

ASCOLA Transparency and Disclosure Declaration (2025)

Explanatory Note

This document presents an updated version of the 2018 ASCOLA Declaration. Building on the success and influence of that Declaration, this new version clarifies and extends it in light of experience and a survey of practices in other jurisdictions and Societies.

Part I provides a definition of conflicts of interest, research output and external funding that are used throughout the rest of the text. Conflicts of interest may arise in two scenarios: (i) external research funding and other material benefits obtained by the researcher; (ii) personal relationships which may cause a perception of a conflict of interest.

Part II is the core: Article 5 is the duty to disclose sources of conflicts of interest when these affect a research output. Article 6 is an indication that this Declaration is a minimum standard and without prejudice to other rules. This is needed because in some jurisdictions surveyed there are other disclosure rules that are equivalent and apply in certain cases so a member can use those rules if required by their institution or funding body, provided these are equivalent to the Declaration or provide higher standards.

Part III is an implementation of Article 5 in various situations (articles, events, media, calls for papers, co-authors who are not members, data, disclosure rules for members who are editors or referees). If some situation is not covered in Part III, one remains bound by the general disclosure rule in Article 5.

Part IV is about conference organization.

Part V contains softer recommendations to other institutions that ASCOLA should engage with to advocate for greater transparency.

ASCOLA Transparency and Disclosure Declaration (2025)

Preamble

One of the objectives of the Academic Society for Competition Law (ASCOLA, or the Society) is to promote the development of scholarly research in the field of competition law.¹ Disclosure of external funding and other material and personal conflicts of interest by its members is an essential component of this objective.

ASCOLA recognises that its members will obtain external funding and other forms of material support for research and/or join other organizations. These activities may cause the perception of a conflict of interest in a member's research output. A conflict of interest exists regardless of whether the source of funding or material support explicitly favours any particular position. Personal relationships may also create a perception of a conflict of interest in certain circumstances.

In order to promote integrity of research, this Declaration sets out rules and recommendations to ensure that there is a high level of transparency in the research output of ASCOLA members, which are embedded in a workable set of disclosure processes.

Part I: Definitions

Article 1: Conflicts of Interest

(1) Conflicts of interest arise when an ASCOLA member's funding, or other material or personal interests, could reasonably be perceived to compromise their objectivity or independence in producing research output.

(2) Material interests giving rise to a conflict of interest include external funding as defined in Article 3 and instances when members have an economic stake in the outcome of all kinds of legal proceedings, as defined in Article 4(2).

(3) Personal conflicts of interest are defined in Article 4(1)

Article 2: Research Output

This Declaration applies to all forms of research output, including the following:

(1) Research published in traditional professional media, such as books, journals, general and specialised newspapers and periodicals, or in digital form in other professional media, such as blogs, Internet research pages, discussion and working papers (hereinafter jointly referred to as "articles").

(2) Presentation of research in conferences, workshops, seminars (hereinafter jointly referred to as "events").

(3) Presentation of research through interviews with traditional and non-traditional, professional or non-professional media, as well as social media.

¹ ASCOLA Charter (November 2003), Section 2.

Article 3: External Funding

External funding refers to direct and indirect sources of financial and in-kind support which influence, or may be perceived to influence, an ASCOLA member's research output.

(1) External funding means sources of support other than an ASCOLA member's University salary. It includes funding from law firms, economic consultancies, corporations, non-governmental organizations, funding from regulatory agencies, funding from national or regional funding councils.

(2) Direct funding means financial support specifically allocated to an ASCOLA member or the institution they are affiliated with for a project that results in research output. It includes both grants and project-specific salaries and contracts. It excludes de minimis support, which amounts to less than EUR 1,500 per calendar year per funder.

(3) Indirect funding refers to resources not earmarked for a specific project or output but which support an ASCOLA member generally or their research environment. It includes financial and other support to cover institutional overheads, equipment, or general support for a member's time.

(4) In-kind support includes access to data, access to facilities, and other non-monetary measures that support research.

Article 4: Personal relationships and other material conflicts of interest

(1) Personal relationships include those where the member's spouse or civil partner is:

- a) An official of a competition or regulatory agency
- b) A judge or similar holder of judicial office
- c) A claimant or defendant in relevant litigation or administrative proceedings
- d) Legal counsel in relevant litigation or administrative proceedings
- e) An expert witness in relevant litigation or administrative proceedings
- f) Employed by or holding significant financial interests in entities that are parties to such proceedings

(2) Material conflicts of interests include, in addition to external funding defined in Article 3, direct financial relationships with parties involved in matters addressed in the research, including:

- a) Employment, consulting, or advisory relationships
- b) Financial investments or ownership stakes
- c) Payment for expert testimony or legal services

(3) Material conflicts of interest also include:

- a) current, prior (within the past three years) or scheduled industry affiliation where the ASCOLA member has received remuneration
- b) current, prior (within the past three years) or scheduled affiliations with any profit or non-profit organizations (e.g. think tanks, research centres, regulatory authority, government body) whose policy scope, goals or financial interest relate to research topics of the ASCOLA member and for which the ASCOLA member has received remuneration

Part II: Disclosure

Article 5: Disclosure Obligation

ASCOLA members shall disclose sources of external funding (as defined in Article 3) and the funder's involvement as well as any personal relationship and other material conflicts of interest (as defined in Article 4) in their research output.

Article 6: Minimum Standards

The Declaration provides for minimum standards of disclosure. It is without prejudice to any more extensive disclosure obligations that an ASCOLA member may be subject to.

Part III: Disclosure Rules

Article 7: Disclosures in Articles

(1) Every article (as defined in Article 1(1) of this Declaration) shall contain a disclosure statement indicating all direct and indirect sources of financial support that were received which supported the research as well as any personal relationship and other conflicts of interest (as defined in Article 4).

(2) Every disclosure statement shall declare the extent of the funder's involvement in the research process, including study design, data collection, editorial influence the funder may have exercised, and publication decisions.

(3) If the article was commissioned (i.e. it was specifically requested by an entity under agreed terms) this must be disclosed explicitly. The disclosure should normally include the commissioning entity's name and any role it played in shaping the content.

(4) If the support comes with a non-disclosure obligation, this must be stated, along with as much information as the obligation permits.

(5) ASCOLA members shall also disclose any other relevant factor which might lead to a real or potential conflict of interest as set out in Article 1.

(6) ASCOLA members shall make the disclosures provided for in this Declaration even when the publisher of the article does not have a transparency and disclosure policy.

(7) ASCOLA members who have nothing to disclose shall state this.

Article 8: Disclosures at Events

(1) ASCOLA members participating in events shall make relevant disclosures as set out in Articles 5 and 7.

(2) ASCOLA members should encourage a culture of transparency and disclosure in events which they attend.

Article 9: Disclosure in Media Outlets

- (1) ASCOLA members shall inform a journalist seeking an interview or a statement in mass media (e.g. newspapers, periodicals, radio, TV) that any publication must include a disclosure of the external funds, material interests and/or personal conflicts of interest of the member.
- (2) The method of disclosure may vary according to the type of the outlet.
- (3) The disclosure may be as extensive as this is permitted by the nature of the specific outlet.
- (4) ASCOLA members shall ensure that their social media profile and/or social media posts identify external funding and other sources of conflict of interest as set out in Article 5.

Article 10: Disclosure for Researchers with a Non-Academic Position

- (1) ASCOLA members who publish articles or present research with co-authors who are not members shall ensure that the co-authors' employment is disclosed.
- (2) To the extent this is permitted by current data protection or other legislation, the disclosure obligations indicated in Articles 5, 7 and 8 shall also apply to co-authors.

Article 11: Data

Except for good (and disclosed) reasons, data gathered for the purposes of a research project should be made available.

Article 12: Disclosure Rules for Editors and Referees

- (1) ASCOLA members who serve as editors of journals, book series and other professional periodicals shall make disclosures to the publisher and fellow editors as set out in Article 4.
- (2) ASCOLA members who are asked to serve as referees for articles, books, funding applications, promotion committees, and any other kind of peer review of academic work, shall make a statement of disclosure based on Article 5.

Part IV: ASCOLA events

Article 13: Organization of ASCOLA Events

The following apply to organisers of ASCOLA events, including any event organised by regional chapters which use the ASCOLA logo.

- (1) Organisers shall disclose sources of external funding and other in kind support in a proportionate manner. Organisers retain discretion over the format of disclosures provided that the sources of external funding are communicated to participants and, where relevant, to the public.
- (2) Organisers shall require all speakers to make relevant disclosures as set out in Articles 5 and 7. Such disclosures shall be required prior to a presentation as well as in any article published at the event.

(3) Calls for papers shall require disclosures from authors as set out in Articles 5 and 7. Submissions shall not be considered if there is no disclosure.

(4) Disclosure statements in Article 13(3) shall be made available to those in charge of selecting papers.

(5) Those in charge of selecting papers for events shall provide a disclosure statement to the event organisers, as set out in Articles 5 and 7.

(6) ASCOLA members organising conferences outside the ambit of the Society should encourage a culture of transparency and disclosure in the events they organise.

Part V: Recommended Good Practices

Article 14: Recommended Disclosure Procedures for Editors and Publishers

It is important that readers are made aware of any external funding, personal relations and other conflict of interest that is related to the academic output they read. Conversely, it is important that authors who submit their work to peer review have confidence that those who manage peer review identify and address possible conflicts of interest that may arise. In light of these premises, the following are set out as good practices for those in charge of managing peer reviews.

(1) Editors of journals, of book series and other kinds of publication should make disclosures to the publishers and/or fellow editors and such disclosures should be visible to readers.

(2) Editors should require reviewers to disclose any potential competing interests before agreeing to review a submission.

(3) Information on external funding and potential conflicts of interest of authors should be made available to the public. Readers should be informed about who has funded research or other scholarly work and whether the funders had any role in the research and its publication and, if so, what this was. This information should be displayed in an appropriate and visible manner.

(4) Editors and publishers are encouraged to use the Declaration as a basis for their editorial policies.

Article 15: Recommended Disclosures for Law Faculties and research clusters

While disclosures by individual ASCOLA members are an important element to promote integrity of academic research, universities, law faculties and other kinds of research clusters, play an important role in institutionalizing a culture of compliance. In light of this, the following recommendations are made, which apply to universities, law faculties and any research cluster, irrespective of form (e.g. think tanks, centres embedded in universities, research groups and any network or initiative that carries out research), hereinafter referred to as “institutions”.

(1) The above-named institutions should establish a disclosure policy for researchers.

(2) The above-named institutions should establish disclosure policies for research output published under their ambit and ensure that websites and relevant printed materials disclose funding sources, personal and other material conflicts of interest.

(3) The above-named institutions are encouraged to use this Declaration as a basis for developing their disclosure policies.

(4) ASCOLA members who join any such institution should encourage the implementation of a transparency and disclosure policy in the Faculty or research centre.

Article 16: Disclosure Advocacy

ASCOLA members who receive external funding should promote transparency by:

(1) Advocating within their funding relationships for comprehensive disclosure practices, specifically encouraging their funders and funding organisations to:

- a) Establish systematic protocols for publicly disclosing all financial support provided for academic research related to competition law enforcement and policy
- b) Apply these disclosure requirements consistently across all funded researchers, regardless of ASCOLA membership status
- c) Maintain accessible public records of such funding relationships

(2) Actively fostering institutional change by raising awareness about the importance of funding transparency in competition law and policy research.