

Library Consortia in Germany

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CONSORTIUM? PURCHASING ASSOCIATION? CONSORTIUM!

Whenever German librarians talk about consortia in the presence of lawyers (even if they are librarians themselves) they meet with vehement protest. In German the legal term „consortium“ is restricted to a relatively narrow meaning. In „Meyers neues Lexikon“ from 1993 it is defined as: „Bank merger for stock exchange dealings and credit transactions ...“ And from the same source the definition of consortial business: „Syndicate business for which several members (mostly banks) join up for a consortium. Reasons for forming a consortium are: 1. Overstraining of the financial resources of each individual consortium member, 2. spreading of risks ...“¹

While risk-spreading is not really an issue for libraries, their financial resources are undoubtedly overstrained. There are three reasons: the pricing policy – that is to say the heavy annual price rise – of the publishers, the rapidly increasing number of academic publications not likely to slow down in the foreseeable future as well as the expectations and wishes of our users and customers, the scientific community. Therefore, the term „purchasing association“ may be the correct one from a (German) legal point of view. As in many similar cases the term was adopted from an Anglo-American background with a much broader meaning: „Partnership, association. Now more specifically an association of business, banking or manufacturing organizations.“² In Germany the term „consortium“ is now widely used for joint actions of libraries.

Looking at the present situation in Germany³ consortia show a considerable variety of organizational forms. Only in the case of the Friedrich-Althoff-Consortium in Berlin-Brandenburg a corporate body with deed of partnership does exist.⁴ In other German states consortia have been formed which are represented by an individual library (e.g. Baden-Württemberg) or by a central institution such as the Bayerische Staatsbibliothek in Bavaria or the Hochschulbibliothekszenrum NRW in North Rhine-Westphalia. Rarely contracts for nationwide consortia have been signed; resulting from an initiative of a

professional society, the „Gesellschaft Deutscher Chemiker“, an agreement was reached allowing for the use of the Beilstein-Crossfire-database in participating universities all over Germany.

SUBSCRIPTION/LICENSING OF ELECTRONIC JOURNALS

The origin of consortia in the sense of purchasing associations is inextricably bound up with the journal crisis, which has been conjured up time and again for many years.

According to an analysis of the German library statistics⁵ conducted by the Universitäts- und Landesbibliothek Münster the number of journal subscriptions only in North Rhine-Westphalia went down by 15% between 1989 and 1998 from formerly about 95,000 to 81,000 copies. At the same time the expenditure increased by 63% from 19.6 million DM to 31.9 million DM. In 1999 more than 2,500 journal subscriptions totalling 4 million DM had to be cancelled in North Rhine-Westphalian libraries.

Usually one talks of *a* or even *the* journal crisis, but does it really exist? If looked at closely the crisis is rather one of those particular subject fields that rely more heavily on publishing their research results in the form of journal articles and that have undergone the following development:⁶

- In the beginning scientists studied phenomena of heaven and earth. On the first day they came together and formed groups according to their interests. These groups later became known as professional societies. And it was good.
- On the second day more people showed interest in the research results. And it was good.
- On the third day the professional societies published their findings in periodicals and learned journals. These journals reached the highest number of readers, because their prices were affordable for both libraries and personal subscribers. The proceeds were of benefit for science, professional societies flourished. And it was good.
- On the fourth day scientists constantly asked for more and more highly specialised journals. Commercial publishers took advantage of this opportunity and took part in what in the meantime had become a business. And it was no longer good!

- On the fifth day bigger publishers took over the small ones and founded groups that could make enormous proceeds by continuously raising the journal prices. Libraries reacted by directly or indirectly reducing their expenditure for monographs and journals in the humanities and social sciences, in order to satisfy the claims of scientists to keep up subscriptions in those subjects as medicine, natural and engineering sciences where third-party funds⁷ are an indispensable pillar of research. A cloud of darkness gathered above academic publishing!
- On the sixth day scientists, professional societies, librarians and funding bodies began discussing possible solutions. And it was good!
- On the seventh day ... but here we must stop, since the seventh day on which a solution is found has not yet begun.

From an objective point of view only STM-research has seen the somewhat sneeringly commented development. It is the only one to be affected by the journal crisis that has been discussed for several years and is at the moment object of heated debate. But the physicists have shown, for example, that the provision of information can be organized totally different. At the end of the sixties and the beginning of the seventies librarians were confronted with a term that was new to many of them, the so-called „preprints“. The information that was later to turn up again in journals was even then spread worldwide by mail. Nowadays the preprints are distributed and archived electronically; the Los Alamos e-print server is very well known.⁸ Many subject areas of physics – not only high energy physics where it emanated from – as well as mathematics are now covered in this form. For some time attempts have been made in the USA to build up similar structures for life sciences and medicine.⁹

Those subjects severely affected by the journal crisis must find ways to make sure that the academic and professional success of their talented recruits does not depend on publishing as many articles as possible in the most renowned and therefore almost inevitably expensive journals. For electronic archives it is also possible to conduct a kind of peer-review-procedure, in order to prevent the distribution of unqualified or even wrong research results.

The transition from printed to electronic journals was often considered as providing an added value in regard to the availability at the working place (in the university and/or at home) and perhaps also to the quality of the new service because of integrated multimedia features. Another expectation was also common, namely that subscription prices would be reduced considerably. This quickly turned out to be completely wrong.¹⁰

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Up to now the contracts signed for using electronic journals show that additional fees at varying level have to be paid. The strategy for the pricing and marketing policies of the publishers aims at keeping the turnover that is reached in the print sector at least steady if proceeds cannot be increased.¹¹

It was the coincidence of journal crisis and development of electronic publishing that led libraries to the formation of consortia,¹² since profit orientation was not only to be recorded for commercial publishers. The first contract of this kind in Germany was signed in 1997 by eight North Rhine-Westphalian university libraries with the Elsevier group.¹⁵ This contract raised a controversial debate with a number of critical comments.¹⁴

In the following a brief overview of those contracts which are valid in Germany at the time of writing:

Academic Press

Bavaria: contract for 30 libraries (2 from outside Bavaria), duration 1999 – 2002

Friedrich-Althoff-Konsortium: contract for 8 libraries, duration 1997 – 2001

Hesse: contract for 12 libraries, duration 1999 – 2001

North Rhine-Westphalia: contract for 13 libraries (2 from outside NRW), duration 2001

Elsevier

Bavaria: contract for 28 libraries, duration 2001 – 2003

Friedrich-Althoff-Konsortium: contract for 9 libraries, duration 1999 – 2001

Bremen: contract for 1 library, duration until the end of 2001

Hesse: contract for 12 libraries, duration 2000 – 2002

North Rhine-Westphalia: contract for 27 libraries, duration 1997 – 2000 (negotiations for 2001)

Kluwer

Friedrich-Althoff-Konsortium/Bremen: contract for 13 libraries (5 outside Berlin/Brandenburg), duration 2001

Hesse: contract for 13 libraries (1 outside Hesse), duration 2000 – 2001

North Rhine-Westphalia: contract for 27 libraries, duration 2000 – 2001

Springer

Friedrich-Althoff-Konsortium: contract for 8 libraries, 1998 – 2000 (negotiations for 2001)

Hesse: contract for 12 libraries, duration 1999 – 2001

North Rhine-Westphalia: contract for 27 libraries, duration 1998 – 2001

Rhineland-Palatinate: contract for 13 libraries (2 outside Rhineland-Palatinate), duration 2000 (negotiations for 2001)

Saxony: contract for 9 libraries, duration 2000 – 2001

Further contracts have been signed with the American Chemical Society, the Institute of Physics Publishing and various other publishers. While the contracts with Academic Press cover the complete list, there are considerable differences within the Elsevier and Springer contracts. The complete list of journals is at the moment only offered in North Rhine-Westphalia, while in the other consortia only those titles are accessible of which a printed subscription is held at least by one member of the consortium. Within Elsevier licences some consortia gained a so-called „transactional allowance“ allowing the access to titles and downloading a given number of articles without a printed version. Hesse and North Rhine-Westphalia have servers of their own to provide access to the data from Elsevier (Science Direct on site) whereas the others make use of the Elsevier server.

The screenshot shows the HeBIS Consortium website in Microsoft Internet Explorer. The browser's address bar displays the URL: http://www.hebis.de/hebis-konsortium/e_index.html. The website has a navigation menu with links for 'home', 'HeBIS', 'Contact', and 'German Version'. Below the navigation menu is a section titled 'Synopsis of current, scheduled and postponed projects' with a sub-section for 'E-Journals'. A sidebar on the left contains three dropdown menus: 'Consortium' (with 'make your selection' as a placeholder), 'Projects' (with 'Electronic journals' selected), and 'Service' (with 'make your selection' as a placeholder). The main content area features a table titled 'Academic Press' with the following data:

Academic Press	
Product	APPEAL
Scope	about 176 journals from 1996 on, not included : 60 medical titles of the imprints Saunders and Churchill Livingstone
Term of Contract	contract valid as from : 01.01. 1999 ; renewal until 31.12.2001
Financing	the licence costs of 15 % are fully covered by central funds of the consortium
Participants	UBs : Darmstadt, Frankfurt, Gießen, Kassel, Marburg FHBs : Darmstadt, Frankfurt, Gießen-Friedberg, Fulda, Wiesbaden LBs : Fulda und Wiesbaden

Fig. 1: Agreements for electronic journals of the HeBIS Consortium in Hesse

SUBSCRIPTION/LICENSING OF BIBLIOGRAPHIC DATABASES AND FACT DATABASES

In this field again North Rhine-Westphalia can look back on the longest period of experience. As early as 1994 – long before „consortium“ made its first appearance in German library terminology – the „Arbeitsgemeinschaft der Universitätsbibliotheken“ (Working Party of University Libraries) in the Association of North Rhine-Westphalian Libraries had decided, under certain conditions¹⁵ to achieve price reductions for CD-ROM databases by group buying and centralised bargaining.

In the following years these databases were run on the local CD-ROM-networks of each individual library. With the development of ever faster data communication techniques a change from local to central storage was undertaken. Nowadays most of the databases are available within the framework of the „Digital Library NRW“¹⁶ or accessible directly via the publisher/vendor. Since January 2000 the „Hochschulbibliothekszentrum NRW“ in Cologne is responsible for the acquisition of new contents for the „Digital Library NRW“ and consequently for the negotiations with the numerous suppliers of databases as well as other products such as text corpora, multimedia textbooks etc.

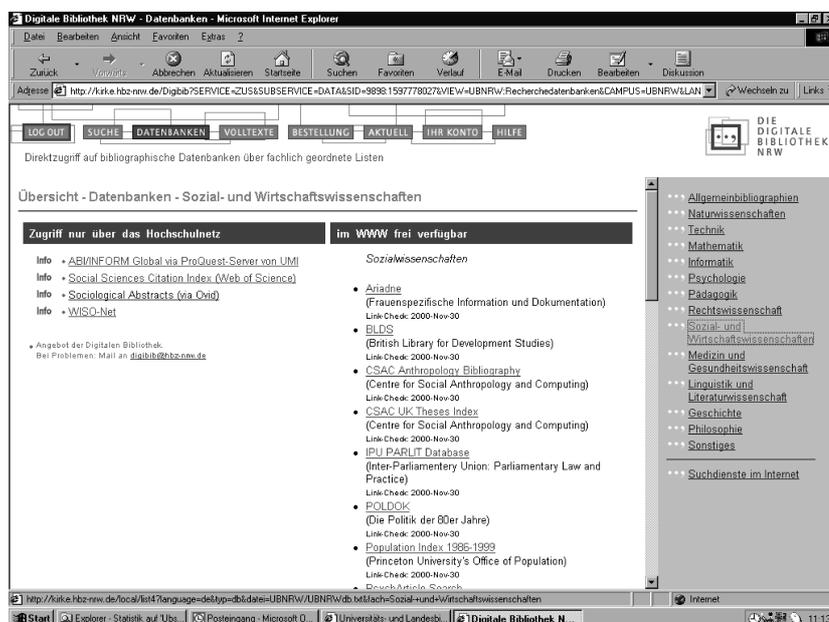


Fig. 2: List of Databases (Economics and Social Sciences) of Digibib NRW

In the meantime other German states have formed consortia, mostly on their own but also in cooperation with each other. Their financing varies considerably: In some cases the costs of the initial phase are covered by central funding of the ministry in question (e.g. in Baden-Württemberg and Hesse), in others a partial amount comes from central sources. Numerous databases in North Rhine-Westphalia were subsidized with 70% in 2000. In other regions, however, the participating libraries have to pay the total amount completely from their own resources.

The following list shows a selection of databases acquired by German library consortia:

ABI Inform (Bell & Howell)

Baden Württemberg: contract for 7 libraries (ABI Inform Global Image or ABI Inform Research)

Bavaria: contract for 8 libraries (ABI Inform Global Image or ABI Inform Research)

Hesse: contract for 3 libraries (ABI Inform Research)

North Rhine-Westphalia: contract for 20 libraries (ABI Inform Research or ABI Inform Research)

INSPEC

Baden-Württemberg: contract for 7 libraries (within a contract for the use of several databases via FIZ Karlsruhe)

Friedrich-Althoff-Konsortium: contract for 6 libraries

GBV: contract for 3 libraries

Hesse: contract for 6 libraries (within a contract for the use of several databases via FIZ Karlsruhe)

North Rhine-Westphalia: contract for 17 libraries

Saxony: contract for 9 libraries (within a contract for the use of several databases via FIZ Karlsruhe)

MLA International Bibliography (Modern Language Association of America)

Baden-Württemberg: contract for 9 libraries

Bavaria: contract for 9 libraries

GBV: contract for 2 libraries

North Rhine-Westphalia: contract for 14 libraries

Web of Science (Institute for Scientific Information)

Baden-Württemberg: contract for 4 libraries, contents: SCI

Bavaria: contract for 6 libraries, contents: SCI as well as Current Contents Connect

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Friedrich-Althoff-Konsortium: contract for 27 libraries (open consortium for the states Berlin, Brandenburg, Bremen, Hamburg, Hesse, Mecklenburg-West Pomerania, Saxony, Saxony-Anhalt, and Thuringia), contents: SCI, SSCI, AHCI as well as Current Contents Connect, duration 2000 - 2002

Lower Saxony: contract for 15 libraries

North Rhine-Westphalia: contract for 15 libraries, contents: SCI, SSCI, and from 2001 AHCI

WISO (GBI German Business Information)

Baden Württemberg: statewide contract for all academic libraries

Bavaria: contract for 21 libraries

Hesse: contract for 12 libraries (1 outside Hesse)

North Rhine-Westphalia: contract for 24 libraries

Saxony: contract for 9 libraries

In addition there are agreements with German subject information centres (FIZ Karlsruhe, FIZ Technik, JURIS) regulating the online use of their databases.

GERMAN-AUSTRIAN-SWISS CONSORTIA ORGANISATION (GASCO)

On January 24th, 2000 representatives of all active consortia in Germany met at the Bavarian State Library in Munich and founded a „Arbeitsgemeinschaft Konsortien“ in which meanwhile also colleagues from Austria and Switzerland are taking part.¹⁷

GASCO is meant not only to improve mutual information about current negotiations and the conclusion of new contracts, but also to concentrate competences and to discuss strategies concerning individual suppliers. It is looking for a pragmatic way for the conclusion of contracts beyond the boundaries of the individual German states. At the moment consortia start out from the assumption that the prerequisites for nationwide contracts signed by other than subject oriented consortia are not (yet) given in Germany.

The activities of GASCO will be guided by the principles laid down in important policy documents such as those initiated by LIBER¹⁸ and ICOLC.¹⁹

PROBLEMS AND AIMS

The formation of consortia entails a number of practical problems that have to be solved by the libraries. First of all there is the question of who is going to negotiate on their behalf. The signing of the contracts is usually left to corporate bodies from the library world such as state libraries or library service centres. The time-consuming task of securing the best possible conditions, of keeping everyone informed about the current state of affairs, and the often tedious business of word-splitting in regard to the text of the licence agreement is usually left to librarians willing to take it on as an additional task. Only some consortia e.g. the Swiss Consortium, the Friedrich-Althoff-Consortium and the Heese-Consortium are managed by special staff. In North Rhine-Westphalia a working group of several librarians familiar with the intricacies of acquiring electronic media has been set up. The chief negotiator's task, however, is not made easier by the volatility of the libraries wishing to take part in a consortium. Since the price for a database or a package of electronic journals depends to a considerable extent on the number of libraries involved it is essential for the negotiator in charge to know as early as possible the precise number of consorts.

University libraries with a two-tier system of central library and departmental libraries find it particularly difficult to give an unconditional yes for negotiating a contract. For them the question of cancellations of print versions of journals during the duration of the contract is of crucial importance. The relationship between central library and departmental libraries is based on cooperation and the former cannot guarantee that the latter will not cancel any of the subscriptions falling under the terms of the contract. In some cases the existence of multiple copies within one library system has been especially taken into account. Only one printed copy per site must be guaranteed. In other cases any single printed copy is subject to the non-cancellation clause so that the central library must take over the subscriptions cancelled by the departmental libraries. Any publisher should be aware of the fact that this practice might prevent a lot of libraries from taking part in a consortium.

A problem that the North Rhine-Westphalian working group has discussed in detail is an equally equitable and simple method to distribute the (additional) costs among the libraries participating in a consortium.

1. The libraries vary considerably in size, usage and financial strength. By no means can polytechnics and universities be measured with the same yardstick.

2. As long as detailed statistics of the actual use of databases and electronic journals are missing any allocation model will inevitably be based on a university's number of academic staff and/or students. Sometimes reliable figures are not easily available. Furthermore, they have to be split up according to major subject fields such as arts and humanities, engineering, social, or natural sciences, or medicine. Any allocation model must take into account the special situation in STM-research and at the same time do justice to the quite considerable number of students and academics in the arts and humanities.
3. Any attempt at finding an equitable distribution between the basic amount to be paid by every participant (one third, 60% or even 80%) and a proportionate surcharge according to the number of academic staff in certain subject fields led to more or less unsatisfying results. Not seldom some of the libraries would have paid less by accepting a publisher's offer outside the regulations of the consortium – a reduction to absurdity of the idea of a purchasing association. Furthermore, the regulations of each contract differ extremely so that a unique solution must be found for each consortial agreement.

While libraries must find ways to make consortial licences an easy to handle and effective means of their acquisition policy in times of financial restraints, publishers and information suppliers must help removing some stumbling stones on the way to establishing consortia as an efficient method of selling their products.

The question of use statistics with a detailed evaluation of successful log-ins has not been solved by the information suppliers to the satisfaction of the libraries. For journals a minimum solution would include that statistical data be submitted listing monthly or at least quarterly the precise number of successful log-ins for each title at each participating institution of higher education. If this can be achieved in the beginning for downloading complete articles, it has to be realised in the future also for access data to tables of contents and abstracts.

As it is now all publishers and suppliers start from the presupposition that the current number of subscriptions (print subscriptions in case of the journals, individual subscriptions for the databases) form the incontestable basis for all calculations of what a consortium will have to pay. It is urgent to develop new models that will probably contain demographic factors and/or usage data.

The question of longterm archiving entailing that of permanent access still remains to be solved. Elsevier, Springer as well as other publishers have put forward first, yet very different solutions.

Similar to the United Kingdom and Austria the taxation of electronic media in Germany is quite a problem. For purely electronic products a VAT-rate of 16% has to be paid whereas it is only 7% for printed versions. It must be an aim to work on the political level for putting an end to this divergence.

It is a real concern to all German consortia that in the future the complete number of journals on offer from one publisher is no longer to form the basis of the contracts. It is absolutely necessary to come to agreements that provide the participating libraries with access to a range of core-journals which may vary from one consortium to the other. For the remaining titles the access must be organised on the basis of the pay-per-view method. That might also be a way out of the journal crisis. The first offer of this kind was made by Springer to the North Rhine-Westphalian libraries for the year 2001. Calculating the costs it turned out that the pay-per-view solution was far more expensive than a traditional license with cross-access.

PROSPECTS FOR THE FUTURE

Whether consortia will become a permanent feature of the dealings between libraries and publishers is rather doubtful. At least some of the „big names“ in the publishing business seem already on the retreat as was shown in some proposals of the year 2000. They seemed to prefer dealing with the libraries individually. This is bound up with more work for their sales representatives but leaves on the other hand more scope for offers precisely meeting the requirements of the library in question. If there are no extra-funded nation- or state-wide licence agreements, this form of joint activities between libraries will very likely remain an episode on the way to solving the problems of academic publishing business. Consortia are a temporary remedy in the context of the journal crisis helping to relieve the pain but unable to make the disease forgotten.

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- 1 Meyers neues Lexikon, Mannheim 1993.
- 2 Oxford English Dictionary. Online Edition.

- 3 For a description of German consortia see Werner Reinhardt: „Konsortialverträge: Ein Weg zur digitalen Bibliothek.“ In: Bibliotheksdienst 32 (1998), pp. 887-895 <http://www.dbi-berlin.de/dbi_pub/bd_art/98_05_08.htm> and by the same author: „Konsortialverträge: Neue Tendenzen?“ In: Bibliotheksdienst 33 (1999), pp. 2088-2093 <http://www.dbi-berlin.de/dbi_pub/bd_art/bd_99/99_12_07.htm>.
- 4 Contract for academic libraries and other institutions in Berlin/Brandenburg for the acquisition of journals and other electronic media. Berlin, 6. Febr. 1998 (unpublished).
- 5 Deutsche Bibliotheksstatistik - Berichtsjahr 1998, Berlin, 1999.
- 6 Adopted from Alison Buckholtz: „Electronic Genesis: E-journals in the Sciences.“ <<http://www.arl.org/sparc/core/index.asp?page=f23>>.
- 7 In Germany third-party funds are funds not coming from the budget of the university but from research projects financed by industry or other institutions such as the Deutsche Forschungsgemeinschaft.
- 8 See <<http://xxx.lanl.gov/>>.
- 9 See e.g. Michael Daey, „The scholarly journal in transition and the PubMed Central proposal.“ In: Ariadne, Issue 21 (20-Sep-1999) <<http://www.ariadne.ac.uk/issue21/pubmed/>>. For further information see: <<http://www.nih.gov/welcome/director/pubmedcentral/pubmedcentral.htm>>.
- 10 „There is no doubt, on the other hand, that access to electronic journals is not possible without additional funding, even if compromise solutions are included in consortial agreements that safeguard the interests of the libraries.“ Rolf Griebel, Ulrike Tschardtke: „Etatsituation der wissenschaftlichen Bibliotheken 1997/98.“ In: Zeitschrift für Bibliothekswesen und Bibliographie, 45 (1998), pp. 604-631.
- 11 A fairly recent example for this is the contract between the Dutch university libraries and Elsevier from June 2000 (see Alex Klugkist's article in this issue). Not only the turnover has been guaranteed for five years, but also an annual price rise of five percent has been accepted. In return **all** Elsevier journals are available to **all** members of the consortium. It is doubtful if this can be considered an adequate quid pro quo.
- 12 If the central problem in the field of scientific journals is solved by consortial agreements is rather questionable. Such contracts will be useful only for a transition period. The future belongs to „selling“ individual articles/information, based on the commercial model of „pay-per-view“.

- 13 See Elisabeth Niggemann, Werner Reinhardt: „1000 Zeitschriften im Volltext verfügbar: NRW-Bibliotheken und Elsevier.“ In *Bibliotheksdienst*, 31 (1997), pp. 2147-2150; <http://www.dbi-berlin.de/dbi_pub/bd_art/97_11_05.htm>.
- 14 E.g. Diann Rusch-Feja: „E-Journals in Germany: efforts, collections and organization.“ In: *Serials*, 12 (1999), pp. 235-253, especially p. 236.
- 15 At least five libraries must take part and the annual subscription costs must exceed 1,500 DM. For a detailed description see the website „Current CD-ROM subscriptions in North-Rhine Westphalia“: <<http://www.hbz-nrw.de/hbz/set.html>>.
- 16 See <<http://www2.digibib-nrw.de/>>.
- 17 See Rolf Griebel, Werner Reinhardt: „Gründung der Arbeitsgemeinschaft Konsortien.“ In: *Bibliotheksdienst*, 34 (2000), pp. 799-803; <http://www.dbi-berlin.de/dbi_pub/bd_art/bd_2000/00_05_08.htm>.
- 18 Alex C. Klugkist: „LIBER Licensing Principles for Electronic Information.“ In: *LIBER Quarterly*, 9 (1999), pp. 388-390. Also published on the LIBER website: <<http://www.kb.dk/guests/intl/liber/news/981116.htm>>.
- 19 International Coalition of Library Consortia (ICOLC): Statement of Current Perspective and Preferred Practices for the Selection and Purchase of Electronic Information: <<http://www.library.yale.edu/consortia/statement.html>>.