

## Ensuring high-quality, transparent, open, trustworthy and equitable scholarly publishing

Position dated 3 May 2023

The leading universities of Science and Technology (S&T) united in [CESAER](#) welcome the focus at the European level to accelerate the transition to open science as the default mode in scholarly publishing. We further welcome the attention given by the Swedish Presidency of the Council of the EU towards ensuring an open and equitable scholarly publishing system and we provide our full support for ministers to adopt bold and ambitious conclusions in the [Competitiveness Council](#).

Our association and our [Members](#) have a long track-record of boosting the open sharing of scientific knowledge including through institutional strategies on [open access](#) and [research data management](#), and by supporting advancements at the (EU) [policy level](#) and modernisation together with [scientific publishers](#).

To take these efforts to the next level, and to ensure high-quality, transparent, open, trustworthy and equitable scholarly publishing, we provide five key recommendations for action at the European level.

### 1) Enshrine a secondary publishing right at the European level to empower researchers

We reiterate [our joint conviction](#), shared with the European University Association and Science Europe, that it is absolutely vital that “researchers who wish to deposit their author-accepted manuscript in a repository with an open license (e.g. CC BY), and without any embargo, must be able to do so”. We fully support the [#ZeroEmbargo campaign](#).

Recalling [our position calling](#) on the European Commission to “propose EU legislation to give researchers the nonwaivable legal right to share publicly funded and peer-reviewed research findings without embargoes” (e.g. a ‘secondary publishing right’), we warmly welcome the efforts under action 2 of the European Research Area [\(ERA\) Policy Agenda 2022-2024](#).

The time has now come to enshrine a secondary publishing right at the EU level through EU legislation (e.g. a directive or regulation). This would represent a major achievement fully aligned with [Article 179](#) of the Treaty on the Functioning of the European Union obliging the Union to achieve a “European research area in which researchers, scientific knowledge and technology circulate freely”.

A secondary publishing right enhances the rights of researchers and reinforces academic freedom while being compatible with all approaches, platforms and models supporting the open sharing of scientific knowledge. By enshrining this legal right, it immediately resolves any tensions existing between researchers and some research funding organisations (and open access mandates they may have) and some scientific publishers (some of who do not favour open access mandates adopted by research funding organisations), as it settles the

rights issue at the legal level through empowerment of researchers by the legal safeguarding of their rights.

- We call on the Council of the EU to endorse an EU-wide approach to a secondary publishing right for publicly funded scientific knowledge.
- We provide our strongest support to the European Commission to swiftly come forward with a proposal to enshrine such a secondary publishing right in EU law, e.g. through a regulation or directive.

## 2) Ensure sustainability of S&T infrastructures underpinning open science

The scientific endeavour, including our efforts to advance open science, is underpinned by [S&T infrastructures](#). This includes repositories for scientific publications and data, but goes well beyond to include all infrastructures used to conduct research and analyse, process, use, combine, store, disseminate and re-use scientific findings. We welcome community-driven initiatives such as the '[Principles of Open Scholarly Infrastructure](#)' which 'offers a set of guidelines by which open scholarly infrastructure organisations and initiatives that support the research community can be run and sustained'. We recall our [position](#) outlining the actions needed to advance S&T infrastructures including those underpinning open science. This includes adopting a lifecycle approach which can be inspired by the [ESFRI methodology](#). This methodology includes a final 'termination' step acknowledging that infrastructures are not designed nor intended to run forever 'as-is'.

Long-term planning and support for S&T infrastructures must therefore include a suitable approach for:

- A. **End of lifecycle**: the (planned) cessation and dismantling of operations such as when an infrastructure has played out its role or has become obsolete, which must include a preservation strategy for content;
- B. **Restart of lifecycle** through reorientation with (major) upgrades needed to ensure relevance in an evolving landscape.

We call on the Council of the EU to conclude that member states and (national) funders should:

- Provide support for S&T infrastructures (including open access and data-related infrastructures) covering integral costs including for (i) access to infrastructures and (ii) services related to research data management;
- Safeguard the funding of S&T infrastructures throughout their entire lifecycle, including through funding [synergies](#).

We underline the leading role of the European Open Science Cloud (EOSC) and the [EOSC Association](#) to advance the interoperability, integration and federation of the scientific data and digital asset landscape, and the related S&T infrastructures, to achieve a European [web of FAIR data and services](#). As this is a rapidly moving area, it is vital to prevent fragmentation and divergence including between national and European levels.

- We call on the Council of the EU to endorse the role of the [EOSC Association](#) as the European forum for guiding and coordinating interoperability, integration and

federation of the European scientific data and digital asset landscape, and the related S&T infrastructure.

### **3) Safeguard reasonable costs and equity in scholarly publishing**

We recall our previous [position](#) on publishing costs which underlines that “the ability to read and share research findings for a researcher should never be constrained by their ability to pay”, and we have [endorsed](#) the [Action Plan for Diamond Open Access](#). By following the two subheadings above to (i) enshrine a secondary publishing right at the European level to empower researchers and (ii) ensure sustainability of S&T infrastructures underpinning open science, a strong foundation will exist towards ensuring reasonable costs and equity in scholarly publishing. We underline that the pursuit of quality (instead of quantity), in contexts such as the [reform of research assessment](#), is an important lever to prevent undue increases in costs related to scholarly publishing. Another aspect to prevent soaring costs is to ensure that public institutions across all of Europe coordinate and work together during negotiations with large commercial providers in scholarly publishing.

We regret that in some member states, costs related to open access scientific publishing are subject to a higher tax rate compared to costs related to closed, subscription-based scientific publishing (such as some costs related to ‘publishing’ versus ‘reading’). For example, value-added tax (VAT) can in some instances be more than double for costs related to open access publishing compared to costs related to closed access publishing because they are sorted into different tax categories.

We call on the Council of the EU to conclude that member states must:

- Support their public institutions to work together and coordinate - inside each member state and also across Europe - to not allow themselves to be played off against each other during negotiations with large commercial providers in scholarly publishing;
- Ensure that they do not inflict a VAT punishment onto researchers for costs related to open access scientific publishing compared to for costs related to closed access scientific publishing.

### **4) Tackle challenge of generative AI and the rise of synthetic texts and images**

We underline that safeguarding reasonable costs does not imply a low-cost or even zero-cost system for disseminating scholarly findings. In contrast, in the light of rapidly emerging generative artificial intelligence (AI) approaches, such as those underpinned by large language models, and their enormous and growing capacity to generate synthetic text and images – some of which can appear highly scientific and require specialist knowledge to identify as nonsense – overall costs related to the dissemination of scholarly findings will likely increase. While costs for the distribution of scholarly findings will remain low and decreasing, costs for supporting existing and developing new approaches for safeguarding the integrity of the scientific record will increase, likely substantially. We emphasise that by empowering researchers, bolstering S&T infrastructures, and ensuring reasonable costs in other areas (subheadings 1 through 3 above), new resources allocated can more effectively be focused to tackle this growing challenge.

In light of the rapid deployment and growing usage of generative AI approaches for producing synthetic text and images:

- We call on the EU institutions to acknowledge and plan for the substantial new resources needed (at EU and national levels) for safeguarding the integrity of the scientific record;
- We invite the European Commission to come forward with a proposal for developing and coordinating the policy approaches and tools needed at the EU level to tackle this rapidly emerging challenge, and offer our commitment, expertise and support for this endeavour.

## 5) Assume leadership of global efforts to advance open science

We recall that global challenges can only be effectively addressed through [global \(S&T\) cooperation](#) and reiterate our support for the [UNESCO Recommendation on Open Science](#).

- We call on the Council on the EU to take a proactive role and assume global leadership by putting at the top of the agenda the swift implementation of legislative and other measures required (at EU and national levels) to give effect to the principles of the [UNESCO Recommendation on Open Science](#).

Recalling the longstanding efforts of our association and our [Members](#) in advancing open science and boosting the free circulation of researchers, scientific knowledge and technology: as authors and readers; as producers and users; as designers, developers and host; as editors and reviewers; and as experts, managers and leaders in all parts of the open science landscape and the S&T infrastructures that underpin it, we offer our continued commitment, expertise and experience towards ensuring high-quality, transparent, open, trustworthy and equitable scholarly publishing.

For more information and enquiries, please [contact](#) our Secretary General Mattias Björnmalm.

This document can be referenced using <https://doi.org/10.5281/zenodo.7886128>

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