



EUROPEAN COMMISSION

Information Society and Media Directorate-General

**Summary Minutes of the 3rd meeting of the  
High Level Expert Group on Digital Libraries**

**18 April 2007**

**Jean Rey Meeting Room  
Berlaymont building  
200, rue de la Loi  
Brussels**

**3<sup>rd</sup> Meeting of the  
High Level Expert Group on Digital Libraries  
Brussels, 18 April 2007**

**AGENDA**

1. State of play of the « i2010 Digital Libraries » initiative – Mrs Viviane Reding, Commissioner for Information Society and Media
2. Intellectual Property Rights: Presentation of the report from the Copyright subgroup – For adoption
3. Scientific Information: Presentation of a report by the Subgroup – For discussion
4. Public Private Partnerships: Presentation – For discussion
5. Conclusions

## 1. STATE OF PLAY OF THE «i2010 DIGITAL LIBRARIES» INITIATIVE

Commissioner V. Reding highlighted the main developments concerning the “i2010 Digital Libraries” initiative during the period October 2006-April 2007, in particular:

- The positive follow-up of the Commission Recommendation on digitisation and online accessibility of cultural material and digital preservation. On 13 November 2006, the Culture Council adopted Conclusions in response to the Commission initiative, prioritising actions and setting up a calendar to implement them. These Conclusions show the commitment of Member States to create favourable framework conditions for the development of digital libraries and to work together towards the European Digital Library. Among others, the Council invited the Commission to set up a Member States' Expert Group tasked to help coordinate, monitor progress and exchange good practices. This cooperation group is planned to meet for the first time in June and will oversee the implementation of the Commission Recommendation and Council Conclusions.

- Concerning the progress towards the European Digital Library, cooperation on technical and operational aspects is continuing in the framework of TEL-The European Library and the follow-up projects co-funded by the Commission. The Commissioner mentioned the recently launched online prototype Europeana as an important French contribution to the European Digital Library. On the governance front, the Conference of European National Librarians is envisaging to create a separate legal entity in order to provide an adequate structure to realise the European Digital Library's objectives.

- Important steps have been taken in the scientific information area. The recently adopted Communication on "Scientific Information in the Digital Age: Access, Dissemination and Preservation" examines how new digital technologies can be better used to increase access to research publications and data. The Communication was presented at a major European conference on Scientific Publishing in the European Research Area on 15-16 February 2007. The discussion at the conference, in particular the debate around the petition for open access to publicly funded research results, confirmed that views between stakeholders are still far apart on this crucial issue. The Communication will be discussed in the coming months by the European Parliament and the Council, and with funding bodies and other interested parties. The high level group can play a key role in this debate, in order to find well balanced and reasonable solutions.

Moreover, the first call for proposals of the 7<sup>th</sup> Framework Programme, open until 8 May 2007, includes research objectives that have been clearly focussed towards the achievement of the goals of the Digital Libraries' initiative, both for cultural and for scientific information. Research on digital preservation, on large scale digital libraries, and the setting up of a network of centres of competence on digitisation and digital preservation, will be co-financed by the Commission with 25 million euro in the first call. A comparable amount will be available for these areas in a further call which will be launched before the end of this year. Through the Capacities programme, the Commission will also dedicate some 50 million euro in the coming 2 years in order to build up a top-level data infrastructure to store and share research data.

During 2007 about 18 million euro will be available for funding projects in the field of Digital Libraries in the context of the eContentplus programme under its third call for proposals.

The Commissioner concluded the report stressing that the components of a comprehensive policy framework for digital libraries in Europe are being gradually put together.

## **2. INTELLECTUAL PROPERTY RIGHTS – PRESENTATION OF THE REPORT FROM THE COPYRIGHT SUBGROUP – FOR ADOPTION**

The Commissioner introduced this point of the agenda by thanking the Copyright subgroup for their report, a document full of advice and practical proposals for the Commission and for interested parties at large. It is an important step towards the definition of common approaches and agreed solutions between stakeholders. She praised the bottom-up method adopted by the subgroup: offering workable solutions to concrete problems in defined areas. Certain sectors, in particular text based content such as books, have been addressed as a matter of priority in these first months of work. Other types of content would follow (audiovisual works, for example). This incremental approach should lead to a progressive take up by other media sectors. Most of the recommendations in the report point to “soft law” solutions and voluntary agreements with rightholders that would facilitate actions by libraries to fulfil their mandates of making information accessible and preserving it.

Prof. Ricolfi, on behalf of the Copyright subgroup, presented the report on selected implementation issues: digital preservation, orphan and out of print works. As compared with the interim report presented at the previous High Level Group meeting, digitisation issues of material held by archives and museums have also been taken into consideration. The recommendations on orphan works are addressed primarily to Member States, with particular attention to the achievement of cross-border solutions (agreement on the mutual recognition by the different Member States of the respective orphan works' clearance mechanisms). Out of print works is probably the area where the subgroup has advanced the most, in particular with a model licence worked out on the basis of the interests of all stakeholders involved. The licence is a tool for digitising work to be agreed by rightholders (authors, publishers) and cultural institutions interested in carrying out digitisation projects (e.g. libraries). The current version of the model licence allows online access for out of print works on secure networks. It would now be important that stakeholders adopt and use the model licence, so that real experience is gained about its implementation. On this basis, its extension to full online accessibility could be further discussed within the subgroup. Therefore, the subgroup proposes an extension of its mandate to cover both other implementation issues in relation to the work areas covered by the report (i.e. databases of works and joint clearance centres for out of print and orphan works, guidelines for due diligence search), as well as working on broader strategic copyright issues, such as web harvesting and new business models.

Ms Koskinen-Olson and Ms Dillmann intervened to stress the need to provide the subgroup with a longer mandate in order to work on additional implementation issues, and to better cover sectors such as audiovisual repositories, archives and museums. Commercial vs non-commercial use of content should also be investigated. Dr Bach praised the work done by the subgroup, and confirmed the readiness of publishers to cooperate with other stakeholders to find practical solutions in relation to the emergence of new technologies.

The Commissioner took note of the unanimous endorsement of the report produced by the Copyright subgroup, and remarked on the importance of putting into practice the

recommended measures. The Copyright subgroup will continue to work on the suggested areas, in particular on full online accessibility, audiovisual and material held by archives and museums, databases for out of print and orphan works, web harvesting, commercial and non-commercial use of content. A report is expected for discussion at the next meeting of the High Level Group.

### **3. SCIENTIFIC INFORMATION – PRESENTATION OF A REPORT BY THE SUBGROUP – FOR DISCUSSION**

Mrs Reding stated the Commission's objective on scientific information: to improve access to scientific information, since faster and wider access to research results enhances its use and impact. The ongoing debate between scientists, funding bodies and scientific publishers on access to scientific information has been intense and often heated. The Commission is acting as facilitator in this discussion, taking well into account the arguments of both sides. The Subgroup on scientific information has produced some first results in terms of agreed principles on access and preservation of scientific information. However, key points of disagreement persist, in particular concerning the option of mandatory deposit in open access repositories after a so called "embargo period". The key question is the duration of this embargo period, to guarantee access to publicly funded research while allowing a fair remuneration for the work of the publishers. The Commission, as an important funding body for scientific research in Europe, intends to take direct action as far as the 7<sup>th</sup> Framework Programme is concerned: In specific programmes, there will be experiments with the deposit of articles resulting from Community funded research in an open repository, after an embargo period of a duration to be defined. The Commission encourages bottom-up solutions agreed between stakeholders and will take steps to facilitate such solutions, but in case this is not achieved, a "top-down" intervention may be considered.

Ms Niggemann reported about the discussion within the subgroup, recalling the special features of scientific and scholarly information and presenting the meeting document "Principles on scientific publications agreed by representatives of publishers, the scientific community and libraries". This document highlights areas of agreement and disagreement between the stakeholders. One of the main points of disagreement concerns the option of mandatory deposit in open access repositories after an embargo period. Scientists propose that it should be mandatory to put "author's-final" or "final-published" version of articles stemming from publicly funded research in open access repositories after a certain period for access and preservation purposes, ideally not later than 6 months after publication. On the other side, publishers claim that free availability of any post peer-review version of an article would undermine its saleability. Another area of disagreement concerns the possible duration of the embargo period, which would vary between the following extreme values: from "3 months after publication" to "70 years after the authors' death (copyright expiry)". Another area where agreement is difficult is the affordability of publications, including the question of a possible decrease of price of articles over time. Mrs. Niggemann concluded by indicating that, even in presence of these differences of views, the discussion in the subgroup had also its promising side as all parties involved showed interest in performing practical tests with the different options.

Publishers (Ms Dutton, Mr Mabe and Mr Cowhig) confirmed that the main outstanding issue concerned embargo periods. In order to break the current impasse, they tabled a proposal for a large scale pilot study to measure the impact of embargo periods,

differentiated by subject areas. The experiment would concern, on a voluntary basis, about 200 journals from different publishing houses and from different disciplines (from hard sciences to humanities). The pilot would be conducted by publishers with the involvement of qualified and independent European researchers in bibliometrics and it would be supported by the European Commission. An independent monitoring and assessment would be conducted concerning the impact on research productivity, on access, on cost effectiveness, on submission of articles to journals, on journal subscriptions. The publishers are also working on a service charter to increase transparency, and they recommended not to destabilise the current system with ill-conceived attempts to change it.

Library representatives (Ms Niggemann and Ms Brindley) welcomed the proposal for an experiment and suggested to involve The European Digital Library's infrastructure and national libraries.

The representatives of the scientific community (Prof. Kroo, Dr Romary, Prof. Noorda,) stated that expectations of the scientific community towards open access are big, and these have been clearly expressed by several organisations such as the European Union Research Advisory Board (EURAB), the European Research Council (ERC), and the European Science Foundation (ESF). The subgroup achieved some steps ahead, but many unresolved questions are still to be tackled, including possible more transparent business models and cost issues (prices of publications). The increasing speed of obsolescence of knowledge calls for its quicker and wider availability. If this is not achieved, Europe will inevitably lag behind. The proposal for a pilot study tabled in the meeting by the publishers was seen as a positive step. However, it needs to be further considered in the light of the expectations of the scientific community on access to articles resulting from publicly funded research (as for example expressed in the ERC and EURAB statements). In any case, researchers and research institutes should be closely associated to the definition and implementation of the experiment in order to achieve a balanced design. Beyond the question of embargoes, the issue of the enormous ongoing changes in the knowledge production chain was raised. These changes may put in question the current model of peer reviews, in favour of slimmer and faster "wiki professional models". Scientists, while aiming at open access, recognise the added-value offered by publishers and consider them an essential actor, provided they are able to adapt to the changing research environment.

Mr. Tindemans presented the achievement of the subgroup on the less contentious issue of digital preservation of the records of science. He highlighted the need to build dedicated repositories and develop a long term sustainable preservation policy, taking into account the differences between primary data and publications. He pointed to agreed principles, existing regulations and guidelines. To ensure coordination, key organisations have formed an Alliance for a European Digital Information Infrastructure. The role of the EU is vital for supporting the implementation of digital preservation actions.

The Commissioner concluded by taking stock of the position expressed by scientists and publishers, including areas of agreement and disagreement. She thanked the publishers for their proposal for an experiment, and suggested that this is further discussed in the subgroup on scientific information. Community programmes, such as *eContentplus* and the 7<sup>th</sup> Research Framework programme may provide funding opportunities for the independent measurement and analysis. Finally she encouraged all parties to continue to use the High Level Group and its subgroup as a dialogue forum to find appropriate solutions.

### **3. PUBLIC-PRIVATE PARTNERSHIPS (PPPs): PRESENTATION AND DISCUSSION.**

The Commissioner introduced this new agenda item pointing to the necessary presence of both public and private actors in the digital libraries' initiative to solve problems and deliver quality services. The High Level Expert Group can help in identifying the opportunities and conditions under which PPPs become success stories for all involved parties: private actors, public authorities and the citizens. Digital libraries are not the sole business of the public sector: public-private partnerships for the digitisation of content should be encouraged to make information available online, as well as private sponsoring of digitisation projects. It is essential that public domain information digitised in the context of PPPs remains accessible for all. Exclusive arrangements in relation to public domain material held by public institutions are to be avoided.

Ms Brindley presented the experience of the British Library with PPPs, including those related to digitisation projects. Given the amount of material available, it is simply inconceivable that the digitisation is funded entirely with public money. At the same time, to digitise has become a necessity for libraries, as younger users tend to make use mainly of digital material. Particular attention has to be devoted to the choice of partners, to business models, to IPR and exclusivity issues. She proposed to set up a new subgroup on PPPs within the context of the High level group on digital libraries to analyse in depth these questions.

Mr Bach mentioned some initiatives led by publishers, such as 'Volltextsuche Online', providing full text access to a book under the conditions set by the publisher, and the initiative of Harper Collins', that has decided to digitise its complete back list. He also pointed out that through consensual arrangements copyrighted material could be made accessible through the European Digital Library. Cooperation between authors, publishers, booksellers and librarians is the way to make the best use of new technologies.

The Commissioner concluded by asking Ms Brindley to oversee the establishment of a new Subgroup on Public-Private Partnerships, that should identify success factors for PPPs (the "dos and don'ts"). The new subgroup should present a report to the next plenary meeting in autumn 2007.

### **4. CONCLUSIONS**

Commissioner Reding took stock of results of the discussion and thanked the participants. In particular, she expressed satisfaction with the approval of the copyright report, and also with the progress achieved on scientific information. The area of Public-Private Partnerships is very promising and will be placed on the agenda of the next plenary meeting, envisaged for October/November 2007.

## CHAIRMANSHIP: European Commission

Name/Function	Organisation
Mrs Viviane REDING Commissioner for Information Society and Media	European Commission

## PARTICIPANTS

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