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Special Clause on Open Access

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Associated Country Representatives on the FP7 Model Grant
Agreement - Brussels, 27 May 2008**





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Outline

- 1. What is Open Access?**
- 2. What is at stake?**
- 3. International developments**
- 4. European initiatives**
- 5. Special Clause on Open Access and FP7 Open Access pilot**





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What is Open Access? (1)

Open Access publications are ...

- **openly accessible at no cost**
- **over the internet**
- **for the user/reader**

Open Access to what?

- **Open Access usually refers to any form of scientific information (publication, data, etc.)**
- **In the present context: focus on Open Access to peer-reviewed publications in scientific journals resulting from publicly funded research**





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What is Open Access? (2)

Origins of the Open Access debate

- **The Internet has led to unprecedented access and dissemination possibilities which are not yet sufficiently exploited:**
 - **debate on journal prices and publishing business models**
 - **debate on access to research data (OECD guidelines on access to research data from public funding)**
 - **need for digitisation and preservation strategies increasingly urgent**

→ **Need to make best possible use of opportunities offered by the digital revolution – perceived room for improvement**





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What is Open Access? (3)

Two main paths towards Open Access

- **“Green” or repository-based Open Access: peer-reviewed articles are deposited into institutional or subject-based repositories and made available, sometimes after an embargo period**
 - **“Gold” Open Access or “Author pays” model: Publication costs are paid upfront by authors (i.e. funding bodies, universities)**
- **“Gold” Open Access already possible under FP7 (publications costs); “Special Clause” to enable a pilot action for “green” open access**





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What is Open Access? (4)

What Open Access is not

- **An Open Access requirement does not force anyone to publish. Researchers are free to publish or not.**
 - **Open Access does not interfere with a decision to exploit research results commercially (e.g. through a patent). Open Access only applies once the decision to publish has been taken**
- **Frequent misperception that Open Access goes against commercial exploitation**





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What is at stake? (1)

Importance of access to scientific information

- **All research builds on earlier work: need for efficient and reliable access**
- **Wider access avoids duplication of research efforts**
- **Reliable and easy access to and dissemination of scientific information stimulate research innovation and excellence**





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What is at stake? (2)

Importance of healthy publishing system

- **Crucial role of scientific publishing system in scientific process**
- **Essential for careers of scientists (“publish or perish”)**
- **Importance of peer review system to guarantee quality**



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What is at stake? (3)

Improving return on investment

- **EU invests more than 50 billion EUR in FP7: need to maximise impact**
- **Multiple payment argument: public funding bodies pay for research, peer review and journals**
- **Question of principle: free access to results funded by taxpayers' money**





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International developments (1)

Key Open Access declarations

- **Feb. 2002 Budapest Open Access Initiative: recommends parallel strategies of green and gold Open Access**
- **April 2003 Bethesda Statement on Open Access Publishing: multi-stakeholder meeting defining common principles and goals**
- **Oct. 2003 Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities: *"Our mission of disseminating knowledge is only half complete if the information is not made widely and readily available to society."***





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International developments (2)

Debate among concerned stakeholders

- **Research community, libraries, funding bodies:**
 - OA is beneficial to the research system
 - High and rising prices have caused access problem
 - Multiple payment argument
- **Publishers:**
 - Publishing has a cost; added value of publishers
 - The present scientific production system is efficient and should not be jeopardised
 - Ill-conceived intervention would put peer review system at risk





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International developments (3)

Open Access journals: growth over time

2002: 26

2003: 611

2004: 1220

2005: 1848

2006: 2399

2007: 2997

May 2008: 3380

Source: [Directory of Open Access Journals \(DOAJ\)](#)



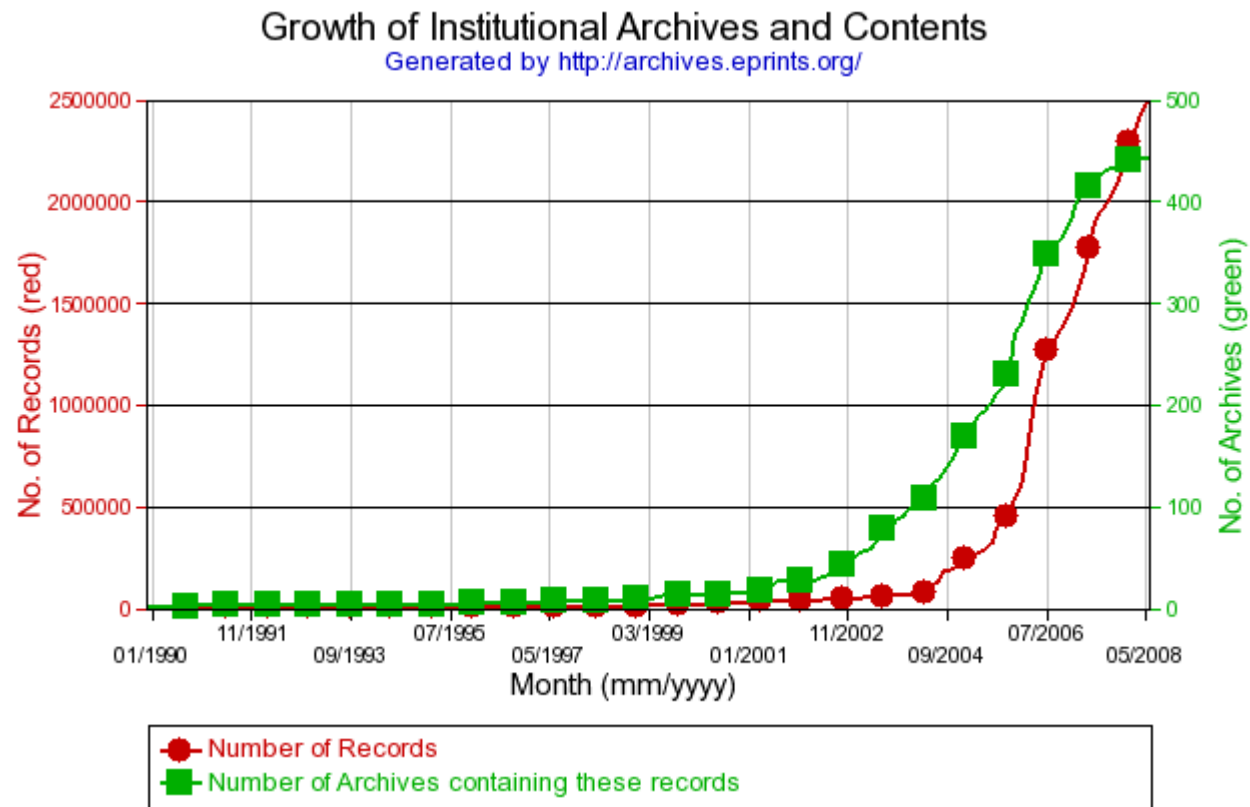


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International developments (4)

Repositories and records: growth over time





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International developments (5)

Mandates by funding bodies: rules for access to publications resulting from public funding

Examples:

- **2006 Deutsche Forschungsgemeinschaft (DE): OA after max. 12 months**
- **2006 Wellcome Trust (UK): OA after max. 6 months**
- **2007 Canadian Institutes of Health Research (Canada): OA after max. 6 months**
- **2008 National Institutes of Health (USA): OA after max. 12 months (legislation)**

May 2008: 22 funder mandates

Source: Roarmap, <http://www.eprints.org/openaccess/policysignup/>





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International developments (6)

Policies by universities and university associations: rules for researchers

Examples:

- **2008 Harvard University (Arts and Sciences, Law):** faculty members grant University copyright; provide copy of their articles
- **2008 European University Association:** recommends setting up institutional repositories and establishing an institutional Open Access mandate

May 2008: 18 institutional mandates

Source: Roarmap, <http://www.eprints.org/openaccess/policysignup/>





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European Initiatives (1)

Evolving legal foundations

Current: European Community Treaty, Title XVIII (Research & Technological Development)

- **Art. 163**: “The Community shall have the objective of strengthening the scientific and technological bases of Community industry and encouraging it to become more competitive [...]”.
- **Art. 164**: In pursuing these objectives, **the European Community is responsible for “dissemination and optimisation of the results and activities in Community research [...]”**.

Future: Treaty on the Functioning of the EU (Lisbon Treaty, Dec 07, ratification in course), Title XIX (Research & Technological Development and space)

- **Art. 179 (ex Art. 163)**: The Union shall have the objective of strengthening its scientific and technological bases **by achieving a European research area in which researchers, scientific knowledge and technology circulate freely**, and encouraging it to become more competitive [...]”.
- **Art. 180 (ex Art. 164)**: content stays the same



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European Initiatives (2)

“Study on the economic and technical evolution of the scientific publication markets in Europe”

- **2006: Publication of *Study on the economic and technical evolution of the scientific publication markets in Europe* (Commissioned by Research Directorate-General) http://ec.europa.eu/research/science-society/pdf/scientific-publication-study_en.pdf**

Results: oligopoly, steep price increase (esp. 1975-95), bundling strategies, reader-pay model dominant; recommendations

- **2006: public consultation on results and recommendations of Study http://ec.europa.eu/research/science-society/page_en.cfm?id=3185**

170 responses: 95 from research community and academic organisations, 58 from libraries/information organisations, and 17 from publishers



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European Initiatives (3)

Commission Communication COM(2007)56

- **Feb. 2007: adoption of "Communication on scientific information in the digital age: access, dissemination and preservation" (COM(2007)56)**

ec.europa.eu/research/science-society/document_library/pdf_06/communication-022007_en.pdf

Commission position:

- ***"Initiatives leading to wider dissemination of scientific information are necessary, especially with regard to journal articles and research data produced on the basis of public funding."***
- ***"Fully publicly funded research data should in principle be accessible to all."***
- ***Need for "clear strategies for the digital preservation of scientific information."***

→ **Increasingly inclusive view of issue of digital scientific information; coming together of existing initiatives**





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European Initiatives (4)

Stakeholder conference in Brussels, 15-16 February 2007

<http://ec.europa.eu/research/science-society/index.cfm?fuseaction=public.topic&id=550>

- **Presentation of Communication COM(2007)56**
- **Joint Research and Information Society: Commissioners J. Potočnik and V. Reding**
- **Stakeholder debate in run-up to conference:**

17 January 2007: Petition (www.ec-petition.eu) by researchers in favour of Open Access to publicly funded research publications (today: over 26.000 individual signatories, around 1.300 institutional signatories)

13 February 2007: Brussels Declaration on STM Publishing: underlines views and principles of STM publishers (today: 58 publishers/publishers' associations)

Petition and Statement presented to Commissioner on 15 February 2007 in context of Conference



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European Initiatives (5)

Council Conclusions: scientific information in the digital age

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/intm/97236.pdf

- **Nov. 2007: adopted by Competitiveness Council (Portuguese Pres.)**
- **Welcomes Feb. 2007 Communication on scientific information**
- **Invites the Member States to:**
 - **reinforce national strategies & structures for access, dissemination and preservation**
 - **Enhance coordination among one another**
- **Invites the Commission to:**
 - **Monitor good practices; encourage developments of new models**
 - **Experiment with Open Access to data and publications in FP7**
 - **Encourage relevant research and deployment of e-infrastructure**

→ **Clear mandate for Member States and Commission**





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European Initiatives (6)

ERC Scientific Council Guidelines on Open Access

http://erc.europa.eu/pdf/ScC_Guidelines_Open_Access_revised_Dec07_FINAL.pdf

- **Dec. 2007: adopted by European Research Council's Scientific Council (published Jan. 2008)**
- **Highlights importance of efficient access to scientific information**
- **Recognises peer review as fundamental cornerstone to ensure quality of research that must be safeguarded**
- **The ERC *"requires that all peer-reviewed publications from ERC-funded research projects be deposited on publication into an appropriate research repository where available [...] and subsequently made Open Access within 6 months of publication"*.**
- **The ERC *"considers essential that primary data [...] are deposited to the relevant databases as soon as possible, preferably immediately after publication and in any case not later than 6 months after the date of publication"*.**



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European Initiatives (7)

European Council Conclusions: 5th freedom & Open Access

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/99410.pdf

- **March 2008: adopted by European Council (Slovenian Presidency)**
- **Launches a “new cycle of the renewed Lisbon Strategy for growth and jobs” (2008-2010)**
- **States that:**
“ In order to become a truly modern and competitive economy [...], Member States and the EU must remove barriers to the free movement of knowledge by creating a "fifth freedom" based on [... amongst many points ...] encouraging open access to knowledge and open innovation”.

→ **Open Access linked to Lisbon Agenda**





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FP7 Special clause & pilot (1)

Proposed special clause: context

- **Context: Grant Agreement, Annex II, 30. "Dissemination"**
 - **Existing text:**
 - **"With regard to scientific publications [...], such details/references and an abstract [...] must be provided to the Commission at the latest two months following publication."**
 - **Furthermore, an electronic copy of the published version or the final manuscript accepted for publication shall also be provided to the Commission at the same time [...] if this does not infringe any rights of third parties.**
- **Beneficiaries must already notify the Commission and provide an electronic version when possible**



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FP7 Special clause & pilot (2)

Proposed special clause: proposed text

- **“In addition to Article II.30.4, beneficiaries shall deposit an electronic copy of the published version or the final manuscript accepted for publication of a scientific publication relating to foreground published before or after the final report in an institutional or subject-based repository at the moment of publication.”**
- **“Beneficiaries are required to make their best efforts to ensure that this electronic copy becomes freely and electronically available to anyone through this repository:**
 - **immediately if the scientific publication is published "open access", i.e. if an electronic version is also available free of charge via the publisher, or**
 - **within [X] months of publication.”**





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FP7 Special clause & pilot (3)

Proposed special clause: features

- **Two separate steps: deposit (obligatory) and open access (best effort)**
- **“Best effort” formulation strongly encourages researchers and publishers to comply while guaranteeing scientific and academic freedom**
- **Special clause as legal basis for FP7 Open Access pilot action:**
 - **6-month embargo for "Health", "Energy", "Environment", "Information & communication technologies" (Challenge 2), "Research infrastructures" (e-infrastructures)**
 - **12-months embargo for "Socio-economic Sciences and the Humanities" and "Science in Society"**
- **Open Access pilot as an experiment to be evaluated at regular intervals**
- **Result of Pilot as input to determine Open Access policy for FP8**



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FP7 Special clause & pilot (4)

Proposed special clause: importance and key points

- **Important for the future of the ERA**
- **In line with requests of research community**
- **Developed after extensive consultation with all concerned stakeholders**
- **Coherent with international developments**
- **Designed as basis for experiment/pilot action – policy can be adapted (FP8)**
- **Green and gold Open Access to be tested in parallel**





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Thank you for your attention!

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