



# **Statute of the DESY Commission for Ethics in Research**

## **(As of 18 October 2018)**

### **Preamble**

Science at DESY regularly takes place at the threshold of currently existing knowledge or even of knowledge only deemed possible. In the process, situations may arise in which scientists, caught between scientific freedom on the one hand and other values and legal interests on the other hand, are required to make decisions and to answer ethical questions.

With the goal of making an appropriate deliberation process possible in such cases, culminating in a policy recommendation, DESY hereby establishes an ad-hoc Ethics Commission. Its function is to handle ethically-related matters in a structured manner and to set common standards for responsible conduct.

### **§ 1**

#### **Establishment and tasks**

- (1) The task of the Ethics Commission is to advise the DESY Directorate on the ethical aspects of research projects and to provide recommendations to be voted upon with regard to issues that arise. The responsibility of the scientists and their superiors regarding the implementation of the project remains unaffected by the assessment of the Ethics Commission.
- (2) The Ethics Commission shall adopt a rule of procedures.
- (3) The Ethics Commission is an ad-hoc commission. It meets only when necessary and has no regular reporting duties.
- (4) The Ethics Commission advises scientists prior to and during the implementation of a research project, when significant ethical risks to human dignity, life, health, freedom, property, environment, the peaceful coexistence of peoples or other legal interests of equal value may be tied to the research project. This may also be the case if scientific work generates knowledge, products or technologies that can be directly misused by third parties.
- (5) The members of the Ethics Commission act independently in carrying out their duties, are not bound by instructions and are responsible only to their conscience. They exercise their duties conscientiously and with impartiality and are obligated to maintain strict confidentiality.
- (6) The Ethics Commission operates on the basis of applicable law and of the scientific standard, as well as on the basis of the relevant professional rules. It takes relevant national and international recommendations into account and employs the current state of science and technology as a basis.
- (7) The following provisions apply subject to any deviating regulation by higher-ranking principle of law. The HmbVwVfG [Hamburg Administrative Procedure Act] is further applicable.

### **§ 2**

#### **Composition and election**

- (1) The Ethics Commission is composed of an odd number of at least five members from several scientific disciplines and an equal number of deputies. At least one member shall be a member of the Scientific Committee of DESY, at least one member shall be a member of the Scientific

Council, at least one member shall not be employed with DESY and one member must be qualified to hold the position of a judge. Appropriate participation of both women and men should be sought.

- (2) The members of the Ethics Commission are appointed by the Directorate for a period of two years. A reappointment is possible.
- (3) The chairperson and his/her deputy are chosen from among the members of the Ethics Commission. The chairperson conducts the ongoing business of the Ethics Commission.
- (4) Each member may resign at his/her own request without cause. The Directorate can dismiss a member for good cause after consulting with the Ethics Commission. A new member can be appointed in place of the former member for the remaining term of office.

### **§ 3**

#### **Opening of proceedings**

- (1) The Ethics Commission acts only upon written request. The request must be directed to the chairperson of the Ethics Commission.
- (2) Requests may be submitted by scientists employed at DESY, the DESY Directorate, the DESY Foundation Council, and the DESY Scientific Council. All required documentation must be submitted along with the request to the Ethics Commission. Requests can be amended or withdrawn.
- (3) The Ethics Commission is not responsible for questions, for which, for example, in the area of good scientific practice, the responsibility of other bodies is established by decision of the Directorate.
- (4) The Ethics Commission is not obligated to pursue anonymous tips. It may act independently if it considers the principles set down in this statute to be jeopardized.

### **§ 4**

#### **Proceeding**

- (1) The chairperson shall convene the Ethics Commission if he/she considers the competency of the Ethics Commission to be applicable. A negative decision must be communicated to the other members, who in response may optionally render a different majority decision. Place and time of the meeting are then determined. The notice period is at least 14 days unless it is shortened by the consent of all members.
- (2) Members of the Ethics Commission who have a particular self-interest in a research project or in the opinion or assessment of the Ethics Commission are excluded from the proceeding.
- (3) The Ethics Commission holds oral hearings on the requests in closed meetings. A transcript of each meeting including the essential results is to be prepared.
- (4) The Ethics Commission may call upon experts from the relevant technical fields and obtain expert opinions. It may request additional documentation, information or reasoned statements from the scientists and other parties concerned. The scientist may engage experts of his/her choosing. Rightful interests of informants must be protected to the extent possible within the scope of a fair proceeding.
- (5) All members of the Ethics Commission are obligated to secrecy with respect to deliberations.

## **§ 5**

### **Closing report**

- (1) The Ethics Commission shall state in its closing report that it has evaluated the respective research project with respect to ethically-related risks. It will provide a recommendation within the scope of its competence, to what extent in its estimation the implementation of the project, if necessary, with modifications and restrictions, appears acceptable. It shall strive for a consensus on the recommendation to be made. If there are reservations regarding the ethical acceptability of a research project, the scientist responsible must be consulted prior to the rendering of a decision.
- (2) The recommendation of the Ethics Commission must be communicated to the applicant and - if other than the applicant - the scientist responsible, in writing. Recommendations must be substantiated. The chairperson of the Ethics Commission shall inform the Directorate of all recommendations.
- (3) The affected party shall be allowed to inspect the documentation of the Ethics Commission upon corresponding request.
- (4) The Ethics Commission may revisit a project again in the event new relevant facts are presented.

## **§ 6**

### **Final provisions**

- (1) The members are exempt of any liability for their actions in the Ethics Commission. This does not apply in the event of a breach of the duty of confidentiality.
- (2) No fees shall be incurred for the examination of and consultation regarding research projects.
- (3) The assistance of DESY employees in the Ethics Commission is not remunerated separately.
- (4) This statute shall enter into force on the day following publication.