

STATEMENT

By Research Organisations, Libraries, Repositories and University Networks

On the exemption of not-for-profit educational and scientific repositories, digital archives and libraries from the Digital Services Act

Brussels, 5 April 2022

The signatories of this statement, representing European universities, research performing organisations, research funding organisations, research libraries and repositories in Europe, call for the exclusion of not-for-profit repositories, digital archives, and libraries from the obligations of the [Digital Services Act](#) (DSA).

Introduction

The education and research sector relies on thousands of repositories, digital archives, and libraries to ensure access to up-to-date results and knowledge. The progress and effectiveness of the education and scientific research sectors depend on legislative frameworks that foster scientific advancement and the dissemination of knowledge. Not-for-profit educational and scientific repositories, digital archives, and libraries are instrumental in this context.

These digital infrastructures are hosted by universities and other research performing organisations to collect, use, preserve, and disseminate educational and research material, such as research data. This can involve the upload of text, film, or sound recordings by third parties affiliated to the institution.

Educational and Scientific Digital Infrastructures should be excluded from DSA obligations

Not-for-profit scientific and educational repositories, digital archives, and libraries that allow for the upload of content by students, researchers, and third parties – such as in the context of citizen science projects undertaken by universities or libraries – are likely to fall in the scope of the current version of the Digital Services Act. This is in spite of the fact that the legislation is devised for and targeted at commercial platforms. As a result, not-for-profit educational and scientific digital infrastructures would incur additional administrative and financial costs.

In addition, we consider that the inclusion of not-for-profit scientific and educational repositories, digital archives, and libraries in the DSA scope would create inconsistency in EU legislation. 'Not-for-profit educational and scientific repositories' are already excluded from the scope of the Directive on Copyright in the Digital Single Market

(Article 2(6)). We consider that legal coherence between the DSA and Digital Single Market Directive should be ensured to avoid confusion within our institutions.

The European Parliament's position on the DSA would create undue administrative burdens and complexity

The [negotiation position](#) adopted by the European Parliament provides a procedure to exempt not-for-profit repositories from the obligations imposed on online platforms. However, it is overly long and complex, and will result in administrative and financial burdens that not-for-profit scientific and educational repositories, digital archives, and libraries will not be able to meet.

Moreover, the definition and assessment of the criteria for this procedure would be mostly left to Member States and Digital Services Coordinators, which could result in legal uncertainty and fragmentation between Member States.

Not-for-profit educational and scientific repositories, digital archives, and libraries should be excluded from the DSA obligations

For the reasons highlighted in this statement, the undersigned organisations, which represent most universities, research performing organisations, research funding organisations, research libraries, and repositories in Europe, **call for the exclusion of not-for-profit repositories, digital archives, and libraries from the obligations of the Digital Services Act.**

