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Directorate General for Information  
Society and Media  
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**Concern: Comments “Bibliothèque Royale de Belgique” on the questions of the European Commission for the public consultation "Europeana - next steps"**

**General**

**Question 1**

*Which orientations would you suggest for the future development of Europeana as a common access point to Europe's cultural heritage in the digital environment?*

- 1.1 Europeana should continue to integrate all available digital content from museums, libraries, archives and audio visual collections from every Member State. It should do this for collections from the national to the local level, so that the richest range of content is available to users.
- 1.2 Europeana should broaden its range to more accurately reflect the cultural and scientific heritage of Europe. This would include, but is not limited to, monuments, architecture and the built environment, archaeological sites, social history institutions, university repositories and medical museums.
- 1.3 Europeana should include collections from the wider Europe, in particular from the countries that are members of the Council of Europe. The cultural and scientific heritage of Europe is closely aligned, for example, with that of the Russian Federation and the former Soviet Union, and users would expect to find not only material about Russia but also from Russia on Europeana.
- 1.4 Europeana should give access to paid-for material as well as unpaid, and look towards a generic multilingual payment system.
- 1.5 In order to encourage Europeana to flourish, and by extension, to encourage digitisation programmes and online access to knowledge, it is vital to revisit EU copyright laws in relation to the web. Allied to this are issues around funding for cultural institutions and their digitisation programmes. Pressure on funding digitisation has two consequences which run counter to the Commission's intention in funding Europeana. The first is



that institutions set up exclusive licensing deals on long-term contracts in order to get material digitised; the second is that they are forced to maximise the revenue for re-use of digitised material. Charging for all types of re-use acts as an effective barrier to innovation and start-up creative enterprise.

- 1.6 Due to a lack of (public) funding of mass digitisation programmes the content in Europeana is and for the time being will remain biased in terms of content from the libraries' point of view as currently there are almost no books available. This should be addressed by supporting the Member States politically and financially in initiating mass digitisation activities.

### **Question 2**

*Which features should be given priority in the further development of the site?*

- 2.1 Drawing lessons from Google and other sites, the features on Europeana should be minimal in the first 2 years of operation. Europeana should use common features through opportunities presented by Web 2.0, such as the 'Add This' API which allows the user to incorporate Europeana as a favourite site or to save subsets of content to their own college site or Facebook profile.
- 2.2 Europeana should therefore focus on prioritising functionalities rather than features. A priority list must include the following.
  - 2.2.1 Work needs to be done on improving access through search and browse. This means working on models to relate metadata from the different domains, to show other items connected to the search undertaken. This will demonstrate the depth of Europeana and exploit the serendipity of chance associations. Some will be achieved by new algorithms connected with the semantic web but some is very labour-intensive and dependent on metadata standards.
  - 2.2.2 Multilingualism has to remain a high priority.
  - 2.2.3 One of the most interesting side effects of digitising and making freely available content in many languages is that this will result in large bodies of material that can be used to teach search engines to translate on the fly. For example, if all languages have a copy of Shakespeare's *A Midsummer Night's Dream*, Goethe's *Die Leiden des jungen Werther* and Proust's [À la recherche du temps perdu](#) then the search engine has a strong basis for translation and incremental improvement. This will then lead to better retrieval results and support multilingual searching.
  - 2.2.4 Using crawling technologies for full text material in order to index automatically. Google has achieved much for full text indexing and Europeana should learn from this and make use of it for the indexing and retrieval of full text material. However, Google does not deal well with metadata and because many of our cultural heritage items are not textual,



metadata remains important. Here Europeana can act as a model for Google.

- 2.2.5 Cleaning and enriching data so it can be used for geographic and temporal search and browse.

### **Question 3**

*Has Europeana struck the right balance between making Europe's digitised cultural heritage searchable through a common entry point and at the same time giving visibility to the institutions that contribute the material, or should the material accessible through Europeana be presented in a more unified way?*

- 3.1 The balance seems reasonable at the moment. Europeana's branding at the search level gives way to the content provider's branding at the item level. It is unlikely that providers would so enthusiastically make content available were they to lose their branding opportunity.
- 3.2 It is important to find ways to show and prove ownership of the digital item when it is re-used via API's. Users need to know where the content comes from to reference the item properly and to clear further rights of reuse should they need them.
- 3.3 However, according to research conducted in scientific technical and medical publishing, most users' primary concern when online is to find the material they are looking for. Their interest in the content holder or publisher, particularly of cultural heritage material, is usually secondary.

### **Question 4**

*How should Europeana further develop its own autonomous identity?*

- 4.1 Europeana has a fairly strong brand image. This should be maintained in all web 2.0 communications and applications alongside the branding of the contributor or publisher of the content. While of secondary importance to the users, it is of primary interest to the stakeholders (content providers and funders), and shows return on their investment in providing content to Europeana.
- 4.2 The EU can help to build Europeana's brand identity by ensuring that all funded projects associated with Europeana reinforce the central brand. Projects should not devote resources to building individual short-term project brands which are inconsistent with the identity of Europeana.eu and result in confusion for users.

### **Question 5**

*Should there be minimum requirements for the content brought into Europeana by the contributing organisations (e.g. minimum viewing or use options)? If so, who should be responsible for defining and imposing these minimum requirements?*

- 5.1 Minimum requirements for content should be defined by Europeana in consultation with content providers. Providers should conform to these. Otherwise there is a risk that Europeana would have to become a large-scale centralised effort, with intensive resource devoted to making incoming content compliant. By setting minimum standards, Europeana transfers responsibility out to the providers.
- 5.2 Europeana should work with content holders to achieve consensus on the minimum requirements. It should also communicate the minimum requirements to providers and the reasons for setting them. Otherwise the current voluntary nature of contribution will become difficult to maintain.
- 5.3 All data should comply with one of the current world standards for Library, Museum, Archive and Audiovisual materials. These standards, their update and maintenance are the responsibility of the professional associations such as IFLA, IASA, ICA and ICOM. Europeana should always make use of these and not invent more unless a new standard is needed to facilitate cross-domain interoperability.
- 5.4 All digitised content should contain a persistent identifier and European-level resolving services are needed to make use of these effectively. Persistent identifiers will always take a user from a link to the content item; without them, users will be constantly frustrated by broken links and error messages.
- 5.5 Organisations or aggregators submitting data to Europeana should use OAI-PMH or OpenSearch as an update mechanism as it will allow low maintenance and automatic update of their content regularly. Organisations should be willing to take on this responsibility themselves because if they can be harvested by Europeana they will also be able to expose their content elsewhere.
- 5.6 The metadata and thumbnails contributed to Europeana should be reusable in web services provided by Europeana because to do so:
  - increases the routes to the content of the individual provider
  - creates possible multiplier effects where such metadata can be instrumental in creating new services or mash ups
  - allows Europeana the flexibility to widen its appeal, enabling metadata to be reused to create sites targeted at specific audiences e.g. the visually impaired, children under 10, societies devoted to the study of a historical personality, a musical instrument, a war, etc.

Such services do not give away the digitised item. These remain in the control of the content providers, and gives them increased traffic and interest. It also allows them to charge for high resolution images for commercial use where appropriate.



- 5.7 The proposed Public Domain Charter of the EDL Foundation should be used as a guiding principle for organisations to find other ways, where possible, to earn revenue rather than from the digitisation of their content. As a principle material that was in the public domain in analogue form should remain in the public domain in digital form. Otherwise there is a risk that especially digitised books will disappear for many years from the public domain.
- 5.8 Public Private Partnerships contracted in order to digitise content should be licenced for short timescales (3-5 years). Online advances are so rapid, that tying up previously out-of-copyright information in exclusive deals for multiple years risks limiting freedom of access and thus inhibiting innovation and the development of the knowledge economy.

### **Content for Europeana**

#### **Question 6**

*Which categories of content are so important for the users that Member States and their cultural institutions should be encouraged to make them available through Europeana? What measures can be taken to ensure the availability of these works through Europeana?*

- 6.1 More studies across the range of user types in different countries are needed to establish what users want.
- 6.2 Avoiding the 20<sup>th</sup> century black hole in particular regarding books is critical, especially when seeking to engage younger audiences.
- 6.3 Other important categories of material include
- Current publications.
  - Content that reflects cross-border history, e.g. the Great War, the Roman Empire, the Vikings, the Reformation.
  - Treasured items or those which in some way define a culture, e.g. the most celebrated Greek sculpture, monuments, archaeological sites and icons.
    - Fragile items to which public access is extremely limited.
  - Items which have been separated by the activities of collectors, e.g. Leonardo's notebooks or the Codex Sinaiticus, whereby virtual reunification creates a whole that is greater than the sum of its parts.
- 6.4 Measures can be taken to encourage organisations to digitise. Financial incentives can be offered. Case studies on the multiplier effect or return on investment of digitisation should be encouraged and made more widely available. Good examples exist from the Strategic Content Alliance in the UK and the Sociaal Economisch Onderzoek (SEO, [www.seo.nl](http://www.seo.nl)) in the Netherlands.



- 6.5 Governments and Ministries should be made more aware of the benefits of digitisation in infrastructure programmes, particularly in times of high unemployment. An interesting example of this comes from Sweden, where in 1993 the Swedish National Archives was asked to employ 1000 people overnight. The result was a database of the holdings of the Swedish Archives, making it one of the best catalogued archival resources in Europe and preparing it for the internet age. The finding aids have revealed documents which users can order, enabling the Archive to get a monetary return on them. The project also gave training in computer skills and stimulated a strong interest in local culture among the participants.
- 6.6 If digitisation is undertaken by private companies and has exclusions in terms of time or use imposed upon it, part of the negotiations could include access by Europeana, even if paid for, up to a reasonable return on sales.

### **Question 7**

*What is the best way to encourage cultural institutions and rightholders to take into account cross-border access - including through Europeana - in their agreements on digitisation and dissemination of in-copyright material? Which legal or practical barriers to this cross-border access need to be addressed?*

- 7.1 Harmonization of copyright in Europe would improve the current situation. Revisit the Berne Convention with specific reference to the Internet so that new laws for Internet usage of copyrighted material can be determined.
- 7.2 Practical examples of arrangements for blanket agreements enabling sums of money to be paid to all rightholders should be considered. These include Kopinor in Norway.
- 7.3 Audiovisual material is more adversely affected by the inconsistency of legislation than any other class of material. Action is needed urgently to enable access to and preservation of the 20<sup>th</sup> century audiovisual record.
- 7.4 Legal inconsistencies and IPR-related difficulties around the digitisation of orphan and out-of-print works need resolution.
- 7.5 Organisations should avoid licensing agreements which restrict use of material to specified territories. Such restrictions inhibit the intentions of the EU in funding Europeana – i.e. to promote cross-cultural understanding and recognition of the common European heritage. Therefore public funding for mass digitisation initiatives is paramount.
- 7.6 The focus should be on the creation of scalable multilingual solutions.



### **Question 8**

*How can the difference in the level playing field for digitising and making accessible older works between the US and Europe (in particular the 1923 cut-off date in the US, that places all material from before 1923 in the public domain) be addressed in a pragmatic way (e.g. better databases of orphan and out-of-print works, a cut-off point that imposes lower requirements for diligent search in relation to orphan works)?*

8.1 Facilitation at least for orphan and out-of-print works

8.2 Setting a US-style cut-off date across the whole of Europe

8.3 Creation of basic level remuneration to rightholders such as Kopinor, via collecting agencies.

### **Question 9**

*What policies should be adopted to avoid that the process of digitisation itself creates new types of sui generis copyright that, in turn, could create barriers to the dissemination of digitised public domain material?*

9.1 Updating of EU Copyright law to the internet age.

9.2 Harmonization of copyright in Europe

9.3 In the short term, legal advice is needed to create greater clarity among organisations that digitise out of copyright material and potential users of such material as to what is acceptable usage.

9.4 The Public Domain Charter will seek to influence policy at a political level and provide recommendations at a practical level to content providers.

### **Question 10**

*What measures can be taken to ensure that cultural institutions make their **digitised public domain material** accessible and usable in the widest possible way on the Internet? Should there be minimum requirements for the way in which digitised public domain content is made available through Europeana?*

10.1 The Public Domain Charter will help to underline the primary importance of public access to information, and the public duty that cultural institutions have in underpinning knowledge transfer and innovation. Awareness raising should take place among the institutions, their funders and other stakeholders.

10.2 Forms of funding for digitisation programmes need further scrutiny. Cultural institutions seek money to digitise so that they may fulfil their public role and emulate equivalent institutions in other countries. They may be forced into closed-access revenue models unless alternative funding is available.



## **Financing and governance**

### **Question 11**

*Which financing model would reflect a fair distribution between Community funding, Member States' funding and private funding, taking into account that the aim of Europeana is to give the widest possible access to Europe's cultural heritage at pan-European level? Could Europeana be financed solely by national cultural institutions or by private funding?*

- 11.1 In the interests of public access to Europe's cultural and scientific heritage in the long-term, and the sustainability and independence of Europeana, the funding model should be 100% financed by the European Union, including overhead costs.
- 11.2 Individual Member States' primary responsibility in this area should be to fund national digitization and national digital libraries to aggregate content for Europeana. There is not likely to be great willingness to fund the pan-European "tip of the iceberg"
- 11.3 Gathering the small amounts of money from each member state is very time consuming, requiring full time effort by at least two individuals. It also creates future risk for the sustainability of Europeana should Member States default.
- 11.4 Core funding from private sources creates high risks in relation to sustainability and independence.
- 11.5 Sponsorship funding is possible but requires a good traffic basis and a strong, trained sales force at the Europeana Office. It will take time to build. Each sponsorship deal will take an average of 6 months to achieve.
- 11.6 The financing model agreed should not impose problems that make it difficult for Europeana to compete with the private sector. For example, project funding imposes a huge administrative burden on the Europeana office, reduces flexibility and distorts strategic planning. Ultimately, this reduces return seen for the citizen in the product and service delivered.
- 11.7 Sectoral or National Aggregation should be encouraged as this creates a workable business model based on the principle of subsidiarity. Each content contributor, however small, has a responsibility to provide clean, usable, standardised metadata. This can be aggregated and further standardised by the aggregator before being passed to Europeana for inclusion and for use by every European citizen and beyond. The aggregator model removes much of the data burden from Europeana while also ensuring that the original content provider can make use of their data in other collaborations with no extra work.

**Question 12**

*Is sustained European Union funding for the basic operations of Europeana necessary and justified for the period after 2013? What type of European funding instrument could best be used?*

- 12.1 In October 2009 Europeana won the Erasmus Award for Networking Europe. The independent jury of education and communications experts said in their citation, 'An open mind for the national cultural sources in Europe is crucial for the development of a common European consciousness and for the dissemination of different social and cultural values of the inhabitants of the participating countries. The long way to an integrated cultural space in Europe has been shortened by realizing Europeana... an outstanding achievement.'
- 12.2 The award demonstrates that Europeana is already recognised as a significant asset for Europe's citizens. It shows great potential for adding further value, thereby justifying sustained long-term funding.
- 12.3 A 100% funding model with overhead allowance is the appropriate model; project funding is not a suitable model in the long term – see 11.6 above.
- 12.4 Countries already pay into the Community budget for the promotion of European cohesion and social unity. Some deployment of this budget to a development such as Europeana would serve well.
- 12.5 The sums of money being requested for Europeana are low when seen in terms of the benefits for European citizens – benefits outlined by the Erasmus jury cited above.
- 12.6 Europeana also provides the European Union with a flagship for the desirability of digitisation and freedom of access to information to all; a model for other nations and continents.

**Question 13**

*Which governance structure for Europeana would best fit the preferred financing model (as indicated under question 11)? Should there be a role in the governance structure for organisations other than content providers?*

- 13.1 The governance of Europeana should come from its major, long term, persistent stakeholders, the content providers. They have the public responsibility – usually enshrined in their founding charters - to give access to their collections and maintain them for future generations.
- 13.2 The current governance structure has been arrived at after much debate with all the stakeholders, the content providers, ministries of culture and education, the users, and the parts of the Commission.

- 13.3 Governance vested in the EDL Foundation. Its structure is as follows:
- An Executive Group of nine elected from:
    - A Board of Participants of pan-European Associations of cultural institutions of content holders, including six elected members from:
    - A Council of Content Providers and Aggregators made of up of **all** interested holders of content, commercial and public, across Europe.
    - The Council is mandated to form ad hoc working groups needed to ensure continued buy-in and innovation from the individual institutions.
    - Externally there is a Funding and Orientation Group run by the Commission to ensure knowledge transfer and active participation by the ministries of culture and education in member states.
- 13.4 The EDL Foundation is a legal entity under Dutch Law – this allows wide inclusiveness with strong, democratic representation but with the legal and financial responsibility invested in a few individuals who can then make decisions for the effective running of Europeana's business in a fast moving environment.
- 13.5 The Foundation has a Board of Participants made up of the pan-European Associations of cultural institutions and content holders. The Board of Participants is conceived at this level for the Associations to be representative of their members' wishes and to be able to communicate well from the Foundation out to their membership. The Board of Participants will also therefore be naturally limited in membership by the number of pan-European Associations of cultural institutions in existence. From the Board of Participants an Executive Group is elected. This group is legally and financially responsible for the Foundation. This group makes the regular decisions on behalf of the Board.
- 13.6 To encourage enthusiasm and wide participation from individual content providers and aggregators such as national portals a new body has been inaugurated, the Council of Content Providers and Aggregators. This body will elect six of its own officers who will also serve on the Board of Participants.
- 13.7 To encourage support, both financial and practical, a Funding and Orientation Group has been set up by the Commission. This is made up of the Member States and Ministry representatives. This group is responsible for advising the EDL Foundation Board on budgetary and strategic matters and ensuring that all is in line with national policies.

#### **Question 14**

*How can private involvement in Europeana best take shape (e.g. through sponsoring, through technological partnerships, through links from Europeana to the sites of publishers and other right holders where the user can buy in-copyright content, or through another type of partnership)?*



- 14.1 Through links from Europeana to the sites of publishers and other right holders where the user can buy in-copyright content.
- 14.2 Technological partnerships for proprietary software are very difficult for an internet application. Open source software should be deployed wherever feasible to promote take-up and sharing of resources created by Europeana by the national portals that are being developed.
- 14.3 If private technology companies are part of projects then the contracts with them should be negotiated prior to signing the grant agreement. The contracts should not be negotiated at the end of projects where the likelihood is that commercial need outweighs the economic possibilities for the other project partners. An upfront knowledge of the costs can be built into a sustainable business model.
- 14.1 As concrete guidelines are needed for public private partnerships, CENL is currently working on the implementation of the EC Guidelines for PPPs. These will support the libraries in negotiating favourable contracts with private partners.

#### **Question 15**

*How can private sponsorship of Europeana best be stimulated? Are commercial communications on the Europeana site acceptable, and, if so, what type of commercial communications (e.g. logos of sponsors, promotion of specific products)?*

- 15.1 Depending on the definition of “sponsorship” cultural institutions in some member states are not allowed to accept sponsoring. E.g. the German tax and anti-corruption rules only allow fundraising.
- 15.2 Some forms of promotion could be directly beneficial to content holders giving increased access to their material and possibilities for revenue e.g. a search on Rembrandt could show a list advertisements for Rembrandt exhibitions and relevant publications, a search on trains could direct the user to posters sold in webshops of the museums, a search on names could lead to archives promoting their paid for services in genealogy. Equally, digitisation on demand services connected to bibliographic references could lead to revenue and digitised products.

#### **Question 16**

*Should there be a contribution (financial or other) in exchange for the links from Europeana to sites with content for which the user has to pay? Can a model such as that of Gallica 2, providing links from the site of the Bibliothèque Nationale de France to the content on the sites of French publishers, be transposed to Europeana?*

- 16.1 Europeana must be operational first, and then the opportunities for this type of linkage can be explored. The model must be simple to operate and



not have complex accounting requirements. The Gallica 2 model may be unsuitable for the distributed environment of Europeana because of the complexity of accounting procedures and VAT regulations.

- 16.2 Revenue opportunities such as affiliate income should be explored, e.g. links through to the item sold on BOL.com, Amazon, iTunes or on publishers' own sites.

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