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## Better access to compensation: empowering weaker victims of EU competition law infringements

*A Data Management Plan created using DMPonline.be*

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### Project abstract:

All victims are equal, but some victims are more equal than others. This dissertation aims to analyse the position of victims of competition law infringements whose right to compensation remained dead letter law, and propose normative recommendations to make redress more accessible to them. In the first place, the research aims to draw a profile of weaker victims, who are identified based on their limited access to compensation. Secondly, a comparative analysis describes the redress mechanisms available to weaker victims in the EU, focusing on collective redress and regulatory redress. Thirdly, the identified model solutions are evaluated against the criteria of effectiveness and efficiency to determine which are better suited for weaker victims litigation in competition law. Finally, moving a step forward from the already existing solutions, the interplay between private and public enforcement solutions is studied to determine whether different prioritisation in public authorities' agendas could foster private enforcement. Addressing these three points I will cast a new light on the topic of access to justice in competition law, providing a nuanced overview of the European developments and offering innovative perspectives on the way forward.

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### FWO DMP (Flemish Standard DMP)

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#### 1. Research Data Summary

List and describe all datasets or research materials that you plan to generate/collect or reuse during your research project. For each dataset or data type (observational, experimental etc.), provide a short name & description (sufficient for yourself to know what data it is about), indicate whether the data are newly generated/collected or reused, digital or physical, also indicate the type of the data (the kind of content), its technical format (file extension), and an estimate of the upper limit of the volume of the data.

				Only for digital data	Only for digital data	Only for digital data	Only for physical data
Dataset Name	Description	New or reused	Digital or Physical	Digital Data Type	Digital Data format	Digital data volume (MB/GB/TB)	Physical volume
		<i>Please choose from the following options:</i> <ul style="list-style-type: none"> <li>• Generate new data</li> <li>• Reuse existing data</li> </ul>	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> <li>• Digital</li> <li>• Physical</li> </ul>	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> <li>• Observational</li> <li>• Experimental</li> <li>• Compiled/aggregated data</li> <li>• Simulation data</li> <li>• Software</li> <li>• Other</li> <li>• NA</li> </ul>	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> <li>• .por, .xml, .tab, .csv, .pdf, .txt, .rtf, .dwg, .gml, ...</li> <li>• NA</li> </ul>	<i>Please choose from the following options:</i> <ul style="list-style-type: none"> <li>• &lt;100MB</li> <li>• &lt;1GB</li> <li>• &lt;100GB</li> <li>• &lt;1TB</li> <li>• &lt;5TB</li> <li>• &lt;10TB</li> <li>• &lt;50TB</li> <li>• &gt;50TB</li> <li>• NA</li> </ul>	
<b>Literature</b>							
Bibliographic references	Academic articles, books, blog posts, etc.	NA	Digital	NA	.pdf .docx	1-2 GB	
Annotations	Notes and annotations to bibliographic references.	New data	Digital	NA	.docx	<1 GB	
Annotations on printed articles	Annotations on the printed version of articles	New data	Physical	NA			Ring folders
<b>Conferences &amp; Workshops</b>							
Conference notes	Notes and annotations from conferences, workshops, etc.	New data	Digital	NA	.docx	<1 GB	
<b>Interviews</b>							
Signed informed consent forms	Informed consent forms by respondents interviews (online)	New data	Digital	NA	.pdf	<1 GB	
Signed informed consent forms	Informed consent forms by respondents interviews (in-person)	New data	Physical (+ Digitised copy)	NA	.pdf of the digitised copy	<1 GB	Approx. 6 paper sheets.
Audio files of the interviews	Audio recordings of the expert interviews (if allowed by the respondent)	New data	Digital	Observational	.mp3		
Transcript of the interviews	Transcript of the expert interviews	New data	Digital	Observational	.docx	<1 GB	
Coded interview transcripts	Interviews coded	New data	Digital	Observational, other	ATLAS	<1GB	
Notes on interviews	Notes taken during the interviews	New data	Physical	Observational			1 notebook
<b>Case law &amp; CAs decisions</b>							
EU Case law	Case law from the CJEU collected from EUR-Lex	The texts already exist, but the selection of the relevant cases will be made during the project	Digital	Other	.pdf or .doc Zotero for the metadata	<1GB	
Case law from relevant MS (and UK)	Case law from the analysed Member States and the UK collected from national repertoires	The texts already exist, but the selection of the relevant cases will be made during the project	Digital	Other	.pdf or .doc Zotero for the metadata	<1GB	

If you reuse existing data, please specify the source, preferably by using a persistent identifier (e.g. DOI, Handle, URL etc.) per dataset or data type:

Type	Author and title	DOI/URL
Case law ECJ		
Case law ECJ	Eur-lex	<a href="https://eur-lex.europa.eu/">https://eur-lex.europa.eu/</a>
Case law MS		
Case law UK	Barry Rodger, 'CMA Case Outcomes List - "Enforcement of The EU and Domestic Antitrust Prohibitions: An Analysis of the UK Competition Authority's Enforcement Practice"'	<a href="https://doi.org/10.15129/ded6fcd0-70fe-4856-a8ab-5d84ed62ca98">https://doi.org/10.15129/ded6fcd0-70fe-4856-a8ab-5d84ed62ca98</a>
Case law MS	Barry Rodger, 'Competition Law. Comparative Private Enforcement & Consumer Redress in the EU (1999-2009)'	<a href="https://www.clcpecreu.co.uk/default.htm">https://www.clcpecreu.co.uk/default.htm</a>
Case law FRA	Maria José Azar-Baud, 'Observatoire Des Actions de Groupe'	<a href="https://observatoireactionsdegroupe.com/registre/registre-france/">https://observatoireactionsdegroupe.com/registre/registre-france/</a>
Case law ITA	Jacopo Alberti and Filippo Croci, 'ITA.CA – Italian Case-Law On Private Antitrust Enforcement'	<a href="https://www.itaca.eurojus.it/it/">https://www.itaca.eurojus.it/it/</a>
CAs decisions		
EC decisions	Pablo Ibáñez Colomo and Andriani Kalintiri, 'The Evolution of EU Antitrust Policy: 1966–2017' (2020) 83 The Modern Law Review 321.	<a href="https://doi.org/10.1111/1468-2230.12503">https://doi.org/10.1111/1468-2230.12503</a>
EC decisions	Damien Geradin and Katarzyna Sadrak, 'The EU Competition Law Fining System: A Quantitative Review of the Commission Decisions between 2000 and 2017' [2017] SSRN Electronic Journal	<a href="https://dx.doi.org/10.2139/ssrn.2958317">https://dx.doi.org/10.2139/ssrn.2958317</a>
NCAs decisions	Or Brook and Kati Cseres, 'Policy Report: Priority Setting in EU and National Competition Law Enforcement' [2021] SSRN Electronic Journal	<a href="https://dx.doi.org/10.2139/ssrn.3930189">https://dx.doi.org/10.2139/ssrn.3930189</a>
NCAs decisions & Case law MS	Barry Rodger and Or Brook, 'Beyond the ECN+ Directive: Judicial Review of Competition Law Enforcement in the EU: Empirical Mapping 2004-2021'	<a href="https://www.mappingcomplawreview.com/">https://www.mappingcomplawreview.com/</a>
EC decisions	Or Brook, Non-Competition Interests in EU Antitrust Law: An Empirical Study of Article 101 TFEU (1st edn, Cambridge University Press 2022)	<a href="https://doi-org.kuleuven.e-bronnen.be/10.1017/9781108946674">https://doi-org.kuleuven.e-bronnen.be/10.1017/9781108946674</a>

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? Describe these issues in the comment section. Please refer to specific datasets or data types when appropriate.

- Yes, human subject data

The researcher will collect and process personal data while conducting expert interviews.

The personal data collected will not fall under the category of 'special personal data', and the expert interviews will not concern vulnerable subjects.

For these reasons, the project is submitted to the Privacy and Ethical review (PRET application G-2023-6947).

Will you process personal data? If so, briefly describe the kind of personal data you will use in the comment section. Please refer to specific datasets or data types when appropriate.

- Yes

The following categories of personal data will be processed during this study: name, surname, contact details, audio recordings, occupation and professional activities, work experience, place (or country) of work. Personal data will be pseudonymised and personal data will be stored separately as metadata in a translation table.

The recordings will collect the voices of the interviewees. The recordings will be deleted after the transcription and the transcription will be pseudonymised.

Does your work have potential for commercial valorization (e.g. tech transfer, for example spin-offs, commercial exploitation, ...)? If so, please comment per dataset or data type where appropriate.

- No

Do existing 3rd party agreements restrict exploitation or dissemination of the data you (re)use (e.g. Material/Data transfer agreements/ research collaboration agreements)? If so, please explain in the comment section to what data they relate and what restrictions are in place.

- No

Are there any other legal issues, such as intellectual property rights and ownership, to be managed related to the data you (re)use? If so, please explain in the comment section to what data they relate and which restrictions will be asserted.

- No

## 2. Documentation and Metadata

Clearly describe what approach will be followed to capture the accompanying information necessary to keep data understandable and usable, for yourself and others, now and in the future (e.g., in terms of documentation levels and types required, procedures used, Electronic Lab Notebooks, README.txt files, Codebook.tsv etc. where this information is recorded).

- The documentation of the collected documents will be done via Zotero
- The criteria for the selection of interviewees will be recorded and stored as metadata
- The list of persons that are contacted will be kept in a document kept separately from the (pseudonymised) transcriptions in the KU Leuven One Drive
- Information about the coding of the transcribed interviews will be stored in NVivo or ATLAS.

Will a metadata standard be used to make it easier to find and reuse the data? If so, please specify (where appropriate per dataset or data type) which metadata standard will be used. If not, please specify (where appropriate per dataset or data type) which metadata will be created to make the data easier to find and reuse.

- No

No metadata standard will be used.

For all published material, full bibliographic references will be kept. When possible, findability will be ensured through the use of unique identifiers such as DOI. Offline copies of online publications for which the longterm availability cannot be guaranteed will be kept in the KU Leuven Drive as pdf.

## 3. Data storage & back-up during the research project

Where will the data be stored?

- The (annotated) documents will be stored in the KU Leuven OneDrive as .pdf or .docx files
- The bibliography of collected documents will be kept in Zotero (laptop hard drive and cloud).
- Recorded interviews will be saved on KU Leuven One Drive until their deletion (48 hours after the interview).
- Transcribed and pseudonymized interviews will be saved on OneDrive
- The coding key will be kept in an encrypted folder on KU Leuven Drive

How will the data be backed up?

- Back-ups on OneDrive and KU Leuven Drives are automatic.
- Separate manual back-ups of the Zotero library (which is locally stored) will be made on a weekly basis.

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 total size of the collected data will not exceed the standard capacity of OneDrive for Business.

**How will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?**

Two-factor authentication provides a sufficient level of protection for non-personal data as well as for the pseudonymized transcribed interviews.

The pseudonymisation map will be isolated from the dataset. It will be stored on the KU Leuven OneDrive in a separate folder encrypted with AES Crypt. This is considered a sufficient protective measure for storage on a server of a non-European company such as OneDrive.

The audio recordings of the interviews will be deleted after being transcribed, pursuant to the principle of data minimisation. In the meantime, they will be stored in a separate folder on the KU Leuven OneDrive which will be encrypted with AES Crypt. The transcription should take place within 48 hours from the interview.

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

- OneDrive and KU Leuven Drives: no additional costs.
- Zotero cloud storage: free (in case extra-storage capacity was needed, the costs of 20\$ per year for the premium version could be covered by the FWO-grant)

**4. Data preservation after the end of the research project**

**Which data will be retained for at least five years (or longer, in agreement with other retention policies that are applicable) after the end of the project? In case some data cannot be preserved, clearly state the reasons for this (e.g. legal or contractual restrictions, storage/budget issues, institutional policies...).**

- Documents for which the long-term public availability is guaranteed: only full bibliographic data and unique identifiers will be kept for 10 years.
- Documents for which the long-term public availability cannot be guaranteed: local copies as well as full bibliographic data and date of access will be kept for 10 years.  
e.g. (reasoned) collection of (national) case law
- Recorded interviews: these will be deleted after the transcription.
- Transcribed and pseudonymized interviews, coding-key for the pseudonymization, coded interviews, code-book will be kept for 10 years.

**Where will these data be archived (stored and curated for the long-term)?**

At the end of the project all data will be transferred to a network-drive of the project supervisor, prof. Wouter Devroe. The specific long-term storage infrastructure will be chosen based on what is available at that time.

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

No additional costs are expected.

**5. Data sharing and reuse**

**Will the data (or part of the data) be made available for reuse after/during the project? In the comment section please explain per dataset or data type which data will be made available.**

- Other, please specify:

The researcher will evaluate whether the creation of an annotated thematic bibliography has any added value.

The interview data will not be shared.

**If access is restricted, please specify who will be able to access the data and under what conditions.**

To be determined.

**Are there any factors that restrict or prevent the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party, legal restrictions)? Please explain in the comment section per dataset or data type where appropriate.**

- Yes, Privacy aspects

For privacy reasons, interview data and personal data will not be shared.

**Where will the data be made available? If already known, please provide a repository per dataset or data type.**

For the creation of an annotated thematic bibliography, the KU Leuven Data Repository (RDR) will be considered.

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

To be determined.

**Which data usage licenses are you going to provide? If none, please explain why.**

(If applicable) data licenses will be selected in collaboration with KU Leuven RDR-staff.

**Do you intend to add a PID/DOI/accession number to your dataset(s)? If already available, you have the option to provide it in the comment section.**

- Yes

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

None. The size of the data is small and no additional costs are expected.

## 6. Responsibilities

**Who will manage data documentation and metadata during the research project?**

Sofia Caruso (researcher)

**Who will manage data storage and backup during the research project?**

Sofia Caruso (researcher)

**Who will manage data preservation and sharing?**

Sofia Caruso (researcher) and prof. Wouter Devroe (supervisor)

**Who will update and implement this DMP?**

Sofia Caruso (researcher) in consultation with prof. Wouter Devroe (supervisor) and relevant support staff at KU Leuven.

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### GDPR

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#### GDPR

Have you registered personal data processing activities for this project?

- Yes