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from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 31 August 2009

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Commission Staff Working document accompanying the communication from
the Commission to the European Parliament, the Council, the European
Economic and Social Committee and the Committee of the Regions on
EUROPEANA - next steps

Delegations will find attached Commission document SEC(2009) 1124 final.

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.8.2009
SEC(2009) 1124 final

COMMISSION STAFF WORKING DOCUMENT

accompanying the

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

on Europeana - next steps

Part I: Questions for the public consultation

Part II: Overview of the current content contribution to Europeana by country

{COM(2009) 440 final}

PART I

The present document complements the Commission Communication on 'Europeana - next steps' with a series of questions for consultation. Interested parties are invited to submit their comments on all or some of the questions **by 15 November 2009** to:

European Commission,
Directorate General for Information Society and Media
Unit 'access to information', EUFO 2281
Rue Alcide de Gasperi
L-2920 Luxembourg
or by e-mail to: INFSO.DIGITAL-LIBRARIES@ec.europa.eu

Contributions will be published on the digital libraries website of the Commission, unless requested otherwise by the organisation/person submitting them.

The questions of this consultation all have a direct impact on the future development of Europeana. Some of the questions - in particular questions 7-10 - also have more general policy implications for the digitisation, accessibility and use of content from cultural institutions. The replies to these questions will feed into the further policy development in areas such as the re-use of public sector information and copyright related questions for the digitisation and online accessibility of cultural material. In the latter area the questions complement the work undertaken by the Commission in the context of the Green Paper on copyright in the knowledge economy and the follow-up Communication. Where relevant, the results of the consultation will be taken up and further discussed in stakeholder groups and working groups with Member States' representatives.

Questions for consultation

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?

Europeana should be a common network for delivering and distributing digital content. A common access point could be considered a desirable by-product, and not the first priority. Europeana could develop a content policy to create relevant and coherent collections and reference sites of digital content. Most people start searching in search engines or use the portal of the organization they often use: their library, their school...

Most important, it should be clear for both users, participating institutions and member states which aspects make Europeana different from other initiatives. All parties involved should be aware of the specific benefits that their collaboration with Europeana can bring along:

1. The user doesn't care about which institution (and which subdomain) is holding the object he/she is looking for. To be frank, the user even doesn't care whether the search is conducted through the Europeana site or another search engine. Users are interested in easily finding what they are looking for, and the information behind this object, and related objects. Games and thematic exhibitions, that bring together objects from various sources, and add (expert) contextual information, will provide added value and make the user experience better. User interaction and community building also needs to be improved.
2. The participating institutions should also directly benefit from Europeana. Europeana could exist as a portal on its own, but the content should also be ranked highly by searches through (commercial) search engines.
3. Member states should also benefit from Europeana. Most member states have their own collections that is given in (permanent) loans to other museums, archives, The member states will have a specific interest in seeing their own collection reunited digitally. A focus on the provenance can allow this.

Question 2

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

The prototype (launched in 2008) will be the only teaser available till the Rhine-release (medio 2010). It's really important to astonish the crowd with the new version. New features, such as other ways of presenting data by means of implementing semantics, advanced timelines, geobased data (interactive maps), thematic approaches (exhibitions, games, flickr the commons, ...) to increase the user satisfaction and thus Europeana's popularity. Increasing the accuracy of search results must be a driving principle.

Priority has to be given to:

- The increase of the amount of available material.
- Build a solid semantic layer: this involves: providing anchor points for content providers to link with; semantic' objects must be made accessible and identifiable through proper URI/URN; divide tasks for coordinating and supervising maintenance; organize dynamic environment for participative maintenance by content providers.
- Build a strong position concerning IPR, relevant for ALL domains, not only libraries. Archives, museums, audio-visual archives have very different issues regarding IPR.
- More emphasis on local content. The current aggregation model and view on how content providers can deliver content is suitable for large content providers only. The threshold for local collections is way too high. The specific added value of Europeana as compared to other projects should lie precisely in providing access to heritage which otherwise would remain hidden.

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?

The content providers will care about the provenance of their digital objects, an increased exposure might be motivating these institutions to participate. In addition, by thematic clustering of content (virtual exhibitions, ...) related data (and thus related institutions) get connected and might work together on virtual exhibitions, since they are experts in their own field. In other words, Europeana can facilitate the collaboration between these institutions and can even lead to other ways of collaboration, even outside the digital world. This should be a real asset to the participating institutions, devoted to their own subject, to start working differently in a globalised community. Europeana could be the facilitator for this.

Question 4

How should Europeana further develop its own autonomous identity?

Europeana shouldn't focus on its own identity as a site. But it could focus at being a label of quality and reliability, where people find quality digital objects, good services, coherent overviews of what is available. No matter where the content is found or indexed, it is provided by a quality institution. The strength of Europeana will be the authority of the participating institutions on a variety of heritage themes. This has to be clear for all parties involved. By adding context, maintained by experts (the institutions), Europeana can create added value that other comparable initiatives won't be able to create. Some possible actions are described above.

Europeana should not try to compete with other initiatives. Europeana must analyze its own strengths, identify things that other initiatives cannot do (maybe do a SWOT-kind of survey among all partners?) and concentrate on developing those. This should automatically create a Europeana identity. Examples of possible Europeana strengths: dynamic character through continuous updating of the information, good support for content providers, everybody is able to participate, ...

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?

This is a rather difficult issue. On one hand, the democratic principle has to be maintained. The difference between high and low art shouldn't be at stake. Europeana should be inclusive, not make selections of what heritage will be relevant. Selection can only be made regarding minimum requirements for the metadata provided. Minimum requirement can be very low, e.g. it must be possible to find the object in at least one way of formulating a query, or the object must be connected to at least one concept in the semantic layer (when a proper semantic layer will be in place)

There should be no minimum requirements as far as usage options goes. The mere fact that an item will be displayed – even if it means that all you can do with it is have a look at it and link through to the item’s page on the original content holder’s website – is valid enough to be present in Europeana. The platform provides an enormous exposure, at an extent that an individual institution can not attain by itself. The presence in Europeana of an object with limited use options is already an accomplishment. It indicates to Europeana’s visitors that it exists, that it’s out there and it links you through to its holder.

Europeana should set these technical requirements, after consulting all relevant stakeholders (which is done in the current projects). This requires a continuous involvement.

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?

Categorising objects (or themes as planned before) seems not to be such a good idea after all. Europeana should be a hub to find digital content in the public domain which is being made accessible, stored and organized by public institutions. Local content is often not accessible through other channels. Encourage local institutions to document/digitize their content and to share it. Point out the advantages and reduce misconceptions about sharing information. Set up a clear IPR framework, understandable and usable by all. Therefore it is really important that Europeana should have broad and not-high culture approach towards content.

In addition it can develop also into the hub to find digital content in-copyright, being made accessible by the same institutions in order to avoid the 20th century black hole. This way Europeana focuses on the full range of content and quality presented by these heritage institutions.

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?

As mentioned in relation to question 3, Europeana should acknowledge the expertise of heritage institutions and stimulate them to collaborate in providing context (in different ways). When Europeana succeeds in showing its own value, institutions would want to participate. Accessibility of content (also in-copyright material) through Europeana or other databases is also of huge benefit to the author(s) themselves.

Heritage institutions have the public task to make the cultural heritage available for the general public. In the digital world, it should be possible too to perform this community task. Legal barriers should not prevent this. Real harmonization of European (and beyond) copyright legislation is necessary. In the present situation, copyright exceptions are implemented in different ways in national legislation. This is an important barrier for cross-

border access. Also legislation should precede over licenses or contracts in order to improve cross-border access.

An obstacle that comes to mind when discussing this issue with content partners, is that they fear of losing a part of their institutional revenue. Many institutions still believe that it is in their best interest to license their objects as securely as possible. Even if it is the task of a cultural heritage institution to make its holdings available to the public, a lot of content is locked away by fear of ‘digital theft’.

Best practices in this field have proven to be a successful instigator of awareness and willingness to consider other methods. One example is significant to this discussion. If we take a look at the Deutsches Bundesarchiv and what they achieved by joining Wikipedia with some of their content, it becomes clear that new licensing models do not equally mean loss of revenue. As a result of this contribution, the Bundesarchiv now has very high website trafficking and has seen an increase in requests for high-quality versions of the images – which are commercially available. The Bundesarchiv by no means experienced any loss in revenue from this project; on the contrary.

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)?

Digitisation and internet are ‘global’ features, that require rules that are globally valid. Any differences in approach will inevitably cause conflicts. Serious efforts should be made to harmonize IPR regulations globally, not just in Europe.

Hence, another contemporary approach to copyright in the digital era is necessary. Works should come in the public domain in a reasonable time.

Maybe the results of the ARROW-project provide an answer to this issue. When establishing a centralized database with information on orphan works, information on (the rights of) these orphan works will be available. When claims are to be met financially, perhaps this issue can be solved centrally, even for non book materials.

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?

Works that are in the public domain, should remain in the public domain, also in a virtual environment. As a rule, the same copyright situation should apply to the original object as to the digital reproduction.

When indicating in the question that a policy should be ‘adopted’, it would be better to think in terms of policy that should be ‘changed’. The sui generis right on databases did not exist until 1996; at the end of the first decade of the 21st century legislators should be able to provide statements in a new and emerging legislative landscape that allow new types of rights that grant access to digital cultural heritage.

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?*

The intention of Europe in creating a ‘Public Domain Charter’ should be applauded. The lack of awareness of the Public Domain as such is still present in cultural heritage institutions. Such a charter can contribute to knowledge on the public domain, and can indicate how to handle this specific rights-status with regards to digital heritage artifacts – and without fear of losing the digital object as such.

The ethics of dealing with heritage should be clearly spelled out. When something is called ‘heritage’, it acquires a public dimension, with a public responsibility and public rights. Efforts from institutions or private companies or persons should be properly recognized but should not interfere with the rights of the public. The ethics must be translated in practical rules that are easily applicable.

Another relevant option are alternative licensing models. Creative Commons is a widespread alternative licensing model, which seems very appropriate in this context. One very successful initiative concerning CC and Public Domain works, is ‘Wiki Loves Art’. This initiative took place in several countries worldwide and turned out very successful. The link to the original project can be found here http://www.flickr.com/groups/wikipedia_loves_art. Showing information in lesser quality (or partially, or by streaming) and making the full version payable might be an option too (cfr. Gallica 2).

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?

Whatever financing model is taken, public domain must remain public domain. The cost of digitisation cannot be an argument to make object less accessible in a digital form.

The current version of the future business model foresees a 90% (public) - 10% (private) model. Community funding and Member State funding is merely the same, in a sense that the Community funding is also financed by the Member States. This seems a reasonable approach but asking the Member States for contributions would mean that they are also granted some

(policy)participation. On the other hand, the digitisation of the content is primarily a task of the Member States. This type of funding has also to be taken into account.

Charging the national cultural institutions doesn't seem to be the best option, since they already have to do some effort in order to participate. They should be stimulated to participate instead.

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?

Yes, because Europeana adds value to content by making it available within a larger, aggregated whole, and by providing distribution and linking mechanisms etc. All these initiatives need to be continued and adapt to the ever changing digital environment. Information economy and cultural heritage economy are long-term economic models. The benefits to society are long-term benefits that are not immediately visible.

Since Europeana is an important database that needs to be maintained over a long period of time, European Union funding is necessary. Ideally the maintenance, the updating and the 'product development' (the 'added value' such as virtual and thematic exhibitions, games, highlights, ... as well as the user interaction) are performed by an independent organization that would act as an interface between the institutions, member states and the European Union.

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?

Europeana is about digitising, organizing, sharing and making things accessible for the general public. The governance structure should reflect all these issues, with a focus on "the users" and those who work in direct contact with those users. Commercial parties should not be able to control this institution. Representatives of governments and heritage institutions should have the final word.

An independent (European) institution as mentioned in question 12 could manage Europeana. This institution could consist of ICT-people and experts on all relevant issues (law, history, art, ...) in order to create the contextual products (see above) and serve as an interface between the European Commission and the Member States, heritage institutions and users.

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

rightholders where the user can buy in-copyright content, or through another type of partnership)?

Since the core function of Europeana should be to provide wide access to the public domain, in times of reduced funding, having this core goal can save Europeana from cuts. This being said, it is indeed interesting to develop a separate line for in-copyright material. But this should be a project in its own right (which can make Europeana stronger and more interesting), and not the only way of funding the core project of Europeana.

Non-commercial (re-)use should be free. The laboratory function might be suitable to attract private parties in order to develop partnerships. Sponsoring by advertising should also be taken into consideration, but to obtain this, the success of Europeana should already be proven. Europeana could charge for re-use of Europeana content in a commercial setting (e.g. games).

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)?

The serene usage of logos on the site should be acceptable. It might also be interesting to think the other way around and to investigate if usage of the logo of Europeana can be restricted to specific terms (as UNESCO limits the usage of their logo and links it to financial donations).

Re-use of Europeana content might be another option, e.g. a virtual exhibition that can be accessed through the sponsors' site. But commercial parties should never be granted exclusivity to Europeana content.

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?

Public private cooperation like in Gallica2 could be a solution to share costs. Showing information in lesser quality (or partially, or by streaming) and making the full version payable might be an option too. Within this cooperation Europeana should guarantee that as much information about content as possible is publicly available (metadata, thumbnails, indexed data,...) For full display, higher resolution, ... paying models could be deployed.

PART II

Overview of the contribution of Member States to Europeana in % of the total number of objects (situation end July 2009).

EU countries	
France	47%
Germany	15.4%
Netherlands	8%
United Kingdom	7.9%
Sweden	5.2%
Finland	4%
Greece	1.6%
Italy	1.2%
Belgium	1.1%
Slovenia	0.7%
Spain	0.6%
Estonia	0.4%
Luxembourg	0.4%
Poland	0.3%
Romania	0.3%
Austria	0.2%
Portugal	0.2%
Hungary	0.1%
Latvia	<0.1%
Cyprus	<0.1%
Bulgaria	<0.1%
Czech Republic	<0.1%

Denmark	<0.1%
Ireland	<0.1%
Lithuania	<0.1%
Malta	<0.1%
Slovakia	<0.1%

Non EU countries	
Norway	4.3%
Switzerland	0.4%