

cOAlition S

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Our ref.: 2019/39

Date: 7 February 2019

Feedback from the Norwegian National Research Ethics Committees to the Guidance on the Implementation of Plan S

FEK'S RECOMMENDATIONS:

- **Plan S and the guidance document should strive to strike a balance between the norm of openness and other ethical norms.**
- **The implementation of Plan S should not be rushed. Necessary infrastructure in order to secure the integrity and quality of scientific research should be in place at the time of implementation.**
- **cOAlition S should undertake an impact assessment of Plan S and the initiatives in the guidance document.**
- **The implementation of Plan S should continue and encourage the good elements in the existing system.**
- **The funders behind Plan S should take active part in establishing a publishing system that favours quality and integrity in research, in co-operation with the research society.**
- **The cap of APCs should not be set too low. Funders and publishers should develop guidelines for recognized publication practices.**
- **The goals of Plan S could be revised and expressed as “Establishing a responsible system for publication of science with Open Access”.**

Introduction

The Norwegian National Research Ethics Committees (FEK) are administrative bodies that are autonomous in professional matters. This feedback is given by the administration (secretariat) for FEK.

In Norway, the term *research ethics* refers to a variety of values, norms and institutional arrangements that help constitute and regulate scientific activities. The term relates to research in different areas and in different relationships, such as good scientific practice and the scientific community, responsibilities for those taking part in research and researchers' societal responsibilities.¹ Our feedback to the Guidance on the Implementation of Plan S (guidance document) is based on research ethics in this broad sense of the term.

General comments

As a general comment, FEK supports initiatives that contribute to good and responsible research. Openness and fairness are established norms in research ethics, among many others, and Open Access may contribute to achieving these norms. However, in order to achieve good and responsible research, Open Access must be implemented in a prudent and responsible manner. This feedback is limited to the plans given in the guidance document on the implementation of Plan S. FEK's feedback should not be understood as taking position for or against Open Access as such.

Overall, FEK would like to express support to the response and recommendations given by ALLEA in December 2018.² FEK's additional feedback is stated in the following sections below.

QUESTION 1: IS THERE ANYTHING UNCLEAR OR ARE THERE ANY ISSUES THAT HAVE NOT BEEN ADDRESSED BY THE GUIDANCE DOCUMENT?

Unclear bits-and-pieces approach

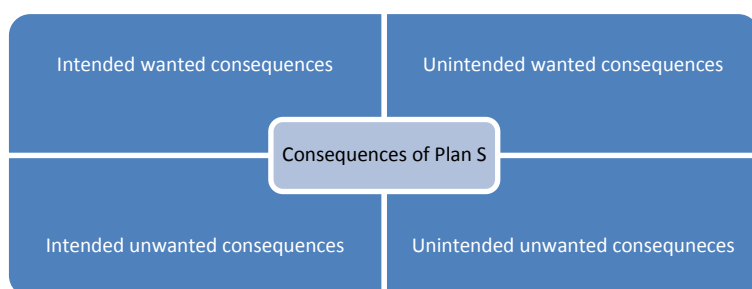
Parts of the guidance document are formulated in rather general terms, such as sections 3. *Publication Costs* and 4. *Supporting Quality Open Access Journals and Platforms*. The main message in these sections seem to be that future clarifications are needed. As it seems, Plan S will demand Open Access publications already from 2020 without having the necessary infrastructure in place to support and promote responsible research. This is in stark contrast to the Technical Guidance and Requirements (sections 8 to 11), which are very specific. The reason may be that the technical parts are already established, for instance the existing licences in Creative Commons (CC). This leads to our impression of the guidance document as taking very lightly on the principal issues of how to establish a well-functioning publishing system based on Open Access (OA). The bits-and-pieces-approach is unclear as to when, who and how the issues will be addressed. Unfortunately, this contributes to the impression of Plan S being rushed towards the set time of implementation in 2020, in a top-down process with limited scientific and public involvement.

¹ [Guidelines for Research Ethics in the Social Sciences, Humanities, Law and Theology, Introduction, NESH 2016](#)
[Guidelines for research ethics in science and technology, Research Ethics, NENT 2016](#)

² https://www.allea.org/wp-content/uploads/2018/12/ALLEA_Response_PlanS.pdf

Impact assessment

When initiating new incentives, public authorities should always strive to clarify possible outcomes, which is a legal obligation according to Norwegian law. This prudent approach should apply to the implementation of Plan S as well. Unfortunately, an impact assessment has not been made, neither in Plan S nor the guidance document. FEK would strongly advise cOAlition S to undertake an impact assessment, for example as this:



The impact assessment could provide information on substantial matters that should be addressed in the implementation of Plan S. Some of these matters concern principles of research ethics and research integrity, as will be shown below.

Research ethics

Research ethics consists of different norms and values in order to achieve good and responsible research. These norms and values may pull in separate directions, and they need to be weighed and balanced against each other. Openness is an important norm in research ethics. However, openness must be balanced against other norms such as quality of research, academic freedom and scientific integrity. This reflection, this balancing, is missing from Plan S and the guidance document, where openness seems to be the sole issue.

Academic freedom, including the freedom to publish, is a core norm in research ethics. Openness in publishing and academic freedom can be balanced in pragmatic ways in order to cater for both norms, for instance in Green Open Access, open archiving etc. Unfortunately, Plan S seem to restrict academic freedom by forcing researchers to publish with Open Access without scientific reasons to do so. There may be good reasons for supporting Open Access, especially economic, but this may also lead down a slippery slope with academic freedom being restricted one step at a time. What will be the next “good reason” to restrict academic freedom? FEK questions if it is worth restricting the principle of academic freedom through Plan S when the shift to Open Access already has gained necessary momentum and support in the worlds of science and publishing.

Plan S and the guidance document leave the impression that there are no elements in the existing publishing system worth keeping. From FEKs experience, recognized journals make substantial contributions to the integrity of the research they publish, and they are willing to invest time and money in order to do so. Also, responsible publishers contribute to publication ethics, which is closely related to research ethics. One example are the recommendations on authorship to scientific publications made by the International Committee of Medical Journal Editors. These recommendations are considered common ethical norms in many countries. Thus, it is important

that the implementation of Plan S continues and encourages the good elements in the existing system.

Research integrity

Plan S and the guidance document do not mention integrity of research, nor how the initiatives in the guidance document may affect research integrity. This is contrary to the efforts and the emphasis on research integrity made by the European Union and other research stakeholders, such as ALLEAs Code of Conduct for Research Integrity and the work undertaken by Science Europe.^{3, 4}

A severe concern of FEK is how Plan S may cause unintended and unwanted behaviors in the research system, especially on the part of publishers and researchers. The existence of so-called *predatory journals* has become well-known, but Gold Open Access may also be beneficial for low-quality journals with low editorial standards and little quality assurance. The last was a major issue in a Norwegian case on alleged research misconduct, where the National Commission for the Investigation of Research Misconduct (part of FEK) criticized the management of the Norwegian Publication Indicator, including the management of the register of approved journals - which is a *whitelist*.⁵ The investigation showed that the register was undermanned and the process of exclusion from the register was non-transparent.

There are established several registries of approved journals where some are public, and some are private. However, it is an on-going discussion if such registries should function as *blacklists* or *whitelists*, and there are no common standards for registration. In addition, maintenance costs are high and the resources limited, as shown in the Norwegian investigation mentioned above. The easiest option is to make researchers responsible for all aspects of their publications. Although easy, this approach is unfair on researchers already fulfilling many obligations while having little influence on the research system itself. In FEK's opinion, major stakeholders in scientific research, such as funders, governments, research institutions, publishers etc., all have a common responsibility to secure the integrity of the system. FEK expects the funders behind Plan S to take an active part in establishing a system that favours quality and integrity in research, in co-operation with the rest of the research society.

Capping APCs

Plan S has vowed to cap APCs, but according to the guidance document, the details will be decided in the future. In FEK's opinion, just pushing the APCs to a low level may damage the integrity of research and may create incentives for publishers/journals to minimize costs in order to maximize economic profit. Minimizing costs will most probably include cutting editorial staff and editorial work, journalistic dissemination of research and participation in the international work of research ethics and publication ethics. FEK would therefore strongly advise not to set the cap too low, and to encourage funders and publishers to establish guidelines for recognized

³ <http://www.allea.org/wp-content/uploads/2017/04/ALLEA-European-Code-of-Conduct-for-Research-Integrity-2017.pdf>

⁴ <https://www.scienceeurope.org/policy/policy-areas/research-integrity/>

⁵ https://www.etikkom.no/globalassets/documents/granskingsrapporter/uttalelse-i-sak-om-publiseringsspraksis_anonymisert.pdf (in Norwegian only)

publication practices. Ideally, these efforts should be in place by the time of the implementation of Plan S.

IPR and CC licences

FEK agrees with ALLEA that the guidance document seems to be contradictory and unclear when it comes to the obligations to retain intellectual property while using CC BY-licences. In addition, the attribution-requirements under CC do not fulfill the ethical requirements of scientific citation practice.⁶

QUESTION 2: ARE THERE OTHER MECHANISMS OR REQUIREMENTS FUNDERS SHOULD CONSIDER TO FOSTER FULL AND IMMEDIATE OPEN ACCESS OF RESEARCH OUTPUTS?

FEK would advise cOAlition S to keep up the efforts to make scientific results openly accessible while taking into consideration other ethical responsibilities as well, in order to obtain a fair and responsible research system. As such, the goals of Plan S could be revised and expressed as “Establishing a responsible system for publication of science with Open Access”.

Yours sincerely,

Espen Engh (sign.)

Director of the Norwegian National Research Ethics Committees

⁶ For instance NESH 2016 D:26 (<https://www.etikkom.no/en/ethical-guidelines-for-research/guidelines-for-research-ethics-in-the-social-sciences--humanities-law-and-theology/d-the-research-community/>)