



EUROPEAN
COMMISSION

ETHICS REVIEW

LESSONS LEARNED

MEETING PROCEEDINGS

Brussels, 27 February 2008

Meeting organised by Research Directorate General
Unit L3 - Governance and Ethics
Ethics Review Sector

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MEETING PROGRAMME

Wednesday 27 February, 2008

Welcome and Purpose of the Meeting

Collection and Reimbursement Files

Introduction by the Chair

Ethics Review in 2007-2008

Remote Review

Operation and Structure
Lessons Learned
Guidelines for the Future

Central Review

Operation and Structure
Lessons Learned
Guidelines for the Future (hESCs, Dual Use, Nanotechnologies etc)

Individual and Consensus Reports

Recommended Modifications

“Pre-Screening” of Projects prior to Ethics Review

Lessons Learned
Guidelines for the Future

Subsidiarity

Contracts and Payments

PARTICIPANTS

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FOR THE COMMISSION

Gareth Ross John Beaton

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1. INTRODUCTION

Ethics review is an integral component of the assessment procedure for research supported by the European Commission. It is intended to ensure that all the research activities carried out under the Framework Programme are conducted in compliance with fundamental rights and ethical principles.

The Commission provides clear guidance on ethical issues to applicants. All applications for research support received by the Commission must describe the ethical, safety and socio-economic issues raised by the project, show how they have been adequately taken into account and how they will be addressed so as to conform with national, European and international regulations.

The role and duties of Ethical Review Panels in the review process are also defined by the Commission. It is the clear duty of Ethical Review Panels to function impartially and confidentially to provide reasoned and well-documented advice to assist the Commission in its project evaluation process.

Ethical Review Panels of the European Commission are multidisciplinary and multisectorial and are composed of recognised experts in a wide range of fields: from experimental science to clinical medicine, to philosophy, theology or law. The Commission strives to ensure gender and geographical balance on the Panels and Panels may include representatives of civil society as well as experts from non EU Member States.

The meeting on “Ethics Review – Lessons Learned” which was held in Brussels on Wednesday 27 February 2008, included international experts who had participated either as Chairs or members of both Remote and Central Reviews during 2007-2008 and had experience of the SINAPSE system.

The purpose of this meeting was to discuss the experiences gained during these past Reviews and to make constructive recommendations about the mechanisms and practicalities of Ethical Review in the future.

This review document is not intended to include any information in conflict with Commission guidelines but is complementary and is designed to help to ensure that the Ethical Review Panels are conducted in an efficient, transparent and consistent manner.

The Group agreed that rigorous ethical scrutiny is an essential element of all research that is funded in FP7. Furthermore, it was emphasised that the number of proposals that require ethical review is increasing. It is essential that the process is carried out quickly and efficiently so as to ensure that there is no delay in funding and to enable the research work to get underway as soon as possible after selection. As such, adequate funding must be allocated to ethical review and the necessary human resources made available to oversee its implementation.

It was noted that an informal analysis of the Ethical Issues Forms submitted by the Scientific Panel of one Programme suggested that about half of the judgements made by the scientific evaluators on whether a project should go to Ethical Review were factually incorrect. For example, projects involving harmless invertebrates were recommended for review, whilst projects involving the collection of samples or sensitive data from vulnerable human subjects were considered to involve no ethical issues.

It was generally agreed by the Group that strenuous efforts must be made to ensure that the Scientific Panels are made more

aware of ethical issues and the rules relating to these concerns. Members of the Group with experience of Scientific Panels noted that the briefing given to these Panels on ethical issues is often brief and rudimentary. More detailed briefing, perhaps involving a Commission staff member or a Scientific Panellist with experience of ethical issues would be very useful. This would help to ensure that Scientific Panels do not refer projects unnecessarily for Ethical Review or, conversely, fail to refer projects that involve serious ethical concerns.

The Group also suggested that mechanisms for communication between scientific and ethical reviewers should be improved. The Group emphasised the valuable contribution that Scientific Officers of the Commission can make to discussion at Central Review by providing informed insight into the scientific endeavours of the project. The Group also recommended that, whenever possible, Scientific Officers be encouraged to participate appropriately in Remote Review.

Every effort should be made to ensure that Project Coordinators submit appropriate documentation to the Review Panels. This would greatly expedite the Ethical Review process. This documentation could include,

where appropriate: Informed Consent Forms and Information Sheets, relevant approvals from Local and National Ethics Committees, information on data protection and privacy issues, information on insurance cover if human subjects are involved, animal experimentation licences and information on the number and types of animals to be used together with evidence that the 3Rs will be implemented.

It was suggested that in projects with sensitive ethical issues, applicants should be encouraged to establish an independent Ethics Advisory Board. This Board should be part of the management structure and its function would be to ensure the proper handling of the ethical concerns and to raise awareness of the potential ethical impact of the proposal. The Ethics Board should submit an annual Ethics Report as part of the deliverables.

In general, the members of the Group reported advantages and disadvantages to both Remote (at home) and Central (in Brussels) Review and recommended an appropriate use of these two options to ensure efficient, objective and transparent assessment of the large numbers of projects that now require ethical review.

1.1. Remote review

I. ADVANTAGES

The Group discussed, at length, the advantages and disadvantages of Remote compared with Central Review.

The Panel considered that Remote Review had several distinct advantages. These included:

1. The system allows the Reviewers to work from home and to fit in the reviewing schedule around their work and family commitments. It is possible to fit the demands of the ethical review into weekends, nights, leisure time and even vacations.
2. It prevents the necessity to absent oneself from home and work and to be physically present in Brussels for several days. This can have a deleterious impact on work and family life and on the carbon footprint of Reviewers.
3. Remote Review allows the participation of experts from different cultures, located in different countries who might find it difficult to take time to travel to Brussels
4. It enables a better, in-depth understanding of the proposals, as there is more time available for reading and preparation.
5. Remote Review makes it easier to obtain additional material such as legal and scientific texts from libraries and the Internet. This ensures that the review is carried out to a high professional standard. Whilst the Internet is available in Central
6. Reviews, the time available for in depth reading and research is often very limited.
7. It was argued that Remote Review allows individual Reviewers to express their opinions and concerns in a more detailed, objective form, not biased by the opinions of other Reviewers.
8. The Individual Reports are in a written form on SINAPSE and the opinions are less likely to be ignored in the framing of the final Consensus Report as when presented orally at a Panel discussion in Brussels. However, it was acknowledged that this perceived disadvantage to Central Review could easily be resolved by the reintroduction of Individual Reports at Central Review that would serve to document the initial views of the Reviewers prior to discussion.
9. All of the contributions to the discussion are recorded on SINAPSE and so the steps taken to arrive at consensus are documented and archived.

II. SINAPSE

At the core of the success of Remote Review is the effectiveness and efficiency of the SINAPSE system. This tool for the assessment of projects was introduced into Remote Review in August 2007. It has been monitored continuously and various improvements have been introduced into the methodology.

Overall, the Group found the SINAPSE system to be very satisfactory and user-friendly. Satisfaction with the documentation was also found to be high. However, there were concerns about following longer debates of projects on SINAPSE and the structuring of the threads of complex discussions. It was agreed that, in the future, efforts must be made to ensure that folders are properly arranged and set out on SINAPSE. A simple requirement will be that all discussion on a particular project will be contained in a single folder and the threads of the debate be clearly arranged.

One of the major perceived weaknesses of Remote Review is the lack of direct interaction between the Panellists. It was argued that SINAPSE would benefit from the inclusion of a “Chat Room” facility. Panellists could agree on a set time when they could enter the Chat Room and communicate dynamically and more directly with each other to debate particular points in a project or resolve ethical issues apparent in the proposal. It was stated that to facilitate open and forthright debate, Chat Room discussions should not be retained and archived. This would allow participants to freely express spontaneous opinions or conjectures that, on more mature reflection, they may not wish to stand over. All that would remain on record would be the “formal” debate and written conclusions.

It was also suggested that other mechanisms might be used to facilitate debate between members of a Panel and encourage efficient interaction. These included the use of Skype, telephone conference calls or videoconferencing. However, it was also argued that the use of these procedures might reduce the flexibility that is one of the major advantages of Remote Review. The necessity to be at a particular location at a set time in order to participate in a videoconference could prove almost as difficult as participating in Central Review. Doubts were also expressed about the use of Skype as not all systems permit the use of this technology because of perceived security weaknesses.

It was agreed that any technology that might be introduced must not be linked to a Panellist’s Institution but should be of such a type as to be easily available in the Panellists own home and be readily accessible outside of working hours. It was emphasised that any of these procedures for dynamic interaction between members of a Panel must be rigorously piloted before being included in the standard Remote Review procedure.

III. PANELS

Following lengthy discussion, the Group recommended that Remote Review should involve a Panel of about 5-6 experts, including the Chair, and would deal with about 5-7 proposals.

The members should receive 2 weeks notice of the commencement of the Panel. It was recommended that they should have about 2 weeks to produce Individual Reports and then 1 week to arrive at consensus and produce the final Ethical Review Report.

It was agreed that only the Chair would receive copies of the Individual Reports and would immediately acknowledge receipt to the Panellist. Acknowledgement is essential to reassure the expert that their Individual Report has been received safely. The Chair should forward these Individual Reports to the Rapporteur as soon as possible: but not before having received an Individual Report from the Rapporteur. Obviously, the sooner the Rapporteur gets access to the Individual Reports, the sooner the drafting of the final Ethical Review Report can commence.

IV. ACTIVE PARTICIPATION

It was emphasised by all members of the Group that full and active participation of all members of a Panel in discussion was an essential and problematic aspect of Remote Review. It was considered essential that the Chair should receive very clear guidance on how to manage contributions and how to ensure the active participation of all the Panellists. The Chair should alert the Commission, as soon as possible, if a member of the Panel was not participating and was not responding to communication so that he/she could be replaced. If necessary, the Chair might have to take over the role of a missing Panellist or

one who had to withdraw at a late stage for personal or professional reasons.

The Group further agreed that the experts must be alerted to the necessity of active participation in debate and evaluation at the time of accepting appointment to a Remote Panel. Passive participation in Panels constituted a dereliction of duty by a Panellist and the Commission should consider it unprofessional and irresponsible. The Commission should not appoint such experts to subsequent Panels without clear assurances from them of active engagement in this important aspect of research funding support.

The possibility of appointing “Reserve Reviewers” to Remote Panels who could be called upon to participate if required was discussed. However, it was agreed that this would prove administratively complex and not feasible in practice.

It was suggested that, in order to keep participants fully engaged in the review process, Panels might operate a two-cycle system. In this process, they would deal with 2 or 3 projects, complete them and then handle a further 2 or 3. No practical difficulties were apparent with this suggestion. However, it was emphasised that in the interests of standardisation it was essential that the composition of Panels be regularly changed to ensure a different mix of nationalities, expertise, viewpoints, etc. Particular combinations of Panellists should not become “embedded” but should be regularly recombined in new configurations.

V. VOTING

The Group discussed, at length, the issue of voting during Remote Review. It was emphasised that the issue of consensus is clearly explained in the EC document “Rules for submission of proposals, and the related evaluation, selection and award procedures” Revision 2, February 2008 in the section dealing with Ethical Review Procedures. The rule states that in case no consensus can be reached, the report reflects the opinion of the majority of the Ethical Review Panel. It was agreed that the problem arises when the Panel is very evenly divided on an issue and a vote is necessary to clarify the situation.

Questions were raised about how decisions should be made to call a vote during Remote Review, the need for precision in framing the motion on which a vote would be taken and how the results of a vote should be implemented.

There was a clear view among the members of the Group that, should a situation arise where there was such division of opinion among the members of the Remote Panel that a vote was considered necessary to resolve the impasse, then the Chair should request intervention by the Commission. In consultation with the Commission, it might then be decided that the proposal should be referred to Central Review in Brussels. If necessary, additional Panellists might be recruited, the Scientific Officers, or even the Proposers, might be asked to participate in the Brussels discussion. The point was strongly made that only as a last resort should a new Panel be appointed.

It was agreed that, on occasion, debate might be clarified and expedited by taking a non-binding or “straw poll” to test the thinking of a Panel. This can serve to direct and facilitate further focused discussion. This was considered to be an acceptable tool for effective chairing of a discussion. Nevertheless, a binding vote on a divisive issue should not be used in Remote Review; rather the project should be referred to the Commission for a Central Review meeting in Brussels.

It was accepted that it was the role of the Chair to end a Remote Review if a final Ethical Review Report could not be agreed.

VI. ANNUAL MEETING

It was suggested that there should be an Annual Meeting of experts to enable them to review their experiences, exchange views on sensitive or contentious topics and update themselves on recent developments in the field of ethics.

1.2. Central Review

I. ADVANTAGES

The Group considered that Central Review offered several important advantages. These included:

1. The main advantage of Central Review is personal interaction between Panellists. It provides an opportunity to discuss face-to-face and find common ground with other members of the Panel.
2. Participants at Central Review are less inclined to take entrenched positions at the extremes and are more inclined to work for compromise and consensus.
3. At Central Review, a work dynamic and momentum builds up and the participants become more engaged and committed to resolving difficulties and striving for agreement.
4. Members of Central Review Panels must actively participate in debate and must fully engage in the discussion: lack of active participation can be a serious problem in Remote Review.
5. There is regular attendance and participation by the Scientific Officers that often helps to answer technical problems or resolve uncertainties in the proposals.
6. One of the rewards of Central Review is that it presents a good opportunity for experts to meet and work together. Central Review represents a good learning experience to provide the Panellists with new viewpoints and approaches to ethical issues. The presence on the Central Review Panel of experts highly qualified in the topic of a particular proposal enlightens the insight of the other members, much more so than on SINAPSE.
7. Controversial issues such as hESCs, nanotechnologies, dual use etc demand the extensive, face-to-face discussion that can only occur at Central Review.

8. Problematic proposals, for which it has not proved possible to reach consensus at Remote Review, need the face-to-face debate in Brussels.

The Group unanimously welcomed the provision of computer facilities and Internet access for Central Review. It was agreed that writing Reports online and having easy access to background literature through the Web would ensure more efficient and high quality reviews.

In the discussion, the Group agreed that large Integrated Projects, following screening, should be reviewed centrally as there may be a diversity of ethical issues which are often hidden in the text and it is only by examination by a large Panel of experts with a range of expertise can these issues be established and fully interrogated.

It was also agreed to support the Commission's decision that projects involving hESCs must be evaluated in Brussels, as is currently the case with nanotechnologies and dual use.

There was some concern that there was not clarity about the type of research that constituted dual use. It was argued that the concept of dual use is not sufficiently clear to Panellists and that, often, there is a rather uninformed discussion in ethics panels when the issue is raised. It was recommended that up-to-date documentation needs to be produced on dual use issues. It was also suggested that, for an EC-funded project with possible dual use issues, the Consortium should establish an Advisory Board to assist the participants to examine the societal, political, security and legal aspects of their project. Clear guidelines should be provided on the establishment and operation of the

Advisory Board, which could also be responsible for reviewing the exploitation, dissemination and communication strategies of the proposal to ensure that they pose no potential security threat.

There was discussion about whether projects involving non-human primates should always be referred for Central Review. Whilst this suggestion had some support, the majority of the Group were not in favour of the proposal, at least for medical studies. However, it was suggested that the use of non-human primates in non-medical research involving invasive and/or painful treatment or the killing of the primates would justify Central Review.

Projects that had failed to yield consensus at Remote Review should be referred for Central Review. The Group reiterated its view that the participation of Scientific Officers at Ethical Review Panel meetings was very helpful and often helped to resolve some concerns. In certain cases, it would be very useful if contact could be made with the Project Coordinator to obtain details of some aspects of the project that may be causing difficulty for the Panel.

II. PANELS

The Group recommended that Central Review should involve a Panel of about 10 experts, including the Chair. Every effort should be made to produce a good mix of gender, geographical distribution and expertise.

It was generally agreed that about 5 readers, including the Rapporteur, should read each project and the number of projects per Panel should be about 10-15 depending on the size and complexity of the projects.

There was unanimity that Central Review should ideally last for 3 days.

There was considerable discussion on whether the Panellists should have access to the proposals (except for dual use) prior to Central Review. The advantage being that some preparatory reading of the proposals could take place prior to the meeting in Brussels. This would expedite the work of the Panel and would ensure sufficient time to deal with more complicated proposals such as Integrated Projects (IPs) or ones with more sensitive issues that required Central Review. There was no agreement on this issue and it was emphasised that such an idea would require robust pilot studies before it was introduced as part of the Central Review system.

2. REPORT FORMS

Draft copies of a newly modified Ethical Screening Report and Ethical Review Report were circulated to the Group for comment.

It was agreed that in the section “Ethical issues Raised by this Proposal” that additional boxes should be included to highlight issues involving:

1. Vulnerable Adults
2. Banked Human Tissue
3. Data Protection

There was unease expressed by the members of the Group about the use of the phrase “Human Intervention”. Whilst it was acknowledged that this could not be changed at the present time, it was recommended that “Research on Human Subjects” would be a better description.

It was also argued that involvement of clinical studies should be more clearly highlighted. Concern was expressed that in some proposals, clinical studies can be embedded or hidden in Work Packages and are not clearly identified as such. In some cases, these clinical studies do not conform to national or European legislation or guidelines. Unless the involvement of clinical studies is clearly indicated, they may be missed and there is

a danger that the Commission could fund projects that involve clinical studies that are not in conformity with legislation. It was recommended that it is essential that proposers indicate the involvement of clinical studies and that a separate box for “Clinical Studies” should be added.

The Group was of the opinion that the use of the boxes helped to structure the debate of the Panel and provided useful feedback to the applicants. However, it was agreed that there should be consistency and harmonisation between the different tables and boxes used in the different Ethical Review Reports, Ethical Screening Reports etc.

The Group approved the re-introduction of the “Recommendations” section. This provides the Rapporteur with the opportunity to offer useful guidance on ethical issues to the applicants without them becoming contractual obligations.

There was general support by the Group for the possibility of recommending Ethical Audit. However, to ensure that this possibility was not taken too lightly, it was recommended that if Panels recommended Ethical Audit, they should supply justification to the Commission and to the applicants.

3. SCREENING PRIOR TO REVIEW

It was explained to the Group that in some of the EU-funded Programmes a system of screening of projects (previously called Pre-Screening) has developed. This was pioneered by the Health Directorate in collaboration with Unit L3 in June 2007 as a pilot scheme to assist in processing the large number of Health Programme projects requiring ethics review. Some of the members of the Group had experience of this screening process, which, overall, had proved very successful. Since January 2008, screening has become an accepted element in the Ethical Review process.

Members who had participated in screening explained that, in their experience, the process had varied with different Programmes. It was emphasised that screening had proved to be a very effective exercise. It gave the applicants the opportunity to improve their applications prior to Ethical Review. It also quickly and efficiently selected those projects that did not involve significant ethical issues

and did not require Ethical Review, those that involved issues that could be dealt with at local or national level and those projects that required full EC Ethical Review either by Remote or Central Review.

It was argued that a particularly useful element of the screening process was that projects could be quickly identified that had ethical issues that could be efficiently handled at local/national level. These could be screened out and did not need to be referred for Ethical Review by the Commission.

The Group agreed that there should be consistency, transparency and accountability in the methodology of screening. It was recommended that detailed guidelines, Screening Forms etc should be produced and applied to the processes of all the Programmes. It was further recommended that Unit L3 should maintain methodological oversight and control over the screening process in the different Programmes.

4. SUBSIDIARITY

It was agreed that screening prior to EC Ethical Review was an excellent mechanism for implementing subsidiarity.

The issue of EC-funded research involving developing countries was raised. Ethical principles should be universal but plurality and respect for cultural difference is also of value. In carrying out research in non-EU countries, particularly developing countries,

it is necessary to contextualize the tools and procedures in the light of the cultural traditions, values and national laws. However, this must be achieved without weakening universal ethical principles and without accepting passively the status quo. There must be great sensitivity to the dangers of double standards and the exploitation of resources in these countries. The benefits to the local community must be clearly highlighted.

5. SUMMARY AND RECOMMENDATIONS

- The Group agreed that rigorous ethical scrutiny is an essential component of FP7 research review and recommended that adequate financial and human resources be allocated to ensure its efficiency, transparency and consistency.
- Scientific Panels should be briefed to ensure that they are fully aware of ethical concerns and the review procedures applied to these issues.
- Mechanisms for communication between scientific and ethical reviewers should be improved.
- The Group reported advantages and disadvantages to both Remote and Central Review and recommended an appropriate mix of these two options.
- SINAPSE was found to be very satisfactory, efficient and user-friendly. It was recommended that folders must be better organised on SINAPSE.
- It was suggested that SINAPSE would benefit from a Chat Room facility and that discussions would not be retained and archived.
- The use of Skype, telephone and video conferencing should be investigated but rigorously piloted before being introduced as a standard procedure.
- Remote Review Panels should involve about 5-6 experts, including the Chair, and deal with about 5-7 proposals.
- Members should receive 2 weeks notice of their participation in a Review Panel, about 2 weeks to produce Individual Reports and about 1 week to produce the final Ethical Review Report.
- The Chair should receive the Individual Reports and should acknowledge receipt.
- The Chair should forward Individual Reports to the Rapporteur as soon as the Rapporteur has submitted his/her own.
- Full and active participation by all Panelists in discussion is essential in Remote Review and it is the responsibility of the Chair to encourage active engagement.
- If a vote is deemed necessary as the

only way to resolve an irreconcilable division, the Chair should request intervention by the Commission. The proposal may then be referred to Central Review in Brussels.

- A non-binding or “straw poll” is acceptable to clarify debate.
- An Annual Meeting would enable experts to review and exchange experiences.
- The Group agreed that large Integrated Projects, projects involving hESCs, nanotechnologies or dual use should always be Centrally Reviewed.
- It was recommended that up-to-date documentation needs to be produced on dual use issues.
- It was suggested that the use of non-human primates in non-medical research involving invasive and/or painful treatment or the killing of primates would justify Central Review.
- Projects that had failed to yield consensus at Remote Review should be referred for Central Review.
- The Group agreed that the participation of Scientific Officers at Ethical Review Panel meetings was very useful and often helped to resolve some concerns. Contact with the Project Co-ordinator might be helpful in some cases.
- Central Review should involve a Panel of about 10 experts, including the Chair, with a good mix of gender, geographical distribution and expertise.
- About 5 readers, including the Rapporteur, should read each project and the number of projects per Panel should be about 10-15 depending on the size and complexity of the projects.
- Central Review should ideally last for 3 days.
- The Group approved the re-introduction of the “Recommendations” section in the Ethical Review Report.
- It was agreed that the involvement of clinical studies should be more clearly highlighted in proposals.
- There was general approval for the screening of projects prior to Ethical Review. However, there must be consistency, transparency and accountability in the methodology of screening.
- It was recommended that detailed guidelines, Screening Forms etc should be produced and applied to the screening processes of all the Programmes.
- It was further recommended that Unit L3 should maintain methodological oversight and control over the screening process in the different Programmes.

ACKNOWLEDGEMENTS

The Group was in unanimous agreement about the very high quality of the support given to expert reviewers by the staff of the Commission. The Group emphasised that the staff of Unit L3 and the newly established Ethics Review sector, have worked very hard to organise efficient Panels, to moderate the Review sessions and to facilitate meaningful

discussion among the Panellists. Their efficiency and helpful support has been of the highest order.

The Group expressed their gratitude and requested that their appreciation of these sterling efforts be recorded.

