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| **The independence of the actions taken** |
| In order to ensure independence, the provider of external support is obliged to demonstrate his independence in the course of the authorization procedure. According to the International Atomic Energy Agency ("Technical and Scientific Support Organizations Providing Support to Regulatory Functions", IAEA-TECDOC-1835, Vienna 2018, p. 14), the independence of an entity is based on two main imperatives: the need for the organization to freely pursue a scientific approach without other influence and the avoidance of conflict of interest. The freedom of the scientific approach ( "Use of External Experts by the Regulatory Body", IAEA, GSG-4, Vienna 2013, p. 11) represents a profound scientific knowledge and use of best available technology that is necessary for a broad and comprehensive assessment of the safety of facilities and activities. Technical competence is the ability of the provider of external expert support to apply such state of the art knowledge and techniques. The technical qualifications and experience of external experts should normally be at the same level as or exceed those of the staff of the regulatory body who are performing similar tasks. The regulatory body should ensure that the competence of the provider of external expert support is adequate.Conflicts of interest may potentially occur in a variety of cases, (" Organization , Management and Staffing of the Regulatory Body for Safety Organization " of the IAEA, the GSG-12 Vienna 2018 point I.21 of Annex 1, p. 74) , including the following:* When a financial link (e.g. through a stockholder or through funding) exists between an external expert or organization and the nuclear industry (e.g. a licensee, a designer or a vendor);
* When the external expert or organization is part of, or is closely linked to, an organization that has been assigned responsibilities in relation to the promotion of nuclear technologies;
* When there may be a conflict of national interest or commercial interest;
* When the external expert or organization is providing support on the same or closely related issues to potential licensees, designers or vendors in the State or in other States;
* When the external expert or organization is involved in research and development activities in collaboration with other interested parties.

Obtaining the authorization of the President of the PAA does not mean that in the future, cooperation with entities involved in the nuclear industry (eg. the vendor or operator ) will be excluded. However, an important element in ensuring impartiality in the advice provided is the development and implementation of adequate arrangements to avoid conflicts of interest. All situations should be analysed early in the process for potential or perceived conflicts of interest. Actual conflicts of interests should be eliminated, while potential and perceived conflicts of interest should be addressed. Moreover, on the basis of the Polish „Public Procurement Law”, one of the conditions for participation in the bidding procedure will be the fulfillment of the condition of impartial performance in the subject of the contract. |

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| **Methods of demonstrating independence** |
| Independence of expertise means that the provider of external expert support should be able to form and express a technical judgement that demonstrates integrity, and is impartial and free from commercial, financial and other pressures from interested parties. The provider of external expert support should not be bound by directives from any other organization regarding the results of its work. Independence should be a characteristic of the expert. Moreover, the experts’ judgement should be based solely on technical knowledge, on results of analyses and on applicable regulatory requirements and guidance and should in no case be biased owing to political opinion. Technical competence and safety culture and security awareness in the provider of external expert support contribute to the independence of the technical advice.An important element in ensuring effective independence is the development and implementation of adequate arrangements that avoid actual, potential or perceived conflicts of interest. All situations should be analysed for actual, potential or perceived conflicts of interest. Actual conflicts of interests should be eliminated. This should be done as soon as possible. Ways of avoiding or detecting actual conflicts of interest include:* Verifying whether the provider of external expert support has mechanisms in place such as a code of ethics and an organizational structure that promotes a strong safety culture and detects and avoids conflicts of interest;
* Verifying whether the organizational structure of the provider of external expert support and its internal procedures provide functional and personal separation to ensure effective independence between units carrying out work for the regulatory body and units carrying out similar work for a licensee or other organization. The links between such units should be carefully monitored.

If neither of these things can be verified, an alternative opinion from other providers should be sought. If there is any doubt, legal advice should be sought. Potential and perceived conflicts of interest should be explicitly discussed and managed. |

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| **Useful documents** |
| Guidelines of the International Atomic Energy Agency:* "Technical and Scientific Support Organizations Providing Support to Regulatory Functions"

[*https://www.iaea.org/publications/12267/technical-and-scientific-support-organizations-providing-support-to-regulatory-functions*](https://www.iaea.org/publications/12267/technical-and-scientific-support-organizations-providing-support-to-regulatory-functions)* "Use of External Experts by the Regulatory Body"

[*https://www.iaea.org/publications/8934/use-of-external-experts-by-the-regulatory-body*](https://www.iaea.org/publications/8934/use-of-external-experts-by-the-regulatory-body)* “Organization, Management and Staffing of the Regulatory Body for Safety Organization”

[*https://www.iaea.org/publications/12272/organization-management-and-staffing-of-the-regulatory-body-for-safety*](https://www.iaea.org/publications/12272/organization-management-and-staffing-of-the-regulatory-body-for-safety)Examples of introduced methods of avoiding conflicts of interests:[*https://inis.iaea.org/collection/NCLCollectionStore/\_Public/49/053/49053177.pdf*](https://inis.iaea.org/collection/NCLCollectionStore/_Public/49/053/49053177.pdf) |