

Leszek Szafrński

Jagiellonian Library

Jagiellonian University

e-mail: l.szafranski@uj.edu.pl

Transformative agreements in the context of open access to the results of scientific research

Translated from Polish by Anna Kowalska, Paulina Stelmaszczyk,
Krzysztof Hejduk & Mikołaj Deckert

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Abstract: Over recent years, open access has developed very dynamically in the world. Many countries have implemented an open access policy and created different ways to publicize the results of scientific research. There are many rules and guidelines related to it, among others Plan S, which aims to implement from 2020 full and unrestricted access to publications resulting from the results of research financed from public funds. The introduction of such activities involves signing and, in particular, transforming existing contracts with publisher into agreements based on the principles of open access the so-called transformative agreements. Standards are created to support national consortia and libraries in negotiating the implementation of a new type of contract, eg. five negotiation rules with LIBER publishers (*Ligue des Bibliothèques Européennes de Recherche – Association of European Research Libraries*). The aim of the paper is to present good practices and familiarize with activities implemented in the world in the implementation of open access strategies, in particular policies of selected European Union countries in negotiations with scientific publishers, which may become an inspiration for activities related to openness in science implemented in Poland.

Keywords: LIBER, open access, open science, Plan S, transformative agreements

Introduction

Open Access to the results of scientific research in the current form has been implemented in the world since 2002. The name of the movement was defined in Hungary, where the participants of the meeting initiated at that time signed the Budapest Open Access Initiative (Kozierski et al., 2013, p. 2). However, the very idea of openness has been implemented since the 1960s, when the first bibliographic bases with links to full texts began to be created, e.g. MEDLINE and ERIC (Educational Resources Information Center) (Suber, 2009), and in the following years ventures and projects defined by researchers in different ways (Janiak, 2012, pp. 15–65; Szafrński, 2019, pp. 15–19)¹: digital libraries (Suber, 2009; Kolasa, 2012, pp. 68–69)², repositories³, journals providing full-text online scientific publications and many others (e.g. websites, research websites, science blogs, e-laboratories).

Initially, these were bottom-up activities carried out by scientists on their own, e.g. launching the Arxiv.org repository, publishing the *Psycoloquy* journal (Szafrński, 2019 p. 53). Currently, scientific institutions, commercial companies and national governments have become involved in open access. In the world, these are: research funding institutions at the level of individual countries, the European Research Council, the European Commission, research funding foundations, e.g. the Bill and Melinda Gates Foundation (The Bill & Melinda Gates Foundation), The WellcomeTrust (Kuster, 2019, p. 6).

There are many initiatives available worldwide created at the European level, e.g.:

- OpenAIRE – a platform aggregating all kinds of activities and services related to sharing research and scientific publications, and giving access to them from one place (Manghi et al., 2017, pp. 92–93);
- BASE (Bielefeld Academic Search Engine) – search engine for scientific publications made available in open access (What is BASE?).

Since 2007, legal acts and recommendations have been published imposing obligations on public institutions, research funding organizations and the authors themselves regarding the publication of research data and publications in open access. One of the first documents published in the European Union is the *Communication from the Commission to the European Parliament, the*

¹ Definition problems on this subject were raised in many publications, e.g. see: Janiak, 2012, pp. 15–65; Szafrński, 2019, pp. 15–19.

² For example, one of the most famous and oldest projects: Project Gutenberg initiated by Michael Hart (1971), see: Suber, 2009; Kolasa, 2012, pp. 68–69.

³ For example arXiv.org domain repository created in 1991.

Council and the European Economic and Social Committee on scientific information in the digital age: access, dissemination and preservation (Commission Communication..., 2007). Later, the Commission Recommendation of July 17, 2012 on access to and protection of scientific information and Regulation (EU) No 1290/2013 of the European Parliament and of the Council were published, which sets out the obligations of beneficiaries participating in Horizon 2020 to publish research results in an open access. Next, the Regulation (EU) No 1290/2013 of the European Parliament and of the Council of December 11, 2013 was applied, imposing the obligation to publish the results of scientific research financed in Horizon 2020. Based on this regulation, recommendations and open access policies are created at the level of individual European Union countries. For example, in Poland, the directions of development for open access to publications and research results were published in 2015, for the time being in the form of soft recommendations and the ones with the idea of open access to science and guidelines for the implementation of open access to science (Kierunki rozwoju..., 2015).

Recently, a widely consulted document, which has been announced by cOAlition S as part of the cooperation between, among others, The European Commission and Science Europe (the association of European research funding organizations) is *The Plan S: Making full and immediate Open Access a reality* (for the purposes of this article the abbreviation Plan S is used). 11 European institutions supporting and financing scientific activity belong to cOAlition S. Their task is to develop regulations and principles for introducing open access to research results and scientific publications. In Poland, the coalition's signatory is the National Science Center (NCN) (Majdecka, 2018).

Plan S consist of 10 principles for implementing open access to the results of research financed by public resources, and the main goal behind the creation of Plan S is, starting from 2020, to introduce the obligation to publish journals and Open Acces repositories publications from research financed by European organizations supporting scientific activity (Whatis..., 2019). According to the provisions of the mentioned document, the authors would retain copyrights and publish their texts on open licenses (Johnson, 2019, p. 1). One of the conditions for an immediate and unrestricted transition to open access is negotiating the transformation of the currently binding contracts with publishers on the documents commonly known as transformation agreements. The signing of new contracts should be completed by 2021 (cOAlition S. Making...).

Transformation agreements

The purpose of this article is to present, on the basis of the literature, the subject of transformation agreements and actions undertaken in this field in the world.

For the analysis of literature related to the subject of transformation agreements, a method of analysis and criticism of literature was used, as well as the author's experience related to participation in the works of the Open Science Working Group of The Guild of European Research – Intensive Universities in Brussels. Firstly, the Wiley Online Library, Science Direct, and Springer Link databases were analyzed and then, Google Scholar and Base – search engines for full-text scientific publications. The search was performed using the terms: transformative agreements, transformation agreements. The chronological scope covered the years 2016–2019 due to the fact that the topic discussed in the article is a recent issue in scientific literature.

After analyzing the literature, it turned out that the author found only 20 publications regarding transformation agreements in the mentioned databases and search engines, describing this subject initially and quite generally. That is why – mainly during the analysis of the topic – the author used messages and documents available on the websites of organizations and institutions involved in or supporting the implementation of Plan S.

According to the definition on the Efficiency and Standards for Article Charges (ESAC) website of the initiative that is supposed to gather information on openness in science, publishers' activities and support librarians and research institutions in the field of implementing open access (Geschuhn), the various forms of transformation agreements consist of transforming existing agreements with publishers based on the principles of paid access to resources, into agreements whose main goal is the adoption of a model of fees for scientific publications that allows faster transition to open access. Publishers would receive pre-publication funding under the new agreements, and users would be guaranteed free access to scientific resources (Transformative agreements).

cOAlition S supports the implementation of transformation contracts financially and substantively, but only until December 31, 2024, when financing the contract ends (cOAlition S. Accelerating...). By this time, the activities related to the transition of publication to open access should be completed. The contracts may not be concluded for more than three years. In 2023, an analysis of the effectiveness of activities conducted in this area will be carried out (cOAlition S. Making...).

The optional transformation agreements are supported, including hybrid magazines if they comply with the principles of Plan S (cOAlition S. Making...).

Negotiation rules

The European Association of Scientific Libraries LIBER (French: *Ligue des Bibliothèques Européennes de Recherche* – Association of European Research Libraries) – an organization whose goal is, among others, the promotion and operation for the management of and access to high-quality research and scientific publications (AboutUs: LIBER...), published five key principles for negotiating agreements transformation that can help in proper preparation for negotiations with publishers and are an incentive to make this type of solutions open access strategies implemented by library consortia institutional and universities.

The first principle is complementary licensing and open access. Agreements with publishers should be designed to avoid double funding available for publication. They should contain provisions concerning the whole publishing process including the supply and regulate the proportional size of the fees for each step on the processing and sharing of publications, which in turn should lead to a lack of price increase or decrease.

The second principle consists in the absence of agreement on price growth in the absence of consent of the publishers for open access to publications. The main idea here is striving to be placed in the records of contracts with publishers open access to publications. If this is not possible, the rise in prices for access to resources should not be agreed on, because it have long been the publishers who raise money without giving anything in return, and a sufficient funds amount is already present in the publishing system.

The third principle concerns transparency and openness of licensing agreements, which should be generally available because they are paid from public funds.

The fourth principle applies sustainable access to resources, which should be provided during and after their contracts ended. The task of libraries is to strive to sign such license agreements so that users do not lose access to both the most current and archival resources.

The fifth negotiation principle applies to reporting on the use of resources in open access. Until now, publishers make such reports occasionally. However, this should be the rule, as it is practiced with the subscription agreements.

These principles are part of the open access policy implemented by the European Commission and are in line with Plan S (LIBER Europe...). The basic assumption is to allow open access to scientific resources while stopping or reducing publication costs and increasing the involvement of publishers in implementing the policy of open scientific communication.

Policy of the European Union in negotiations with publishers

Many European Union countries have started implementing open access policy and signing transformation agreements. The AORL website contains information on implemented negotiation policies and the adopted open science model (Negotiation principles...). Let's follow the review of actions initiated in selected countries.

In Germany, the DEAL project is being implemented, the goal of which is signing contracts with the world's largest publishers guaranteeing: open access to scientific articles by German scientists, reducing fees and facilitating access to scientific journals. The entire project is managed by a group of experts from German universities, who are controlled by a steering committee consisting of members of university authorities and scientific institutions (DEAL Project).

In Hungary, the Program Council and the Governing Board of the EISZ (Electronic Information Service National Program) in implementing transformation agreements have adopted similar principles to those proposed by the LIBER organization. It was decided that the publications would be made available in open access under the Creative Commons License Attribution (Electronic Information...).

In Austria, the 16 rules for the implementation of open access have been adopted as soon as in 2016. 50 organizations belonging to the Open Access Network Austria (OANA), established and supported by, among others, The Conference of Austrian Public Universities (Die Österreichische Universitätenkonferenz, Uniko), has decided to introduce open access to all scientific articles and conference publications from research financed from public funds. Scientists and commercial service providers are to receive financial support to 2025 so that the established goal of access to publications will have mostly been realized. Additional rules for the implementation of open access adopted in Austria include: implementation of open access policies in institutions financed from public funds by 2017, reformulation of publishing agreements, training and courses in the field of open science, change of copyright towards open access support, digitization and archiving resources in cultural institutions, offices, libraries, museums, etc., creation of digital repositories in all scientific centers, participation in the creation of international open access infrastructure (Open Access Network..., 2016, pp. 2, 4–5).

In Switzerland, the model of negotiations has been adopted with the publishers of 5 LIBER principles and patterns of German. The biggest administrative work related to the implementation of the new policy of publishing and disseminating science is to burden scientists, relieving librarians. The agreement will be signed mainly with Nature Springer, Elsevier and Wiley as

these publishers in Switzerland have the largest market share of scientific publications (Factsheet on the negotiating..., 2018, p. 2).

A study was conducted in the United Kingdom, the results of which show that despite the implementation of many activities related to the introduction of open access and registration as a result of the decrease in costs of publishing, still failed to achieve full openness in research. Currently it is at the level of 37% in relation to the total publishing production. Therefore, measures have been taken to accelerate the transition to a fully open access and reduce the hybrid model. The new agreement should, among others, enable the publishing of: full transition to the open access model, support of the green open access path, introduction of the ORCID researcher ID to the publication content, registration of the DOI by the publisher in CrossRef, elimination of the possibility of subscription model returning, transparency of content so that cost analysis could be made available, and implementation of activities which improve and streamline the publishing processes (Requirements for transformative...).

In Poland, on May 31, 2019, a license agreement with Elsevier was signed for three years, in which one of the additional options is the agreement financed option of publishing 3,000 articles in hybrid magazines and gold open Access Elsevier and the right to archive publications during and after the license expires. Since 2019, the license agreement with the Springer publishing house, commonly known as Springer Open Choice, has been published enabling the publishing in hybrid article magazines in open access. An agreement has been signed with the publisher of the Science Advances journal that allows the publishing of 10 articles of Polish scientists in open access every year with a 90% discount (Licencje Wirtualnej Biblioteki..., 2019). Apart from these contracts, according to the author's knowledge there is no national policy of negotiating agreements with academic publishers. The Ministry of Science and Higher Education appointed for this task Interdisciplinary Center for Mathematical and Computational Modeling (ICM), which is required to sign licenses in accordance with Plan S and global solutions in this field (Grochowski, p. 35).

Summary

Plan S is still being consulted and there are many positive and critical proposals for its implementation. Supporters of the Open Access movement are happy that it is finally possible to introduce open access and change the current model of scientific communication (Enserink, 2018). However, many scientists believe that these changes restrict the freedom of choice and aca-

demic freedom. Publishers think similarly and are skeptical (Kingsley, 2018). There are voices that the prices should be reduced first, and to negotiate the introduction of open access with the publishers should only be the next one (Kwon, 2018). However, proponents of the Open Access idea explain that the greater good of science is more important than the dissatisfaction and skepticism of scientists and publishers (Enserink, 2018).

Despite the controversy related to the implementation of the Plan S, many countries have already begun the process of transformation of the current system of scholarly communication. This is accomplished by first signing transformation agreements, which have accelerated the transition to a model of open publishing (Schiltz, 2018). One of the basic conditions for negotiating agreements with publishers is to agree to open access to publications and research. The signing of transformation agreements is a key factor, conditioning this access for particularly large global publishers.

Implementing transformation agreements is not a simple task. The first attempts to reach an agreement with Elsevier Publishing House resulted in a lack of consent for the universities to sign contracts. In Europe, German and Swedish universities withdrew from cooperation with the publisher in 2018 (Else, 2018, p. 454), and from 2019 the EISZ consortium representing Hungarian universities stopped funding access to databases (Hungarian Consortium terminates..., 2018). This was due to the lack of agreement on the financing contracts on the principles of Elsevier. The main reasons are the excessive fees for access to publications, which are actually written and reviewed for free by scientists (Leszczyński, 2019).

Despite these difficulties, signing contracts transformation is realized. This is evidenced by updated information on the content of contracts signed with publishers, collected on the ESAC website. Currently 57 contracts are registered, among others, with such publishers as Wiley, Taylor & Francis, Springer, or the mentioned Elsevier (Agreement Registry).

From this brief discussion of activities related to negotiating contracts with publishers, and in particular the policy of implementing open access to the researching in the world, one among other positive conclusions can be derived, that openness in science is no longer just a bottom-up activity of librarians and individual scientists, but a process that is difficult to stop and one should think about how to implement it well, so that all participants of scientific communication can benefit from it, both the active and passive.

As a result, the review of the literature was used to bring closer the topic of transformation agreements and changes in scientific communication in the world. It may be also useful from the point of view of activities related to the implementation of good practices in the establishment of open access policies, and in particular its impact on the management and organization of access to information by librarians.

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