

Negotiations 2019 - Guidelines

Hereunder some guidelines as defined by the Couperin.org professional board for the negotiations of resources in 2018 (to be effective in 2019).

Budgetary context and cost of electronic resources

The Higher Education and Research institutions have to reconsider their research-focused documentation expenses. The ongoing trend towards ever higher scientific information prices has significantly increased expenditure and has directly impacted our budgets.

The development of « open access » and the alternative modes of publishing or access to scientific information have drawn the institutions' attention to the need for streamlining the research documentation expenses in order to be able to fund other initiatives.

This new strategy can only reach its goals if suppliers accept to lower their prices ; failing that, the institutions may have to unsubscribe.

Quotations will thus be carefully studied and unfounded price increases may lead to reject some of the consortium offers.

« Niche » or innovative educational resources will be studied and envisaged separately.

Archives: access to the previously subscribed resources after unsubscribing

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

The consortium would like to now include in the agreements signed with 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 have to be granted and access management entrusted to the consortium which will provide reports to suppliers. 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 any other replacement platform).

VAT

As per the French General Tax Code, a 5.5% reduced VAT rate is applicable to most digital publications negotiated within the framework of the Couperin.org consortium. A 2.1% rate may be applied in some other cases.

All the 2019 negotiations must include the rate complying with the General Tax Code (reference: <http://bofip.impots.gouv.fr/bofip/1437-PGP.html>).

Justification of the application of any other VAT rate or breakdown between the two VAT rates in force (see decree 2011-115) will be requested.

Updated information on the subject and a FAQ section will be available on the Couperin.org site. For more, please refer to the National Documentation Department (DND) coordinator.

Circulation of the offers: contents description and pricing model

In order to facilitate the circulation of the offer among the members of the Couperin.org consortium, publishers must give an accurate and comprehensive description of the contents and pricing model of the offer. The description should include, when appropriate, details on the part subject to paywalls and on open access resources (copyright free documents...)

Suppliers shall provide a simulation of the pricing model (on the basis of the N-1 year scope) and proposals for any other institutions showing their interest. They are also invited to make detailed proposals including all the information on degressive prices.

The lead negotiator shall be informed of any individual quote posterior to the circulation of the offer by Couperin.org. All the prices offered to the institutions must comply with the validated Couperin.org offer; should a supplier make a better offer to any member of the consortium, the latter shall apply to all the other members.

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 any dispute or litigation (as per the Public Procurement Code regulating the agreements and contracts between French public institutions and private sector providers), the latter shall fall within the jurisdiction of the Administrative Court of the subscriber and be solved according to the law and regulations applicable in France. If a license bears mention to a foreign Court, the legal departments of the institutions are entitled to reject it.

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

to be paid by the supplier).

From now on and upon request of the negotiators, contract documents may be checked by a specialized expert legal service after approval of the National Documentation Department (DND) 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 and 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.

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

Consequently, suppliers are requested to submit the list of Couperin.org subscribers and the corresponding invoiced amounts to the consortium.

Invoiced amounts

The Charter of the Couperin.org members clearly states that the Consortium must be informed of all the agreements signed with a publisher. According to the letter of agreement signed by the supplier, the latter shall provide Couperin.org with the comprehensive list of the institutions that have subscribed to a negotiated offer and with the invoiced amounts.

Unless otherwise stated during the negotiation, Couperin.org receives a clear mandate from the member institutions to collect the information on the invoiced amounts from the suppliers. This includes both the amounts invoiced within the framework of the contracts negotiated with Couperin and the other amounts invoiced to the institutions.

Multi-campus institutions

Some institutions operate on several campuses 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. Each subscribing institution shall declare the number of students and people on its staff.

A multi-campus institution should not be charged with higher subscription prices; the prices 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 campuses 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 detailed statistical report on the use of each resource, in compliance with the COUNTER code of good practice in force.

They are also requested to produce all the mandatory reports in COUNTER format to each subscribing institution. Moreover, a consortium access will be granted to Couperin.org in order to facilitate access to the detailed information per institution and to the overall Consortium amounts.

The reports will be delivered in spreadsheet compatible 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 web site <http://www.couperin.org/groupes-de-travail-et-projets-deap/statistiques-dusage/counter>

Additional relevant information is available to the non compliant publishers: <http://www.couperin.org/relations-editeurs/counter-pour-les-editeurs>

Open access

We draw the publishers' attention to the fact that, in compliance with article 30 of the law of 7 October 2016 for a Digital Republic "French Digital Law" and in compliance with article L. 533-4.-I of the Code of Research, the authors of scientific papers that have been granted at least 50% public funding are authorized to submit the final version of their research publications to the open archiving warehouse of the institutions within 6 months after publication for science and technology and within 12 months for humanities and social sciences.

Services

Inter-library loans: Suppliers authorize the use of licensed resources in order to meet inter-library loans needs provided the use remains strictly limited to Higher Education and Research institutions. Suppliers are requested to provide the negotiator(s) with 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, discovery tools, federated search engines, e-resources management tools, bibliographic references, 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.org site. Publishers are invited to endorse the KBART-type initiatives.

Public access to documents (included in the negotiations)

Couperin.org implements both the relevant European and French rules on the freedom of information in subscribing public institutions and the provisions of the Code of relationships between the public sector and the administration. Only the data concerning the exceptions duly mentioned in the French regulations in force shall be considered as confidential (damage to the financial interests of the holder and business secrecy).

Hence, confidentiality clauses will be excluded both from the contracts and from the agreements.

On behalf of the professional board

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