

# European Open Science policy

**DG RTD**

Explanatory Meeting on the Acquis, Chapter 25: Science and Research  
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*These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union.*

# Open Science in FPs



# **Scientific publications in H2020**

(Art. 29.2 MGA)

## **Mandatory open access to peer-reviewed publications through repositories**

*What to do?* Deposit + open access



# Research data in H2020 (Art. 29.3 MGA) *a.k.a. the Open Research Data Pilot (ORD)*

**Not so much a pilot any more! By default in!**

- unless exception in WP

**Addresses several things at once:**

- **Streamlining Research Data Management (RDM)** as a standard practice through **Data Management Plans (DMPs)**- required as deliverable
- **Open access to research data**- as open as possible, as closed as necessary!

**Costs for open access to research data fully eligible during the duration of the project**

# Which types of data?

- **'underlying data'** (the data needed to validate the results presented in scientific publications), **including the associated metadata** (i.e. metadata describing the research data deposited), **as soon as possible**

- **any other data** (for instance curated data not directly attributable to a publication, or raw data), **including the associated metadata, as specified and within the deadlines laid down in the DMP** – that is, according to the individual judgement by each project/grantee.

# Data Management Plans

- **Projects need to create a DMP**, except if they opt-out (although they still can on a voluntary basis).
- DMP=early deliverable **within 6 months** of the start of the project
- **Living document!** To be updated

## But not all data can be open

“as open as possible, as closed as necessary!”

Projects can therefore **partially or totally opt out** at any stage (either before or after signing the grant) **or stay in and have their data closed** (and “just” have a DMP) if they explain that:

- participation is incompatible with the obligation to protect results that can reasonably be expected to be **commercially or industrially exploited**
- participation is incompatible with the need for **confidentiality** in connection with security issues
- participation is incompatible with rules on protecting **personal data**

- participation would mean that the **project's main aim** might not be achieved
- the project will **not generate / collect any research data** or
- there are **other legitimate reasons** (*you can enter these in a free-text box at the proposal stage*)





- Clarifies and strengthens the **OA obligations**;
- **Empowers the authors** of scientific publications;
- Is home of **FAIR data sharing** while complying with IPR rules and exploitation obligations set in the GA;
- **Encourages Open Access** to other research output;
- Promotes compliance with '**Open Science principles**' through a combination of obligations and incentives;
- Implements **sanctions** for those beneficiaries that repeatedly and consistently fail to provide the required open access, requiring institutions to assume responsibility for their intellectual output;
- Introduces the use of '**new generation**' **metrics** for better assessing the impact of research output and the engagement in Open Science.



# Articles setting Open Science obligations in Horizon Europe

**Article 2** defines open science

**Article 10** sets the obligations for Open Science with regard to Open Access, RDM, FAIR and other open science practices

**Article 35** foresees further obligations in terms of IPR, Data Management Plans, FAIR and use of European Open Science Cloud and certain exceptions (“as open as possible as closed as necessary”)



Public sector and  
publicly funded data



Private sector data



Research data

Proposal for a  
revision of the  
Directive on the  
reuse of public  
sector information

Draft Guidance on  
private sector data  
sharing in B2B and  
B2G contexts

Update 2012  
Recommendation  
on access to and  
preservation of  
scientific  
information

# 2018 DATA PACKAGE

*Different policy instruments for different types of data*



# Directive on the re-use of Public Sector Information (recast)

- EC proposal adopted on 25 April 2018 as part of the “**data package**”. **Final text agreed** in trilogues in January 2019 and **to be adopted at EP/Council level in April 2019**
- Aims to increase the amount of **government data available for re-use** in Europe
- **Research data** now under the scope of the Directive
- **Article 10**
  - (1) Member States shall adopt **open access policies**
  - (2) Publicly funded research data which are publicly available through a repository shall be **re-usable**



- Art. 10(1) Member States shall support the availability of research data by **adopting national policies and relevant actions** aiming at making publicly funded research data openly available ('open access policies') **following the principle of open by default and compatible with FAIR principles.**

In this context, concerns relating to intellectual property rights, personal data protection and confidentiality, security and legitimate commercial interests, shall be taken into account **in accordance with the principle “as open as possible, as closed as necessary”.**

These open access policies shall be addressed to research performing organizations and research funding organizations.



- Art.10(2) **Research data shall be re-usable** for commercial or non-commercial purposes under the conditions set out in Chapters III and IV, **insofar as they are publicly funded and** researchers, research performing organisations or research funding organisations have already made them **publicly available through an institutional or subject-based repository.**

In this context, legitimate commercial interests, knowledge transfer activities and pre-existing intellectual property rights **shall be taken into account.**

This provision shall be without prejudice to point (c) of Article 1(2).

# Recommendation on access to and preservation of scientific information

- Revision of the document from 2012, adopted on 25 April 2018 as part of the “**data package**”.
- Sets (updated) recommendations for the Member States on:

**Open access** to scientific publications

**Management of research data**, including open access

**Preservation and re-use** of scientific information

# Recommendation on access to and preservation of scientific information



**Infrastructures** for open science

**Skills and competences**

**Incentives and rewards**

**Multi-stakeholder dialogue** on open science at national, European and international level

**Structured coordination** of Member States at Union level  
**and follow-up** to this Recommendation





# Directive on Copyright in the Digital Single Market

- EC proposal adopted in September 2016. **Final text agreed in trilogues in February 2019**
- Art. 3(1) **Mandatory exception for Text and Data Mining (TDM)** for research organisations and cultural heritage institutions **for the purposes of scientific research**
- Art. 3a(1) **TDM exception for all and all purposes provided that** the use of works and other subject matter has **not been expressly reserved by their rightholders** in an appropriate manner



# Thank you!

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