

Reflections on transformative agreements: From stagnant transitions to article quotas

Rasmus Rindom Riise^{a,f}  , Birgit Schmidt^{b,f} , Jean-François Lutz^{c,f} , Serge Bauin^{d,f}, Arja Tuuliniemi^{e,f}

^a Royal Danish Library, Copenhagen University Library, Tagensvej 14, 2200, Copenhagen, Denmark

^b Göttingen State and University Library, Platz der Göttinger Sieben, 137073, Göttingen, Germany

^c University of Lorraine, 34 Cr Léopold, 54000 Nancy, France

^d The National Centre for Scientific Research (CNRS), 3 rue Michel-Ange 75794 Paris cedex 16, France

^e The National Library of Finland, P.O. Box 15 (Unioninkatu 36), FI-00014, University of Helsinki, Finland

^f Knowledge Exchange, OA Expert Group, Office C/O Jisc, 4 Portwall Lane, Bristol, BS1 6NB, United Kingdom

 rarr@kb.dk

Abstract

This reflection paper discusses three selected issues associated with the so-called “transformative agreements” (TAs) made between consortia and publishers. The first issue addresses the lack of transformation that, despite the name, characterises TAs. The second issue takes a more prognostic approach and considers the potential implications of a transformation from hybrid to gold open access. The third and final issue focuses on the limited quotas that characterise some TAs.

The paper is aimed at consortia, policymakers, and other stakeholders.

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Introduction

Since open access (OA) manifested itself globally through the Budapest Open Access Declaration in 2002 and the Berlin Declaration on Open Access in 2003, various OA publishing models have emerged, including the so-called “transformative agreements” (TAs).

The majority of commercial publishers have incorporated TAs, however, there is no overarching or fixed definition of what characterises TAs and publishers may not necessarily be clear about the specific type of transformation being referred to. Following the definition of the Efficiency and Standards for Article Charges Initiative (ESAC Initiative), the “transformation” primarily revolves around increased transparency regarding expenses, as opposed to the more closed subscription agreements (ESAC, 2024b; Directorate-General for Research and Innovation (European Commission) & Kramer, 2024). On the other hand, cOAlition S considers the transformation as the transition of journals from hybrid journals to gold OA journals (cOAlition S, 2023; Jahn, 2024).

Hybrid journals: Journals that provide two publishing options: Subscription-based, where the articles are paywalled (toll access), and readers have to pay to access them, and OA-based, where the articles are freely accessible to readers, but authors must pay an article processing charge (APC) to publish. Consequently, articles in hybrid journals will be a mix of both OA articles and toll access articles.

Gold OA journals: Journals that provide immediate and permanent OA to all research articles and related content. Many gold OA journals request the payment of an APC¹. In this paper, the term gold OA journals is used exclusively to refer to journals that operate with OA in exchange for APCs.

Diamond OA journals: Journals that exclusively offer OA as their publishing model, but without operating with APCs.

The various terms for OA journals as used in the paper

TAs are characterised by negotiated access to subscription-based content and the possibility to publish OA in the publishers' hybrid journal portfolios without paying Article Processing Charges (APCs). Therefore, these agreements are also referred to as “read & publish” or

¹ Although according to the Directory of Open Access Journals (DOAJ) only about one third of OA journals charge APCs, over two thirds of articles published in OA journals are published via paying an APC. This estimate is based on Crawford (2024) who collected data on the annual output of over 19,000 OA journals listed in DOAJ for the years 2019-2023.

“publish & read” agreements. According to ESAC’s registry of TAs since 2014, globally, over 70 countries have entered into almost one thousand TAs, including 25 countries via the Electronic Information for Libraries (EIFL) consortium (ESAC, 2024a). The agreements are primarily entered into by consortia on behalf of multiple institutions within these countries.

The goals and strategies explicitly stated by consortia are often isolated around agreement costs and the transparency of these costs. Cost and transparency are absolutely important factors, but they should be supplemented by considerations of the impact that TAs may have on OA - both now and in the future. For example, the consortia could consider the following:

What exactly does “transformation” entail in the agreements? How do the agreements work for the primary stakeholders, namely the researchers? If a “transformation” involves a shift from hybrid to gold OA, what challenges can be expected to arise?

One such consortium proactively addressing the impact of TAs is the Swedish consortium Bibsam, which has developed an action plan (Bibsam, 2024). This plan not only critically addresses the financial costs of the agreements but also highlights issues these agreements pose for OA as a publishing model.

The intention of this reflection paper is not to provide specific solutions or answers – accordingly, neither will be found here. Instead, the aim is to highlight selected issues associated with TAs that we believe are worth considering, whether in the context of entering into TAs with publishers or setting goals and strategies for TAs.

Therefore, this paper is aimed at consortia, policymakers or any other stakeholders with interests in TAs and the landscape surrounding these agreements.

It is given in advance that this paper will not address all existing issues surrounding TAs. We have therefore selected three issues - Issue I, II, and III - which we believe deserve special attention at this point:

- **Issue I** will address the stagnant transformation from hybrid to gold OA, which appears to be symptomatic of TAs.
- **Issue II** takes a more prognostic approach, as we will examine the potential outcome of a transformation from hybrid to gold OA.
- **Issue III** will shed light on the limited quota of articles that often accompany TAs and the consequences this can have for authors.

In addition to hoping that our reflection paper will draw attention to current issues with TAs, we also hope that the paper will encourage future discussions on the topic.

Issue I: The stagnant transformation

Although consortia and publishers are rarely explicit about what the transformation² entails in the TAs, a consensus has nonetheless emerged that a TA should cover a transformation from hybrid to a gold OA APC model. The UK consortium Jisc and the Swedish consortium Bibsam are two of the few consortia that explicitly state that the agreements they enter into must lead to a transformation from hybrid to full OA (Jisc, 2024; Bibsam, 2024).

We argue that if the goal of TAs is considered a solution model for converting journals from hybrid to fully OA, then TAs are not an unequivocally sustainable path. Three examples are outlined in the following.

Only six out of approximately 1300 journals in Wiley's hybrid journal portfolio flipped from hybrid to fully OA in 2023 (Wiley, 2023, 2024). Thus, less than 0.5% of Wiley's total hybrid journal portfolio has flipped to fully OA in 2023.

Example 1: Wiley

Elsevier's total hybrid journal portfolio includes around 1812 journals (Elsevier, 2024a). Elsevier has committed to converting 62 hybrid journals to gold OA journals by the end of 2024 according to the requirements of Plan S (Elsevier, 2024b). That is less than 3.5% of Elsevier's total hybrid portfolio, *if* these journals actually flip.

Example 2: Elsevier

According to Taylor & Francis' own journal lists (Taylor & Francis, 2024c), a total of nine journals will flip to full OA from 2024 to 2025. There are approximately 2175 journals in Taylor & Francis' hybrid portfolio. In other words, about 0.4% of the publisher's hybrid portfolio will flip to full OA in the years 2024 and 2025.

Example 3: Taylor & Francis

² In this paper, we also use the term "flip," which, like transformation, refers to journals that change their publishing model from hybrid to fully open access.

The trend evident from the three examples above is confirmed by Jisc in their report “A review of transitional agreements in the UK” (Brayman et al., 2024). The report shows that only three publishers with which Jisc has entered into TAs with between 2018 and 2022 have flipped more than 10% of their journals during the mentioned agreement period. These three publishers are: Karger 14%, BMJ 14%, and IWA 13% (Brayman et al., 2024, p. 40). Overall, the Jisc report concludes that TAs do not have a significant effect on flipping journals from hybrid to gold OA.

However, there are publishers that operate at a faster pace when flipping titles from hybrid to full OA, such as Cambridge University Press (CUP), which flipped 41 hybrid journals to full OA in 2024 (Cambridge University Press, 2024b). This corresponds to 10.1% of CUP's total hybrid journal portfolio of 406 journals³. The publisher will flip an additional 79 journals during 2025. By the end of 2025, 29.6% of CUP's hybrid portfolio will have been flipped to full OA.

Issue II: Are the roads to open access paved with “gold”?

Often, the transition from the hybrid publishing model to a gold OA model is not questioned. A recent study (Šimukovič, 2024) has pointed out that a full shift would be detrimental to scholars worldwide, erecting new barriers and dividing lines between “rich” and “poor” according to their ability to afford APCs and/or acquire funds for this purpose. Libraries contribute to these inequalities not only through the necessary financial resources but also the related infrastructural work.

Moreover, how will publishers regulate APCs when and if their journal portfolios are exclusively gold? Will cOAlition S funders critically assess the potentially rising APC prices at publishers, who exclusively publish gold OA journals?⁴ According to the ESAC Initiative (2024c) hybrid journals currently have higher APCs than gold OA journals which may be due to the fact that commercial publishers' journal portfolios are still predominantly hybrid⁵. A transition to full OA could provide publishers with a stronger incentive to increase APC prices, particularly now that subscription publishing is no longer an option and the revenue stream from hybrid publishing is gone. Perhaps publishers will scale up the number of publications to increase revenue from APCs? Perhaps the increased number of publications

³ According to Cambridge University Press (2024a), the publisher publishes 365 hybrid journals, so the total number of hybrid journals before the 41 journals flipped must have been 406.

⁴ cOAlition S funders do not provide financial support for APCs in hybrid journals unless they are part of TAs (cOAlition S, 2024). As of the end of 2024, cOAlition S ceases financial support for publishing under TAs (cOAlition S, 2023).

⁵ For example, Elsevier publishes 2552 hybrid journals and 1425 fully OA journals (Elsevier, 2024a). Turning to Taylor & Francis, the publisher publishes 2181 hybrid journals and 366 fully OA journals (Taylor & Francis, 2024b, 2024a).

will be at the expense of the quality of the research being published? Regardless of whether profit optimisation is the intention, the extreme growth (and in some cases recent decline) of the publication volume at gold OA publishers is a phenomenon that has been studied by market analysts and researchers alike (Butler et al., 2024; Csomós & Farkas, 2023; Petrou, 2023).

If publishers operate exclusively with the gold OA model, it could weaken the ability of consortia to use the Rights Retention Strategy (RRS)⁶ as a tool to strengthen their negotiation position. The negotiating power lies in the fact that if a TA cannot be reached, RRS will instead ensure OA to the accepted manuscripts without embargo and under a CC BY license (Moore, 2023). In other words, OA can still be achieved even if a TA is not finalised. However, RRS is difficult to reconcile with gold OA, as the strategy can only be operationalised with journals that operate under a subscription model and therefore do not require payment for publication, including the hybrid journal portfolios that are part of TAs. If the publishers convert their hybrid journals to gold OA journals, the RRS will no longer be usable as a strategic tool for the consortia when negotiating TAs.

Issue III: Article quotas - the art of timing

It is not uncommon that some of the TAs that consortia enter into include a limited quota of APC waived articles. Once the included quota is exhausted, OA publishing can no longer occur without paying additional APCs. Publishers' TAs without a limited quota are, of course, more expensive for the consortia than uncapped agreements.

The problematic aspect of agreements with a limited quota is that since the APC waivers mostly are activated only when the author's manuscript is accepted for publication, it is uncertain for the authors if they will actually be able to publish without APCs at the time of submission. To successfully publish with waived APCs under a TA with a limited quota, the key is to not only submit before the cap is reached but also to have the manuscript *accepted* before the cap is reached. Success, of course, depends on the duration of the editorial and peer review processes, which is entirely out of the authors' hands. As mentioned before, the authors therefore have no way of knowing for certain whether they will have the APCs waived or not at the moment they submit to the journal.

⁶ A RRS was first implemented at Harvard University in 2008, but was relaunched by cOAlition S in connection with Plan S in 2021. The strategy involves researchers depositing their accepted manuscripts with a CC BY license in an open repository from the publication time of the final publisher's version (Version of Record). This approach interferes with publishers' usual policies regarding depositing of accepted manuscripts, as publishers typically require a delay of 6 to 24 months before accepted manuscripts can be made openly available, and rarely with a CC license.

If the quota is exhausted, authors have the option to choose subscription publishing (toll access), as TAs consist of hybrid journals. However, if authors are publishing under a research grant that requires OA, subscription publishing is not a viable option. More problems arise when the funder requires OA and does not cover publication costs in hybrid journals, which is the case for the EU's Horizon Europe framework program and Plan S-aligned funders such as the French Agence Nationale de la Recherche and UK Research and Innovation. In conclusion, for authors who publish under a grant that requires OA, it can be both costly and troublesome when the quota is exhausted. After submission, they may discover that they cannot publish OA with waived APCs and must find funds themselves to cover the often pricey APCs⁷.

As an advocate for OA, one might fear that researchers' negative experiences with TAs that have a limited quota could tarnish OA as a publication model.

Epilogue

As mentioned in the introduction we hope that the paper will stimulate reflections on TAs among consortia, policymakers, and stakeholders. Furthermore, we hope that it will prompt further discussions on the topic of TAs, particularly regarding the type of transformation OA can be positively shaped by. Finally, even though initiatives are being launched to challenge TAs, such as the “Action Plan for Diamond Open Access” (Ancion et al., 2022) and “cOAlition S confirms the end of its financial support for Open Access publishing under transformative arrangements after 2024,” (cOAlition S, 2023), TAs are still being made and this trend does not appear to stop. We need to continue to closely monitor these agreements and the impact they have on scholarly publishing.

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⁷ According to ESAC's Market Watch (ESAC, 2024c), the average APC in hybrid journal portfolios was 3446.5 USD at Wiley, 3323.47 USD at Springer, 3163.82 USD at Elsevier, 3155.45 USD at Taylor & Francis, and 3189.66 USD at Cambridge University Press. All figures are from 2021.

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