Collective Redress and Digital Fairness Conference

10-11 December 2025
University of Amsterdam, Roeterseilandcampus (De Brug)

Programme

Wednesday 10 December 2025

14.00 – 14.15 Welcome and introduction
14.15 – 15.30 Keynote speeches

- **Ignacio Cofone** (University of Oxford)
  Privacy Harm and Digital Harms in Collective Redress
- **Stefaan Voet** (KU Leuven)
  Collective Redress in a Globalised Digital Economy: Challenges and Opportunities

15.30 – 16.00 Coffee break

16.00 – 17.45 Panel 1: The role and place of collective action

- **Joana Moreira** (Ius Omnibus/Universidade Europeia Lisbon) **& Lena Hornkohl** (University of Vienna/University of Heidelberg)
  Collective Redress in the Digital Age: Challenges and Innovations in the European Union Digital Single Market Framework
- **Swee Leng Harris** (Legal Strategies & Tech Policy Consultant)
  Empirical consideration of the disconnect between philanthropy and public interest litigators in digital fairness
- **Axel Halfmeier** (Leuphana University Lüneburg)
  Power to the People! Or to the Judges? The Democratic Value of Collective Litigation
- **Valentina Golunova & Sarah Tas** (Maastricht University)
  Guardians of Digital Rights: Exploring Strategic Litigation on Data Protection and Content Moderation in the EU

Chair: **Vigjilenca Abazi** (King's College London)
Discussant: **Joris van Hoboken** (University of Amsterdam)

17.45 – 18.00 *Stichting Onderzoek Collectieve Actie* Award

18.05 – 18.30 Drinks

Thursday 11 December 2025

9.00 – 10.25 Panel 2: Groups and representation

- **Marina Federico** (University of Naples)
  The Collective Online Protection of Minors in the Digital Services Act
- **Carlotta Manz & Marco Giacalone** (Vrije Universiteit Brussel)
  Equitable Digital Justice: Protecting Vulnerable Individuals Within the EU Regulatory Framework
- **Lyubomir Nikiforov** (Vrije Universiteit Brussel)
  Closing the EU Collective Redress Gap: GDPR, RAD and the AI Act for Algorithmic Harms & Digital Fairness

Chair: **Candida Leone** (University of Amsterdam)
Discussant: **Gianclaudio Malgieri** (Leiden University)

10.25 – 10.45 Coffee break

10.45 – 12.10 Panel 3: Remedies and redress

- **Giorgio Afferni** (University of Genoa)
  Collective redress for infringements of the DMA
- **Francesca Episcopo, Anna van Duin & Aart Jonkers** (University of Amsterdam)
  Towards Collective Redress for Data Harms under the GDPR
- **Karl Wörle** (University of Applied Sciences BFI Vienna)**, Oskar Gstrein, Nynke Vellinga & Sophia Salziger** (University of Groningen)
  Collective Settlements and the Digital Space: A Comparative Analysis of the Austrian, German, and Dutch Legal Framework

Chair: **Sébastien De Rey** (University of Amsterdam/UCLouvain/KU Leuven)
Discussant: **Anna Berlee** (Open Universiteit)

12.10 – 12.20 Closing remarks from Conference organizers

Conference Description

Overview

The *Collective Redress and Digital Fairness* Conference – organized by the University of Amsterdam with the support of the *Stichting Onderzoek Collectieve Actie* – offers a forum for dialogue on how collective redress can provide effective judicial protection against contested business practices of large digital corporations ("Big Tech"). The two-day Conference, featuring a combination of invited talks and submitted papers, will address a set of topical issues on collective redress and digital fairness: from matters concerning the effectiveness of currently available remedies and procedures, to questions addressing the normative foundations of collective redress and the role of collective private enforcement in regulating EU digital law. The Conference aims to critically assess the role of collective redress in promoting digital fairness, ensuring adequate access to justice and enforcing digital rights. By bringing together experts – both academics and legal practitioners – from different backgrounds and jurisdictions, it bridges a gap between theoretical, doctrinal, and practical approaches to these very topical issues.

Theme and Background

As Big Tech increasingly influences many fields, including public speech, digital governance, market competition, consumer protection, and fundamental rights, the European legal landscape is evolving in two key directions. First, the EU's regulatory efforts have led to a digital acquis that regulates the services and products offered by digital corporations, their contractual and market position *vis a vis* business users and competitors, as well as the practices (data processing and advertising) which sit at the core of their business model. Second, recent developments in collective redress have opened new pathways for ensuring effective access to justice across Europe, offering real potential for enforcing digital rights. In several Member States, notably the Netherlands, Austria and Germany, a growing tendency towards collective litigation in the digital sphere can be identified, with consumer and data protection cases standing firmly at the forefront of civil society's attention.[1]

Recent cases, in particular on GDPR (Regulation (EU) 2016/679) enforcement, have challenged unlawful data processing agreements and data collection practices.[2] Similarly, collective actions on consumer protection have targeted user interface designs that manipulates consumer behaviour. New legal frameworks, such as the Digital Market Act (Regulation 2022/1925) and the Digital Service Act (Regulation 2022/2065), create additional opportunities to challenge – also through collective redress – unfair and illegal practices in the digital sphere. Moreover, a new substantive framework is slowly taking shape regulating product design and liability, first with the adoption of the AI Act and the revision of the

[1] See, for instance, the actions filed in the Netherlands by Data Privacy Stichting against Meta in March 2024 (press release: https://dataprivacystichting.com/our-actions/).

[2] For an overview of the cases brought across multiple European jurisdictions, see the Country Reports available on the website of our research project 'Assessing Collective Private Parties' Litigation in the Economy of Data (APPLIED)' (https://act.uva.nl/research/research-projects/applied/applied.html).

Product Liability Directive (Directive 2024/2853). To this, new instruments could soon be adopted, such as the recently discussed Digital Fairness Act.[3]

While a certain degree of coordination with the Representative Action Directive (Directive 2020/1828) is ensured in many of these instruments, the potential of collective redress of this emerging framework is yet to be unveiled. Several legal, economic, normative, and political questions connected to the role of collective private enforcement in the protection of digital rights remain open and urgently need discussion.

Despite its promise, collective redress in the digital sphere faces several challenges. Within the EU, there are significant differences between national legal systems, which is reflected in the rise of collective (digital rights) litigation in some jurisdictions versus its absence in others. Further complications may arise from the risk dynamics of collective actions, as well as the many different actors at play, raising questions of representation, resources and other factors that influence the litigation landscape. Moreover, the potential of collective actions in upholding a high standard of digital fairness depends on their ability to prevent excessive or frivolous litigation. In this regard, it is widely recognized that a balanced approach is needed.

Against this background, the Conference focuses on the intersection of collective redress and digital fairness, understood broadly as the equitable treatment of individuals and society in the digital space, ensuring that the rights of users, consumers, and businesses are protected against unfair, exploitative, or manipulative practices. Collective redress provides an essential avenue for civil society groups and affected individuals to tackle complex, large-scale and/or systemic infringements, to establish liability and provide effective remedies.

Additionally, collective litigation can be viewed through the lens of regulatory theory, where private actions by civil society and various interest groups serve as an essential complement to public enforcement, helping to ensure corporate accountability and systemic solutions. At the same time, this may seem at odds with traditional private law paradigms that emphasize corrective justice and individual autonomy in bilateral relationships, highlighting the need to reassess the theoretical and normative foundations of collective redress.

Key Questions

The Conference aims to examine the function and functioning of collective redress in the context of digital fairness. It will explore key questions such as:

- What are the theoretical and normative foundations of collective redress?
- How effective is collective redress in the digital legal sphere at international, European, and national levels?
- How do digital rights intersect with other branches of law (e.g., consumer and competition law), and what does this mean for collective actions?

[3] Commission Staff Working Document Fitness Check of EU consumer law on digital fairness, Brussels, 3.10.2024 SWD(2024) 230 final, p. 144, https://commission.europa.eu/document/download/707d7404-78e5-4aef-acfa-82b4cf639f55_en?filename=Commission%20Staff%20Working%20Document%20Fitness%20Check%20on%20EU%20consumer%20law%20on%20digital%20fairness.pdf.

- What impact does litigation have on the compliance and governance of digital corporations?
- How do private and public enforcement interact, and what role do collective actions play within this regulatory framework?
- What is the role of private law and private law remedies in shaping digital fairness, and how does it constrain or contribute to collective redress mechanisms?

The program seeks to bring together diverse perspectives from various legal backgrounds and methodologies, encompassing procedural and substantive law, as well as theoretical, doctrinal, and empirical studies from national, European, and transnational viewpoints. The conference expressly aims to bridge the gap between academia, legal practice, and policy, while fostering dialogue between U.S. and EU approaches to collective litigation and digital fairness.

Organizing Committee

Dr J.M.L. van Duin, Dr F. Episcopo, Dr A.L. Jonkers, Dr S. De Rey (UvA – Amsterdam Centre for Transformative Private Law), with the support of the *Stichting Onderzoek Collectieve Actie.*

The conference builds on the organizers' previous and current research in the field of effective judicial protection, collective redress, private enforcement of digital law, and private law remedies, particularly through the DTDM-funded project APPLIED (Assessing Private Parties Litigation in the Economy of Data), and the ACT research project Integraal Privaatrecht.