

## QUESTIONS FOR THE PUBLIC CONSULTATION "EUROPEANA - NEXT STEPS" TOGETHER WITH MODEL ANSWERS

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 20 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: [ec-digital-libraries@ec.europa.eu](mailto:ec-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 and answers:

#### **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 audiovisual collections from the whole continent of Europe. 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 organise a way of updating regularly the data coming from actual participants. A Data base can only stay "alive" if it is thought as a whole that must be regularly "refreshed". If not, there is a great risk to obtain a very rich storage of outdated information. Briefly said, the importance of the quality of the management of Europeana must not be understated.

##### **Question 2**

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

2.1 Europeana should harvest not only digitised cultural heritage but also heritage with metadata but that has not been already digitised. First, it will raise attention to the work that still needs to be done in digitisation. Second, it will avoid the feeling that the only cultural heritage that is existing nowadays is the one that is digitised.

### **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.

### **Question 4**

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

- 4.1 Europeana has a fairly strong brand image. It should be universal and not only focused on EU members. The word "Europeana" itself is not an ownership of EU. It is something that unites every Europeans, from Atlantic to Oural. As such, it is a magnificent project that should see above organisation's borders.

### **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.

## **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 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 Renaissance, the Great War, Modernism, the Vikings, the Reformation, the Roman Empire
  - 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 SEO economisch onderzoek - <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 such as the Structural Funds, especially the European Regional Development Fund, particularly in times of high unemployment. An interesting example of this comes from Sweden, where in 1994 the Swedish National Archives was asked to employ 1000 people overnight. The resulting National Archives Database made the Swedish Archive one of the best catalogued archival resources in Europe and prepared it for the internet age. The project resulted in the creation of an archival system that rationalised the work processes at the Archives and gave access to reproductions which users could 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 rightsholders 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 rightsholders should be considered. Such examples 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.
- 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 the process of digitisation itself creating 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 Imposing minimum requirements could be detrimental to ensuring the material is at least accessible. However encouragement to adhere to the public domain in principle is very important.
- 10.2 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.
- 10.3 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 a 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 an established high-level 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 for the citizen in the product and service delivered.

### **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 The value of Europeana to Europe's citizens is best summed up by the independent jury of education and communications experts. Giving the Erasmus Award for Networking Europe to Europeana in October 2009, their citation said, '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 Europeana's potential role in the development of the European identity is a significant aspect of its value to Europe's citizens. 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.
- 12.3 Europeana has clear potential for adding further value, thereby justifying sustained long-term funding. 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. The sums of money being requested for Europeana are low in relation to the broader benefits offered to the European knowledge economy and to Europe's citizens in terms of deepening understanding, offering personal enrichment and developing lifelong learning.
- 12.4 Europeana also provides the European Union with a flagship demonstration of the desirability of digitisation and freedom of access to information for all, and offers 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.

#### **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.
- 15.3 Overall it is felt that sponsorship, insofar as it is possible, should be encouraged.

**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.
- 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.