



23 February 2010

## ***Open Access in the EU's research programmes***

According to the European Commission's Communication on the Innovation Union flagship initiative of 6 October 2010, "[t]he Commission will promote open access to the results of publicly funded research. It will aim to make open access to publications the general principle for projects funded by the EU research Framework Programmes".<sup>1</sup>

Although BUSINESSEUROPE welcomes the concept of open access *in principle*, it is not clear whether the Commission's ambition is to give open access only to published versions or final manuscripts accepted for publication (interpretation 1 below), or also to *any other results* from publicly funded research (interpretation 2 below). To avoid misunderstandings, the Commission's intentions should be clarified.

BUSINESSEUROPE's position on these two interpretations can be summarized as follows:

### *Interpretation 1:*

If the Commission's intention is to extend the obligations in the current open access pilot in part of the Seventh Framework Programme for Research and Technological Development (FP7) to the entire current or future research programmes, this can only be welcomed, provided that such an extension has the same boundary conditions<sup>2</sup> as the present pilot, i.e:

- the scope must be limited to published versions or final manuscripts accepted for publication resulting from EU-funded or co-funded research projects;
- there must be no obligation to publish;
- there must be no interference with commercial exploitation of research results or the possibility to protect results by intellectual property rights such as patents.

### *Interpretation 2:*

If the Commission's intention to the contrary is to promote open access not only to published versions or final manuscripts accepted for publication, but also to data, images and any other results not covered by the FP7 pilot, this would make participation unattractive by limiting possibilities to effectively protect the competitive edge of research results by means of intellectual property rights or confidentiality. If

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<sup>1</sup> Point 20 on page 19 of the Communication.

<sup>2</sup> See the European Commission's publication "Open Access Pilot in FP7"

( [http://ec.europa.eu/research/science-society/document\\_library/pdf\\_06/open-access-pilot\\_en.pdf](http://ec.europa.eu/research/science-society/document_library/pdf_06/open-access-pilot_en.pdf)

and Frequently Asked Questions on the matter

( <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/548> ).



others can freely use research results and imitate innovations based on those results, there is no point in investing in research and its subsequent application and commercialization. As a consequence, full and unconditional open access may very well lead to less innovation and less economic impact of the EU's research programmes. The same reasoning is applicable to national funding of research.

Therefore, policies for promoting open access to results from publicly funded research other than scientific publications or their final manuscripts accepted for publication should only apply on a voluntary basis and provided that the legitimate interests of all partners in the consortia are not adversely affected.

*Note:*

*This position is also applicable for EU funded innovation projects in the broader sense (going beyond the scope of FP7) if such projects will become eligible for EU support during the next multiannual financial framework of the EU.*

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