

Charting Sweden's path beyond transformative agreements – analysis and proposals for strategic direction

Beyond transformative agreements working group

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The authors are entirely responsible for the analysis, conclusions and proposals.

Preface

The work to promote open access to scholarly publications has progressed, and Sweden is one of the countries that has made the most significant strides. At the same time, costs have increased and systemic change has been modest. There are clear indications of a risk of getting stuck in a permanent transformation that favours the large commercial journal publishers.

In 2021, the Association of Swedish Higher Education Institutions (*Sveriges universitets- och högskoleförbund*, SUHF) decided to convene a beyond transformative agreements working group (the BTA group) to lay the foundation for further advancing the transition to open access. The group includes researchers, representatives of higher education institutions, funders and negotiators from the Bibsam Consortium. It was convened to develop a strategy for how Sweden – and more specifically the Bibsam Consortium in its negotiations with the publishers – should operate in the coming years.

This report is based on assessments and conclusions that the group developed and agreed upon at a final meeting on 22 September 2022. The text was prepared by a writing group consisting of Olle Lundberg, Forte (Swedish Research Council for Health, Working Life and Welfare) and Katarina Wiberg, the National Library of Sweden (*Kungliga biblioteket*, KB), with the support of a reference group consisting of Anna Lundén, KB and Wilhelm Widmark, Stockholm University Library, both from the Bibsam Consortium Steering Committee. The writing group was guided by the conclusions reached by the working group but also took into account changes in the world that have occurred since then.

Astrid Söderbergh Widding
President, Stockholm University and chair of the working group

Summary

The beyond transformative agreements working group has been tasked with proposing a strategy for transitioning from transformative agreements to a financially sustainable system that stimulates the ongoing transition to a fully open publishing system. Drawing on the group's research and discussions about various courses of action, a number of recommendations have been made.

The group contends that it is vital for control of scholarly publication to reside in the research community, while also emphasising the need to reduce publication costs. The group's primary recommendation, therefore, is that the Bibsam Consortium should refrain from entering read and publish agreements in hybrid journals, beginning in 2026 at the latest. Instead, it should only sign agreements for publication in fully open access journals.

For this stance to be feasible during negotiations with publishers and successfully implemented in practice, various complementary and supporting strategic initiatives and actions also need to be carried out. These include:

- Signing agreements with publishers that only publish open access journals.
- Providing a national independent publishing platform.
- Improving the opportunities for migrating researcher-owned journals from traditional publishers to other platforms.
- Continuing to work with copyright issues related to open access.

The group also concluded that there may be a need for a better understanding within the research community of the benefits that a change in existing publishing practices can bring, and that communication and engagement with both higher education institutions (HEIs) and the research community will be essential aspects of the work.

These recommendations will hopefully provide support to the HEIs' leadership and the Bibsam Consortium Steering Committee when they are making strategic choices in future negotiations with the major publishers. Additionally, they are intended to guide the implementation of the supporting measures that the group deems necessary.

Why a strategic focus beyond transformative agreements?

Scholarly publications are part of the open dialogue and discussion around theories, methods and research findings that constitute a fundamental part of the scientific approach. To openly present ideas and results for review and debate through publication creates opportunities for discussions that extend over time and space.

However, the publication system has evolved to serve multiple functions, not least to measure and evaluate the merit of individual researchers, research groups and institutions. In step with an ever-growing volume of published scholarly articles, both the need for and focus on bibliometric measures have increased. Larger volumes of research have also driven (and been enabled by) the growth of the number of journals worldwide. At the same time, profit margins for the publishers are very high thanks to their oligopoly position and ability to set costs based on perceived prestige.

The current publishing system therefore has several significant flaws that negatively affect research, at the individual level (the researcher), and perhaps more importantly at the systemic level (HEIs and research funding in Sweden and globally). Two fundamental problems can be identified. The first is that subscribing to and publishing in scholarly journals is expensive, and costs are increasing. This represents a cost of approximately SEK 738 million (2022) to the Swedish academic system,¹ funds that could be used more effectively. Considering that researchers at the HEIs both create the content in scholarly journals and handle the editorial and peer-review work, the high costs of reading and publishing are even more remarkable. Additionally, the publishers' business model is based on researchers transferring the rights to their own work, despite the fact that in many cases this work is paid for with public funds.

The work with open access has been only partially successful

In recent years, the national work on open access to scholarly publications has had a clear focus on signing read and publish agreements with the scholarly publishers (so-called “transformative agreements”, TA) in order to reach the government's goal of immediate open access to findings of all publicly funded research, effective from 2021. The transformation towards an open science system has begun, and in Sweden in particular, the work has been successful because we signed TA with most major publishers, which gave Swedish researchers the ability to also publish open access in subscription-based journals. In 2022, 70 per cent of all articles in scholarly journals with at least one author from a Swedish HEI were open access.² A large part of this is due to the TA³ that primarily cover publication in subscription-based hybrid journals, meaning the individual article becomes open access, but the journal as a whole is only accessible to subscribers. Of the articles published with immediate open access in 2022, an equal percentage were published in hybrid journals and in fully open access journals: 35 per cent in each. Agreements with publishers that only publish fully open access journals accounted for 15 per cent of the total costs for the read and publish agreements signed via the Bibsam Consortium.⁴

¹Costs of scholarly publishing 2022: <https://www.kb.se/samverkan-och-utveckling/nytt-fran-kb/nyheter-samverkan-och-utveckling/2023-05-31-costs-of-scholarly-publishing-2022.html>

²Annual report on open access in Sweden (published 30 June 2023): <https://www.kb.se/samverkan-och-utveckling/nytt-fran-kb/nyheter-samverkan-och-utveckling/2023-06-30-annual-report-on-open-access-in-sweden.html>

³The TA only apply to articles where the corresponding author is affiliated with a Swedish organisation that is part of the agreement in question. In this group of articles, the open access proportion is also higher (just over 80 per cent).

⁴The option to publish in completely open access journals is also present to a certain extent in the agreements that the Bibsam Consortium signs with other publishers, i.e. the TA.

These types of TA were signed with the hope that the publishers would convert more, and eventually all, of their journals to fully open access journals. But that has not happened, as a recent analysis of transformative journals shows – only 1 per cent (26 journals) of the journals in the cOAlition S transformative journals programme (2,326 titles) have become fully open access.⁵

The publishers are actively working to obtain income from both subscriptions and publishing, and they therefore see this type of agreement as a long-term solution (i.e. as long as it takes for every country in the world to switch to open access). In Sweden, we thus have a significant dilemma. We have come a long way in the transition to open access, but the global transition to an open publishing system is very slow. The costs are increasing, which is noticeable not least for research-intensive universities, but also for research funders. Some researchers are pushing for changed publication systems as well as for changed merit systems. At the same time, many researchers are worried about how such changes will affect qualifications and competitiveness in the short term.

There is a large international movement to achieve open science in general and open access publishing in particular, as the need for more openness in science is shared by all countries.⁶ Despite this, we run a substantial risk of getting stuck in a perpetual transformation that also contributes to increasing costs. At the European and global levels, TA have often served as the starting point for working more systematically with negotiations with publishers, as Sweden has now done for a long time.

Sweden is thus far ahead when it comes to open access publications. At the same time, we need to find a new strategic direction in Sweden for our work with open publishing. While we have to align our actions with the outside world, we also need to explore pathways that allow us to maintain and ideally increase the proportion of open access publications without becoming trapped in cost-driven TA. The coming years are crucial in this regard, as both Sweden and the EU already require immediate open access, cOAlition S and its associated funders have set 2024 as the deadline for implementing the transition to open access, and the US requires open access from 2026 onwards.

[A beyond transformative agreements working group](#)

Against this background, SUHF therefore decided in 2021 to convene a working group, tasked with providing a proposal for charting Sweden's path beyond transformative agreements (the BTA group), with representatives including researchers, HEIs, funders and negotiators from the Bibsam Consortium. The group was to develop a strategy for how Sweden, and more specifically the Bibsam Consortium, which negotiates with publishers, will address issues related to open access in the coming years.

The group consisted of Astrid Söderbergh Widding, Stockholm University and SUHF (chair); Mats Benner, Lund University; Sofie Björling, Swedish Research Council (*Vetenskapsrådet*); Erik Lindahl, Stockholm University; Olle Lundberg, Forte; Anna Lundén, KB; Katarina Mcleod, Södertörn University and the Young Academy of Sweden (*Sveriges unga akademi*); Gustav Nilsson, Karolinska Institutet; Katarina Wiberg, KB (sec.); and Wilhelm Widmark, Stockholm University Library.

[The phases of the work process](#)

To create structure and enable effective progress, the work process was divided into two phases. In phase 1, Understanding and exploration, the group aimed to establish a shared understanding of

⁵Transformative Journals: analysis from the 2022 reports, <https://www.coalition-s.org/blog/transformative-journals-analysis-from-the-2022-reports/>

⁶UNESCO Recommendation on Open Science, <https://en.unesco.org/science-sustainable-future/open-science/recommendation>

national and international developments in open access, as well as to gain insight into the problems and challenges of the transition to open access. Phase 2, Idea generation and creation, involved formulating pathways for a strategy for the Bibsam Consortium's future work with open access, as well as ideas about how the national work with open access should be conducted more broadly.

The work of the BTA group thus initially focussed on establishing a common understanding of the current situation and developments in the field. As the work progressed, however, the group increasingly focussed on various alternatives emerging within the research community and on how HEIs and funders in other countries are taking action. Finally, the group gathered for a daylong workshop where a number of principles were discussed and conclusions formulated.

A strategic direction for open access to scholarly publications

This strategic approach will form the basis for the decisions that the HEIs and the Bibsam Consortium need to make. It specifically outlines the requirements and red lines to be taken into the negotiations with the publishers in the coming years. Additionally, it identifies supporting and complementary measures that give weight to these demands.

Analysis of the current state and conditions

The Bibsam Consortium's signing of TA has contributed to Sweden having a notably high proportion of open access scholarly publications compared to international standards. Sweden's greater success can partly be credited to the longstanding tradition of cooperation among HEIs through publisher agreements within the Bibsam Consortium framework. Moreover, ongoing discussions, consensus-building and engagement at the HEI level, facilitated by the SUHF confederation, have also contributed to this success. In many other countries, this comprehensive approach to read and publish rights first came into use with the TA, and in many places this remains an issue managed by the individual university libraries.

While in Sweden we have been able to come together and collectively negotiate with the publishers with comparative ease, thus increasing the proportion of open access scholarly publications in the country, the BTA group found that globally, the publishing system is changing very slowly. The major publishers have adapted to the practices and rhetoric surrounding open access but continue to seek revenue from both subscriptions and TA. Some publishers even launch more journals behind paywalls than they flip subscription-based journals to open access. Globally, the number of TA has probably been too small to exert sufficient pressure for real change.

Given the practices of the large publishers, it is not surprising that costs are increasing, while the systemic transformation is progressing far too slowly. The BTA group also observed that awareness of the development as well as various alternatives to traditional publishing are now emerging. These alternatives include publishers that exclusively publish open access journals, as well as traditional publishers that are actively working to change their business models. In addition, entirely new ways of communicating research results are emerging, such as various forms of publishing platforms and preprint repositories. Especially during the pandemic, these new ways of sharing results and communicating among researchers and with the outside world accelerated.

During the BTA group's discussions, however, it became evident that there are significant differences among scholarly disciplines and research fields in what are considered reasonable publishing models and in perceptions of the scholarly review process and how to properly organise it.

It therefore became clear in the group's discussions that a strategic direction for open access beyond TA needs to have dual objectives. On the one hand, it should aim to reclaim control of scholarly

publishing for the research community and to curb cost increases. On the other hand, this needs to be achieved in a way that remains neutral in relation to different scholarly disciplines and research fields. *That* scholarly publications should be open access is both an obvious part of the open discourse that characterises the scientific approach and a requirement for research set by policymakers and decision-makers in Sweden as well as the EU and the US. However, *how* scholarly publications are to become open access needs to be tailored to the norms and practices of different disciplines and research fields, which requires pluralism in the design of the publishing system.

Principles and foundations for Sweden's future actions

Based on the analyses and positions resulting from the BTA group's discussions, the group arrived at some overarching strategic recommendations that the Bibsam Consortium should proceed from in the continued negotiations with publishers as well as in discussions among different stakeholders in Sweden. During the group's discussions, it was emphasised that one goal should be to manage costs for scholarly reading and publishing at the national level to the greatest extent possible, through collaboration among HEIs, funders and KB – that is, within the framework of the Bibsam Consortium. The main goals for the strategic work that were highlighted are to regain control over publishing, to reduce publishing costs, and to promote pluralism within the publishing system.

An important aspect is the need for continued international collaboration. The potential for negotiating successfully with the major international publishers increases when different countries and organisations act collectively. It is worth noting here that the US government has decided to require immediate open access to publications resulting from public funding from 1 January 2026. Within cOAlition S, it has been decided to essentially stop supporting TA after 31 December 2024, unless there is a national strategy that identifies TA as an important instrument.⁷

The group's recommendation regarding the basic strategic direction for the work with open access is:

- **The Bibsam Consortium should primarily *not* sign read and publish agreements in so-called hybrid journals (i.e. it should not continue to sign TA), but instead only enter into agreements for publishing in fully open access journals. This approach should be implemented by 2026 at the latest, and it should apply to all fully open journals, regardless of the publisher.**

For this position to be feasible in negotiations with publishers and to be implemented in practice, work with various complementary and supporting strategic initiatives and measures also needs to be carried out. This may include:

- **Agreements with publishers that exclusively publish open access journals should be developed (both by negotiating agreements with more publishers and by renegotiating existing agreements). Agreements should be designed to avoid profit maximisation through large publication volumes, and it is important that such agreements do not encourage uncontrolled growth in the number of journals but rather promote the transformation of existing journals.**
- **Provide a national independent publishing platform that also includes peer review of published articles. One possible route could be to join the EU platform, Open Research Europe (ORE).**

⁷See Appendix 2 for an overview of important external factors that also affect Swedish actions.

- **The possibilities for migrating researcher-owned journals from traditional publishers to other platforms should be expanded and encouraged. This is already happening to some extent, both at the level of the HEIs and nationally, but knowledge, incentives and various support structures, such as administrative and editorial services, need to be strengthened.**
- **Continuing work on copyright issues for open access is important but dependent on international developments in the copyright field, mainly within the EU. Several European HEIs have introduced local policies⁸ regarding researchers' rights to openly disseminate their work even when formally transferring rights to publishers. Swedish HEIs might be encouraged to explore the possibilities of introducing similar policies.**
- **Communication and engagement with both HEIs and researchers is crucial, both in terms of the problem at hand and the proposed measures. Scholarly publishing is about cultures and habits, and change requires active effort. Open access in itself no longer faces opposition, but there is a need to increase understanding of the benefits (principle as well as financial) that a shift in existing publishing practices can bring about. Overall, it is about regaining control of scholarly publishing and utilising existing resources more effectively within the sector.**

Implementation

Negotiations with publishers

The conclusions of the BTA group's work have been communicated through various channels, including a seminar organised by SUHF,⁹ and have already been put into practice. The Bibsam Consortium's negotiating group has initiated discussions with a couple of the largest publishers about the need for a new form of agreement beyond TA, with the goal of only entering into agreements for publishing as a service that is transparent and reasonably priced.

Complementary and supporting interventions

Based on the ambition to manage costs nationally for scholarly reading and publishing as much as possible, the work within the multi-stakeholder group for redirecting payment streams has resumed in 2023. The group consists of representatives of government research funders and the Bibsam Consortium's Steering Committee. A principle decision has been made that the funders will collectively finance Swedish researchers' publishing with publishers that exclusively publish open access journals. The scope, timeline and potential limitations are still under discussion, but a first step towards a new distribution model will probably be in place during 2024.

Discussions are ongoing with the European Commission regarding how ORE will be organised and financed in the future. Funders are currently participating in these discussions, but it is essential to address this issue from a national perspective and therefore within the multi-stakeholder group.

Communication to researchers and higher education institutions

A central point will be communication and buy-in regarding both the problem and the proposed actions, especially within the research community. It was acknowledged that open access itself no longer faces resistance, but that active work to achieve culture and habit changes will still be required. The overarching watchword is regaining control, with two distinct sub-elements:

⁸So-called "rights retention strategies" or "rights retention policies". See Appendix 2.

⁹SUHF seminar "Bortom transformativa avtal" [Beyond transformative agreements], concerning progress with the HEIs' transition to an open science system, <https://suhf.se/aktiviteter/bortom-transformativa-avtal/>

- **Resource usage.** In the current system, virtually all costs are borne by university libraries and are thus invisible to the researchers. In principle, resources that are currently used to pay for reading and publication rights in traditional publishers' journals could be redirected to hiring research and teaching staff. Actively contributing to open access in other ways than via journals behind paywalls at the traditional publishers is thus a strategic issue that affects everyone at every HEI.
- **Ownership of one's work.** The current system is based on researchers giving up rights to their own work (and, in some cases, needing to ask permission to use it in other contexts), which is an arrangement that can and should change. Currently, both HEIs and funders recommend the use of CC-BY licences.¹⁰

The way forward

The BTA group has proposed a strategic direction for the work to transition from TA to a financially sustainable system that fosters the continued shift towards a fully open publishing system. The recommendations, based on the group's research and discussions, aim to support the strategic decisions the HEIs' leadership and the Bibsam Consortium's Steering Committee should make in future negotiations.

The group also recommends a number of complementary measures to promote pluralism in the publishing landscape so as to provide flexibility in negotiations with publishers. Several of these proposals will require active involvement from HEIs as well as funders and the research community.

¹⁰See <https://www.kb.se/samverkan-och-utveckling/oppnen-tillgang-och-bibsamkonsortiet/open-access-and-bibsam-consortium/open-access/creative-commons-faq-for-researchers.html>

Appendix 1. The group's working process

Phase 1 Understanding and exploration

Consensus and scope

The group was given an overview of the current state of open access to scholarly publishing and discussed the scope of the assignment and the target outcome.

Alternative publishing routes: open platforms and open infrastructures

Presentations and discussions with representatives of the European University Association (EUA), Open Research Europe (ORE), and SciFree.

Playing chess with the publishers – negotiating positions in an oligopoly market

Representatives from three publishers – Elsevier, Cambridge University Press and Frontiers – were invited to present their work with open access and their plans and strategies for the future.

International marshalling of forces and exchange of experiences

Monitoring the global landscape through a deep dive into the development and efforts of three other European countries. Representatives from Norway, the Netherlands and Germany were invited for presentations and discussion.

Examination of open access policies

Presentation of KB's review of current policy documents for open access/open science at HEIs and research funders. Discussion about the potential content of national guidelines for open science and how they should be established and have an impact.

Phase 2 Idea generation and creation

The Bibsam Consortium's action plan

Review of the action plan's various parts, its content and expected outcome.

International outlook I

Invited guests presented work in progress:

European University Association (EUA): "EUA Open Science Agenda"

cOAlition S: "Plan S timetable and alternative publishing"

The Arctic University of Norway (*Universitetet i Tromsø*, UiT): "Rights retention strategy at UiT"

Subsequent discussion about common challenges and potential ways forward.

Council conclusions

The group was invited to provide input on the formulation of the council conclusions regarding scholarly publication that were negotiated and decided by the EU in May 2023.

International outlook II

Meeting with the "Transitional agreements oversight group", a working group within the British consortium, Jisc, which works on similar issues and challenges.

Final workshop

In September 2022, the group conducted a workshop to discuss several possible scenarios. The workshop resulted in a number of positions, which are presented under the section "Principles and foundations for Sweden's future actions".

Appendix 2. External factors to consider

During the discussions within the BTA group, a series of themes were highlighted that are connected in one way or another to publishing and open access, such as the merit system and copyright. Several of these issues are being addressed within ongoing processes of various kinds and cannot be resolved within the scope of the BTA group's mission. However, in the continued work with open access, there is a need for awareness of how these various processes are evolving and influencing each other. Listed below are some of the more central processes of this type.

National

SUHF's roadmap and guidance for open science

SUHF's national roadmap¹¹ and guidance¹² for open science aim to clarify the HEIs' responsibilities and the measures needed to accelerate the work with open access to research data and research results. The goal is to improve opportunities for HEIs and other relevant stakeholders to coordinate their efforts on common issues, to encourage expanded collaboration and to jointly create the conditions for researchers at Swedish HEIs, regardless of institutional affiliation, to have similar access to services and support in the transition to an open science system.

National guidelines for open science

In June 2022, KB was tasked with developing national guidelines for open science.¹³ The assignment includes, from a holistic perspective on open science, identifying common goals and priorities, mapping the distribution of roles and responsibilities, and defining the need for support and guidance. A reference group for the assignment has been formed, consisting of representatives of SUHF, research funders, other relevant organisations and authorities, as well as researchers with expert knowledge in various aspects of open science. The guidelines are to be presented by 15 January 2024.

In the process of working on these national guidelines for open science, it has become evident that a strategy beyond TA should align with the guidelines so that objectives and priorities are in sync.

International

Council conclusions on scholarly publication

During the Swedish presidency of the EU in 2023, open science was one of the prioritised areas. In light of this, Sweden initiated council conclusions¹⁴ addressing challenges to expediting the transition to open science that lie within the current system of scholarly publishing. In the spring of 2023, the content and wording of the conclusions were negotiated by the member states and adopted by the Competitiveness Council on 23 May.

The aim is to accelerate the transition to open science to improve the quality, efficiency and impact of research in order to promote transparency, access, diversity, reusability, reproducibility and

¹¹ <https://suhf.se/app/uploads/2022/09/National-Roadmap-for-Open-Science-Recommendation-2021-1-Rev.-June-2022-Ref.-SU-850-0005-17.pdf>

¹² <https://suhf.se/app/uploads/2022/09/Guide-for-implementation-of-the-National-Roadmap-for-Open-Science-2022.pdf>

¹³ <https://www.kb.se/samverkan-och-utveckling/nytt-fran-kb/nyheter-samverkan-och-utveckling/2022-06-21-the-national-library-has-been-tasked-with-developing-national-guidelines-for-open-science.html>

¹⁴ <https://www.consilium.europa.eu/en/press/press-releases/2023/05/23/council-calls-for-transparent-equitable-and-open-access-to-scholarly-publications/>

reliability of research results. The conclusions encompass discussions of the costs of scholarly publication, current challenges regarding peer review of research publications and the ongoing review of copyright conditions.

The conclusions highlight, among other things, that immediate and unrestricted open access to scholarly publications with open licences should be the norm, following the FAIR principles. Costs associated with scholarly publications should not be borne by authors or readers. It is also noted that consideration should be given to different disciplines' variations in publishing practices and that open access to books should receive particular support.

Furthermore, it is noted that the costs of academic publishing risk becoming unsustainable for public organisations, and the importance of supporting the development of non-profit models and initiatives driven by public research organisations is underscored.

Measures regarding copyright that promote open science are highlighted, including the review of copyright conditions for research that is part of the European Research Area's Policy Agenda for 2022–2024. National legislation that ensures authors' rights to make their research publications immediately open access regardless of any agreements with publishers, so-called secondary publication rights, is welcomed.

These conclusions affect Sweden through, among other things, their potential to be implemented in the above-mentioned national guidelines for open science.

CoARA

The Coalition for Advancing Research Assessment (CoARA)¹⁵ is an international collaboration aiming to guide the development of common guidelines and principles for merit assessment, with the overall goal of enhancing research quality. The collaboration is based on an agreement that includes four foundational principles and six supporting principles that provide a shared direction for the advancement of peer review of research. The intention is for CoARA to help improve the quality, efficiency and impact of research. This is achieved through cooperation and exchange of knowledge among the members who have signed the agreement.¹⁶ An important point of departure for the work is finding a balance between qualitative assessment made by experts (peer review) and responsible use of quantitative indicators as support for that assessment.

cOAlition S

Within cOAlition S, recommendations that the coalition will work from going forward were decided upon at the end of 2022.¹⁷ A crucial change in cOAlition S's future strategy has been made as the coalition has tried to reconcile different viewpoints, with the key issue being whether TA should be signed after 2024. Those who advocated the continued use of TA argue that many countries have just started signing them, and that they are still an important tool for achieving open access. Those who opposed the continuing use of TA (including the Swedish members) have argued that the transformation that the TA were intended to bring about is progressing too slowly, and while the timeline for the transformation can be adjusted if it is too tight, a firm deadline is still needed. The

¹⁵ <https://coara.eu>

¹⁶ <https://coara.eu/agreement/signatories/>

¹⁷ <https://www.coalition-s.org/coalition-s-confirms-the-end-of-its-financial-support-for-open-access-publishing-under-transformative-arrangements-after-2024/>

consequence of the decision is that different members of cOAlition S may handle TA in different ways after 2024.¹⁸

The United States

The United States has previously lacked a national policy or strategy for open access or open science, but in the early fall of 2022 a policy programme was launched with the goal of making all federally funded research open access by 2026.¹⁹ Given the US's position and role in the global research arena, this will likely have implications for open access in other parts of the world as well, including Europe.

Review of copyright within the EU – focussed on open access

Within the framework of the work with the European Research Area (ERA), a review of the copyright conditions for open science was initiated in 2022. This work is part of the policy agenda that was established in November 2021. During 2022, several investigations were carried out concerning existing and forthcoming EU legislation that may affect the conditions for an open science system. In March 2023, the EU Commission conducted a series of workshops involving various stakeholders, in which these investigations, among other things, were presented and discussed. The EU Commission's intention is to propose adjustments to one or more of these pieces of legislation to better promote research in general and open science in particular.

Strategies for maintaining copyright

The initiative launched by cOAlition S in 2020, the Rights Retention Strategy (RRS), has had an impact at a number of HEIs in Europe.²⁰ RRS, which is part of the concept of secondary publication rights, addressed in the aforementioned council conclusions, entails researchers demanding to retain the rights to the version of the article that, after peer review, has been accepted for publication: the author accepted manuscript. The researcher then has the right to immediately parallel publish the accepted version of the article. The publisher retains copyright for the version they publish after their editorial work, known as the version of record. In France, the coordinating body for open science has published a practical guide for researchers on implementing RRS.²¹ So far, no Swedish university has formulated a policy regarding this strategy.

Ongoing investigation of copyright

In June 2022, an investigation into copyright was launched (Dir. 2022:125) with the aim of creating a clearer and more modern regulatory framework for the use of copyright-protected works that can occur without permission. The assignment includes proposing provisions that ensure there are reasonable opportunities to reproduce public art and to use works and other protected performances in news reporting and for parody purposes. The investigator is to propose the necessary constitutional amendments. The assignment must be reported on 25 November 2023.

¹⁸ <https://www.coalition-s.org/coalition-s-confirms-the-end-of-its-financial-support-for-open-access-publishing-under-transformative-arrangements-after-2024/>

¹⁹ <https://www.whitehouse.gov/ostp/news-updates/2022/08/25/ostp-issues-guidance-to-make-federally-funded-research-freely-available-without-delay/>

²⁰ Above all in Great Britain (e.g. University of Oxford, University of Cambridge, King's College London, University of Leeds) and Norway (The Arctic University of Norway, University of Oslo, Norwegian University of Science and Technology)

²¹ <https://www.ouvrirlascience.fr/the-rights-retention-strategy-users-instructions/>