
Plan Overview

A Data Management Plan created using DMPonline.be

Title: Concepts of continuous and continued offences: continuance justified?

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Template: KU Leuven BOF-IOF

Project abstract:

The concepts of continuous and continued offences are of significant relevance in criminal law. Specifically under Belgian criminal law, some major offences are considered to be continuous and the concept of continued offences is applied very often in practice. Their presence can have a vast impact on the application of several rules of criminal law and procedure, such as the severity of the penalty imposed, the temporal and territorial application of criminal law, and the statute of limitations for criminal offences. Their pertinence for the combating of organised crime and the cross-border relevance of their application are also not to be underestimated.

Despite their importance, a theoretical and more fundamental reflection on the interpretation and limits of these concepts under Belgian law is currently lacking. This postdoctoral project aims to remedy that by establishing an internally coherent, foreseeable and uncomplicated framework on the interpretation and application of these concepts. It hereby strongly builds on comparative insights (from France, Germany, Italy, Luxemburg and the Netherlands) and applies an inductive and teleological-evaluative methodology. We hypothesise that this will contribute to solving - or at least alleviating - practical issues such as: debates on the nature of certain criminal offences, the duration and end of continuous offences as well as the role and interpretation of the concept of continued offences, especially from 2026 onwards.

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Concepts of continuous and continued offences: continuance justified?

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.

Dataset name / ID	Description	New or reused	Digital or Physical data	Data Type	File format	Data volume	Physical volume
Legal academic literature	Belgian, Dutch, French, German, Italian and Luxembourg academic legal literature (books, chapters in books, journal articles, annotations under case law in those journals and blog posts) on the concepts of continued and continuous offences (and on the rationale behind the rules where they find their application), mainly collected from legal databases	The individual publications already exist, but the relevant ones will be assembled during a separate literature review.	Primarily digital, complemented with physical copies	Other	pdf or html for the texts, (Zoterofiles for metadata)	< 5 GB	
EU legislation and preparatory documents	Relevant EU legislation collected from EUR-Lex as well as drafts, recitals, and outcomes of public consultations collected from EUR-Lex and website of the European Institutions	The texts already exist, but the selection of relevant legislation will be made during the project	Digital	Other	pdf for the texts, (Zoterofiles for metadata)	< 1 GB	
Council of Europe conventions, guidelines, and reports	Relevant conventions, guidelines, reports, and publications collected from the online resources and online archives of the COE	The texts already exist, but the relevant selection will be made during the project	Digital	Other	pdf for the texts, (Zoterofiles for metadata)	< 1 GB	
European case law	Case Law from the CJEU and ECtHR collected from https://curia.europa.eu/ and https://hudoc.echr.coe.int/	The texts already exist, but the selection of relevant cases and opinions will be made during the project	Digital	Other	pdf for the texts, (Zoterofiles for metadata)	< 1 GB	
Belgian legislation and preparatory documents	Relevant Belgian legislation and preparatory documents collected from BelgiumLex, Belgisch Staatsblad (etaamb), Vlaamse Codex, Kamer, Senaat, Vlaams Parlement	The texts already exist, but the selection of relevant legislation will be made during the project	Digital	Other	pdf for the texts, (Zoterofiles for metadata)	< 1 GB	

Belgian case law	Case law collected from Juportal /Juridat /Justel, websites Grondwettelijk Hof, Raad van State - Reflex, Hof van Cassatie and legal databases (Stradalex, Jura, Lexnow, etc.).	The texts already exist, but the selection of relevant cases will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
Dutch legislation and preparatory documents	Relevant Dutch legislation and preparatory documents collected from Overheid.nl and Wetten.nl	The texts already exist, but the selection of relevant legislation will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
Dutch case law	Case law collected from Rechtspraak.nl.	The texts already exist, but the selection of relevant cases will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
French legislation and preparatory documents	Relevant French legislation and preparatory documents collected from Legifrance.gouv.fr, www.assemblee-nationale.fr/ and www.senat.fr/	The texts already exist, but the selection of relevant legislation will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
French case law	Case law collected from legifrance.gouv.fr/, www.conseil-constitutionnel.fr/, www.conseil-etat.fr/, courdecassation.fr, www.lexis360intelligence.fr and www-labase-lextenso-fr	The texts already exist, but the selection of relevant cases will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
German legislation and preparatory documents	Relevant German legislation and preparatory documents collected from Gesetze-im-Internet, Bundesgesetzblatt, dip.bundestag.de and legal databases (Juris, Beck ...)	The texts already exist, but the selection of relevant legislation will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
German case law	Case law collected from Rechtsprechung im Internet, justiz.de/, www.bundesverfassungsgericht.de, www.bundesgerichtshof.de and legal databases (Juris, Beck ...)	The texts already exist, but the selection of relevant cases will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	

Italian legislation and preparatory documents	Relevant Italian legislation and preparatory documents collected from www.normattiva.it/ , Gazzetta Ufficiale della Repubblica Italiana , www.camera.it and www.senato.it .	The texts already exist, but the selection of relevant legislation will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
Italian case law	Case law collected from www.italgiure.giustizia.it/ and legal databases (Dejure, Edicola Professionale ...)	The texts already exist, but the selection of relevant cases will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
Luxemburg legislation and preparatory documents	Relevant Luxembourg legislation and preparatory documents collected from legilux.public.lu/ and www.chd.lu/	The texts already exist, but the selection of relevant legislation will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	
Luxemburg case law	Case law collected from justice.public.lu/fr/jurisprudence.html and legal databases (mainly Stradalex.LU)	The texts already exist, but the selection of relevant cases will be made during the project	Digital	Other	pdf for the texts, (Zotero files for metadata)	< 1 GB	

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:

- Legal academic literature: legal databases for each country: see <https://bib.kuleuven.be/rbib/collectie/e-bronnen>
- EU-Legislation and preparatory documents: <https://eur-lex.europa.eu/>
- Council of Europe conventions, guidelines and reports: <https://www.coe.int/en/web/portalEU>
- European case law: <https://curia.europa.eu/> and <https://hudoc.echr.coe.int/>
- Belgian legislation and preparatory documents: <https://www.belgiumlex.be/nl>, <https://etaamb.openjustice.be/nl/index.html>, <https://codex.vlaanderen.be/>, <https://www.dekamer.be/kvvcr/index.cfm>, <https://www.senaat.be/>, <https://www.vlaamsparlament.be/nl>
- Belgian case law: <https://juportal.be/zoekmachine/zoekformulier>, https://www.ejustice.just.fgov.be/cgi_wet/wetgeving.pl, <https://search-biblio.just.fgov.be/nl/>, <https://www.const-court.be/en>, <http://www.raadvst-consetat.be/?lang=en&page=caselaw>, <http://reflex.raadvst-consetat.be/reflex/?lang=nl>, https://justitie.belgium.be/nl/rechterlijke_orde/hoven_en_rechtbanken/hof_van_cassatie
- Dutch legislation and preparatory documents: <https://www.officielebekendmakingen.nl/>, <https://wetten.overheid.nl/>
- Dutch case law: <https://www.rechtspraak.nl/>
- French legislation and preparatory documents: www.legifrance.gouv.fr, www.assemblee-nationale.fr and www.senat.fr
- French case law: www.legifrance.gouv.fr/, www.conseil-constitutionnel.fr/, www.conseil-etat.fr/ and www.courdecassation.fr
- German legislation and preparatory documents: <https://www.gesetze-im-internet.de/>, <https://www.bgbl.de/> and www.dip.bundestag.de
- German case law: <https://www.rechtsprechung-im-internet.de/jportal/portal/page/bsjrsprod.psml>, <https://justiz.de/online Dienste/rechtsprechung/index.php>, www.bundesverfassungsgericht.de and www.bundesgerichtshof.de
- Italian legislation and preparatory documents: www.normattiva.it/, www.gazzettaufficiale.it, www.camera.it and www.senato.it
- Italian case law: www.italgiure.giustizia.it/
- Luxemburg legislation and preparatory documents: www.legilux.public.lu/ and www.chd.lu/

- Luxembourg case law: www.justice.public.lu/fr/jurisprudence.html

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, refer to specific datasets or data types when appropriate and provide the relevant ethical approval number.

- No

Will you process personal data? If so, please refer to specific datasets or data types when appropriate and provide the KU Leuven or UZ Leuven privacy register number (G or S number).

- No

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 or 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.

- Yes

Most of the license agreements the KU Leuven (- Faculty of Law) has with companies who provide access to the aforementioned online legal databases do not allow the user to forward material to unauthorised persons (i.e. persons not affiliated with KU Leuven) or to distribute content via the internet or e-mail. Sharing scholarly literature with any person is thus not always possible. Nonetheless, legal researchers all generally have access to those databases so that they do have the chance to use these existing data as well.

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

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 take place in Zotero.

I will also store all the online sources and scans of sources that cannot be easily consulted on network-drives operated by the KU Leuven, with servers on university-premises (on my personal I-drive). Upon request, and if not forbidden under copy right restrictions (and allowed under license contracts) I will of course share these (non-sensitive) data with other researchers.

Moreover, the resulting publications will (abundantly) make use of footnotes which list the sources consulted, as is common in the field of legal research. This should allow any researcher with a critical mindset, access to legal databases and/or a legal

library to assess the validity of my research and to replicate it.

Will a metadata standard be used to make it easier to find and reuse the data?

If so, please specify which metadata standard will be used.

If not, please specify which metadata will be created to make the data easier to find and reuse.

- No

No metadata standard will be used.

For all published materials that will be collected, full bibliographic details will be kept.

Findability will be ensured through the use of unique identifiers, including:

DOI for academic literature and other published documents, ECLI-codes for (supra)national case law and (when available) permalinks for online publications.

(also see previous question)

Data Storage & Back-up during the Research Project

Where will the data be stored?

- Personal network drive (I-drive)
- Other (specify below)

Collected documents will also be kept in Zotero.

How will the data be backed up?

- Standard back-up provided by KU Leuven ICTS for my storage solution

The data is stored on the university's central servers with automatic daily back-up procedures.

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 no or insufficient storage or backup capacities are available, explain how this will be taken care of.

- Yes

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

Data will not be stored on shared drives.

Two-factor authentication provides a sufficient level of protection for non-personal data.

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

Apart from occasional scanning costs (less than 100 euros, will be covered by my bench fee provided by the KUL), no additional costs are expected.

Data Preservation after the end of the Research Project

Which data will be retained for 10 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...).

- All data will be preserved for 10 years according to KU Leuven RDM policy

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

- Other (specify below)

The data will be stored on the university's central servers (with automatic back-up procedures) for at least 10 years in line with the KU Leuven RDM policy (on the KU Leuven K-drive (dedicated storage for archival purposes)).

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

No additional costs are expected.

Data Sharing and Reuse

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

- Yes, as restricted data (upon approval, or institutional access only)

Yes, in a restricted access repository (after approval, institutional access only, ...)

The researcher will evaluate whether the deposition of certain parts of the research in an Open Access repository is possible.

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 per dataset or data type where appropriate.

- Yes, intellectual property rights

Most of the license agreements the KU Leuven (- Faculty of Law) has with companies who provide access to the aforementioned online legal databases do not allow the user to forward material to unauthorised persons (i.e. persons not affiliated with KU Leuven) or to distribute content via the Internet or e-mail. Sharing scholarly literature with any person is thus not always possible. Nonetheless, legal researchers all generally have access to those databases so that they do have the chance to use these existing data as well.

Due to the aforementioned contractual restrictions, only the publicly available sources (some case law, policy documents, legislation, intermediate data, blog posts) can easily be shared. For each other source, copy right restrictions and other restrictions (whenever relevant) under the contract with the legal database provider in question would have to be verified.

Where will the data be made available?

If already known, please provide a repository per dataset or data type.

- Other (specify below)

To be determined.

When will the data be made available?

- Other (specify below)

To be determined.

Which data usage licenses are you going to provide?

If none, please explain why.

- Other (specify below)

Data licenses will be selected in collaboration with KU Leuven RDR-staff with a preference for CC-BY-SA.

Do you intend to add a persistent identifier (PID) to your dataset(s), e.g. a DOI or accession number? If already available, please provide it here.

- No

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

No additional costs are expected.

Responsibilities

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

Sem Careel (researcher)

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

Sem Careel (researcher)

Who will manage data preservation and sharing?

Sem Careel (researcher) and prof. dr. Raf Verstraeten (promotor)

Who will update and implement this DMP?

Sem Careel (researcher), in consultation with promotor (prof. dr. Raf Verstraeten) and relevant support staff at KU Leuven