

# Five principles to navigate a bumpy golden road towards open access

The publishing ecosystem of the future will be built on several models such as offsetting agreements as well as various open access publishing channels. The LIBER Open Access Working Group has issued five principles to support libraries in their efforts to negotiate offsetting deals as they move towards full open access to research information. This article describes why the five principles were created and the underlying considerations and limitations encountered while working on them.

## Keywords

Open access; open science; licensing; negotiations; libraries



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## Introduction

Many research institutions in Europe are making the transition from traditional subscription licences to offsetting deals to enable researchers to publish their work gold open access<sup>1</sup> and at the same time have access to the published content without paywalls. Instead of paying to read, the licence agreements provide a mechanism for institutional buy-out of the article processing charges (APCs) to facilitate the process of publishing open access (OA). There is a lot of variation in these kinds of licence agreements: sometimes they include a reading fee, the number of articles can be capped, the definition of 'author' varies, etc. Regardless of these variances, the offsetting deal is widely seen as an effective mechanism for a large-scale transition to OA. Usually, research libraries are involved in the negotiations. There is a significant need among research libraries in Europe to exchange knowledge and experiences about these negotiations. Offsetting deals are in theory a quick and effective way to boost OA. Yet, these agreements have proven to be a bumpy road in practice.

## Background

Although OA has been with us for nearly 15 years since the Berlin declaration in 2003,<sup>2</sup> the open science movement has given the transition to OA renewed energy. The UK leads the way towards new OA deals, fuelled by the Finch report in 2012,<sup>3</sup> in which gold OA

2 was recommended. Shortly after the release of this report, in November 2013, the Dutch government published a statement staking out the road towards a 100% switch to gold OA by 2024.<sup>4</sup> In 2016 the Dutch presidency of the EU contributed further to the adoption of open science in Europe,<sup>5</sup> of which OA is considered to be just one of several parts. The EC founded the Open Science Platform to further develop the open science agenda.<sup>6</sup>

Licensing negotiations about offsetting deals are currently taking place in many European countries. With so many negotiations in progress in parallel, it is difficult to obtain a good view of the latest developments. Some countries, like the UK and the Netherlands, have gone through the first renewal cycle of their offsetting deals,<sup>7</sup> while Austria was among the first countries to sign a big agreement with an international publisher. In Finland, researchers issued the Tiedonhinta statement<sup>8</sup> in 2016, followed by the 'No deal, no review' boycott in 2017.<sup>9</sup> Both initiatives gathered strong support among researchers in Finland as well as internationally. Other Nordic countries are rapidly expanding their offsetting deal portfolio, contracting more publishers.

In Germany, the consortia of the Bundesländer joined forces nationwide and started discussions with Elsevier in 2016. These negotiations came to a standstill, resulting in the cancellation of all Elsevier journal subscriptions,<sup>10</sup> and as a result, a number of prominent German researchers resigned from serving on Elsevier's editorial boards.<sup>11</sup> The French research library consortium, on the other hand, agreed to pause their transition to gold OA pending international developments. However, they did not want to put any more money in the system and so agreed a 0% price cap. Meanwhile, in Eastern and Southern Europe, libraries are struggling to raise the money to get access to scientific information. In Southern Europe, subscription rates have historically been quite low and so the gap between current collection budgets and the prices for offsetting deals is correspondingly large. Most Eastern European library consortia still need to gain strength to allow effective collaboration across research libraries in licensing negotiations. The European financial crisis hit hard and some countries have not had any budget for e-journals at all in recent years, regardless of business model. Recently, a national framework agreement was made between the Greek government and a number of large publishers, allowing institutions to opt in.

It is clear from the examples above that more unity is needed in our approach to the transition to gold OA. LIBER (Ligue des Bibliothèques Européennes de Recherche – European Association of Research Libraries) supports the network of around 430 libraries all over Europe through its new strategic plan 2018–2022.

LIBER foresees that OA will be the predominant form of publishing by 2022. However, this goal can only be realized through collaboration with libraries and other stakeholders, by sharing best practices as well as adopting a common approach to the issue. In this context, LIBER decided to start an Open Access Working Group in 2016 to ensure that the members of the organization had a forum in which to discuss challenges with the changing OA landscape. Libraries are well positioned to work on the *implementation* of open access. In this way, LIBER plays to its strengths and can further disseminate the results of the EU projects and support its members. The Open Access Working Group now includes 20 pan-European members of LIBER from nearly as many European countries.<sup>12</sup>

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## Five principles

In September 2017 LIBER published the 'five principles for negotiations with publishers' statement about offsetting deals. It is the result of one year of sharing knowledge and working together with this large, heterogeneous working group. There is a huge variety in OA policy, budgets, organizations, preferences across disciplines and preferred paces of change between the European countries. What we have in common, however, is that we are all trying to make the move towards OA and we are engaged in negotiations with publishers to take new steps. To support these negotiations, LIBER has formulated its five principles,

3 which are straightforward and practical, and applicable across the whole spectrum of European research libraries.

These five principles are:

1. Licensing and Open Access go Hand-in-Hand
2. No Open Access, No Price Increase
3. Transparency for Licensing Deals: No Non-Disclosure
4. Keep Access Sustainable
5. Usage Reports Should Include Open Access.

(The entire document about the principles is included as an appendix to this article.)

The working group started drafting the principles in spring 2017, and its first meeting yielded enough input to compile an entire white paper. Yet, our goal was not only to develop a new strategy, white paper or road map, but also to support the implementation of OA. During the discussions, it seemed that the divide in the group between preferences for a subscription model or an author-pays model corresponded to the map of Europe, drawing a line from Helsinki to Barcelona. We needed to bridge several gaps. This inspired the first principle: *Licensing and Open Access go Hand-in-Hand*.

### Licensing and Open Access go Hand-in-Hand

This first principle reflects the many differing approaches to OA in Europe. What they all have in common, though, is that we all pay for our content one way or the other. If we want to make a change, money is a strong driver. It also addresses the issue of the hybrid model. Increased spending on APCs should result in proportionately lower spending on subscription fees to avoid 'double dipping'. Finally, it is also a response to the strategy of a minority of publishers who still maintain that licensing and OA are different issues and refuse to talk about these at the same table. We all know these are two sides of the same coin.

'If we want to make a change, money is a strong driver'

### No Open Access, No Price Increase

The second principle has generated the greatest amount of discussion, both in the working group and in the reactions and comments when published. Many librarians argue that there is already enough money in the system and that therefore no price increase can be justified whatsoever, as described in a paper by representatives from the Max Planck Gesellschaft.<sup>13</sup> However, this does not mean that the money is evenly distributed. There are two possible financial outcomes of the shift from paying for reading to paying for publishing. The first is a shift from countries that predominantly consume scientific information to countries that have a relatively large share in the research output. The second is a shift on a more individual level from organizations that predominantly read scientific information rather than publish. In the current situation, costs will shift towards Western and Northern Europe, and within Europe from private companies to research institutions. This is the elephant in the room in our current gold OA strategy. As more and more offsetting deals will be up for renewal, we cannot keep ignoring this fact.

Publishers also questioned this principle because most of them still apply an annual price cap uplift of 5%, which they claim compensates for inflation and pays for additional online content that is added. In order to unite each party's views, the second principle does not close the door to price increases completely; it states that any price increases should have clearly justifiable grounds, and should support the transition to OA.

'In the current situation, costs will shift towards Western and Northern Europe, and within Europe from private companies to research institutions'

### Transparency for Licensing Deals: No Non-Disclosure

The third principle about transparency of contracts did not provoke any comments. It is evident that if libraries want to make the move towards OA, their practices should fully reflect their commitment to OA and they should reject non-disclosure agreements. Licensing agreements should be openly available.

- 4 In Finland and the Netherlands, the wider political landscape makes confidential agreements paid for with public money unacceptable, due to freedom of information regulation.<sup>14,15</sup> However, it is still common practice for libraries to accept non-disclosure agreements, suggesting that pricing is more important to us than transparency. This is concerning, and raises the question whether research institutions have completely understood the possible impact of OA on our landscape. It is clear that all organizations will benefit from transparency; however, shorter-term considerations, such as meeting this year's budget, are in conflict with our strategic goals. In Finland and the Netherlands, a third party forced a breakthrough based on the Freedom of Information Act. The EC could be this third party at a European level, supported by the Open Science Platform.

### Keep Access Sustainable

The fourth principle sounds self-evident. Yet, we had a tough internal discussion about it in the working group. In the first draft, there was a reference to Sci-Hub. Some librarians thought that Sci-Hub was a good alternative that could be used as a fallback after cancellation of a licence. LIBER is against this position. Libraries should secure access to content in a legal way. It is not our intention to battle with publishers, even if we do not always agree with each other. All stakeholders have their role in the information chain and we feel that each party should receive the recognition that corresponds to the value added. Still, the sustainability of OA is a huge problem. In the Netherlands, for example, libraries have given up their rights to perpetual access in a particular licence to lower the cost of the move to OA. At the same time, initiatives like DOAJ and SHERPA/RoMEO are struggling to find sustainable business models. Recently, library associations have joined forces in the Global Sustainability Coalition of Open Science Services to address this issue.<sup>16</sup>

### Usage Reports Should Include Open Access

The fifth principle addresses the need for usage statistics about OA. In replies to the statement, many colleagues made comments that this principle should also include guidelines about article metadata. Indeed, it is important to improve bibliographic metadata, but this is not what is meant here.

To properly evaluate the impact of new deals, usage statistics are required. Given that the success of offsetting deals depends on the quality of the workflows and the monitoring of these,<sup>17</sup> every licence should include the delivery of proper and comparable usage statistics. There is currently a lot of reporting in place about usage and citations, but not about the level of OA in publications or by institution or country. How many authors from our institution submitted an article? How many opted for OA? At the Erasmus University Rotterdam, for example, reports show that many researchers continue to publish in the traditional way even though the Library has also paid the APC for them. The publisher knows who these researchers are but does not routinely provide this information. Differences in workflows among publishers make it difficult for researchers to publish OA and for libraries to track all the APC costs. Transparency of APC costs at institutional and national level is needed.

Finally, we received comments about the many things that are not in the statement. The five principles focus on offsetting deals, which are mostly about e-journals. Open access for books and data sets has its own dynamic. They also do not reflect the discussions about the quality of OA and the problems with predatory journals. Furthermore, OA is also about doing what you want with content. We tend to think of a specific kind of use of e-journals: reading articles one by one. Text and data mining is a new theme that is hardly possible within current licensing agreements.<sup>18</sup>

## Global perspective

As a European member organization, the primary focus of LIBER is on the European context, but OA is a global issue and it is interesting that the five principles also provoked comments from other parts of the world. The Association of Research Libraries, the organization for

5 research libraries in the US and Canada, is working on a similar statement regarding the transition from subscription licensing to alternative business models. They have indicated that they are sharing the vision that underlies these principles.

At the same time that the five principles were published, three large consortia of the Spanish-speaking world met in Mexico. They issued a statement in which they say that APCs distort the market and that an OA expansion policy, through the payment of APCs, is financially impossible for the participating countries.<sup>19</sup> Instead, they focus on strengthening their national infrastructures, supporting regional journals and building repositories for these titles. Furthermore, they aim to lower the price caps of the current subscription deals and aspire to explore the possibility of moving away from big deals to individual subscriptions.

No comment was received from China at that time, which was unsurprising with the 19<sup>th</sup> Party Congress due in October 2017. The Chinese R&D budget amounts to 16% of the total world spending on R&D, and research is regarded as a catalyst for economic growth. Combined with a stronger focus on centralization, significant moves towards gold OA cannot be expected. Those Chinese universities that are now storming ahead in the rankings are developing their repositories and are exploring institutional green OA policies.

## What is next?

Overall, we see a mixed pattern. Offsetting deals were seen as the next step after the big deal. When we converted our printed journals to a digital portfolio, it was a revolutionary step to move away from list prices and negotiate a price for the database as a whole. Now we take a new step by converting the big deal from a subscription licence to an offsetting licence. Yet, this is not the final solution. By allocating most of our institutional budgets to a small number of publishers, we discourage innovation by small new publishers who struggle to find their place in the current market. The few that are successful are acquired by the big companies to strengthen their role within the OA marketplace. Do these acquisitions happen so that the bigger companies can learn, or to slow down the trend towards OA?!

A promising development is the emerging OA publishing channels which are not based on subscription fees. These can be seen as other examples of attempts to change the scholarly communications landscape in favour of the research institutions rather than the big publishing companies. Examples are consortia-based business models (e.g. LingOA, Knowledge Unlatched, Open Library of Humanities), library publishers (e.g. UCL Press, Stockholm University Press, Helsinki University Press) and funders' publishing platforms (e.g. Wellcome Trust, Bill and Melinda Gates Foundation). They all have an influence on the future of how we disseminate scholarly information, as well as the business models to support the processes.

The publishing ecosystem in the future will be built on several models: offsetting deals as well as various OA publishing channels. The LIBER Open Access Working Group issued five principles to support libraries in their efforts in negotiating offsetting deals. We cannot change the world in one day but we can take it step by step. We hope that the principles we created help to inspire this change.

### 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 authors have declared no competing interests.

'A promising development is the emerging OA publishing channels which are not based on subscription fees'

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# Appendix

## open access: five principles for negotiations with publishers

<http://libereurope.eu/blog/2017/09/07/open-access-five-principles-for-negotiations-with-publishers/>

(See Figure 1.)



Figure 1. LIBER's open access principles for negotiations with publishers

The principles are based on the experiences of LIBER libraries in the past two years, and aim to guide libraries and consortia as they shift from a reader-pays model (subscription licensing) to an author-pays model based on article processing charges (APC).

With these principles, research libraries are encouraged to make the move from paying for information access to organizing the publishing costs for their researchers. The five principles are:

1. **Licensing and Open Access go Hand-in-Hand** – The world of subscription deals and APC-deals are closely linked. Nobody should pay for subscriptions and pay APCs at the same time ('double dipping'). Each new license agreed on should therefore contain conditions about both sides of the coin. Increased spending on APCs should result in proportionately lower spending on subscription fees.
2. **No Open Access, No Price Increase** – There is enough money in the system already. Libraries have paid annual price increases of up to 8% for years, supposedly to allow publishers to innovate. A key feature of innovation for the research community is that research outputs are freely available. Therefore if an agreement with publishers on Open Access cannot be reached in our contracts, future price increases should not be accepted.
3. **Transparency for Licensing Deals: No Non-Disclosure** – The practices of libraries should fully reflect their commitment to Open Access. Licensing agreements should therefore be openly available. Society will not accept confidential agreements paid for with public money in the form of non-disclosure agreements, as recent developments in Finland and the Netherlands have shown.
4. **Keep Access Sustainable** – To avoid putting more money in the system, and to strengthen Open Access, some libraries have given up their rights to perpetual access in license agreement. Perpetual access is, however, critical in a quickly-changing publishing environment. Libraries must secure sustainable access to content.
5. **Usage Reports Should Include Open Access** – Although APC-buyouts are becoming more common, reporting about Open Access is still rare. Just as libraries receive reports about downloads and usage in the subscription world, they should also receive reports on Open Access publications. It is normal to receive insight into what we pay for.

These five principles are part of LIBER's ongoing commitment to facilitate knowledge exchange between its libraries, national governments and stakeholders. They are inspired by other statements including the [Amsterdam Call for Action on Open Science](#) and the [OA2020 Initiative](#).

- 8 Our principles align with the recently issued [Recommendations on Open Science Publishing from the Open Science Policy Platform \(OSPP\)](#). The OSPP guidelines emphasize sustainability, transparency, incentives, research evaluation and community involvement. They also call for stakeholder communities, EU member states and the European Commission to jointly assess and identify how the Commission's goal of full open access by 2020 should be achieved.

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