
ESTUDIOS / RESEARCH STUDIES

How can we get beyond the Transformative Agreements: a Swedish perspective

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Abstract: In this work there will be a critical discussion about transformative agreements and their development. Will they lead to a rapid change towards a fully equitable open scholarly publication system or are they just a new business model for the commercial publishers that won't drive the necessary change in the system? The article will be based on a discussion on the policy development on Open Access in Sweden, from Council conclusions to National guidelines on Open Science, and how Sweden is striving to get from policy to practice. Finally, the article will describe how the Swedish Bibsam consortia are implementing the policy developments in their strategies and how they actually negotiate to get beyond the transformative agreements.

Keywords: transformative agreements, open access, open science, policy development, publishing as a service, Bibsam consortia.

¿Cómo podemos ir más allá de los acuerdos transformativos? Una perspectiva sueca

Resumen: En este trabajo se discutirá críticamente sobre los acuerdos transformativos y su desarrollo. ¿Conducirán a un cambio rápido hacia un sistema de publicación académica abierta totalmente equitativo o son simplemente un nuevo modelo de negocio para los editores comerciales que no impulsará el cambio necesario en el sistema? El artículo se basará en una discusión sobre el desarrollo de políticas sobre acceso abierto en Suecia, desde las conclusiones del Consejo hasta las directrices nacionales sobre ciencia abierta, y cómo Suecia se esfuerza por pasar de la política a la práctica. Finalmente, el artículo describirá cómo los consorcios suecos Bibsam están implementando los desarrollos de políticas en sus estrategias y cómo negocian realmente para ir más allá de los acuerdos transformativos.

Palabras clave: acuerdos transformativos, acceso abierto, ciencia abierta, desarrollo de políticas, publicación como servicio, consorcios Bibsam.

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1. INTRODUCTION

Transformative agreements are in many European countries the main strategic road to reach open access to research articles. In Sweden the government, through the research bill, set a goal that we should reach 100% Open Access to research articles by year 2021. To reach the goal Sweden became one of the early adopters of transformative agreements. We didn't achieve the goal in 2021 but have now reached about 90% open access for corresponding authors from Sweden. By these numbers you can say that the work in Sweden with transformative agreements has been successful. It is probably true that we wouldn't have reached 90% open access without the transformative agreements, but are such agreements really the way forward to transform the whole scholarly communication system to open access? The aim of this article is to have a critical discussion about the current situation with transformative agreements and if they are the path to a transformation to open access or a risk of getting stuck in a business model with a perpetual transformation that leads to unsustainable costs. In the article I will describe the Swedish policy development and how Sweden implements these. Through the article I will give examples from the current discussion in Sweden on how to get beyond the transformative agreements and why we started that discussion. Before the description of the policy development in Sweden I will try to define what a transformative agreement is and describe the critiques of them.

2. WHAT ARE TRANSFORMATIVE AGREEMENTS?

Transformative agreements is an umbrella term for many different sorts of agreements as for example: offsetting, read and publish or publish and read. The common principle for all these is to combine both reading and publishing under the same agreement. Before the transformative agreements libraries had subscription agreements for reading access to the articles and the authors paid the article processing charge (APC), mainly through their grants, to make their article open access. As many funders mandated open access with their grants a growing number of authors started to pay APC's. The universities had full control of the library spending on subscriptions but no control at all for the author spending on APC's. It was in this context the discussion of offsetting agreements came up. By combining both reading and publishing in one agreement the universities could gain cost control over both publishing and reading. The agreements would

also reduce the double dipping effect that comes when the university both pays for reading and for open access for a single article. One of the problems with the offsetting agreements was that the university library had to pay for both reading and publishing when they usually only paid for the reading. In the negotiations with the publishers, there was a discussion about what the researchers at the institution had published "in the wild". The business parameters of the agreements were built on earlier cost for reading and how many article APC's the researchers had paid to the publishers during the past year. We then negotiated about how big percentage of open access we could reach within a year for a certain amount, and also about some discount to cover the double dipping. The numbers for publishing during the agreement was an estimation from the publisher based on earlier publishing by each institution and a prediction on how much the publisher thought that each institution would publish. The expected publishing was something we negotiated about, and the publishers had almost every time too high expectations in their prognosis. In many of the early offsetting agreements the institutions didn't reach 100% open access within a year. When the institutions had reached the limit of publishing within the agreement, they either had to stop publishing open access or make an additional payment to continue to publish open access. Many institutions hadn't budgeted for additional payments because it would be too expensive for them. It wasn't easy to communicate to the researchers that they had reached the limit for open access publishing and the researchers either had to publish behind the paywall or pay the APC themselves. The offsetting agreements were pilots to try to combine reading and publishing within one agreement. Working with these sorts of agreements paved the way into negotiating for the transformative agreements that we talk about today. Hopefully the institutions learned a lot about the pitfalls in the offsetting agreements to avoid them when negotiating new agreements.

Angel Borrego et al. in their article "Transformative agreements: Do they pave the way to Open Access?" (2020) tried to follow the evolution of different transformative agreements and how they evolve through time. They have categorized the agreements into three different stages: pre-transformative, partially transformative, and fully transformative agreements. I think that their categorization is helpful to understand how the agreements have evolved. The big problem is that the evolution of the transformative agreements toward a complete transformation goes in different phases and at different times in different countries.

To really reach the transition to open access I would like to add a fourth category: Beyond the transformative agreements. The transformative agreements are intended to shape a path to transform the system, not a new business agreement for the publishers. Today we don't really see that the transformative agreements are changing the system fast enough. To speed up the change we need to start discussing what happens beyond the transformative agreements.

3. CRITIQUE OF TRANSFORMATIVE AGREEMENTS

As some people think that the transformative agreements are one path to change the scholarly communication system to open access others are critical about them. Ashley Farley et al. have in their article "Transformative agreements: Six myths busted" (2021). described their critique of the transformative agreements in a simple way. The authors of the article want to inform the libraries when they are pursuing their open access goals not to take the road towards transformative agreements. The first myth they want to bust is that transformative agreements will lead to an equitable scholarly publishing eco system. They argue that transformative agreements are limited to research intensive institutions and consortia that can afford to pay for the APCs. This can in the long run lead to that the paywall will be moved from the ability to read to the ability to publish. This is definitely a risk if we continue with the transformative agreements as they are today. Through transformative agreements we open up the reading to the world, but the open access publishing is only for those that can afford it. I think that it will be hard to solve this problem as long as the scholarly system is dominated by a few commercial publishers that are not willing to decrease their revenues in the system. If you see the transformative agreements as a temporary way to start changing the ecosystem to become more open, not the end goal as a business model, we need to investigate in, build and promote alternative publishing routes. The biggest hurdle for the researchers is that they nearly are forced to publish in certain journals to make their academic career. To change the scholarly eco system we need to change the current reward and merit system. Hopefully the work within CoARA¹ can be the beginning of this change.

The second myth they want to bust is that transformative agreements are a proven way to transition from closed to open access. They say that only the richest institutions will have the possibility to sign transformative agreements and

mean that a large portion of the system will be left out of the transition. Another problem is that publishers have not released their strategic plans for transition to open access, if they even have any. They mean that without this transparency the agreements only lead to increased publisher revenue and without a real commitment to a full open access transition. These arguments against the transformative agreements are realistic and true but also something you can act on. It is important to remember that the transformative agreements are not a goal in themselves but one of several ways to start the transition. The institutions that negotiate transformative agreements must discuss with the publishers on their strategic plans and commitments to a full open access transition. It is not realistic to think that the transformative agreements by themselves will change the system. They are a way to get more open access within a system that needs to change. While we are working with the transformative agreements, we need to explore alternative publishing routes and infrastructures to give alternatives to change the current system. As we by different factors have been locked into a publishing system, we can't change it from the inside. But you need to work within the current system when you try to change to a new.

The third myth they try to bust is that transformative agreements will move away from an APC model of open access. They state that APCs are the core element of all transformative agreements. Many agreements have caps on open access articles that lead to that the institution either must stop publishing in open access when they have reached the cap, or start paying individual APCs outside of the deal to continue. Also, this is a realistic critique of the transformative agreements. Most of the business models are built on the earlier price for subscription to print journals combined with the expected amount of publishing of articles based on an APC price per article. The publishers are trying to keep their revenue on both reading and publishing and the contract ends up being even more expensive than before. In the evolution of transformative agreements there has been a pattern that when an institution sign their first agreement with a publisher it has often been capped and you don't reach 100% open access within the contract period. Nearly all new transformative agreements follow that pattern. One can wonder why we haven't learnt from previous experiences from earlier agreements, but it is probably a strategy from the publishers to start in capped agreements and delay the movement towards 100% open access. Often the institution tries to reach 100% open access or uncapped

open access in their next agreement. To really get beyond transformative agreements built on APCs and previous spend on printed journals we need to discuss agreements without a fee for reading and rather built on publishing as a service.

The fourth myth they try to bust is that transformative agreements will lead to greater transparency regarding publication costs. They have a discussion on the difference of price and cost, and state that neither subscription prices nor APCs are based on actual publication costs. There are some initiatives to demand the publishers to share their data on the cost of publishing, but most of the publishers have refused to do so because it would be in breach of anti-competition or anti-trust law. But there is one thing with price transparency that has come through via the transformative agreements, which is that we don't sign non-disclosure clauses for these agreements anymore. In the negotiations with publishers, you don't agree to sign these clauses. We can make details of all costs, pricing models and terms publicly available online. When you have a new transformative agreement under these terms you can publish it in the ESAC Transformative Agreements Registry² and it will be open to cost comparison for other institutions. You can see that the ESAC registry is a helpful source to compare terms and prices between different agreements when you look at different studies that have used the data from it. For example, the earlier mentioned article by Angel Borrego et al. "Transformative agreements: Do they pave the way to Open Access?" is built on data from the ESAC registry. It is not only the institutions that study the ESAC Transformative Agreements Registry; I have heard from different publishers that they study the data from different agreements when they prepare for negotiations with institutions.

The fifth myth they want to bust is that transformative agreements will lead to competitive pricing. They mean that the market for scholarly publishing isn't a sound functioning market. There is rarely any competition in the market as the agreements are negotiated on an individual basis and hard to compare. They mean that the transformative agreements rather have strengthened publishers' position in negotiations than increased the competition. Yes, the market for scholarly publishing has for a long time been an oligopoly market with no price competition within it. I don't think that the purpose of the transformative agreements has been to change the market and lead to competitive pricing in it. The purpose of the transformative agreements has been to reach more open access within a given system. They

are built on the device "There is enough money within the system" Schimmer, R., et al., 2015) from Max Planck Digital Library Open Access Policy White Paper. In the paper they mean that there is currently enough money in the system and that a large-scale transformation from subscription to open access publishing is possible without added expenses. According to the paper the goal is to preserve the established service levels provided by publishers and changing the underlying business models from paying for reading to paying for publishing. This will be done within the existing market for scholarly communication. There have been several examples on more radical ideas to change the market and the system for the scholarly communication. One of them is in an article by Brems et al. "Replacing Academic Journals" (2023). In this article they propose to replace the traditional journals with a more modern solution. They argue that we should stop signing agreements with the traditional publishers and invest the money to build an open-source infrastructure under governance of the scholarly community. This infrastructure should replace the monopolies connected to journals with a genuine, functioning, and well-regulated market. In the new market service providers should compete and innovate according to the condition of the scholarly community. In my opinion, the transformative agreements have never had the intention to change market completely but to work within it.

The sixth and last myth they want to bust is that transformative agreements places libraries in a better position to negotiate. They mean that when libraries pay for transformative agreements, they have become an intermediary between the researchers and the publishers. The researchers don't have to consider the price of making an article open access and gain prestige of the publishing. They mean that in this situation the libraries have put themselves in a situation between the publishers and authors which is hard to get out from so they continue to pay and sign new agreements. This isn't a new situation with the transformative agreements. The libraries have always been an intermediary between publishers and researchers regarding information resources. In the shift between print and electronic journals the cost inflation for journals was rising every year. We were talking about the serial crisis. One of the problems discussed was that the researchers didn't know the price that libraries paid for the subscriptions for reading. The researchers demanded reading access to the journals and the libraries had to subscribe to them. One of the answers to the serial crisis was the discussion on how open access could solve the problem with the rising costs. I do think

that many libraries have become better negotiators through negotiating transformative agreements. We have seen institutions leaving the negotiating table and cancelled agreements when they didn't get the terms they wanted from the publisher. Our strongest position at the negotiation table is to walk away from the table. One evolution with the transformative agreements is that it isn't any longer only a "library question". To reach progress in the negotiations many institutions have involved faculty and university management.

4. COUNCIL CONCLUSIONS - TOWARDS AN OPEN, EQUITABLE AND SUSTAINABLE SCHOLARLY PUBLISHING SYSTEM

During the Swedish presidency in EU 2023 the Government worked on council conclusions about a sustainable scholarly publishing system. The council conclusions were approved by the member states in May 2023 (Council of the European Union, 2023). The main goal of the conclusions is to work for an open, equitable and sustainable scholarly publishing system. They state that the norm in publishing research should be immediate and unrestricted open access with transparent pricing and no cost for the individual authors or readers. In the council conclusions they describe the possibilities that the digital transition makes for the system. The digital transition creates "opportunities for new methods of efficient and effective scholarly publishing, such as online publishing tools, repositories and platforms for a wide range of research outputs in all fields, both at national and European level, but that much of the current system is based on business and operational models that have not yet fully realised the digitalisation potential".³ This paragraph indicates that the current scholarly publishing system, mostly based on commercial publishing, hasn't lived up to the possibilities and the potential of digitalisation. You can also read it as a critique of the transformative agreements and their business models that doesn't bring innovation into the system. Instead of relying on the current system the council conclusions see the importance of investing in e-infrastructure, digital and innovative tools and capacities. The council conclusions aren't as radical as earlier mentioned Brems et al. who wants to replace the current system of journals with a new e-infrastructure, but they point at the same direction. To emphasise that the current system isn't working they note "that the current system of scholarly publishing is operated by various for-profit and not-for-profit organisations and RECOGNISES with concern that the increasing cost of paywalls for access to scientific publications and for scholarly cause inequalities and are becoming

unsustainable for public research funders and institutions accountable for the spending of public funds decreasing funding available for research".⁴ In the council conclusions you find the same critique as Ashley Farley et al. point out; that the current system ultimately will lead to inequalities and that public funds that should stay within research will go to shareholders in commercial companies. According to the council conclusions the way out of the reliance on commercial publishing is "not-for-profit, scholarly open access publishing models that do not charge fees to authors or readers".⁵ They also say that we need models that "do not depend on article processing charges or similar per-unit charges and STRESSES the importance of supporting the development of such models led by public research organisations".⁶ Again we have the critique of a business model that is built on charges per article as in the transformative agreements. They also point out that we should bring back the control of the scholarly publishing system to the academia who outsourced the system to the commercial publishers. Another problem the council conclusions highlights is the "lack of data and trustworthy information on the state of scholarly publishing, including costs and bibliometric data, hinders the advancement of open access policy development, implementation and evaluation and weakens the position of Member states and research organisations in negotiating with commercial publishers".⁷ This is something that also Ashley Farley et al. points out as one of the big problems with transformative agreements; that there is no transparency in the costs of scholarly publishing and that it hinders fair negotiations with the commercial publishers. In the summary of the council conclusions, they propose investment in a not-for-profit infrastructure for the scholarly publishing system where neither authors nor readers pay for the publishing. The current system with dependence on commercial publishers without price transparency needs to change to a system responsive to the challenges of democratic, modern, and digitalised societies. The council conclusions are a strategic document that is agreed by all Member states and associated countries, but at the same time it is not something that the countries are forced to implement in their national strategies. One movement you can see now is that many countries work with projects for Diamond open access. Diamond open access refers to a scholarly publication model in which journals and platforms do not charge fees to either authors or readers. Diamond open access journals are community-driven, academic led, and academic-owned publishing initiatives. It is important to implement such alternatives in the scholarly

publishing market, but it will take a really long time for them to scale and be a realistic alternative to change the market for scholarly communication. While we are working with Diamond open access to change the system we need in the same time to continue to negotiate with the commercial publishers within the given system, but we should try to get beyond the transformative agreements and save money to invest in alternative publishing systems.

5. NATIONAL GUIDELINES FOR PROMOTING OPEN SCIENCE IN SWEDEN

The National Library in Sweden got an assignment in 2023 to develop national guidelines for promoting open science in Sweden. The guidelines were presented on the web in January 2024. Together with the guidelines they also presented a report on the background and the production of the guidelines. The purpose of them is to provide support and guidance to actors in Sweden who have an important role to play in the transition to open science. The target audience for the guidelines are universities and colleges, research funders, as well as other agencies and organisations that conduct or fund research. In the guidelines there are six areas within open science identified as particularly crucial to develop in Sweden. One of the areas is open access to scholarly publications. In the guidelines they have goals and priorities for each area. The goals and priorities for open access for scholarly communication are:

- That all type of scientific publications produced in whole or in part with public funds must be published in immediate open access.
- That publications are published with an open license, in accordance with the FAIR principles and with the support of guidance information from the National Library.
- That costs associated with open access publishing are not covered by either readers or individual authors.
- That costs associated with publication must be transparent and reduced over time without affecting Swedish researchers' opportunities to disseminate research results in the form of scientific publications.
- That measures are taken which promote that author's retain the economy to their works (Nationella riktlinjer för öppen vetenskap, 2024).

It is said that the guidelines should be seen as a direction for the areas and not how to implement them. The implementation plans shall be done by each organisation that perform or fund research. The direction in Sweden for scholarly

communication is immediate open access with open licenses. It shouldn't be financed by the author or reader and the cost should be transparent and reduced over time. In the national guidelines you can't really see any advice on transformative agreements except that it should be immediate open access with transparent prices and a price reduction over time. If you want more guidance, it is interesting to read the report on the background and production of the guidelines. In the report they say that the transformative agreements haven't converted the hybrid journals to pure open access journals in the extent that many actors both in Sweden and internationally had expected. This has led to that the transformative agreements have gained much criticism both in Sweden and internationally. They say that the transformative agreements also have led to an increase of costs instead of decrease and that the model in the long run doesn't contribute to a fair publishing system on the global level.⁸ The critique in Sweden of the transformative agreements has mostly been about the price increase and that transformative agreements haven't contributed fast enough to transform the scholarly communication system to open access.

6. THE STRATEGIC WORKING GROUP: BEYOND TRANSFORMATIVE AGREEMENTS

In Sweden there were a lot of discussions on how we should continue working with the transformative agreements. We had seen the major cost increases through them and that the systematic change only had been modest. It felt like a big risk of getting stuck in a permanent transformation that mostly favors the large commercial journal publishers. To act upon the worries about the transformative agreements the Association of Swedish Higher Education Institutions (SUHF) in 2021 decided to start a "Beyond transformative agreements" working group. The group was set up with researchers from different disciplines, representatives from management of higher education institutions, funders, and negotiators from the Swedish Bibsam Consortium. It was important to include representatives from all stakeholders in Sweden that are dependent on the scholarly communication system. The mission of the group was to explore the situation of the transformative agreements and lay the strategic foundation for further advancing the transition to open access. They should also develop a strategy for how the Bibsam Consortium in its negotiations with publishers could operate in the coming years. The report from the group, "Chartering Sweden's path beyond transformative agreements – analysis and proposals for strategic direction"⁹ was published in October 2023. The

report describes how the group divided its work into two different phases. The first phase was "Understanding and exploration" in which the group aimed to establish a shared understanding of national and international developments in open access and to gain insights into the problems and challenges of the transition to open access. In the second phase, "Idea generation and creation", the group formulated 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. In the appendix of the report, you can find out more about the group's working process and about the external factors that the group took into consideration in their work. These are the recommendations and supporting strategic initiatives from the report:

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 need 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 existent 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.
- To 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)
- 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 HIEs and nationally, but knowledge, incentives and various support structures, such as administrative and editorial services need to be strengthened.

- Continuing to work on copyright issues for open access is important but dependent on international developments in the copyright field, mainly within the EU. Several European HIEs have introduced local policies regarding researchers' rights to openly disseminate their work even when formally transferring rights to publishers. Swedish HIEs might be encouraged to explore the possibilities of introducing similar policies.
- Communication and engagement with both HIEs and researchers are 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 utilizing existing resources more effectively within the sector.

In the discussion about the recommendations the working group suggested that the Bibsam Consortium's negotiation group should initiate discussions with some publishers about the need for a new form of agreements beyond the transformative agreements, with the goal to only enter into agreements for publishing as a service that is transparent and reasonably priced. The recommendations from the working group were taken as official recommendations by SUHF in November 2023.¹⁰ In the recommendations it clearly states the Bibsam consortium should stop signing traditional transformative agreements from 2026. They shall only sign agreements for open access journals. And to change the system of scholarly communication, Sweden must have various complementary and supporting strategic initiatives and measures. It is important to invest in and develop alternative publishing infrastructures and to take a discussion about how to migrate researcher-driven journals to alternative platforms. Another complimentary way to go is to continue working on copyright issues for open access. In the recommendations from the group, you can see traces from the council conclusions: we are not living in a sound market for scholarly communication and it can't be changed without

exploring and investing in new scholarly led infrastructures.

7. ACTION PLAN OF THE BIBSAM CONSORTIUM

The Bibsam Consortium steering committee has discussed all the different policy documents from Sweden to update their action plan. The new action plan was adopted at a steering committee meeting in February 2024. The action plan shall be a guide in negotiations with scientific publishers. This, with the aim to facilitate the open publication of scientific results, bringing about a redirection of payment streams from a subscription-based to an open access publishing system and achieving transparency, overview, and reduced expenses for scientific publishing.

The Bibsam Consortium Steering group has adopted the following action plan:

- That the consortium should not sign contracts for reading and publishing in so-called hybrid journals, but only contracts for publications in openly accessible journals; this approach should be applied from 2026, and apply to all open journals, regardless of publisher.
- To work for and support new paths to open publishing and develop alternative business models, as well as support researcher-driven journals that want to migrate from traditional publishers to other platforms.
- That publication takes place with an open license, in accordance with the FAIR principles, and to explore copyright conditions to promote open access, for example via so-called secondary publication rights (Bibsamkonsortiets, 2024).

As you can see the action plan for Bibsam steering committee tightly follows the recommendations from the Beyond transformative agreements working group the National guidelines and the council conclusions. With these different policy documents with recommendations Sweden has a solid policy base to continue to strive beyond the transformative agreements.

8. NEGOTIATING AGREEMENTS BEYOND THE TRANSFORMATIVE AGREEMENTS

During 2023 the Bibsam consortia had negotiations with three of the larger commercial publishers. The steering committee had followed the discussions from the Beyond Transformative Agreements working group and had brought some factors from the discussions into the strategic directions of the negotiations. The negotiations

started before the report from the Beyond Transformative Agreements was published. One important direction in the negotiations was to not negotiate a traditional transformative agreement. Bibsams goal was to get agreements for publishing as a service that is transparent and reasonably priced. Bibsams steering committee thought it was important to start the discussions with one of the major commercial publishers, Elsevier. Before the negotiations started the Chair of Bibsam had a high-level meeting with Elsevier's CEO to discuss the preconditions of the negotiations. At the first meeting between the negotiating teams, they discussed the shared objectives of the negotiations. After some discussions they agreed over these shared objectives:

1. Piloting an agreement beyond a transformative agreement

Both parties agree to move beyond the current "transformative" agreement, to an agreement that is based on the services provided by the agreement (publishing, reading, platform), in particular publishing as a service.

2. Transparency

Both parties agree to work together to present information that explains how prices are set for services and helps the academic community to take informed decisions.

3. Sustainable Pricing

Both parties agree to negotiate with the aim to reach an equitable agreement before year end that will reflect the value exchanged when it comes from services granted by this agreement.

After both parties had agreed on the shared objectives for the negotiations, we continued with a workshop to find models for an agreement beyond transformative agreements. Both parties brought different scenarios to the table as: a global equity model, transition to publish and publishing as a service. After discussions we agreed to continue looking at a model for transition to publish, a soft move into a pure publishing model. After tough negotiations we agreed on the financial terms of the agreement. We ended up in a four-year agreement (2024 – 2027). To make the transition to a pure publishing agreement the reading fee will be phased out during these years and in 2027 Bibsam will pay zero for the reading part. Bibsam will have unlimited publishing and reading in both gold and hybrid journals in Freedom collection, and publishing of 100 articles and unlimited reading in Cell press. The total price for the agreement was

lowered with 11% for 2024 and will remain on the same level for the rest of the years. Bibsams goal was to reach an agreement based on publishing as a service with a "price free" reading component and that the cost of the agreement should decrease. In some way we achieved all our goals with unlimited publishing, a phased out reading fee and a major cost decrease. It is harder to say that the costs are transparent. Bibsam have left the historic spend on printed journals and with unlimited publishing left the exact count of APCs - but on what costs the agreements price is based on is not fully transparent. The agreement will be published in the ESAC registry so you can try to understand the transparency of the costs. It is an agreement beyond the transformative agreements as it left the mix of pricing on read and publish and will only be based on publishing, but will it help to drive the transition to pure open access? I think that the agreement is a step in the right direction and hope that other consortia will consider the direction to phase out the reading fee, but it is only a beginning. To make the full transition we need to work with various complementary and supporting strategic initiatives and measures.

9. CONCLUSIONS

Transformative agreements will not by themselves produce the transition of the scholarly communication system to open access. We have now worked with them for many years and the countries that have invested most in them have reached a substantial amount of open access articles, but with increasing costs. There is a big risk that the transformative agreements will continue for many years but still not develop to a transition of the system. The risk is that the transformative agreements just become a new business model that the commercial publishers are satisfied with and also the consortia are quite satisfied with as they can show higher numbers of open access when they are monitoring its publishing. Sweden is one of the countries that were early adopters and we have reached nearly 90% open access by them, but as early adopters we have also seen the pitfalls of the agreements. They are not driving the transition and comes with a high-cost increase. The discussions in Sweden have led to different policy documents; from the council conclusions to the action plan of the Bibsam consortia. In all the policy documents you can see a common trend: that to change the scholarly communication system you must actively work with different complementary scenarios. The council conclusions, "Towards an open, equitable and sustainable scholarly publishing system", from the Swedish presidency of EU in 2023, states that

the current system isn't innovative enough as there is no real competition. The system can only change if we invest in alternative infrastructures owned by the research performing organisations that brings the control of the scholarly communication system back to the academia. In the Swedish guidelines on open science, they demand immediate open access and that the cost of scholarly publishing must decrease and that the authors should keep the copyright to their articles. In the recommendations from the strategic group Beyond Transformative Agreements it is a clear recommendation to stop signing transformative agreements as they function today, and to work with various complementary and supporting strategic initiatives and measures as to build alternative publishing infrastructures and work on copyright issues for open access. This recommendation was adopted by the Swedish Rectors Conference. Finally, the action plan of the Bibsam consortia is pointing in the same direction, to work on agreements beyond the transformation and to support new paths to open publishing, as well as to develop alternative business models and keep working on copyright conditions to promote open access.

In Sweden we now have a solid policy platform for continue working on changing the scholarly publication system, but it is important to act on the policies and implement them into action. The Bibsam consortia has already succeeded in their negotiations with Elsevier to get an agreement beyond the transformative agreements but that is not the only measure. We are now having a discussion between the Rectors conference (SUHF), the funders, and the National library on how to support the development of the European Commission's alternative publishing platform Open Research Europe (ORE). In the policy evolution in Sweden, it has been important that all the stakeholders within the system are working together for common goals, but to really reach a transition to an open access scholarly system we also need to have a constructive international discussion where we can align our strategies. As it is today, we are not internationally aligned on how to reach a systematical change of the scholarly communication system and as long as we don't have common strategies, we just will continue to just make small adjustments in an oligopoly system that won't change.

10. NOTES

1 CoARA website url: <https://coara.eu/>

2 ESAC Transformative Agreements Registry website Url: <https://esac-initiative.org/about/transformative-agreements/agreement-registry/>

3 *ibid* s. 4

4 *ibid* s. 5

5 *ibid* s. 5

6 *ibid* s. 5

7 *ibid* s. 7

8 Rapport med bakgrund och fördjupning (2024). URL: <https://www.kb.se/samverkan-och-utveckling/nationella-riktlinjer-for-oppen-vetenskap.html> Only in Swedish

9 Chartering Sweden's path beyond transformative agreements – analysis and proposals for strategic direction (2023). URL: <https://suhf.se/app/uploads/2023/10/Charting-Swedens-path-beyond-transformative-agreements-%E2%80%93-analysis-and-proposals-for-strategic-direction-October-2023.pdf>

10 Recommendation Regarding Chartering Sweden's Path Beyond the Transformative Agreements (2023). URL: <https://suhf.se/app/uploads/2024/01/SUHF-REC-2023-7-Recommendation-regarding-charting-Swedens-path-beyond-the-transformative-agreements-1.pdf>

11. STATEMENT OF CONTRIBUTION TO AUTHORSHIP

Widmark, Wilhelm: Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Resources, Supervision, Validation, Writing – original draft, Writing – review & editing,

12. CONFLICT OF INTEREST DECLARATION

The author of this article declares that he has no financial, professional or personal conflicts of interest that could have inappropriately influenced this work.

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