

swissuniversities

swissuniversities
Effingerstrasse 15, Postfach
3001 Bern
www.swissuniversities.ch

Mandate for the Negotiations with Major International Publishers

In 2017, the Swiss higher education institutions, assembled in swissuniversities, and the Swiss National Science Foundation SNSF formulated the goal to achieve open access to all publicly funded scholarly publications. This goal was reaffirmed in 2024 in the revised [Swiss National Open Access Strategy](#). Given the essential role of publishers as service providers in scholarly publishing, one element to achieve this goal are the negotiations with publishers for a sustainable transformation.

Due to the dominant position of Elsevier, Springer Nature, and Wiley – who collectively account for almost half of all scholarly journal publications by Swiss authors¹ and a substantial amount of the costs associated with scholarly publishing – swissuniversities leads common negotiations at the request of the Higher Education Institutions and on behalf of the Swiss ERI sector with these three major international publishers.

The first two rounds of negotiations with major international publishers led by swissuniversities “have initiated a transformation within the scholarly publishing system towards a ‘pay-to-publish’ [Open Access] model”. Due to steadily rising prices charged by publishers, an increase of hybrid open access, and “systemic dependencies [...] characterised by lock-in-effects that impede academic freedom”,² the revised OA Strategy “calls for continued negotiations with service providers to conclude agreements that align with the vision of this Strategy to support a stable transition of scholarly publishing towards OA. It is necessary to engage with service providers in a way that is congruent with the guiding principles of this Strategy [...]. Negotiations with service providers are moved forward through a common negotiation framework”³ These guiding principles are as follows:⁴

1. Reducing systemic dependencies and fostering diversity in scholarly publishing.
2. Fostering academic quality in scholarly publishing.
3. Ensuring financial sustainability in scholarly publishing.
4. Connecting national and international ecosystems.
5. Strengthening institutional commitment and support in research communities.
6. Promoting open science in a heterogeneous landscape.
7. Continuity and stability to strengthen the Swiss ERI sector.

Given this context, the negotiations are understood as but one instrument within the broader strategic process which includes e.g. strengthening the Diamond publishing landscape and promoting OA for long-form publications and additional publication formats. Therefore,

¹ ESAC (2024). ‘Top 20 publishers based on corresponding author share. Switzerland’. From: <https://esac-initiative.org/market-watch/> (11 July 2024).

² [Swiss National Open Access Strategy](#), p. 16.

³ [Swiss National Open Access Strategy](#), p. 16.

⁴ See [Swiss National Open Access Strategy](#), pp. 11–14.

agreements with major international publishers will only be concluded if they align with the overall goals and guiding principles of the National Open Access Strategy.

In order to pursue Open Access to scholarly publications, and within the framework of the Swiss National Open Access Strategy, the present mandate defines the aims of the negotiations with the major international publishers and describes the governance of these negotiations.

Negotiation Aims

On the basis of the experiences made, particularly with regard to the steadily rising cost of scholarly publishing, the inflation of the number of scholarly publications, and the systemic dependencies, the Delegation Open Science has decided that the mandate must focus on quality, fair prices, and the avoidance of (new) systemic dependencies, particularly with regard to research data. In order to achieve agreements with major international publishers that are in alignment with the aforementioned aims, swissuniversities intends to pursue agreements which focus on the publishing services provided, e.g. through a previously agreed and centrally paid flat-rate charge for unlimited publishing, to limit systemic incentives to inflate the number of publication opportunities. swissuniversities also examines the extent to which the negotiation aims and practices can be coordinated with other like-minded consortia and international initiatives.⁵ The main aims for agreements with major international publishers are as follows:

Quality before Quantity	Systemic incentives are to promote quality of content and service over quantity. This includes cost containment and cost control, e.g. through a previously agreed and centrally paid flat-rate charge for unlimited publishing.
Publishing as a Service	Immediate Open Access publishing services for all publications in the entire journal portfolio of this publisher, including Gold Open Access journals / portfolios as well as any prestigious high-impact titles or brands. ⁶
Unlimited Reading Access	Unlimited reading access to the journal titles requested by the mandating institutions; this includes continued reading access to licensed titles also after the termination of the agreement (post cancellation rights).
Fair and Empirical Pricing	A fair and transparent pricing model (e.g. flat-rate charge for unlimited publishing) reflecting the costs for publishing and the provision of associated services such as quality assurance (peer review), electronic workflow, running of database, and other costs directly linked to publishing research output and oriented to international price levels. Reading access to content still behind paywall is covered by the same fee.
Financial Sustainability	In order to practice fiduciary responsibility for public funds, prices are cost-efficient, sustainable, and transparent. Long-term price spirals are to be avoided, and historically high price levels are to be corrected.

⁵ This includes in particular, but is not limited to, [OA2020](#), [PlanS](#), and the [Barcelona Declaration on Open Research Information](#).

⁶ Exceptions may be accepted for society owned titles hosted on publisher platforms if the agreement between publisher and society does not allow for Open Access publishing.

Publications as Data	Publications in their entirety and all related metadata (e.g. bibliographies, funding information, researchers' affiliation) are openly accessible and completely machine-readable.
Metadata Delivery	Publishers make all publication related metadata (e.g. citations, abstracts, funder information, author affiliation) openly accessible and deliver it to the relevant open services (e.g. CrossRef, OpenCitations, OpenAlex).
TDM and AI Access	Publishers provide easy and full TDM access to the licensed content, including both metadata and full text. This also includes access for AI analyses of the licensed content and the use of the licensed content for developing and training of own AI models (both with the understanding that the licensed content is not made public thereby).
Open Research Data	Publishers do not have any exclusive rights to the data underlying the research output and all research data must be treated according to the Swiss National ORD Strategy.
Licence	CC-BY is the default licence under which authors publish with publishers. Other (CC) licences are only available upon specific and justified author request.
Rights Retention	Authors publishing under a CC licence retain full copyright of their work without restriction and are free to republish their work somewhere else (including pre-prints). Authors only grant publishers a non-exclusive right to publish their work.
Data Protection	Publishers do not record users' data apart from the absolute minimum necessary to provide their core publishing services. Commercialisation of user data is to be avoided.
Workflow	Publishers provide user-friendly workflows which are aligned with the other elements of this mandate (particularly regarding licences) and follow industry standards such as e.g. the ESAC recommendations . Publishers also provide API access to resulting publications and publication metadata.
Guaranteeing Transparency	Agreements are published on conclusion with pricing information on the overall level.

Negotiation Governance

The negotiations with the major international publishers are conducted by swissuniversities at the request and on behalf of the Higher Education Institutions and other mandating organisations. Mandating institutions are required to sign the mandate for negotiations with a major international publisher (Elsevier, Springer Nature, Wiley) and submit it to swissuniversities. By signing the mandate, institutions commit to not conduct parallel negotiations between themselves and this publisher, to not conclude new contracts or extend existing contracts for overall or partial services (e.g. Gold OA) with this publisher, and to accept and actively prepare for a "no deal" state if the negotiations with this publisher prove unsuccessful or require more time to produce the required results.

swissuniversities is in the lead for the negotiation strategy. The Plenary Assembly approves the final mandate and is regularly informed about the negotiations. Other than that, swissuniversities delegates both project controlling and strategic decisions to the Delegation Open Science (DeIOS). The DeIOS develops and decides on the negotiation mandate, defines processes, and elects a Negotiation Delegation to whom it assigns the negotiations. The DeIOS

verifies whether the overall negotiation results are consistent with the mandate and, in consultation with the major stakeholders, decides whether to approve an agreement with a publisher or not. The Board of swissuniversities, in consultation with the DeIOS, decides on the communication to the public. The general secretariat is responsible for implementing the processes.

The Negotiation Delegation consists at least of the president of swissuniversities (who presides the Negotiation Delegation and regularly consults with the president of DeIOS), the President of the Steering Committee of the Consortium of Swiss Academic Libraries (CSAL), the Head Consortial Services of CSAL, as well as a representation of the rectors, SNSF leadership, and SLiNER each. A committee of this Negotiation Delegation, lead a priori by the president of swissuniversities and further consisting at least of a representation of the rectors and the Head Consortial Services of CSAL, conducts the negotiations; to ensure the implementation of the processes, the swissuniversities general secretariat partakes as an observer. The Negotiation Delegation regularly reports and delivers the negotiation results to the DeIOS.

On the basis of a project assignment by the DeIOS, CSAL prepares, organises, and professionally supports the negotiations as well as the decision-making processes. Agreements approved by the DeIOS will be signed by CSAL on behalf of the mandating parties. Mandating institutions will receive an offer from CSAL to join a negotiated agreement; they decide themselves whether they accept its terms.

The aims described in this negotiation mandate and the principles of the OA strategy apply in principle to all collective negotiations with publishers (e.g. consortial negotiations with other publishers or collective negotiations with Swiss publishers of a given discipline). While acknowledging the established governance structures of other negotiations, the DeIOS is responsible for the interpretation of any questions regarding this mandate. To strengthen the overall alignment, a regular exchange between the presidents of the DeIOS and CSAL takes place and CSAL consults with the president of the DeIOS before deciding on agreements with notable publishers.

