

National licence negotiations advancing the open access transition – a view from the UK

Jisc Collections has had agreements with open access (OA) publishers since the mid-2000s. In 2014, following the UK government's response to the Finch Report, it started to target hybrid OA via 'offsetting agreements' that covered both subscriptions and article processing charges for OA.

This article will provide a status update on OA negotiations in the UK in the context of the UK's progress towards OA. It will look at some of the concerns about the progress of OA in the UK, how negotiations have evolved in response, and will look at prospects for their future direction.

The author presented this paper at the UKSG Annual Conference in Glasgow in April 2018. His co-presenter Anna Lundén and her colleagues give a view from Sweden in this companion Insights article: DOI: <https://doi.org/10.1629/uksg.413>

Keywords

Offsetting; negotiations; open access; hybrid; gold; green; sustainability

Jisc Collections undertakes negotiations for digital content in partnership with and on behalf of the UK academic sector. Its role is to save institutions time and money in the licensing and procurement of content to support teaching, learning and research. As of the end of 2017 Jisc Collections was undertaking negotiations covering approximately £125million per annum of expenditure, across about 300 subscription agreements. Based on figures from SCONUL, these negotiations account for almost 48% of UK academic library expenditure on academic content.

Whilst Jisc Collections has had agreements with open access (OA) publishers since the mid-2000s, it was in 2014, following the government's response to the Finch Report, that we started to target hybrid OA via 'offsetting agreements' that covered both subscriptions and article processing charges (APCs) for OA. In an article for *Insights* last year¹ I gave a brief background to the approach taken by Jisc Collections to negotiating these agreements and the numerous challenges that such an approach faced as a mechanism for achieving a transition to OA.

The article made clear that, because of these challenges, negotiations for offsetting agreements were increasingly contentious due to a distrust of hybrid OA, its attendant costs, workflow and management issues. However, it was also noted that in a context where funder policies continued to support gold OA (including hybrid), Jisc Collections would still pursue agreements that sought to constrain and reduce the combined costs of subscriptions and OA.

In this brief article I will provide an update on the status of negotiations, set this against the context of the UK's progress with regard to OA, examine how Jisc Collections has worked with institutions to develop and refine the approach it takes in these negotiations in response to their concerns and, finally, consider the prospects for the future.



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'negotiations for offsetting agreements were increasingly contentious due to a distrust of hybrid OA'

Status of negotiations

As mentioned earlier, Jisc Collections has had agreements with OA publishers for a number of years. Over time, the scope of agreements covering full OA or including an OA component has increased considerably. We have also worked closely with colleagues across Jisc to embed the negotiations within Jisc's wider OA Support Services portfolio.² Examples of this are Jisc Collections' management of the UK ORCID consortium agreement³ and inclusion of participation in Jisc Publications Router⁴ as an objective of negotiations. Table 1 shows the Jisc Collections OA agreements that are in place at the start of 2018.

Type of agreement	Publishers
Subscription agreements including an open access component	American Chemical Society
	Cambridge University Press
	De Gruyter
	Georg Thieme Verlag
	Institute of Physics
	Oxford University Press
	Royal Society of Chemistry
	SAGE Publishing
	Springer Nature
	Taylor & Francis
	Wiley
Membership and prepayment schemes	BMJ Publishing
	De Gruyter
	Elsevier
Pure gold OA publishing agreements	BioMed Central and SpringerOpen
	Hindawi
	Knowledge Unlatched
	Open Book Publishers
	Open Library of Humanities
	PeerJ
	SCOAP3
	Ubiquity Press

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Table 1. Jisc Collections OA agreements in place at the start of 2018

This increasing number of agreements that include an OA component has been reflected in higher levels of participation, savings and cost avoidance. In 2013 there were 178 subscriptions to agreements with the top ten publishers including an OA component; by 2017 that figure had grown to 759.

Jisc Collections has commissioned a series of annual reviews of the progress of its offsetting agreements, undertaken by Stuart Lawson. The second review for 2016 (the most recent year for which the analysis has been completed) concluded that the 'combined value of offset agreements to the higher education sector in 2016 has been estimated at £8m'.⁵

Furthermore, the December 2017 report of the Universities UK (UUK)

Open Access Coordination Group monitoring the UK transition to OA suggested that offsetting agreements had acted as a constraint on rises in APCs for hybrid journals.⁶

This constraint may come in a number of forms such as discounts on the cost of APCs, credits based on overall spend with a publisher which can be redeemed against the cost of either subscriptions or APCs, or agreements which for a single fee include subscriptions and APCs. The overall impact of such schemes is to limit any increases in the overall cost to an institution. Since the Research Councils UK (RCUK) block grant allocation for 2015/16 was £22.6 million,⁷ these figures suggest that offset agreements have at the very least helped the block grant go much further than would otherwise have been the case.

'offsetting agreements had acted as a constraint on rises in APCs for hybrid journals'

It is important to note that we are not only interested in agreements with legacy publishers, but also wish to promote agreements with new OA publishers and service providers offering

3 new publishing and business models (see Table 1). Whilst at present these are mainly journal agreements we are also offering an increasing number of monograph agreements, a growing priority. In this way we hope to promote a diverse publishing environment.

Open access to UK research

The increase in Jisc Collections' activities that include OA is unsurprising in the context of the apparently rapid growth of OA research published by UK authors generally. In December 2017 the UUK Open Access Coordination Group released its second report monitoring the transition to OA in the UK.⁸ The report's key findings were that:

- more than half of UK-authored articles are made accessible for public view within 12 months, either through gold or green OA
- of UK outputs, 37% (vs. 25% globally) are freely available to the world immediately on publication, either through gold or green OA
- the proportion of UK-authored articles published OA rose from 12% in 2012 to 30% in 2016: an annual growth rate of over 30% sustained throughout the period
- the global proportion of articles accessible for public view after 12 months via gold or green OA rose from 25% to 32% between 2012 and 2016, and the UK proportion rose from 37% to 54%.

'2016 the view of many of our members was increasingly negative about the progress of OA in the UK'

Responding to negativity around offsetting agreements

Despite the undoubted growth in the volume of OA material, by the end of 2016 the view of many of our members was increasingly negative about the progress of OA in the UK. Many of the reasons for this are to be found in the UUK report, which noted several financial implications arising from the increase in OA publishing. Together these have contributed to a substantial and sustained increase in the costs of OA including:

- the average APC increased in cost by 16% between 2013 and 2016
- the average cost of an APC is over 25% higher in hybrid OA journals than pure gold OA journals
- the gap between the cost of hybrid APCs and pure gold APCs is shrinking as pure gold APCs are increasing in price at a faster rate
- expenditure on APCs has at least quadrupled between 2013 and 2016
- at the same time expenditure on subscriptions has continued to grow, though at a much slower pace.^{9,10}

Furthermore, analysis by Jisc found that 'the top 10 publishers make up 77% of spend, and the remaining 525 publishers in the dataset comprise the long tail'.¹¹ (In the 2016 data Jisc analysed, there were 10,195 APCs paid to the top ten publishers by expenditure and 3,076 across the remaining 525 publishers.)

Alongside previously discussed issues around hybrid OA and the difficulties and challenges of implementing the early offsetting agreements, such pessimism looks like a rational response to the available evidence and everyday experience of many charged with helping make the transition to OA a reality.

'Should an offsetting proposal not offer significant improvements ... we would seek an acceptable green OA proposal instead'

The evolving negotiation position

The views of Jisc's members reflected concerns at Jisc Collections itself about the progress of negotiations and, at the start of 2017, we consulted our members on a revised set of negotiation objectives. These objectives proposed a much harder line in negotiations seeking genuinely transformative agreements that must build on and extend the benefits of what had previously been pilots. This would also align us more closely with colleagues across Europe seeking to achieve a rapid transition.

4 Should an offsetting proposal not offer significant improvements, then it would be rejected and we would seek an acceptable green OA proposal instead. The essential elements of an acceptable proposal included:

- sustainable costs for both subscribed content and APCs
- improved workflows and administration for both authors and institutions
- support for compliance with funder requirements on both gold and green OA.

Additionally, all agreements were required to include stronger service-level provision that would demonstrate the publisher's commitment to supporting a transition to OA. This was coupled with recognition that now more than ever a 'one size fits all' approach was inappropriate and our negotiations needed to better reflect an increasingly diverse membership with differing priorities and approaches, especially when it came to OA.

In practice this meant that we would be seeking options in the agreements covering a range of requirements from paying for subscriptions only to the inclusion of both subscriptions and all APCs in one fee. However, it should be noted that our priority would be to secure such an advantageous proposal covering both subscriptions and APCs that all institutions would feel comfortable taking that option. This was based on our experience of the Springer Compact agreement, which commenced in 2016. Review of the progress of this agreement demonstrated that, done correctly, such comprehensive agreements can maximize the number of articles made OA, constrain costs, ease the administrative burden on institutions and reduce the confusion for authors (though we also note that it does little to address the concern of many about the absence of a competitive market demonstrating real price sensitivity).

Progress of the Springer Compact agreement in the UK

- Between January 2016 and December 2017, 6,902 articles (3,085 in 2016 and 3,817 in 2017) were published OA by UK authors.
- The number of OA articles published by UK authors in 2016 and 2017 under the Springer Compact agreement was 207% higher in 2016 and 279% higher in 2017 than the number of articles published OA in Springer hybrid journals in 2015.
- The total value of the articles published was €15,126,400 (€6,764,000 in 2016 and €8,362,400 in 2017).

What impact has the change of approach had?

This approach was adopted for all negotiations scheduled to run through 2017, and included Cambridge University Press (CUP), Oxford University Press (OUP), Taylor & Francis (T&F) and Wiley. It took place against a backdrop of an upsurge in activity across Europe, the OA2020 initiative from the Max Planck Digital Library,¹² an increasingly strident tone from our own community and speculation about a review of UK OA policy in the light of the establishment of UK Research and Innovation (UKRI).¹³

The negotiations in 2017 were extremely protracted, but resulted in concrete progress against our objectives:

- for the first time agreements with OUP and CUP included an OA component that either offset expenditure or offered 'free' APCs based on previous expenditure
- Wiley and T&F renewed existing offset agreements for a single year and started working towards implementing 'read and publish'¹⁴ proposals for 2019
- preparations began with Springer Nature on the renewal of the Springer Compact agreement in 2019
- American Chemical Society and CUP committed to provide more far-reaching OA proposals in early 2018.

Publishers are becoming increasingly proactive in seeking to move their existing subscription agreements to read and publish, combining reading and OA publishing in one

5 agreement. However, the sheer volume of publishing from UK authors poses significant challenges to publishers and in fact caused a delay in the conclusion of such agreements with Wiley and T&F for 2018. The need for publishers to implement new systems and processes to handle the number of articles produced by UK authors and ensure that such OA output is accounted for in their subscription prices globally has slowed the speed with which agreements can be introduced. However, detailed data on current and future output at the institutional level are fundamental to the success of any such agreement.

What next for negotiations?

Despite some progress, there remains much to be done before negotiations are truly supporting the transition to OA. Recent experience suggests that we have entered a period of perpetual negotiations as we work with publishers on an ongoing basis to agree, implement, test, review and refine OA agreements throughout the term of the agreement. The involvement and support of institutions has been and will continue to be essential to that process.

Jisc Collections will thus continue to update its approach to negotiations in order to support the transition to OA and it will do so in light of developments in the UK, where the outputs of the UUK Open Access Coordination Group and its subgroups¹⁵ (in which Jisc has been a participant) and the UKRI policy review will undoubtedly have implications for the priorities we set. With the caveat that there may well be surprises in store, reflections on the path of negotiations so far suggest that we will adopt the following priorities in future:

'we have entered a period of perpetual negotiations'

- a continued focus on constraining, but also reducing the costs for institutions through the implementation of more read and publish agreements with a broader number of publishers. (These agreements will continue to support a variety of requirements including green and gold OA, compliance with the requirements placed on authors by funders and improvements to the administration and workflows needed to support OA.)
- defining an 'acceptable' offsetting agreement, particularly the aspects of an agreement that demonstrates it is supporting the transition to OA. This should mean the reduction of the 'reading' element of an agreement and ultimately, the removal of historical expenditure as the basis of pricing for journal agreements
- agreements with a wider variety of pure gold OA publishers, with the objective of removing as many barriers as possible for institutions and authors to publishing in pure gold journals
- supporting the transition to OA monographs with the objective of facilitating a transparent and competitive marketplace with effective, affordable, discoverable and impactful publishing agreements
- providing support for OA infrastructure initiatives that enhance and embed OA publishing as the default model for the dissemination of research
- refining, implementing, monitoring and promoting service standards for both journal and monograph OA publishing.

'the need for transparency, consistency, equity and efficiency'

Finally, I would suggest that the need for transparency, consistency, equity and efficiency in the achievement of transformative approaches to OA will drive deeper collaboration at the international level.

Abbreviations and Acronyms

A list of the abbreviations and acronyms used in this and other *Insights* articles can be accessed here – click on the URL below and then select the 'Abbreviations and Acronyms' link at the top of the page it directs you to: <http://www.uksg.org/publications#aa>

Competing interests

The author has declared no competing interests.

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12. OA2020 initiative: <https://oa2020.org/> (accessed 22 March 2018).
13. At a Westminster Higher Education Forum event on 20 February 2018, Sir Mark Walport, Chief Executive Designate of UKRI, announced that there would be a review of UK OA policy, referencing cost sustainability and value for money as areas for scrutiny, Publishers Association tweet: <https://twitter.com/PublishersAssoc/status/965928102932156416> (accessed 22 March 2018).
14. A 'read and publish' agreement is one where, for a fee, an institution will have access to a publisher's content as well as having all of their authors' articles made OA on publication.
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