

Credibility of scientific expertise and decision-making

New challenges for health risk governance in a changing world

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ABSTRACT BREAK OUT SESSION - TUESDAY 26TH JANUARY 2021

3 - Le droit à l'épreuve de l'expertise scientifique : acteurs et pratiques en tension ?

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A longstanding blind spot in legal thinking, the scientific expertise implemented by health agencies for making risk management decisions has over the last two decades been subject to ever more complex supervision. Rules on the prevention of conflicts of interest, the composition of expert committees or the organisation of their work have sought to submit the expertise activity – whose collective stakes (environmental and health protection, etc.) are now self-evident – to «the rule of law». During this session, which will begin with a brief description of the legal framework in place, three critical points in particular will be addressed:

- Implementation of the rule of law. Based on a review of the standards and practices developed by expert bodies in France, this will involve identifying the advances and limitations, mainly in terms of the independence, transparency and adversarial nature of expertise, and the prevention of conflicts of interest.
- The judge versus expertise. An «old» question that has been entirely reshaped in recent years is what is the role of the judge and the tools that can be used when faced with cases involving complex issues requiring expert appraisal. Does the judge become the expert instead of consulting a panel of experts, as is sometimes claimed?
- Expertise put to the test by whistleblowers. This will discuss recent developments in regulations on whistleblowers, who are often seen as essential drivers of transparency and adversarial expertise.



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