employees of the Swedish Research Council shall inform their immediate superior. When administrating matters relating to the allocation of funding, the information shall be given to the administrator responsible.
- Members of scientific councils, councils and committees, review panels and advisory groups shall, in the first instance, inform the administrator responsible or, in the second instance, the chair of the body or group.
- Other external subject experts and sub-contractors shall inform the administrator responsible.

4. Assessment of whether a conflict of interest exists

Starting points

An assessment of whether a conflict of interest exists shall always be done based on the objectivity principle and the conflict of interest provisions of the



Administrative Procedure Act. The provisions cover all persons who take part in the administration of a matter on behalf of the public agency. To begin with, it is not the position designation or the job description but the actions in the individual matter that determine whether the provisions are applicable. This means that both employees as well as appointed and elected members are all covered by the provisions when they take part in the administration of matters.

It is not a requirement that a person taking part in the administration of matters actually has breached the requirement for impartiality for it to contravene the objectivity principle. It is sufficient that, from an objective viewpoint, there is some specific circumstance that shakes the trust.

Only if it is clear that the issue of impartiality lacks any importance may the public agency disregard any conflict of interest. It must then be a question of cases where the person who will be part of the administration of a matter lacks any opportunity to influence or become influenced by any irrelevant circumstances, such as pure registration matters.

For external subject experts or similar sub-contractors employed in a matter without taking part in the administration in any other way, it follows from the objectivity principle that the public agency shall ensure that there are no circumstances that may affect the trust in the objectivity of the procedure used in a negative way.

Different conflict of interest situations

The Administrative Procedure Act states that a person who take part the administration on behalf of a public agency in a way that may affect the decision in a matter has a conflict of interest in situations such as the following:

- If he or she or any closely related person is party to the matter, or otherwise can be assumed to be affected by the decision to a not insignificant extent (known as party or close relationship conflict of interest).
- If he or she or any closely related person is or has been the representative or agent for a party to the matter, or for anyone else who can be assumed to be affected by the decision to a not insignificant extent (known as representative or agent conflict of interest).

Any other circumstances that cause the impartiality of a person taking part in the administration of a matter to be questioned may entail a conflict of interest issue. The Administrative Procedure Act has a general provision regulating what is known as delicacy conflict of interest. Some such conflict of interest situations may be perceived as unclear or particularly difficult to assess. It is important that all situations are assessed based on the circumstances of the individual case, and that the nature, scope and duration of the circumstances that can be assumed to constitute a conflict of interest are considered.



Examples of situations where a conflict of interest typically exists

Examples of situations where a conflict of interest typically exists are:

- When an economic or other dependency circumstance exists. An example of the latter is a situation where a person who is a party to a matter in another context has the task of assessing the research or competency of a person who is taking part in the administration.
- When an ongoing or recently terminated close collaboration exists, such as a teacher-student relationship, or a joint research project. The relationship between a doctoral student and his/her supervisor is considered a conflict of interest situation, regardless of how long ago the collaboration occurred.
- When there is evident friendship, enmity or difference of opinion.
- When there is a manager-employee relationship.
- When the person taking part in the administration in another context has administered an issue the matter relates to, for example as a representative of another public agency or organisation.

Examples of situations where there is a risk of a conflict of interest

Examples of situations where there is a risk of a conflict of interest are:

- When a book or article has been co-authored. As a rule, taking part in the administration of a matter should be avoided where research collaboration and co-authorship has occurred during the last 5 year period. A joint article or a joint chapter in an edited book may be enough to establish co-authorship. Co-authorship that occurred more than 5 years ago can also constitute a conflict of interest. The determining factor will be whether or not it was the result of close collaboration, and this must be assessed from case to case.
- When a person taking part in the administration of a matter belongs to the same department (particularly small and medium-sized ones) or a or a corresponding independent financial entity as a party or other persons affected by the matter.
- When the person taking part in the administration is engaged in the matter in such a way that a suspicion may arise that the basis for impartial assessment is compromised.

5. Effect and assessment of conflicts of interest

A person with a conflict of interest must not be present when the matter is decided on, or otherwise participate in the administration of the matter. Exceptionally, the person may, however, carry out such tasks as nobody else can carry out without delaying the administration significantly. The exception above shall be implemented very restrictively.



A conflict of interest situation may in many cases be managed by handing the matter over to another administrator or decision-maker without a specific decision being made. If a conflict of interest issue has been raised by a party or other outsider, or relates to someone who does not consider themselves as having a conflict of interest, and the public agency makes a different assessment, it should however be examined by means of a specific decision. Such a decision shall be made by the director general or, following delegation, by another decision-maker.

All conflict of interest issues shall be examined by the public agency, irrespective of how they have been raised.

A person who has a conflict of interest may take part in the examination of the conflict of interest issue only if this is required for the agency to have a quorum and no deputy can be called up without delaying the examination significantly.

The Swedish Research Council's decisions on conflict of interest issues, both when it exists and when it has been examined and found not to exist, must be documented.

6. Communication and information

As issues and discussions about impartiality and conflict of interest can arise throughout the activities of the Swedish Research Council, all persons taking part in the administration of matters must know and understand the contents of the Council's conflict of interest policy, these guidelines and other applicable governing documents for managing conflicts of interest. To ensure this, the following applies:

- Swedish Research Council employees and others taking part in the administration of the Council's matters shall be informed of the conflict of interest policy and these guidelines, and of other applicable governing documents for managing conflict of interest. This means, for example, that the document in question shall be made accessible in applicable parts to employees, members of decision-making bodies, review panels and advisory groups and to other sub-contractors.
- New employees and sub-contractors taking part in the administration of the public agency's matters shall be given the opportunity to discuss the contents of the conflict of interest policy, these guidelines and other applicable governing documents for managing conflict of interest as part of their introduction to the work.
- The Swedish Research Council's chief legal officer has overall responsibility for the Council's management of conflict of interest issues, and therefore has specific responsibility for communication and information about these issues.



7. Validity, etc.

These guidelines were adopted on 27 February 2023. They replace the previously adopted guidelines for the management of conflicts of interest (GD-2019-29). The guidelines shall be changed as necessary.