



European Research Area action: Provide researchers with better legal conditions and resources to access and reuse public funded research results and use of publications and data for research purposes

Inspiring ERA

Overcoming Barriers in Open Access Publishing: Towards a More Inclusive and Sustainable ERA, 28 October 2025 (online presentation)

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Research and
Innovation



The broader policy framework of the ERA

ERA Policy Agenda

- Non-binding instrument: Council Recommendation or Council conclusions
- Encourages voluntary collaboration and commitments on ERA activities
- Politically endorsed in **May 2025**

ERA Act

- Mission letter of Commissioner Zaharieva's
- Legal instrument to tackle enduring issues that are not solved through voluntary measures
- Propose measures to foster the free movement of research, knowledge and technology → "5th freedom"
- Internal/external reflection started, proposal **planned for 2026**

ERA in Horizon Europe

- Grant-based funding framework
- WIDERA work programme specifically supports the implementation of ERA Policy Agendas

Targets defined in ERA Policy Agenda 2022-2024

ERA Action 2

- “Propose an EU copyright and data legislative and regulatory framework fit for research”

Outcomes

- 1) “Identify barriers and challenges to access and reuse of publicly funded R&I results and of publications and data for scientific purposes, and identify potential impacts on research, through an analysis of relevant provisions under EU copyright and data legislation and related regulatory frameworks, and of relevant institutional and national initiatives.
- 2) Propose legislative and non-legislative measures to improve the current EU copyright and data legislative and regulatory frameworks”



Activities done so far

- Four independent expert studies conducted in 2022
- Workshops with stakeholders in 2022-2023
- Online event on preliminary findings of major study in February 2024
- Major study published in May 2024
- Discussions of findings with ERA Forum in November 2024
- Ongoing economic study



ERA Policy Agenda 2025-2027

- 19 new actions prepared by ERA Forum and ERA Committee (ERAC)
- [Commission proposal for Council Recommendation on ERA Policy Agenda 2025-2027](#) was adopted on 28 February
- New ERA policy agenda
- New ERA action 1 on enabling open science, including:
 - Further development and expansion of European Open Science Cloud (EOSC)
 - Provide researchers with better legal conditions and resources to access and reuse public funded research results and use of publications and data for research purposes

Framework for major study

Objective: Providing comprehensive evidence on challenges, barriers and possible policy measures to improve access to and reuse of research results, publications and data for scientific purposes.

Methodology:

- 1) Literature review and a comparative legal study identifying areas for possible improvement in the EU copyright, data, and digital legislation.
- 2) Survey programme targeting researchers, research performing organisations (RPOs) and scientific publishers.
- 3) Interview programme to gather in-depth insights from legal experts.

Multi-criteria analysis: Evaluation of the social and economic impact of the identified measures.

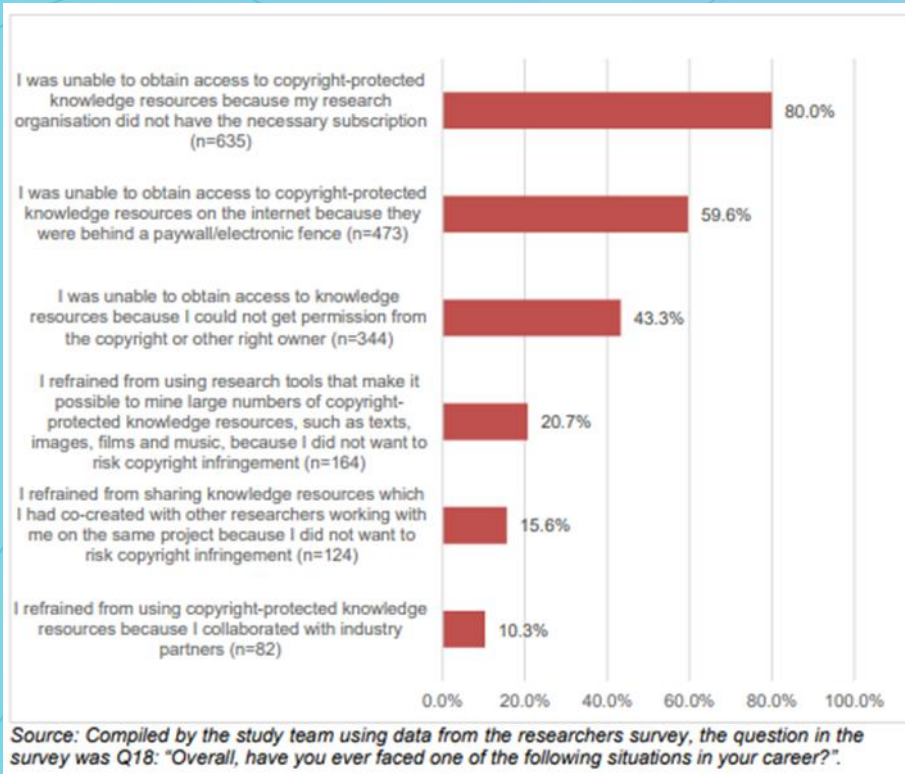
The study is prepared for the European Commission, but it only reflects the views of the authors.



Challenges and barriers identified in major study

- Consequences related to the transfer of rights by researchers and their organisations to publishers (need to obtain subscriptions to copyright-protected material, difficulty to share such material with research partners, difficulties in some cases to obtain rightsholders' permission to publish in open access, possible high costs to make research outputs available in open access).
- Copyright exceptions exist for the purposes of scientific research, but these exceptions are mostly non-mandatory for Member States or have limitations on scope. The study reports that this causes fragmentation and legal uncertainty for researchers regarding what they can or cannot do with their own and the works of other researchers.
- Uncertainty among researchers and research performing organisations about who controls access to specific sets of research data, and how it can be used and shared.
- Researchers and research performing organisations find it difficult to navigate in the new data access rights of the EU's data and digital legislation, including the conditions under which large platforms are to share data with them for scientific research purposes.

List of barriers for researchers to access and share copyright-protected material

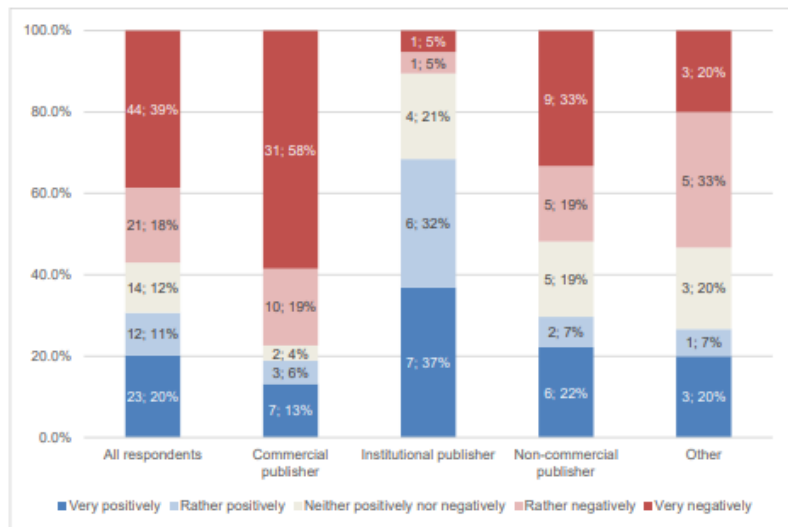


Policy options: Secondary publication right (SPR)

- Analysis of potential for EU-wide secondary publication rights
- Experiences with national SPR legislation introduced the following member states: Germany, France, Netherlands, Belgium and Austria (Bulgaria introduced SPR during the study – was not analysed)
- Policy options for SPR:
 - 1) Cover a broad range of scientific output (not only research articles)
 - 2) Relax public funding requirements (50% or less)
 - 3) No confinement to author accepted version or earlier versions
 - 4) Minimising embargo periods (6 months or less)
 - 5) No confinement to specific forms of use, including non-commercial purposes

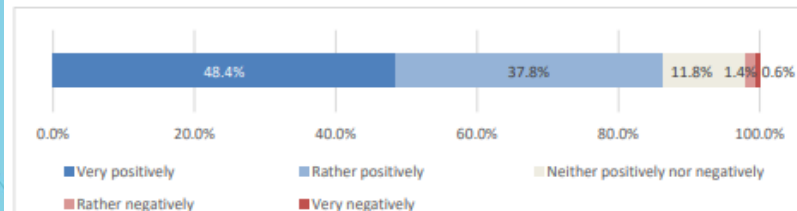
Stakeholder views on EU-wide SPR

Figure 20. Publishers' views on the potential introduction of an EU-wide Secondary Publication Right legislation (breakdown by commercial, institutional, and non-commercial publishers)



Source: Publishers' survey, Q22: "In principle, how positively or negatively do you view the potential introduction of an EU-wide Secondary Publication Right legislation?", n=61. Note: numbers in the bars are presented in the following format: "number of responses; percentage share".

Figure 17. RPOs' attitudes toward the potential introduction of EU-wide Secondary Publication Right legislation



Source: RPO survey, Q29: "In principle, how positively or negatively do you view the potential introduction of an EU-wide Secondary Publication Right legislation?", n=498.

Policy options: Copyright and related rights (CRR)

- Comparative analysis of how the research exceptions of the EU's copyright acquis have been implemented in member states
- Finding that research exceptions are mostly voluntary and limited in scope
- Policy options explored to achieve a harmonised legal landscape:
 - 1) Strengthening general research exception
 - 2) Relax or abandon the non-commercial use requirements
 - 3) Address legal uncertainty and divergent approaches to text and data mining provisions

RPOs' views on CRR measures

Table 16. Public policy changes to support the use of copyright-protected knowledge resources

	Very strongly favour/ accept	Rather favour/ accept	Neither favour/ accept nor reject	Rather reject	Not support at all
Copyright law should contain an open-ended clause that generally permits the use of copyright-protected knowledge resources for all kinds of research purposes. (n=500).	239 (47.8%)	168 (33.6%)	53 (10.6%)	31 (6.2%)	9 (1.8%)
Copyright law should contain specific exceptions and limitations covering specific types of use: provisions specifically explain the circumstances in which researchers can use copyright-protected knowledge resources. (n=498).	203 (40.8%)	200 (40.2%)	59 (11.8%)	29 (5.8%)	7 (1.4%)
With regard to the existing copyright exceptions for text and data mining, further guidance should be provided to allow researchers to better understand the circumstances in which they can rely on the existing copyright exceptions. (n=489).	271 (55.4%)	169 (34.6%)	43 (8.8%)	5 (1.0%)	1 (0.2%)
Copyright law should allow for researchers' access to copyright-protected knowledge resources, even if they are behind a paywall, under strict conditions defined by law in case of overwhelming public interest. (n=491).	232 (47.3%)	169 (34.4%)	54 (11.0%)	30 (6.1%)	6 (1.2%)
Copyright law should ensure that copyright-protected knowledge resources to which one research partner in a broader consortium has lawful access can also be used by all other partners in a research consortium. (n=479).	196 (40.9%)	181 (37.8%)	71 (14.8%)	20 (4.2%)	11 (2.3%)

Source: RPO survey, Q27: "Would you be in favour of the following public policy changes to support the use of copyright-protected knowledge resources (such as books, articles and other texts, images, pictures, videos and films, and music) for research?".



Scientific publishers' views on CRR measures

Table 219. Public policy changes to support the use of copyright-protected knowledge resources (such as books, articles and other texts, images, pictures, videos and films, music) for research (all types of publishers)

	Very strongly favour/accept	Rather favour/accept	Neither favour/accept nor reject	Rather reject	Not support at all	Total
Copyright law should contain an open-ended clause that generally permits the use of copyright-protected knowledge resources for all kinds of research purposes	13 (21.7%)	3 (5.0%)	1 (1.7%)	8 (13.3%)	35 (58.3%)	60
Copyright law should contain specific exceptions and limitations covering specific types of use: in the sense of provisions that specifically explain the circumstances in which researchers can use copyright-protected knowledge resources without asking the copyright holder for prior authorisation	9 (14.8%)	17 (27.9%)	5 (8.2%)	7 (11.5%)	23 (37.7%)	61
With regard to the existing copyright exceptions for text and data mining, further guidance should be provided to allow researchers to better understand the circumstances in which they can rely on the existing copyright exceptions and need not seek permission from copyright holders	16 (27.1%)	14 (23.7%)	7 (11.9%)	7 (11.9%)	15 (25.4%)	59
Copyright law should ensure that copyright exceptions for research use cover not only non-commercial research but also public-private partnerships	8 (13.6%)	8 (13.6%)	5 (8.5%)	6 (10.2%)	32 (54.2%)	59
Copyright law should allow for researchers' access to copyright-protected knowledge resources, even if they are behind a paywall, under strict conditions defined by law in case of overwhelming public interest	9 (15.3%)	6 (10.2%)	3 (5.1%)	8 (13.6%)	33 (55.9%)	59
Copyright law should ensure that copyright-protected knowledge resources to which one research partner in a broader consortium has lawful access can also be used by all other partners in a research consortium. The existing lawful access of one partner should be sufficient for the whole consortium	9 (16.1%)	4 (7.1%)	4 (7.1%)	5 (8.9%)	34 (60.7%)	56
Copyright law should facilitate umbrella licensing solutions to make research use possible, such as extended collective licensing (collecting societies are entitled to offer umbrella licences covering various types of copyright-protected knowledge resources) or lump sum remuneration regimes (copyright holders receive a pre-determined lump sum payment for research use)	7 (13.2%)	6 (11.3%)	8 (15.1%)	8 (15.1%)	24 (45.3%)	53

Source: Compiled by the study team using data from the publishers' survey, the question in the survey was "Would you be in favour of the following public policy changes to support the use of copyright-protected knowledge resources (such as books, articles and other texts, images, pictures, videos and films, music) for research?"



Multi-criteria analysis of SPR and CRR policy options

- Multi-criteria analysis, assessing the social impact/impact on science and economic impact of the proposed SPR and CRR measures
- Positive social impact in terms of accessing and reusing research results, on collaboration opportunities and, in general, on advancing R&I
- Economic impact is mixed - More resources for RPOs while certain publishers will lose revenues
- A more comprehensive economic impact analysis is recommended

Economic analysis of SPR and CRR policy options

- Request from ERA Forum to provide additional evidence on economic impact on SPR and CRR measures
- Measures on data and digitalisation will not be included as these are non-legislative
- Ongoing large-scale economic study **launched in Q32025**
- Purpose to analyse impact on:
 - Research performing organisations
 - Scientific publishers
 - The economy as whole and the scientific ecosystem in EU/EEA
 - Competitiveness of EU/EEA vs. non-EU G7 countries

ERA Act

- ERA Act is foreseen in [mission letter to Commissioner for Startups, Research and Innovation and Competitiveness Compass for the EU](#)
- Broad initiative including ERA actions of legislative measures
- Call for evidence
- Public consultation on ERA Act
- Impact assessment on ERA

Procedural steps towards the ERA Act

Throughout 2025

Targeted
consultations, such
as ERA Forum
workshop and ERAC

August 2025

(4 weeks)

Call for evidence

**Second half of
2025**

(12 weeks)

**Public consultation
questionnaire**

Q3 2026

**Commission
proposal**



European
Commission



Thank you!



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