

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Act no. 383 of 26 April 2017. Only the Danish document has legal validity.**

## Act on Research Misconduct etc.

We Margrethe the Second, by the Grace of God Queen of Denmark hereby witness:

Folketinget (the Danish Parliament) has adopted and We with Our consent hereby enact the following Act:

### **Part 1**

#### *Purpose and scope*

**1.-(1)** The purpose of this Act is to enhance credibility and integrity in Danish research.

**(2)** This Act sets out the framework for management of:

- 1) Research misconduct;
- 2) Questionable research practices.

**2.-(1)** This Act shall apply to the following cases:

- 1) Cases concerning research conducted with full or partial Danish public funding;
- 2) Cases concerning research conducted at a public research institution in Denmark.

**(2)** Furthermore, this Act shall apply to cases concerning research misconduct in privately funded research not covered by subsection (1), provided that the enterprise etc. conducting the research consents to the case being processed.

### **Part 2**

#### *Definitions*

**3.-(1)** For the purposes of this Act:

- 1) Research misconduct shall mean: Fabrication, falsification and plagiarism committed wilfully or with gross negligence when planning, performing or reporting on research.
- 2) Fabrication shall mean: Undisclosed construction of data or substitution with fictitious data.
- 3) Falsification shall mean: Manipulation of research material, equipment or processes as well as changing or omitting data or results, thus making the research misleading.
- 4) Plagiarism shall mean: Appropriation of other people's ideas, processes, results, texts or specific concepts without giving due credit.
- 5) Questionable research practices shall mean: Violation of generally accepted standards for responsible research practices, including the standards in The Danish Code of Conduct for Research Integrity and other applicable institutional, national and international practices and guidelines for research integrity.

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Act no. 383 of 26 April 2017. Only the Danish document has legal validity.**

6) Scientific product shall mean: A product generated by means of scientific methods applied in research, including applications for research funding.

7) Researcher shall mean: Any person who is a PhD student or who has a PhD degree or similar qualifications.

8) Research institution shall mean: Any public Danish institution conducting research activities.

**(2)** Research misconduct, cf. subsection (1), no. 1, shall not include:

1) cases of fabrication, falsification and plagiarism which have only had minor importance when planning, performing or reporting on the research;

2) matters relating to the validity of scientific theories; and

3) matters relating to the research quality of a scientific product.

### **Part 3**

#### *Research misconduct*

##### *The Danish Board on Research Misconduct*

**4.-(1)** The Danish Board on Research Misconduct shall process cases concerning research misconduct in scientific products.

**(2)** Cases pursuant to subsection (1) shall concern researchers who have contributed to the scientific product that the case concerns.

**5.-(1)** The Danish Board on Research Misconduct shall consist of one chairperson and eight to ten academic members. A proxy shall be appointed for each academic member. Academic members and proxies shall represent different scientific research areas.

**(2)** The chairperson shall be a High Court Judge and shall be appointed by the Minister for Higher Education and Science on the recommendation of the courts.

**(3)** The academic members and their proxies shall be recognised researchers and shall be appointed in their personal capacities by the Minister for Higher Education and Science following open announcement and after consultation with Independent Research Fund Denmark.

**(4)** In each individual case, the Board may decide that a proxy, cf. subsection (1), shall join the Board if an academic member is prevented from participating, or if it is otherwise considered relevant. Proxies who have joined the Board shall serve on the Board for the remainder of the case procedure.

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Act no. 383 of 26 April 2017. Only the Danish document has legal validity.**

**6.-(1)** The chairperson and the academic members as well as their proxies shall be appointed for a period of up to four years. Reappointment shall be possible until a member, their proxies or chairperson has been appointed for a total of six years.

**(2)** In exceptional circumstances, the Minister for Higher Education and Science may extend the periods of appointment for chairmen and the academic members as well as the proxies, for a limited period in addition to the periods stated under subsection (1).

**7.** As part of its processing of the case, the Danish Board on Research Misconduct may obtain expert assistance as specifically required.

**8.** The Danish Board on Research Misconduct shall have a quorum when no less than one-half of its members, including the chairperson, are present. The Board's resolutions shall be passed by a simple majority of the votes cast. In the event of parity of votes, the chairperson shall have the casting vote.

**9.** The Danish Board on Research Misconduct shall prepare rules of procedure. The rules of procedure shall be made public on the Board's website following prior approval by the Minister for Higher Education and Science.

#### *Processing cases concerning research misconduct*

**10.-(1)** Anyone may raise a case concerning research misconduct by submitting a notification to the research institution at which the research was conducted. A notification may relate to the notifier as a request to be cleared of allegations of research misconduct.

**(2)** In the event that the research was not conducted at a Danish research institution, or if the case is raised by the research institution at which the research was conducted, the notification shall be submitted to the Danish Board on Research Misconduct.

**(3)** A research institution shall submit a notification if there is reasonable suspicion that a specific case at the research institution involves research misconduct covered by the Board's authority.

**11.-(1)** The research institution receiving a notification under section 10(1) shall ensure that the notification includes information about:

- 1) the scientific product that the notification concerns;
- 2) the researcher or researchers that the notification concerns;
- 3) the allegations on research misconduct put forward; and
- 4) the grounds for making such allegations on research misconduct.

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Act no. 383 of 26 April 2017. Only the Danish document has legal validity.**

**(2)** If the notification contains the information specified in subsection (1), following consultation with the Danish Board on Research Misconduct, the research institution shall prepare an account of the specific circumstances of the case and remit the case to the Board by no later than three months after receiving the notification.

**(3)** If the notification does not contain the information specified in subsection (1), the research institution shall refuse to remit the case to the Board.

**12.-(1)** The Danish Board on Research Misconduct may process cases at its own initiative if it has reasonable grounds to suspect research misconduct.

**(2)** At the request of the Danish Board on Research Misconduct, the research institution at which the research was conducted shall assist the Board with an account of the specific circumstances of the case.

**13.** The Danish Board on Research Misconduct may reject further examination of cases under the following circumstances:

- 1) The case is not covered by the Board's authority.
- 2) The case is deemed to be manifestly ungrounded, or it is assessed that the case will not result in the conclusion that research misconduct has occurred.
- 3) The costs of processing the case are disproportionate in relation to the significance of the case.
- 4) The case has very little connection with Denmark.

**14.** Cases that are not accepted for further examination shall generally be rejected by the Danish Board on Research Misconduct by no later than three months after the Board has received the case in accordance with section 10(2), or section 11(2).

**15.-(1)** Cases that are accepted for further examination by the Danish Board on Research Misconduct shall be completed by no later than 12 months after the Board has received the case, cf. section 10(2) and section 11(2), or after the Board has decided, at its own initiative, to process the case, cf. section 12(1).

**(2)** If special circumstances apply, the case processing may be extended beyond the 12-month time limit.

**16.-(1)** The Danish Board on Research Misconduct shall complete its further examination of cases by determining whether research misconduct has or has not occurred.

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Act no. 383 of 26 April 2017. Only the Danish document has legal validity.**

**(2)** Where, in accordance with subsection (1), the Board determines that research misconduct has occurred, the Board may decide:

- 1) that the researcher be required to withdraw the scientific product;
- 2) that the affected research institution(s) be informed of the research misconduct;
- 3) that the researcher's employer be informed of the research misconduct;
- 4) that the editor publishing the scientific product be informed of the research misconduct, possibly with a requirement that the editor withdraw the scientific product or take similar measures;
- 5) that any foundation etc. which has provided full or partial funding for the research carried out be informed of the research misconduct.

**17.** In the event that the Danish Board on Research Misconduct assesses that a case may involve issues concerning questionable research practices not considered by the Board to constitute research misconduct, the Board may refer such issues to the relevant research institution for further consideration.

**18.** Decisions by the Danish Board on Research Misconduct may not be appealed to any other administrative authority.

## **Part 4**

### *Questionable research practices*

**19.-(1)** The research institutions shall process cases of questionable research practices.

**(2)** Research institutions may complete the task specified in subsection (1) either alone, in collaboration with other research institutions or with the help of external experts.

**20.** Each individual research institution shall make public on its website the institution's guidelines for processing cases of questionable research practices.

## **Part 5**

### *Reviews*

**21.** The Danish Board on Research Misconduct shall prepare an annual review of their/its processing of cases concerning research misconduct.

**22.** The Danish Board on Research Misconduct shall prepare an annual review of cases concerning questionable research practices which have been processed by the research institutions. This review shall be

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Act no. 383 of 26 April 2017. Only the Danish document has legal validity.**

prepared on the basis of annual reports from the research institutions to the Danish Board on Research Misconduct.

## **Part 6**

*Secretariat services, supervision, authority, etc.*

**23.** Secretariat services for the Danish Board on Research Misconduct shall be carried out by the Ministry of Higher Education and Science, or by a government authority under the Ministry.

**24.** The Minister for Higher Education and Science shall supervise compliance with this Act and the regulations laid down in pursuance of this Act.

**25.** The Minister for Higher Education and Science may lay down regulations concerning formal requirements and time limits for notifications of research misconduct, communication in languages other than Danish and concerning digital communication, including on the use of specific IT systems, special digital formats, digital signatures, etc.

**26.-(1)** After consultation with the relevant minister, the Minister for Higher Education and Science may authorise a government authority set up under the auspices of the Ministry or other government authorities to exercise the powers vested in the Minister for Higher Education and Science pursuant to this Act.

**(2)** The Minister for Higher Education and Science may lay down regulations on access to appeal decisions made in accordance with authorisation pursuant to subsection (1), including that it shall not be possible to appeal the decisions.

**(3)** The Minister for Higher Education and Science may lay down more detailed regulations on the exercise of authority which another government authority, after consultation with the relevant minister, becomes authorised to exercise under subsection (1).

## **Part 7**

*Entry into force and transitional provisions, etc.*

**27.-(1)** This Act shall enter into force on 1 July 2017.

**(2)** Members of the Danish Committees on Scientific Dishonesty whose periods of appointment have not expired at entry into force of this Act shall constitute the Danish Board on Research Misconduct, until the members of the Danish Board on Research Misconduct have been appointed in accordance with section 6.

**While this translation was carried out by a professional translation agency, the text is to be regarded as an unofficial translation based on the latest official Act no. 383 of 26 April 2017. Only the Danish document has legal validity.**

**(3)** At the request of the Danish Board on Research Misconduct, the members of the Danish Committees on Scientific Dishonesty whose periods of appointment have not expired at entry into force of this Act shall assist the Danish Board on Research Misconduct in finalizing processing of cases submitted prior to entry into force of this Act.

**(4)** This Act shall not apply to cases submitted to the Danish Committees on Scientific Dishonesty prior to entry into force of this Act. In relation to these cases, the regulations hitherto in force shall apply.

**(5)** The first annual reviews pursuant to sections 21 and 22 shall concern the period from entry into force of this Act up to and including 31 December 2018.

**28.** This Act shall not extend to the Faroe Islands and Greenland.

*Christiansborg Slot, 26 April 2017*

Under our Royal Hand and Seal

MARGRETHE R.

/ Søren Pind