

Hereunder some guidelines as defined by the Couperin.org professional board for the negotiations of resources in 2017 (to be effective in 2018).

Budgetary context and cost of electronic resources

Since 2010, the French Higher education and Research institutions have suffered major financial setbacks which directly impact documentation budgets.

The ongoing stagnation in terms of means allocated to higher education and research institutions obliges them to downgrade their operating standards and to go on freezing recruitment. This multiannual freeze has a detrimental impact on tens of researchers-lectures positions in some universities. The crisis has been worsening in the last two years due to the significant increase in the number of students enrolling (+2.5% for academic year 2015 and + 2.6% for academic year 2016).

In January 2017, Couperin.org has conducted a survey among its members in order to study the potential evolution of their budget in 2018. The analysis of the answers given by the 165 respondent institutions, points to a **-1%** average evolution trend of documentary budgets. Most of the surveyed institutions (60%) point to a zero evolution after two or three years decrease or stagnation.

Bearing in mind this tight budgetary context and the pressing need to achieve savings, the institutions draw Couperin.org and all the negotiators' attention to the need for limiting documentation costs to the minimum. They clearly lay the stress on the need for cost-cutting.

It is no longer possible to cope with these drastic budget cuts: in 2015 and 2016, several institutions had to suppress resources in their collections (major multidisciplinary publishers or prestigious learned societies). **43% respondents say they will have to unsubscribe from electronic resources in 2017.**

The publishers have been asked once again this year to make financial propositions taking onboard the budget limitations in Higher Education and Research institutions. By tailoring their propositions to the financial means available in the institutions, publishers will maintain their resources in our documentation portfolio and in so doing will ensure the editorial diversity and the visibility of their products with the users and prescribers' community.

VAT

As for the procurement of resources coupling hard copies and e-versions (i.e the “composite resource”), suppliers are free to apply the reduced VAT rate (printed journals) or the standard rate (20%). Justification of the breakdown between the two VAT rates (see decree 2011-115) will be requested.

E-book suppliers will apply the low VAT rate applicable to digital books. Part of the offer can be subject to a higher VAT rate corresponding to the digital service included in the product package. In case of any doubt on the legal nature of the resource, the supplier will take all the necessary steps with the Tax Authorities in order to get the explanations and clarifications needed. This measure is only applicable to suppliers whose branches are located in France. All the other suppliers will be requested to write the invoices without VAT in compliance with article 283-1 of the Inland Revenue Code (CGI) in which case the purchaser will have to pay for VAT.

Circulation of the offers: content description

In order to facilitate the circulation of the offer among the members of the Couperin consortium, publishers must give an accurate and comprehensive description of the contents of the offer.

Licenses

Providing a license is mandatory. We draw the publishers’ attention to the fact that in compliance with act n° 94-665 dated August 4th 1994 dealing with the use of the French language in French administrations, the institutions’ accountant officers can require a license written in French before authorizing the payment of invoices.

Similarly, should parties fail to find an amicable solution to disputes or litigations (as per the French Code of Civil Procedure CPC –article 48), contracts shall not designate any Court derogating from the provisions of French Law, since Couperin.org does not engage in any commercial activity.

In order to avoid any payment problem, the suppliers are requested to submit a **license written in French**. If not, the original license will have to be translated in French (translation fees to paid by the supplier).

From now on and if needed, contract documents, apart from grouped purchase orders, may be checked by a specialized expert legal service, after approval of the National Documentation Centre (CND) officer.

Letter of agreement

For all the deals which do not involve order groupings, a formal letter of agreement will be signed by Couperin.org and the supplier. This document will formalize the supplier’s commitment, define the scope of the offer, the authorized users, the documents-related rights, the terms and conditions and the duration of the agreement... This document will

serve as a reference framework in case of litigation and for future deals and will also provide a valuable objective and common tool for negotiators. It must be signed by the negotiator and by a representative of the publisher and appended to the commercial offer and the license signed by the contracting parties.

These documents are a pre-requisite to the circulation of offers among members.

Suppliers are requested to submit the list of Couperin subscribers and the corresponding invoiced amounts to the negotiator.

Multi-site institutions

Many institutions operate on several sites that can be quite distant from one another. For all that, they are part of a single homogeneous administrative structure with a global management system and they must be considered as a single entity.

The number of students and faculty is identified and reported at institution level. Consequently, the access to resources is available to the community as a whole, whatever the location of the people concerned by the offer.

Even if management is more complex for a multi-site institution, this does not justify any increase in the price of subscriptions; the fees on offer must only and exclusively take into account the number of students and people on the payroll. The prices cannot and must not depend on the number of sites that are part of an institution. Should any financial proposition fail to comply with this principle, it will be clearly discarded by the consortium.

Statistics

Suppliers commit themselves to deliver a monthly statistical report on the use of each resource, in compliance with the COUNTER code of good practice in force (release 4 valid from January 1st 2014).

They are requested to produce all the mandatory reports in COUNTER format- **version 4**: JR1, JR1a, JR1 GOA, JR2, JR5, DB1, DB3, BR1, BR2, BR3.

The reports will be provided in spreadsheet format (csv or xls files) and in xml format; they will be accessed via a web service described in the SUSHI protocol.

All the relevant information is available on the official website www.projectcounter.org and on

the Couperin consortium website:

www.couperin.org/fr/dossier-de-veille-thematiques/statistiques-dusage/counter

A guide-book in French is available for the publishers to upgrade compliance:

<http://www.couperin.org/component/content/article/256-couperin.org/relations-editeurs/counter/926-guide-pour-l-agrement-counter>

Additional technical information (roll-out instructions) are also available on:

http://www.couperin.org/images/stories/documents/Statistiques/COUNTER/V4_FR/appd_fr.pdf

Archives: access to the previously subscribed resources after unsubscribing

In order to enable the institutions which no longer subscribe to a given resource to retain access to the previously subscribed documentation resources, the supplier must state the terms and conditions guaranteeing this access.

The consortium would like to now include in the agreements signed with the suppliers the possibility to have the data and metadata available for upload on the national archive platforms which will be in charge of data storage on the French territory and of secured access management. Extended rights (including data mining -DTM) have to be granted and access management entrusted to the consortium which will provide reports to the supplier. This last resort measure is meant to ensure sustainable data record on the French territory through a state (hence sustainable) institution.

So, an agreement will be signed between the publisher and INIST-CNRS (for the PANIST platform) or with ABES (for the ISTEEX platform).

Open Access

The publisher should have an explicit and public policy in this respect (policy referenced on [Sherpa / Romeo](#) or [Heloïse](#)).

COUPERIN encourages the publishers to authorize the submission of the final version of research publications (after peer-review) to the open archiving warehouse of the institutions (green open access).

If and whenever possible, the publisher will earmark the open access contents (e.g hybrid contents including some “gold open access”).

Services

Inter-library loans: Suppliers authorize the use of licensed resource content in order to meet inter-library loans needs provided the use remains strictly limited to the Higher Education and Research institutions. Negotiators will ask the suppliers for detailed information on the type of loan allowed (electronic loan, printed version...).

For e-books, the suppliers will indicate the conditions for delivering part or all of the document to a third party library user unless they do not hold these rights, in which case they will facilitate the evolution of the service delivered in collaboration with the rights' holders.

Supply of metadata: The publishers commit themselves to provide structured, open and well-documented metadata (e.g in XML format) to the suppliers of knowledge base and discovery tools, federated search engines, e-resources management tools, etc.

They will undertake the necessary systems development so that resources can be incorporated and they will provide all the technical information needed at no extra charge.

Free access to this information will be available on the Couperin site. The publishers are invited to endorse the KBART-type initiatives.

Public access to the negotiation-related documents

The professional board of Couperin.org considers that the confidentiality provisions provided by some suppliers are not legitimate. Couperin.org acts for the benefit of its members which all have a public service mission (whether they are private or public institutions). Hence, citizens are entitled to know the results of the negotiations conducted by the consortium.

With the exception of market rates and prices paid by individual institutions, all the negotiation-related documents will be posted on the COUPERIN website.

Confidentiality clauses will be excluded both from the contracts and from the agreements.

On behalf of the professional board

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