

# Scientific knowledge must be protected to ensure a Europe fit for the digital age

Joint statement dated 24 January 2022

[CESAER](#), [COAR](#) and [LIBER](#) welcome the strong focus of the European Commission towards a [A Europe fit for the digital age](#) as part of its [priorities from 2019 to 2024](#).

We are convinced that the importance of research and education needs a strong focus within these initiatives and call upon the EU institutions to (i) acknowledge the unique position of universities and other research performing organisations in the provision of digital services and infrastructure directed towards the common good and (ii) provide for an overarching legal framework excluding university and research related repositories and corresponding infrastructures from market-oriented EU legislation, in order to prevent any unintended collateral damage from current and future EU legislation aimed at commercial players.

The range of policies and legislation proposed by the Commission aimed at shaping the digital transformation includes the [Digital Services Act \(DSA\)](#), the [Regulation laying down harmonised rules on artificial intelligence](#), the [Data Governance Act](#), the [Data Act](#) and the upcoming review of the [Database Directive](#). These follow the [Copyright in the Digital Single Market Directive](#), [Open Data Directive](#) and the [General Data Protection Regulation](#).

While we understand that the aim of these initiatives is to modernise legislation in a digital age for the good of society, we are concerned that certain aspects of them will negatively impact the research and education sectors, as they conflict with key notions of scientific collaboration, open science, and knowledge-based societies.

Scientific knowledge and technology are the engines of knowledge-based societies and those that engage in its creation and dissemination through research, education and innovation are key. Universities combine research, education and innovation and therefore have a unique societal role which also comes with substantial responsibilities, as laid down in the [Magna Charta Universitatum](#). The roles of universities include the advancement of scientific knowledge and technology, educating future generations, and training and upskilling existing ones (for example boosting digital skills as previously non-digital professions become increasingly digital).

Universities and other research performing institutions maintain institutional repositories, deliver related services and manage a range of research and education infrastructures forming the backbone of the European digital knowledge infrastructure.

When confronted with the current plentitude of policies and regulations related to the digital transformation, it is clear that there has not been due consideration given to the unique role and responsibilities of public knowledge sector organisations in general, and of universities in particular.

The digital policies and legislation currently being pursued by the EU are primarily targeted at the commercial for-profit sector. Despite the different context and roles, public research and

education institutions too often fall within the scope of the regulations, threatening to have a substantial detrimental (and unintended) impact on them. This has pushed the community to advocate for exemptions from proposed legislation related to online repositories and other digital research infrastructures in order to mitigate against collateral damage and to avoid being hindered from assuming their responsibilities in contributing to the digital transformation, for example the Copyright in the Digital Single Market Directive and the Digital Services Act. Legislation focussed on businesses that does not take account of research and education institutions will hinder progress towards a sustainable Europe built on knowledge fit for the digital age.

In the short term, we must work swiftly to address the above-mentioned consequences. In the longer-term, it is crucial that the EU establishes a legal framework with a clear understanding of the research and education sectors and the role of knowledge infrastructures. The point of departure should be supporting the central role of universities, the broader public knowledge sector and their repositories and infrastructures in the digital transformation.

We call on the EU institutions to engage closely with associations representing universities and other research performing organisations, libraries, public repositories and infrastructures and the broader knowledge sector to:

- [Immediately mitigate collateral damage of current market-driven legislative proposals and initiatives on the research and education sectors;](#)
- [In the longer-term, develop a legally binding framework, such as a 'European Digital Knowledge Act', which reflects the unique context of the public research and education sectors and protects the objectives of scientific knowledge and technology generation, sharing and preservation.](#)

The objective of this statement is to engage with and underline to policy makers that the research and education sectors should not be treated the same as the for-profit one when devising digital regulations. It is important to ensure that the knowledge sector does not suffer unintended consequences and collateral damage in current and future market-oriented EU legislation. On the contrary, research and education sectors must be empowered to assume responsibilities in creating a Europe fit for the digital age built on scientific knowledge and learning.

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