

The Dutch Approach to Achieving Open Access

Abstract: In this paper, the authors – both of whom are library directors and involved in the contract negotiations with the bigger scientific publishers – present the conditions that formed the Dutch approach in these negotiations. A combination of clear political support, a powerful delegation, a unique bargaining model and fidelity to their principles geared the Dutch to their success in achieving open access. The authors put these joint license and open access negotiations in the perspective of open science and show that they are part of the transition towards open access.

Keywords: Open access publishing; The Netherlands; negotiations; big deals; lessons learned

1 Introduction

1.1 Free access to research output

The results of scientific research are still often published as articles in scientific journals. These journals have high subscription fees, which means only institutions such as universities and academic hospitals have the budget to access them. Other interested parties – teachers, patients, policymakers and SMEs – do not have free access and cannot always afford the subscriptions. Universities in the Netherlands argue that scientific knowledge is not a luxury item and that sharing resources is common practice in the current timeframe. Most research is publicly funded and should be freely available to everyone.

Free and open access to research output offers social and economic benefits and is important for the development of new research. In an ideal situation this means immediate, unrestricted access to peer-reviewed research articles, free of charge and with maximum opportunities for reuse. Though there are a growing number of open access journals, most journals are still published in closed access (Knowledge Exchange, 2017).

Green or gold

There are two routes for achieving open and unrestricted access: the green and the gold route. The former is based on the idea of authors making their work publicly accessible by depositing their manuscripts in a repository, or freely accessible database. That is already possible at all universities in the Netherlands. Publishers allow this, but often employ an embargo period, which varies per journal.

Under the gold route, publications are made open access through publishers' websites. Many publishers already offer that option and ask researchers (or their employers) to make a payment upon publication (the article processing charge, or APC). Many publishers also offer a more hybrid form of access, whereby some articles in subscription-based journals are made open access, usually for the additional payment of an APC, and the others remain behind a paywall.

1.2 Green or gold in the Netherlands

Most readers will be aware of the terms green and gold – the authors present their interpretation in the specific text box. Green open access is mostly seen as an archiving model and not as a publishing model in its own right. It preserves all aspects of the current, undesirable subscription model and is thus at most a temporary rather than a long-term solution. Green open access might be more suitable were publishers willing to relinquish the embargo period. Furthermore, green open access allows publishers' current business model to remain intact. Dutch universities have in the past made coordinated efforts to put the published articles in their institutional repositories (see the specific text box) and they still find it important to control the deposit of their own university output. While acknowledging the role of green as stated above, the Netherlands prefers gold open access as stated in the parliamentary letter of the Ministry of Education, Culture and Science (OCW, 2013).

With gold open access, the valuable elements in the publication process are retained. Scientific publishers work with scientists who assess the quality of their peers' articles (peer review). The quality of an article determines the journal in which it can be published as well as its impact. Today's system of publishers' peer reviews, plus the fact that the journals affiliated with publishers are already widely known in the respective scientific disciplines, means that the transition to open access can be a joint effort with publishers. This approach will also avoid the creation of any unnecessary additional infrastructure and will not add to the further increase in the number of scientific journals.

DARE

'Here in the Netherlands we started in 2002 with the development of what was later known as DARE: the Digital Academic Repository. And as I thought of the name myself I know that it was meant to be bold and to challenge the publishing world. We have seen that the green road, since then, brought a first sort of flow in thinking about open access and was reasonably successful. However it did not lead to any change regarding the subscription system. Our spending has increased during this period and green has not proven to be an effective tool to overcome the publishers' market power and establish open access on a wide scale.'

Maria Heijne

1.3 Conditions for success

The authors consider our negotiating efforts successful: the first eight months of 2017 resulted in 2,205 open access articles realized via the publishers' deals, whereas the totals for 2015 and 2016 were 2,043 and 4,505, respectively (openaccess.nl, 2017a). This is not yet realizing the full potential, which is also due to our backlog in implementing workflows together with publishers. We realize that there is more to do to obtain full open access for all scientific publications in all disciplines, but at least we dared to differ in our approach, and stood our ground even though some of the consequences were not fully thought through. We describe here the four conditions that we think were essential for our success; these are shared between all those involved (VSNU, 2017a).

1.4 Clear political support

‘My aim is for the Netherlands to have switched entirely to the golden road to open access within 10 years, in other words by 2024. In order to achieve this, at least 60% of all articles will have to be available in open access journals in five years’ time.’ This quotation is from the state secretary, Sander Dekker, in his letter to the Dutch Parliament on 15 November 2013 (OCW, 2013).

Subsequently the Netherlands revealed plans for the EU presidency in the first half of 2016, and open science, including open access, was made a focal point. The aim was to give open science a boost during that period, both nationally and internationally.

The Open Science Congress the Netherlands organized in April 2016 resulted in the Amsterdam Call for Action (NLU, 2016), leading to the Council Conclusions at the end of May 2016 (Council of the European Union, 2016). One of the recommendations in the Conclusions was that each Member State should work on a National Plan for Open Science; the Netherlands presented its plan on 9 February 2017, coinciding with the launch of the National Platform for Open Science (OCW, 2017).

The National Plan for Open Science concentrates on three key areas: 1) promoting open access to scientific publications, 2) promoting optimal use and reuse of research data, and 3) adapting evaluation and award systems to bring them into line with the objectives of open science. As stated in this Plan, open science provides practical benefits, ranging from transparent and reproducible science, through increasing innovative capacity, to opening up science to society at large. All participants in the Plan contribute to the transition towards an open science system in the Netherlands, and acknowledged this by signing the Open Science Declaration (see the specific text box).

In this context there is clear and full support for a transition to open access, and this is essential to set the scene in our negotiations.

National Plan for Open Science

‘The Ministry of Education, Culture and Science asked me in the autumn of 2016 to draw up the National Plan for Open Science, and to have it finished in February 2017. The reason that this was possible within this tight timeframe is that open science has been embraced as something important. This was evidenced by the Ministry’s assignment, as well as by all stakeholders involved who were participating in creative meetings, reviewing the paper, and committing themselves to the 14 ambitions laid down in the document. With this dedication I am confident that “making open science the new reality” is on its way.’

Wilma van Wezenbeek

A powerful delegation

Universities in the Netherlands have responded positively to the government’s support. They also approved of opting in principle for the gold route as they think this route is likely to be the most sustainable solution in the longer term. The renewal of what are known as the ‘big deal’ agreements is an important opportunity for negotiating with the publishers on this.

Whereas normally the directors of the libraries negotiate with the publishers, this time it was done by a number of university presidents, who negotiated on behalf of the VSNU (association of Dutch universities), with the mandate of all universities and their libraries, and with the support of SURF, the national umbrella organization for IT in higher education. This strong alliance made it possible to

negotiate at a different strategic level than before, and was chosen for the eight major publishing deals, representing a major part of the costs (VSNU, 2017b).

But it also means that libraries are no longer the sole and more or less independent negotiators in the process with publishers. At the start this was subject to discussions within the library community, and it took us some time to be comfortable with this. However our alignment at a strategic level, for the benefit of the university community as a whole, was decisive and it was a successful turnaround.

1.5 Unique bargaining model

Publishers have been offering their journals in big package deals for over a decade, providing universities with access to their entire range of titles. These deals often run for three to five years. Dutch universities are now using the renegotiations to discuss not just the extension of those licenses with publishers, but also the transition to open access. Universities made it clear that they are only prepared to renew the subscription contracts if the publishers are prepared to take serious steps towards open access.

‘The agreement is a great example of what can be achieved when all the universities work together and stand their ground.’ This quote is from Gerard Meijer (then president of the Executive Board of Radboud University), shortly after the announcement of the agreement with Elsevier (Voxweb, 2015).

Although there are collective negotiations by consortia in other countries, they often take a different form. Sometimes consortia negotiate by region, such as in Spain and the USA. In a country like France, for example, the negotiations take place at the government level. The UK and Austria, for instance, have opted for collective bargaining by a representative organization established for this purpose. The Dutch bargaining model made it possible to create momentum. This considerably strengthened the power and position of the universities during the negotiations.

1.6 Fidelity to principles

‘We are willing to pay publishers for the work they do, but Elsevier’s profit margin is approaching 40%, and universities have to do the editing work and pay for it. We aren’t going to accept it any longer. I think from the fact that Elsevier is not willing to move much, they simply still don’t believe it. Well, they got us wrong.’

This quote from VSNU negotiator Gerard Meijer in an article by Times Higher Education (THE, 2015) illustrates the Dutch position during the sometimes difficult negotiations with eight major scientific publishers. The principles of the Dutch negotiating team were clear from the outset, and could not be compromised.

Whereas other European countries eventually settled for a continuation of the traditional big deal with Elsevier, the VSNU negotiators got more or less what they set out to achieve as a result of their steadfastness. The percentage of open access publications published in Elsevier journals is increasing annually by 10% in the 2016–18 contract, with no additional cost to universities or the Netherlands for open access. Fidelity to your principles can ultimately lead to not extending the contract. More about this subject in the following section, on lessons learned.

The type of contract preferred in the Netherlands is also referred to as ‘prepaid’ open access. A lump-sum payment in advance of all costs associated with licenses and open access publication is part of the ongoing big deal contracts. Thus, individual Dutch authors do not have to make agreements on their own behalf and the need for individual transactions has been eliminated.

2 Lessons learned

As others point out (Gutknecht, 2017), universities still pay extra money to publishers to extend their contracts. Indeed, our firm principle to pay nothing extra and at the same time request serious steps towards open access for Dutch authors was pretty ambitious. However, in general, the price cap is much smaller for the current contracts for big deals than ever before and our approach forced the publishers to offer open access, one way or another. In some instances, the APC sum that was paid (often by our authors) the year preceding the renewed contract period was added to the total amount, which caused a virtual increase.

Fig. 1: Trend open access articles and related costs

VSNU has not reached a license/publishing agreement with all big publishers. In the summer of 2017 the negotiation team was unable to reach a new agreement for access to the scientific journals of Oxford University Press (OUP) and said ‘no’. Even though the discussions with this publisher continue, preparations are being made to help our researchers find articles if access becomes problematic. In the case of Elsevier, we reached an agreement ‘just in time’; this was not the case with OUP.

2.1 Optimize the workflow

In all our future negotiations the publisher’s workflow should be a serious topic of discussion. We learned that it is important that authors are offered the open access option by default, and the right creative commons license, after their paper has been accepted. Authors are confused by the options that different publishers offer them, which prohibits the uptake of agreed articles in open access. The confusion is caused by the fact that unfortunately not yet all our contracts include 100% open access and not all publishers offer open access as the default way in the publication workflow. So it is important to negotiate with publishers to offer a streamlined workflow to authors. This lesson is something we share with colleagues in several European countries. We learn from each other in the checklist of do’s and don’ts in relation to the implementation of open access. This is something we need to work on so that the open access customer base will grow and become stronger (ESAC, 2017).

2.2 Beware of the bias

The major library budgets are locked in the big deals, so it seemed wise to start our open access negotiations there. However, as also mentioned by Gutknecht (2017), it may result in the wrong stimulus, namely authors submitting more articles to the bigger publishers because open access has been arranged with them. It is important that individual universities also focus on deals with 100% open access publishers such as Frontiers, Copernicus and MDPI. In November 2016, the total

number of ‘Dutch’ articles published by these open access publishers was 1,539 (openaccess.nl, 2017a) vs 4,500 by the ‘hybrid’ publishers. In the coming years we will – as a consortium of UKB (13 university libraries and the National Library) also think of relevant consortium deals with these players, and if needed in close cooperation with the VSNU again.

2.3 Open up the contracts

The contracts resulting after the negotiations still contained non-disclosure or confidentiality clauses. Some Dutch individuals challenged these contracts based on the law requiring public insight through a ‘Request for Information’ (VSNU, 2017c), and that action opened up all non-disclosed terms. This transparency is essential to keep and we advise that all countries stand together in their refusal to agree to non-disclosure. This is something we will take to our new round of negotiations. An open market will result in better terms; openness and transparency are assets to value highly in a scholarly community.

3 Next steps and conclusions

Our lessons learned are also our setup for the next steps in our process towards full open access.

Firstly, an APC for an article, set by the publisher and certainly in the case of ‘hybrid’ subscription-based journals, is not the true set of costs per article. In our negotiations we will not accept the simple sum where this article price is calculated by taking our total subscription costs divided by the total number of publications (with Dutch authors being the corresponding authors, i.e., when they are the ones submitting the article). The historical costs of our big deals have been far more complicated than that (and still haunt us). This brings us to the recommendations from our Max Planck Digital Library colleagues at the 13th Berlin Open Access Congress, namely in future negotiations we should work on ‘Unbundling the article output’, ‘Fading out the reading fee’, and ‘Establishing differentiated APC pricing’ (Geschuhn, 2017).

Another remark concerns the fact that all our efforts, including the negotiations with the bigger publishers, are part of the transition to open access. Waaijers (2017) concluded, based on the recently published contracts, that the Netherlands should continue with the offsetting deals, because they seem more favourable than any other approach.

Even so, the results should be seen not as the end point, but as part of a full trajectory, because eventually we want to unlock the ‘library license budgets’ and use them for new promising initiatives, such as LingOA, OLH and Knowledge Unlatched (openaccess.nl, 2017b). Other elements of this trajectory are discussions with the smaller publishing houses, and attention to disciplines with output other than mainly journal articles or that face problems in the transition period.

Inspired by the joint efforts to deliver our National Plan for Open Science on time, and as part of the National Platform, our strategy towards open access for the coming years will be defined together with the coalitions participating in the National Plan.

Finally, we are very interested in the recent initiatives by the Wellcome Trust (Wellcome Trust, 2017) and the Bill & Mellissa Gates Foundation (Bill & Mellissa Gates Foundation, 2017) to launch platforms for publishing the research output granted by them. Something to follow closely.

The authors of this paper are convinced that following our principles can be a successful approach for other countries or consortia negotiating with publishers about open access, and also refer readers to LIBER's five principles for negotiations with publishers (LIBER, 2017). Knowledge and access to knowledge are important in our society – libraries will continue to play an important role in achieving what we all find important: 'a well-informed and digitally capable society'. We cannot do this on our own; we need global support in making the transition happen. We ask librarians and their parent institutions to dare to make a difference.

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