

## **DMP title**

**Project Name** FWO Data Management Plan - DMP title

**Principal Investigator / Researcher** Jacob Reniers

**Project Data Contact** +32 470509212; jacob.reniers@kuleuven.be

**Description** Government measures force tenants to close their businesses: will they still be obliged to pay the rent? Air traffic is immobilized: do airlines companies have to reimburse all travelers? An education centre cancels all further training courses: should the centre fully reimburse the advance payment it has received? A contract essentially is an allocation of risks. Departing from their freedom of contract, contracting parties can predict the future and allocate associated risks accordingly. It is, however, impossible for parties to (fully) anticipate certain events. Especially systemic crises qualify as reasonably unforeseen events. They not only disturb the contractual balance, but also and the stability of the economic system. Different examples pop up: the recent corona pandemic, the financial crisis of 2008 or the First World War. In times of crisis, default contract law rules and general principles (hardship, force majeure, good faith, ...) try to re-allocate the risks. Nevertheless and unlike other legal systems, Belgian rules on risk allocation are too rigid and principally attribute the risk to one party. This feels unjust and there is an evolution in case-law and legislation to circumvent the rigid approach by balancing the interests of debtor and creditor. This balanced approach is pivotal, yet does not solve the problem in itself: in the absence of a clear model of risk allocation (with operational criteria), court decisions continue to diverge and the impact of ad hoc regulation on contract law remains unclear. After classification and evaluation of the current contract law rules of risk allocation, this research aims to develop a new model of risk allocation that can be applied to reasonably unforeseen systemic crises in order and ensures both legal certainty and flexibility.

**Institution** KU Leuven

### **1. General Information**

#### **Name applicant**

Jacob Reniers

#### **FWO Project Number & Title**

11I9122N – Risk allocation in case of systemic risks in contract law: towards a more flexible approach

#### **Affiliation**

- KU Leuven

### **2. Data description**

#### **Will you generate/collect new data and/or make use of existing data?**

- Reuse existing data

**Describe in detail the origin, type and format of the data (per dataset) and its (estimated) volume. This may be easiest in a table (see example) or as a data flow and per WP or objective of the project. If you reuse existing data, specify the source of these data. Distinguish data types (the kind of content) from data formats (the technical format).**

Type of data	Format and volume	Origin	Reuse or new data
Books, journal articles, legislation and case law available online (textual data) In a first phase, data are stored in different folder (per jurisdiction and per source) and alphabetically In a second phase, all the data are included and stored in an EndNote personal database	.pdf / 10 GB	Downloaded from different online databases (jurisquare, jura, stradalex, limo, SSRN, beckonline, legalintelligence, westlaw international, etc.).	Reused existing data
Scanned and ocr'd images of books, journal articles or (published and unpublished) case law if only physically available (textual data) In a first phase, data are stored in different folder (per jurisdiction and per source) and alphabetically In a second phase, all the data are included and stored in an EndNote personal database	.pdf / 5 GB	Document scanning of paper source	Reused existing data

### 3. Legal and ethical issues

**Will you use personal data? If so, shortly describe the kind of personal data you will use. Add the reference to your file in KU Leuven's Register of Data Processing for Research and Public Service Purposes (PRET application). Be aware that registering the fact that you process personal data is a legal obligation.**

- No

Privacy Registry Reference:

Short description of the kind of personal data that will be used:

**Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? If so, add the reference to the formal approval by the relevant ethical review committee(s)**

- No

**Does your work possibly result in research data with potential for tech transfer and valorisation? Will IP restrictions be claimed for the data you created? If so, for what data and which restrictions will be asserted?**

- No

**Do existing 3rd party agreements restrict dissemination or exploitation of the data you (re)use? If so, to what data do they relate and what restrictions are in place?**

- No

#### **4. Documentation and metadata**

**What documentation will be provided to enable reuse of the data collected/generated in this project?**

1) In a first phase, all reused existing data will be documented in a pdf file and categorized:

- per source (legal scholarship, case law or legislation);
- per country for my legal comparison (Belgium, the Netherlands, Engeland, Germany and a section "international sources");
- alphabetically;

2) In a second phase, all reused existing data will be stored in a personal Endnote database.

2) All new generated data will be documented in a Word and/or pdf file with careful reference to the reused existing data according to the V&A-reference rules for legal research.

**Will a metadata standard be used? If so, describe in detail which standard will be used. If no, state in detail which metadata will be created to make the data easy/easier to find and reuse.**

- No

#### **5. Data storage and backup during the FWO project**

**Where will the data be stored?**

The data will be stored on my KU Leuven personal network drive (both I:drive and onedrive) as well as on the KU Leuven central network drive (J:drive) only accesible for other researchers at the Institute for Contract law or the Institute for Methodology of Law.

**How is backup of the data provided?**

The data will be stored on the central server (J:drive) accesible for researchers at the Insititute for Contract Law with automatic daily back-up procedures.

The data will be backed up on a personal external drive once a year.

**Is there currently sufficient storage & backup capacity during the project? If yes, specify concisely. If no or insufficient storage or backup capacities are available then explain how this will be taken care of.**

- Yes

The shared network drive offers sufficient capacity for me to restore data used or generated.

**What are the expected costs for data storage and back up during the project? How will these costs be covered?**

No costs

**Data security: how will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?**

No personal data (contracts or other intermediary documents) are used.

If unpublished case-law will be used to produce new data, all personal information will be anonymized (through adobe Acrobat). This personal information will never be refered to when reusing the existing unpublished case-law. I will only refer to the official docketnumber of the case.

#### **6. Data preservation after the FWO project**

**Which data will be retained for the expected 5 year period after the end of the project? In case only a selection of the data can/will be preserved, clearly state the reasons for this (legal or contractual restrictions, physical preservation issues, ...).**

the KU Leuven (research data management policy) expects that relevant research data generated are retained for a period of minimally 10 years after the end of the project.

The relevant data (i.a. doctoral dissertation) will thus be preservverd for minimally 10 years with

no specific limitations applying to my research project

**Where will the data be archived (= stored for the longer term)?**

The data will be stored on my personal I-Drive, onedrive and on the shared J-Drive accesible only for researchers at the Institute for Contract law or Methodology of Law.

After the end of the project, a back up of all the relevant data will be made in an external network drive.

**What are the expected costs for data preservation during the retention period of 5 years? How will the costs be covered?**

No expected costs

**7. Data sharing and reuse**

**Are there any factors restricting or preventing the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party, legal restrictions)?**

- No

**Which data will be made available after the end of the project?**

Reused existing data will not be made available again, but will be referenced to in the docotral dissertation according to the V&A reference rules for legal research, so other researchers or legal practitioners can consult these existing data themselves.

**Where/how will the data be made available for reuse?**

- Other (specify):

Reused existing data will not be made available again, but will be referenced to in the docotral dissertation according to the V&A reference rules for legal research, so other researchers or legal practitioners can consult these existing data themselves.

**When will the data be made available?**

- Immediately after the end of the project

**Who will be able to access the data and under what conditions?**

Any interested party can consult and access the data.

**What are the expected costs for data sharing? How will the costs be covered?**

No expected costs

**8. Responsibilities**

**Who will be responsible for data documentation & metadata?**

As PhD researcher I am responsible for data documentation.

Professor Alain-Laurent Verbeke (main supervisor) and professor Bernard Tilleman (co-supervisor) will supervise this.

**Who will be responsible for data storage & back up during the project?**

As PhD researcher I am responsible for data storage and back up during the trajectory.

Professor Alain-Laurent Verbeke (main supervisor) and professor Bernard Tilleman (co-supervisor) will supervise this.

**Who will be responsible for ensuring data preservation and reuse ?**

As PhD researcher I am responsible for data preservation and reuse during the trajectory

Professor Alain-Laurent Verbeke (main supervisor) and professor Bernard Tilleman (co-supervisor) will supervise this.

**Who bears the end responsibility for updating & implementing this DMP?**

As PhD researcher I have the day-to-day responsibility for updating & implementing this DMP.  
My supervisor (prof. Alain-Laurent Verbeke) bears the end responsibility.