



**EUROPEAN COMMISSION**

Directorate-General for Communications Networks, Content and Technology

Media and Data  
**Creativity**

**IMPLEMENTATION OF  
THE COMMISSION RECOMMENDATION  
ON DIGITISATION AND ONLINE ACCESSIBILITY  
OF CULTURAL MATERIAL AND DIGITAL PRESERVATION**

**PROGRESS REPORT 2011-2013**

**Please complete and return by e-mail to  
[Rachel.Soucher@ec.europa.eu](mailto:Rachel.Soucher@ec.europa.eu) no later than 31 October 2013**

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| <b>Country</b> | <b>BELGIUM</b> |
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**NOTE:** This template follows the structure of the Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation. This template should be strictly followed.

The Commission Recommendation was endorsed by Council on its Conclusion of 12 May 2012. The priority actions and indicative timetable contained in these Conclusions should clearly be taken into account in your reporting of progress.

Please note that particular attention should be given to new developments in the reference period 2011-2013, notably:

- Financial resources and quantitative/qualitative targets for digitisation
- Public-private partnerships for digitisation
- The transposition and implementation of the Directive 2012/28/EU of the European Parliament and the Council of 25 October 2012 on certain permitted uses of orphan works.
- Legislative or other actions taken by Member States to facilitate the large-scale digitisation of out-of-commerce works
- Actions taken by Member States to support Europeana (provision of content, funding, etc.)
- Measures taken by Member States to ensuring the wide and free availability of existing metadata produced by cultural institutions (Europeana Data Exchange Agreement)

- Financial and organisational aspects of digital preservation.

Besides your factual report, you are encouraged to raise any implementation problems or highlight any best practice examples to which you think special attention should be paid at national and/or European level. Where implementation is not fully reached, please describe how you plan to continue your work.

Please use the empty boxes underneath the questions to indicate your response/comments.

Please provide as much as possible quantitative indicators on progress achieved.

All reports will be published on the Commission's Digital Agenda for Europe website.

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### ***Introductory note on the institutional structure of Belgium***

Within the federal institutional structure of Belgium, the Communities – the Flemish Community, the French Community and the German-speaking Community– are competent for culture including the digital cultural heritage, museums, libraries, archives, etc. Administrations responsible for the digital cultural heritage policy are installed in each Community:

- Federation Wallonia-Brussels (French Community): Délégation générale à la numérisation des patrimoines culturels ;
- Flemish Community: Departement Cultuur, Jeugd, Sport en Media ;
- German-speaking Community: Abteilung Kulturelle und Soziale Angelegenheiten.

A series of federal scientific and cultural institutions remain under the responsibility of the federal authority. Most of them are placed under the authority of the Belgian Federal Science Policy Office (BELSPO), namely: the Royal Library, the State Archives, the Royal Museums of Art and History, the Royal Museums of Fine Arts of Belgium, the Royal Institute for Cultural Heritage, the Royal Belgian Institute of Natural Sciences, the Royal Museum for Central Africa and the Centre for Historical Research and Documentation on War and Contemporary Society. The Royal Film Archive is also financially supported by the Federal Science Policy. The Royal Museum of the Army and Military History comes under the Department of Defence.

An *ad hoc* coordination body called "DC-BEL" has been set up with representatives of the Ministries of the Communities and of the Federal Science Policy Office. The aim of this ad hoc group is twofold: (1) to prepare and follow up the Belgian participation in the MSEG and various EU programmes, projects and initiatives such as Europeana, Athena, Numeric, FP7 DigiCult, ERANET DC-NET, CIP ICT PSP, etc and (2) to exchange ideas and information about national, regional and European policies regarding digitisation of cultural heritage. The members of DC-BEL meet at least twice a year.

## DIGITISATION: ORGANISATION AND FUNDING

### 1. PLANNING AND MONITORING OF THE DIGITISATION OF BOOKS, JOURNALS, NEWSPAPERS, PHOTOGRAPHS, MUSEUM OBJECTS, ARCHIVAL DOCUMENTS, SOUND AND AUDIO-VISUAL MATERIAL, MONUMENTS AND ARCHAEOLOGICAL SITES ("CULTURAL MATERIAL")

- Is there a scheme to plan, coordinate and monitor digitisation of cultural material?

If yes, provide details of all relevant aspects of the scheme and of the overall digitisation achievements (number of digitised objects) towards the overall targets mentioned under point 7 (support to Europeana).

In Flanders, the approach is bottom-up. The *Flemish "cijferboek" Cultural Heritage* uses a few basic indicators of NUMERIC / Enumerate to compare the Flemish results with European ones.

In the French Community, for the *Plan de préservation et d'exploitation des patrimoines PEPs* (Plan of Preservation and exploitation of cultural heritage), see the Report 2008-2010. The plan is managed by the *Délégation générale à la numérisation des patrimoines culturels* (General delegation for the digitisation of cultural heritage). It is publicly accessible at the following address: <http://www.numeriques.cfwb.be/index.php?id=3111>. By now, about 615,000 objects (audio, video, texts, still images, representations of physical objects) coming from +/- 30 institutions have been digitised within the framework of this plan. At the end of November 2013, the General Delegation will launch a cultural Internet portal, which will give access to a selection of these digitised objects.

For the Federal Institutions, the planning and monitoring of the digitisation is carried out by the Belgian Science Policy Office within the framework of the *Digitisation Plan of the Federal Scientific and Cultural Institutions* (see supra (list of institutions) and the Report 2008-2010). The first phase of this Plan was achieved in 2012/2013. The specific and detailed targets for the second phase (2014-2018) are being finalised. The launch of Phase 2 had to be delayed due to budgetary problems. Three platforms will be created in order to stimulate inter-institutional collaborations: long-term preservation; digitisation (in-house and by external firms); valorisation.

- Has your country set quantitative targets for the digitisation of cultural material?

If yes, please specify the targets and indicators/procedures for monitoring progress, if any.

Management agreement of the Flemish public broadcaster VRT: 270,000 hours of moving images and 121,000 hours of sound need to be digitised and annotated in 2016.

No new quantitative targets currently defined in the French Community and for the Federal Institutions (Phase 2 of the Digitisation Plan under preparation). To reminder, quantitative targets were defined for each of the 9 projects of Phase 1 of the Federal Digitisation Plan (see the Report 2008-2010).

- Has your country set qualitative targets for the digitisation of cultural material?

If yes, please specify the targets and indicators/procedures for monitoring progress, indicate the expected increase in digitised material which could form part of Europeana and budgets allocated by public authorities.

The Flemish Community develops strategies to have their digital collections available, interoperable and accessible in an online environment. Flemish cultural heritage institutions are encouraged to make use of the CEST-toolbox which defines standards for creating, managing and making accessible of digital heritage collections. <http://www.projectcest.be>.

The French Community has set since 2009 qualitative targets for digitisation in its institutions: quality, sustainability and interoperability. The General Delegation plans to digitise the so-called “Trésors de la Communauté française” (the masterpieces of the cultural heritage of the French Community, designated as such under the Decree of 11 July 2002). The digitization will occur in 2014-2015.

For the Federal Institutions (Phase 2 of the Digitisation Plan under preparation, a 5-year plan to be implemented in 2014-2018): strengthening the inter-institutional collaboration with joint investments; professionalising the infrastructure; implementing a joint management of the data and of the digitisation activities oriented around various streams in order to create broad synergies between a rather heterogeneous ensemble of institutions (but taking into account the specificities of each organisation).

## **2. PARTNERSHIPS BETWEEN CULTURAL INSTITUTIONS AND THE PRIVATE SECTOR IN ORDER TO CREATE NEW WAYS OF FUNDING DIGITISATION OF CULTURAL MATERIAL AND TO STIMULATE INNOVATIVE USES OF THE MATERIAL, WHILE ENSURING THAT PUBLIC PRIVATE PARTNERSHIPS FOR DIGITISATION ARE FAIR AND BALANCED, AND IN LINE WITH THE CONDITIONS INDICATED IN ANNEX I**

- Have any cultural institutions in your country entered into PPPs (including also partnerships with non-EU partners) for digitisation or for facilitating the access to digital cultural heritage?

If yes, please provide details of the partnerships, compliance of the respective agreements with the conditions in Annex I of the Recommendation as well as contact details of the cultural institution involved.

In Flanders, the Museum Plantin-Moretus is looking into a PPP-partnership with ProQuest.

For the Phase 2 of the Digitisation Plan of the Federal Institutions (under preparation), the initial idea of PPPs has been abandoned (for legal, organisational and financial reasons) and the Plan will be implemented partly by the institutions themselves (projects) and partly via calls for tender (public procurement).

- Has your country adopted legislation on PPPs in place (e.g. fiscal benefits, public procurement provisions) or is any such legislation under preparation?

If yes, provide details and references.

**3. USE OF STRUCTURAL FUNDS, WHERE POSSIBLE, TO CO-FINANCE DIGITISATION ACTIVITIES**

- Is your country using Structural Funds for the digitisation of cultural material?

If yes, provide details of the amounts and the specific programmes.

**4. OPTIMISE THE USE OF DIGITISATION CAPACITY AND ACHIEVE ECONOMIES OF SCALE, WHICH MAY IMPLY THE POOLING OF DIGITISATION EFFORTS BY CULTURAL INSTITUTIONS AND CROSS-BORDER COLLABORATION, BUILDING ON COMPETENCE CENTRES FOR DIGITISATION IN EUROPE.**

- Has your country taken practical measures to optimise the use of digitisation capacity?

If yes, please provide details about the ways to optimise the use of digitisation capacity. Does this involve cross-border collaboration?

VIAA (*Vlaams Instituut voor de Audiovisuele Archivering*) was founded on December 21, 2012 by the Flemish Government. This Flemish Institute digitises, stores and provides access to audiovisual material, photographs, documents, etc, together with partners from the culture, heritage and media sectors. To achieve economies of scale the VIAA will fund the costs of digitisation of the different content partners involved. The main goal is to achieve mass digitisation through outsourcing.

In the French Community, the General Delegation has organized a mutualisation of the storage on LTO tapes. Currently, there are also discussions between the SONUMA (a subsidiary of "RTBF" in charge of the digitisation of the audiovisual archives of the French public broadcaster "RTBF") and the local televisions of the French Community for the digitisation and the storage of the audiovisual archives of the local televisions. The idea is to have one central storage point (with the necessary redundancy) for the archives of RTBF and local televisions.

Taking into account the results of Phase 1 of the Digitisation Plan of the Federal Institutions, the Phase 2 is designed to avoid fragmentation of the digitization activities of the various institutions involved and of the resources associated. It is aimed to create a real inter-institutional collaboration with common investments, to develop a professional infrastructure, to promote joint data management and digitisation activities focused around sectors. The Plan will aim to create synergies beyond the level of the thematic poles (space, nature, arts and documentation), while respecting the specific needs of each institution.

## DIGITISATION AND ONLINE ACCESSIBILITY OF PUBLIC DOMAIN MATERIAL

### 5. IMPROVE ACCESS TO AND USE OF DIGITISED CULTURAL MATERIAL THAT IS IN THE PUBLIC DOMAIN

#### 5.1. Mechanisms to ensure that material in the public domain remains in the public domain after digitisation.

- Has your country encountered obstacles in the process of ensuring that material in the public domain stays in the public domain after digitisation?

If yes, please provide details of the obstacles and explain how they have been overcome or how they are being addressed.

The way in which the DEA was forced upon all Europeana content providers, was problematic for some cultural institutions. The mandatory introduction of the DEA had an impact on the commitment of various content providers: the metadata submitted to Europeana was limited to only basic metadata. The argument to support this decision of the content providers is that metadata descriptions are often the result of (scientific) research and consequently need a significant investment.

Current intellectual property rights legislation is also seen as an obstacle to ensure availability and re-use of digital materials. Large quantities of digitised material are accessible only from within the institutions and not via Europeana, due to intellectual property rights regulations.

#### 5.2. Widest possible access to digitised public domain material as well as the widest possible reuse of the material for non-commercial and commercial purposes.

- Are there projects or schemes for promoting the widest possible access to digitised public domain material?

If yes, please provide details.

*Open Cultuur Data* (<http://opencultuurdata.be>) is a Flemish partnership helmed by PACKED focusing on the awareness of open data in the cultural sector and providing technical assistance for publication of open data.

The Internet cultural portal of the General Delegation (French Community) will give access to a selection of the digitised cultural material.

At federal level, a specific public-oriented website for the Belgian newspapers and the newspapers under censorship during the two world wars is being developed.

- Are there any schemes promoting reuse of the digitised material for non-commercial and commercial purposes? Please also indicate whether there are mechanisms for monitoring such reuse.

If yes, provide details of the schemes or best practice examples. Please also indicate whether there are mechanisms for monitoring such reuse (take-up by organisations engaging in re-use and take-up by end-users/visitors).

*Lukas Arts*: is commissioned by museums and heritage organisations for the management of digital images (top) works from the Flemish art heritage. Marketed to the professional buyer, Lukas arts provides high resolution images for the most demanding applications.

<http://www.lukasweb.be/nl>

*VIAA*: digital heritage is made available for educational institutions, public libraries and research institutions. VIAA will provide new teaching tools and a specific portal for teachers. In the safe and controlled environment of public libraries people will get assistance in consulting digital collections. <http://viaa.be/>

*IngeBeeld*: as platform for media literacy IngeBeeld showcases relevant practices on media literacy or media education in its online learning environment. This platform gives access to certain digital content from the Flemish public broadcaster VRT. Teachers and students can experiment with this digital content in a walled environment <http://lab.ingebeeld.be> . <http://www.ingebeeld.be/>

5.3. Measures to limit the use of intrusive watermarks or other visual protection measures that reduce the usability of the digitised public domain material.

- Has your country taken measures to limit the use of watermarks or other visual protection measures reducing the usability of digitised public domain material?

If yes, please describe the measures. Where applicable, please also indicate best/worst practice examples.

## **DIGITISATION AND ONLINE ACCESSIBILITY OF IN-COPYRIGHT MATERIAL**

**6. IMPROVE CONDITIONS FOR THE DIGITISATION AND ONLINE ACCESSIBILITY OF IN-COPYRIGHT MATERIAL.**

6.1. Rapid and correct transposition and implementation of the provisions of the Directive on orphan works

- When and how is your country going to transpose the Directive on orphan works?

The Belgian Office for Intellectual Property is currently preparing the transposition of the Directive into Belgian law.



6.2. Legal framework conditions to underpin licensing mechanisms identified and agreed by stake-holders for the large-scale digitisation and cross-border accessibility of works that are out-of commerce.

- Are there any legal/voluntary stakeholder-driven schemes in your country to underpin the large- scale digitisation and cross-border accessibility of digital cultural works?

If yes, please provide details of the schemes, references and describe impact.

Due to the legal exception for preservation available in the Belgian law on copyright, the Royal Library is allowed to digitise all documents from its collection. Access is permitted in the reading rooms of the library. Online access is restricted to out-of-copyright material.

There are no legal framework conditions for a large online dissemination of in-copyrighted material.

6.3. Contributing to and promoting the availability of databases with rights information, connected at the European level, such as ARROW.

- How is your country contributing and promoting the availability of such databases at the European level?

The Royal Library contributes to the ARROW Plus project in Belgium in cooperation with "*La Maison des auteurs – Het huis van de auteurs*" and "*boek.be*": the Royal Library provides the Belgian National Bibliography. The launch of the ARROW database is foreseen for 2013. Implementation in the premises of Royal Library for a day-to-day use is foreseen.

## EUROPEANA

### 7. CONTRIBUTE TO THE FURTHER DEVELOPMENT OF EUROPEANA

7.1. Encouraging cultural institutions as well as publishers and other right holders to make their digitised material accessible through Europeana, thus helping the platform to give direct access to 30 million digitised objects by 2015, including two million sound or audio-visual objects

- How is your country encouraging cultural institutions, publishers and other right holders to make their digitised material accessible through Europeana? Are there specific measures to encourage the contribution of sound or audio-visual material?

The "*Europeana Overlegplatform*" is an informal platform which informs about European digitisation policies and projects and is aimed at raising awareness about the benefits of participating in Europeana and interacting with Europe.

The Internet cultural portal of the French Community General Delegation will be an OAI-provider for Europeana, and thus plays the role of a "cultural hub" between the cultural institutions and Europeana.

The Federal Institutions are actively participating in Europeana and promoting its use in

all their communication channels.

7.2. Making all public funding for future digitisation projects conditional on the accessibility of the digitised material through Europeana.

- What measures has your countries taken to ensure that all cultural material digitised by means of public funding will be accessible through Europeana?

Measures of this kind are not taken in Belgium by any of the competent authorities. In particular, the Flemish Government is opposed to imposing obligations on cultural heritage institutions. Instead thereof the importance of interoperable and accessible standards is emphasized. Moreover there will be no such obligation in the French Community, as long as the rights issue on the metadata provided to Europeana will not be clarified. This being said all the major cultural institutions of the country try to contribute to Europeana on their own initiative, within the limits of their means, including participation in European projects.

7.3. Ensuring that all their public domain masterpieces will be accessible through Europeana by 2015,

- What measures has your country taken to ensure that your country's public domain masterpieces will be accessible through Europeana by 2015? Have you set indicators to measure progress?

The definition of masterpieces that could be used is difficult to establish and of limited use. Generally speaking, Belgium believes the selection procedure of the digital content should be done by the content providers and/or aggregators themselves. The importance should be stressed of a broad diversity of digital content being made available to as many European citizens as possible.

Nevertheless some specific measures can be taken within the framework of projects. For example, as mentioned above, the General Delegation (French Community) plans to digitize the so-called “Trésors de la Communauté française” (the masterpieces of the cultural heritage of the French Community, designated as such under the Decree of 11 July 2002). The digitization will occur in 2014-2015. Several Institutions (Federal and from the Communities) participate to European projects focused on masterpieces.

7.4. Setting up or reinforcing national aggregators bringing content from different domains into Europeana, and contributing to cross-border aggregators in specific domains or for specific topics, this may bring about economies of scale.

- Has your country set up a national aggregator bringing content from different domains into Europeana? If yes, please provide details of the aggregator, participating organisations and content domains covered.

Due to Belgium's federal structure, one would rather think of separate “national aggregators” for each Community and for the Federal Institutions. At the moment, this is not yet really the case.

The Flemish Community conducted a feasibility study into the creation of an aggregator for the Flemish cultural institutions. The results of this study were (among others) used as inspiration for drawing up the plans of the Flemish Institute of Audiovisual Archiving (VIAA). The VIAA will be able to take up an aggregator role for interested partners in the near future.

In the French Community about 25 institutions (universities, museums, film archive, libraries, etc) currently participate to the Internet cultural portal with photos, videos, text and sound.

The Federal Institutions are mainly working with sectoral aggregators and via European projects where they provide content, like Linked Heritage, Europeana Fashion, Europeana Inside, Partage Plus, 3D Icons, Athena Plus etc. In many projects best practices are being developed for the delivery, enrichment and re-use of Europeana content.

- Are there specific measures the participation of cultural institutions, publishers or other right holders in cross-border aggregators in specific domains or for specific topics? If no such measures have been taken, are you aware of voluntary participation by organisations based in your country? Please provide details of such participation and participants' motivation.

The Flemish Government has provided since 2010 matching funds to stimulate the subsidised cultural heritage institutions to participate in Europeana projects. Those matching funds were institutionalised in the Cultural Heritage Act of 2012. Participating Flemish institutions are: *Designmuseum Gent* (Partage Plus), *FotoMuseum Antwerpen* (Daguereobase), *ModeMuseum Antwerpen* (Europeana Fashion) and PACKED vzw (Digitising Contemporary Art, Linked Heritage en Athena Plus).

7.5. Ensuring the use of common digitisation standards defined by Europeana in collaboration with the cultural institutions in order to achieve interoperability of the digitised material at European level, as well as the systematic use of permanent identifiers.

- How does your country encourage the use of common digitisation standards defined by Europeana? How do you support the systematic use of permanent identifiers?

Europeana influences strongly the discussion about the description of cultural heritage objects. But it is not sure it is the one who "defines" common standards. Europeana was indeed responsible for the uptake of DC and XML in the cultural heritage field. The EDM model is an important factor in the development of linked data application in cultural heritage. The development of EDM is mostly driven by Europeana itself and not in function of the collections. This is problematic for the heritage sector.

The major institutions (Federal and in the Communities) are indeed using the international standards including Europeana's Semantic Elements (ESE) and Europeana Data Model (EDM). To the extent that the Internet cultural portals will act as aggregators, it's up for their managers to make crosswalks between institutions metadata schemes and ESE. There's also currently in the French Community some work on a semantic prototype website which is based on a semantic data model partly inspired by EDM

7.6. Ensuring the wide and free availability of existing metadata (descriptions of digital objects) produced by cultural institutions, for reuse through services such as Europeana and for innovative applications.

- Which measures has your country taken to ensure the wide and free availability of existing metadata? How do cultural institutions in your country take up the Europeana Data Exchange Agreement?
- What experience has your country been able to gather to re-use of free metadata for re-use if the underlying content through services such as Europeana or for innovative applications? Please provide details, examples and references.

The introduction of the Europeana DEA was responsible for boosting the intellectual property rights debate in the country and the establishment (in Flanders) of a sector organisation concerning intellectual property rights. The forced introduction of the DEA was perceived as being undemocratic by many (if not most) content providers. The way Europeana tries to blur the difference between administrative/technical metadata and scientific metadata creates problems. By making the signing of the DEA mandatory, some content providers limited the metadata they provided to Europeana, resulting in the impoverishment of the available metadata through Europeana. The main reason cited for limiting the metadata being the investment made by content contributors to conceive this metadata. Signing the DEA doesn't allow attribution to the content provider, so the link with the content provider is lost. The DEA reduced the existing support for the Europeana project by cultural heritage institutions.

7.7. Establishing a communication plan to raise awareness of Europeana among the general public and notably in schools, in collaboration with the cultural institutions contributing content to the site.

- What measures has your country taken to establish a communication plan to raise awareness of Europeana? Are there specific measures targeting schools or other specific user communities? If yes, please provide details.

For example, the "Great War Archive" is an important project for making accessible private WOI-collections linked to "Europeana Awareness". Five "collection days" were organized in Flanders between November 2012 and June 2013 in Wipers, Aarschot, Antwerp, Leuven and Hasselt. In 2013 and 2014 other days will be organized. The digitised content will be made accessible through the website <http://www.europeana1914-1918.eu/> and the Europeana portal.

## DIGITAL PRESERVATION

### **8. REINFORCE NATIONAL STRATEGIES FOR THE LONG-TERM PRESERVATION OF DIGITAL MATERIAL, UPDATE ACTION PLANS IMPLEMENTING THE STRATEGIES, AND EXCHANGE INFORMATION WITH EACH OTHER ON THE STRATEGIES AND ACTION PLANS.**

- Does your country have a strategy for the long-term preservation of digital material? What actions are you planning to implement the strategy? Have you exchanged information with other Member States in order to devise your strategy and action plan? If yes, please provide details.

Long-term preservation is one of the main goals of the Flemish Institute of Audiovisual Archiving (VIAA).

The "technical and organisational standards and guidelines for cultural digitisation initiatives funded by the French speaking Community" support the adoption of OAIS as a reference model for long-term preservation. The General Delegation plans to make proposals in 2014 for the implementation of OAIS.

One of the three pillars of Phase 2 of the Digitisation Plan of the Federal Institutions will be the establishment of a common platform for long-term preservation. Institutions face a growing need in terms of storage capacity. This results in problems of archiving, storage, preservation and management of digital content that institutions cannot solve alone, because they are lacking the necessary infrastructure and know-how. This common platform should enable the secure and long-term preservation of digital objects.

### **9. EXPLICIT AND CLEAR PROVISION IN YOUR COUNTRY'S LEGISLATION SO AS TO ALLOW MULTIPLE COPYING AND MIGRATION OF DIGITAL CULTURAL MATERIAL BY PUBLIC INSTITUTIONS FOR PRESERVATION PURPOSES, IN FULL RESPECT OF EUROPEAN UNION AND INTERNATIONAL LEGISLATION ON INTELLECTUAL PROPERTY RIGHTS.**

- Have your country made explicit and clear provision in its legislation to allow multiple copying and migration of digital cultural material by public institutions for preservation purposes?

The Belgian Law on Author's Rights and Related Rights of 30 June 1994 mentions as exceptions to the author's unalienable rights to his work: quotations; copying for educational purposes, copying (limited in number) for preservation purposes; making copies of items in the collections of public institutions available for research or private study on the premises.

**10. MAKE THE NECESSARY ARRANGEMENTS FOR THE DEPOSIT OF MATERIAL CREATED IN DIGITAL FORMAT IN ORDER TO GUARANTEE ITS LONG-TERM PRESERVATION, AND IMPROVE THE EFFICIENCY OF EXISTING DEPOSIT ARRANGEMENTS FOR MATERIAL CREATED IN DIGITAL FORMAT.**

10.1. Ensuring that right holders deliver works to legal deposit libraries without technical protection measures, or that, alternatively, they make available to legal deposit libraries the means to ensure that technical protection measures do not impede the acts that libraries have to undertake for preservation purposes, in full respect of European Union and international legislation on intellectual property rights.

- What arrangements has your country made to ensure that technical protection measures do not impede the acts that libraries have to undertake to guarantee long-term preservation of material created in digital format?

The Belgian Law on the legal deposit doesn't include electronic documents but the Royal Library has set up a e-depot repository where electronic documents can be deposited on a voluntary base.

An example from the film sector: in the French Community, each producer who receives a film aid must sign a contract with the CCA (*Centre du Cinéma et de l'Audiovisuel*) which, among others, requires the deposit of a digital copy (2K DCP) in a non-encrypted form.

10.2. Where relevant, making legal provision to allow the transfer of digital legal deposit works from one legal deposit library to other deposit libraries that also have the right to these works.

- Has your country made legal provision to allow the transfer of digital legal deposit works from one legal deposit library to other deposit libraries that also have the right to these works? If yes, please provide details.

10.3. Allowing the preservation of web-content by mandated institutions using techniques for collecting material from the Internet such as web-harvesting, in full respect of European Union and international legislation on intellectual property rights.

- What measures has your country adopted to allow preservation of web-content by mandated institutions? Please provide details, e.g. of the types of web-content preserved and the organisations mandated.

**11. TAKING INTO ACCOUNT DEVELOPMENTS IN OTHER MEMBER STATES, WHEN ESTABLISHING OR UPDATING POLICIES AND PROCEDURES FOR THE DEPOSIT OF MATERIAL ORIGINALLY CREATED IN DIGITAL FORMAT, IN ORDER TO PREVENT A WIDE VARIATION IN DEPOSITING ARRANGEMENTS.**

- How is your country taking into account developments in other Member States in order to prevent a wide variation in deposition arrangements? Please provide details.

**ANY OTHER BUSINESS**

- Please indicate in the box below any suggestions or other comments you would like to make, or any further information you consider of use for the purposes of this progress report and/or the further implementation of the Recommendation.

Current policies concerning intellectual property rights are cited by many cultural institutions as being problematic to ensure online accessibility of digitized content. A revision of current policies for cultural use is deemed necessary. The European Commission should look into this if it aims to make European cultural heritage commonly available.

Based among others on a survey that was conducted in the context of the *Europeana Vlaanderen Overlegplatform*, Europeana is being perceived as too focused on self-preservation. Investments need to be made to enable decision-making becoming more transparent and to ensure participation of the content providers in the decision making process. It needs to be stressed that the Europeana project can only be successful if content providers and Europeana work together towards a common goal, namely: to make accessible the rich European cultural heritage.