

Extended Feedback to the EU Competitiveness Council Conclusions of May 27, 2016

[STM](#) is an international association of over 120 scientific, technical, medical and scholarly publishers, collectively responsible for more than 60% of the global annual output of research articles, 55% of the active research journals and the publication of tens of thousands of print and electronic books, reference works and databases. We are the only international trade association equally representing all types of STM publishers – large and small companies, not for profit organizations, learned societies, traditional, primary, secondary publishers and new entrants to global publishing.

STM members have read with interest and welcome the transparency in drafting the [European Competitiveness Council conclusions on the transition towards an Open Science system](#).

Further to our press release issued on the 28th May we have the following constructive feedback on the conclusions designed to strengthen and enhance the proposals:

1. The Amsterdam Call for Action

The draft Amsterdam Call for Action is currently being consulted on and no stakeholders have seen the final draft. With this in mind we welcome the proposal for the ERAC Standing Working Group to assess the proposed actions, including for feasibility, and to report on these. STM's response to the consultation on the draft Call for Action can be found [here](#) and we look forward to engaging with the ERAC Working Group as it conducts its assessment.

2. Open Science Policy Platform

STM welcome the nomination for the Open Science Policy Platform and will be pleased to constructively contribute to the discussions in this forum. However the list of issues referenced in the Council conclusions as topics for policy platform consideration are extremely broad and would require significant consultation and engagement from a broad list of stakeholders. We therefore do not believe that it is sufficient for the European Commission to ask that the Open Science Policy Platform informs Members states and stakeholders on its developments but that all Members states and relevant stakeholders are involved in the discussions and decisions being taken on areas of significant national importance to science. Furthermore it is vital to ensure that such a platform avoids top down intervention that could hinder organic evolution in the science system based on the needs and developments in different disciplines and countries.

Publishers support sustainable approaches to open access and are themselves already offering researchers continued choice in how they publish their research. Authors can publish via the gold open access route, where the costs of publication are recovered up front by the author or on their behalf. Authors also have the option to make versions of their work available after a time delay, in a model which sees subscriptions continue to support journal publication.

The draft text put forward here proposes continuing support for a transition to “immediate” open access as the default by 2020. This implies research be made available via the gold route, whereby the costs of publication are recovered upfront by the author or on their behalf. The EU Competitiveness Council must be made aware that upfront costs will need to be covered in some way and be mindful of the fact that the cost of gold open access disproportionately falls on high

research intensive/producing countries, who produce more research relative to the rest of the world and therefore have to pay more to broadcast this free at the point of use. It should also be noted that currently the cost of publication recovered through subscriptions is shared by universities and research institutes but also by industry. In a gold open access world, where the cost of publication is borne by research intensive institutions, commercial organisations will be able to read articles for free.

Ministers should also note that the majority (over 80%) of the world's research is published under the subscription, reader-pays model. Until such time that there is a global conversion to an author-pays gold model, countries pursuing the gold route – as the Competitiveness Council Conclusions appear to suggest - will need to pay simultaneously to broadcast their research “free to read and use” by the rest of the world and continue to pay to access research published under the reader-pays subscription model that is most prevalent globally. It is vital that Ministers are clear as to what they are being asked to sign up to.

Further on in the conclusions there is a recognition that green open access may (need to) act as a complement to gold, however the text does not go far enough, referring only to articles being made available “with as short as possible embargoes.” Where the 100% target is to be achieved via the green route too, it is vital that embargo periods be set at a sustainable level to enable the subscription model that supports high quality journals to continue to operate.

It is welcome that the text makes clear that no researcher should be prevented from publishing. If this principle is to be realised then further consultation with all stakeholders including publishers – and not just between the Commission, Member States and funding organisations as the current text implies - will be required before 100% OA by 2020 can be realised.

3. Copyright and licensing

It is surprising to see European Member States being asked to support proposals for copyright reform before they have even been officially put forward by the European Commission and being encouraged to positively look forward to proposals that could risk undermining the copyright framework in place that supports investment, innovation and jobs.

To specifically focus on one proposal for text and data mining ignores the [publisher commitment](#) made during Licenses For Europe in 2013, ignores the evidence put forward to demonstrate researchers are already able to text mine with over 400 publishers (through their participation in Crossref Text Mining), and ignores the unintended negative consequences of an ill-defined exception. Further, the suggestion to include “public interest research organisations” is extremely vague and the suggestion to include “businesses and SMEs” within scope threatens to undermine an existing, well-functioning market for commercial TDM.

We are also concerned to see reference to employer retention of copyright. This conflicts with the rights publishers need in order to operate a subscription business model, and to act on behalf of the author to protect and defend their work and their reputation and to take action against allegations of infringement, plagiarism and fraud. In an open access environment a plethora of licensing models operate, which can include author retention of copyright. However publishers still require at a minimum an exclusive licensing of rights and sometimes a copyright transfer to enable publication on behalf of the author. Rather than focus on alternative and proprietary models of licensing, we support the promotion and use of a range of licensing models which may be best suited to publications and/or datasets. This is the basis upon which the publication system currently operates and, in the absence of a problem, we strongly caution against unnecessary legal intervention here.

4. HORIZON2020

We are concerned that the Commission's proposals under HORIZON 2020 to encourage open access to research publications could be strengthened despite the fact that they are currently not optimized to deliver the policy aims set out. Unsustainably low embargo periods, coupled with limited funding for gold open access force authors to make a choice between complying with the policy or continuing to publish in the very best journals, which typically do not support unsustainably low embargo periods. Naturally authors choose the latter. The European Commission should pause the development of any enforcement measures before it has accurately and transparently assessed the policy and its implications for the scholarly communications system.

5. Open Science Cloud

Member states should give due consideration to proposals and be encouraged to look at ways in which cost can be minimized and duplication avoided, principally through leveraging existing infrastructure such as that publishers have already invested in. Publishers also have an important role to play in supporting the open data ambitions set out in the Conclusions and will be crucial partners to the success of these.

Conclusion

We welcome the opportunity to continue to work with all stakeholders in this important area, particularly to continue to ensure authors can publish their research under a variety of business models, best suited to their research requirements. Publishers operate a mixture of business models: gold open access options in fully gold journals; gold open access in hybrid journals; subsidized journals; green self-archiving options after an embargo period; and journals made openly available by the publisher after a delayed access period. These models are all part of a vibrant publishing landscape and can continue to make a strong, positive contribution to the Commission's ambitions to increase research outputs by 2020.