



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 no later than 16th December
2013**

Country	Luxembourg
----------------	-------------------

Contact Details (info will not be published):

Name	Monique Kieffer
Organisation	National Library of Luxembourg
Telephone	+352 22 97 55 1
Email	info@bnl.etat.lu

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.

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).

There is no national planning or monitoring scheme. The National Library is designated to coordinate digitisation activities. Unfortunately, because of lack of resources, there has not been a coordination meeting of the "Groupe Europeana Luxembourg" in 2012 and 2013. For Spring 2014 a relaunch of this group is planned, it is open to all practitioners in digitisation and online accessibility.

In practice, the major cultural heritage organisations are executing their own schemes and securing the budgets individually. Organisations are also informed by their participation in Europeana projects specific to their domains and are using the respective domain aggregators to add data to Europeana. The lack of a national aggregator will be pronounced if these projects should end.

The National Archives are currently executing their 2012-2014 digitization program, covering 12 projects.

Achievements: Number of digitized objects at the National Archives in 2011-2013: fonds Weimar (101 charters), témoignages oraux (213 interviews), fonds Arbed (670 maps and plans), fonds conseil d'état (2974 files, ~130.000 pages), fonds expansion économique (7240 photos), fonds états civils (~1.200.000 pages), fonds Paul Wuerth (572 photos), fonds conseil provincial (11 registers, 10.194 pages)

The National Library is continuing with its digitisation programme, focussing on newspaper and periodicals, resulting in about one yearly European tender for digitisation services. About 10% (60.000 issues, 356.145 pages or 2.415.825 articles) of its newspaper holdings have been digitised. Rights clearance has been very labour intensive, particularly for one title (Lëtzebuurger Land) which is the first to go beyond the 1950 threshold and is available up to the year 2007. The public interfaces of www.eluxemburgensia.lu and the "BnL eLux" iPad app are focussed on offering deeply

structured data down to article level (using METS/ALTO) and full OCR. To simplify discovery, all digitised works have been integrated into the search engine of the national discovery tool www.a-z.lu, which also includes the digital library www.findit.lu of Consortium Luxembourg and the national library network www.bibnet.lu catalogues.

Progress for other types of works is much more limited, there are about 18.00 postcards digitised and manuscript fragments have been virtually reassembled in partnership with the French national library. Data produced by the digitisation projects is also used as raw material for Digital Humanities research, both nationally and internationally.

The role of the National Library from (2009 to 2014) in the development of the Europeana Licensing Framework and the Europeana Public Domain Charter has been very useful to align all activities in Luxembourg along this framework from early on.

- 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.

No, apart from organisation specific targets, which depend also on annual funding, there are no national targets.

- 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.

No.

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.

The small market size of Luxembourg makes it difficult to define exclusive or monetisable uses of content for such partnerships.

Examples of non-commercial agreements with private partners are the contracts between several newspaper publishers and the National Library to make some of their content available online, free of charge.

- 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.

No

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.

No.

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?

No

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.

No major obstacles were encountered. The National Library was involved in the creation of the Europeana Public Domain Charter and has promoted it nationally.

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.

There are no national schemes in place, but all cultural institutes such as the National Archives and the National Library have the widest possible access as a principle for public domain material.

Non public domain subject matter is made available with the most open licence scheme possible. Example : Archival collections digitised by the National Archives were selected with publication under one of the Creative Commons licence schemes in mind.

The National Library has a legal mission to "ensure access by the largest possible public to its collections, including from outside its buildings, using the most modern data transmission technologies" ("d'assurer l'accès du plus grand nombre aux collections, y compris par (...) la consultation à distance, en utilisant les technologies les plus modernes de transmission des données", Loi du 25 juin 2004 portant réorganisation des instituts culturels de l'Etat, Article 9).

Regarding commercial re-use, the revised PSI directive will inform any choices made.

- 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).

There are no national schemes for promoting the re-use of digitised material.

There is widespread adoption of Open Data principles.

Examples:

- Cultural events available from plurio.net are available under Creative Commons Zero, allowing commercial re-use. It is a major success story receiving wide, commercial and non-commercial re-use in the Greater Region.
- Databases such as the catalogues of the National Library are licensed as Open Data.

Open licensing for content is used but there is no national policy in place. A national policy would allow to target re-users as well as producers, which would be most useful for clarifying re-use by educational and commercial users.

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.

There are no such national measures.

The National Archives and the National Library have agreed not to use restricting technologies (DRM, watermarks, resolution limitation) in their current and future projects.

Work in progress includes replacement of past use of watermarks at the National Archives with fully reusable digital objects wherever possible.

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 Directive will be transposed before the 29th October 2014.

It is unfortunate that the Directive will only be of use in some specific cases and have little effect on mass digitisation due to the requirement to identify each orphan work using a diligent search. No decision has been taken whether alternative rights clearance mechanisms will be considered such as those based on the MOU on Out-of-commerce works or Extended Collective licensing schemes or others.

The National Library however is strongly in favour of such alternative rights clearance by its experience of organising the international “Europeana Licensing Workshop”, focussing on cross-border rights clearance for digitised culture:

<http://pro.europeana.eu/web/guest/pro-blog/-/blogs/europeana-licensing-workshop>

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.

See 6.1

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?

Luxembourg is not directly using or contributing to databases such as ARROW, only indirectly through passive contributions of library catalogues to the European Library.

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?

There is no specific encouragement to make digitised material available through Europeana, this is taken as a given (also see Point 1).

There are no specific measures to encourage the contribution of sound or audio-visual material.

The National Archives are involved in a European aggregation platform project (Archives Portal Europe) where its role as Country Manager includes promoting the Portal and trying to attract new Luxembourgish archives to contribute metadata and digitized content. The Archives Portal Europe is forwarding aggregated content with the respective provides' consent, to Europeana.

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?

No specific measures have been taken but it is taken as a given that all digitised content will be made available via Europeana.

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?

No measures or indicators are in place.

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.

No. See Point 1.

- 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.

There are no specific measures to promote participation in cross-border aggregators in specific domains or for specific topics.

Nevertheless, there are at least these participations in cross-border activities:

The National Library is participating in the European Library, Europeana Connect Europeana Awareness and Europeana Newspapers.

The National Archives are participating in APEX (Archives Portal Europe).

The Agence luxembourgeoise d'action culturelle is participating via Plurio.net Europeana Awareness and Europeana Creative.

The Centre Virtuel de la Connaissance sur l'Europe is participating in ASSETS and Kubrik.

The motivation is to expose and enrich the organisations' content to larger audiences and contribute to the professional development internally.

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

There is no systematic support for permanent identifiers on national level.

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.

No national measures have been taken to ensure wide and free availability of metadata.

The role of the National Library from (2009 to 2014) in the development of the Europeana Licensing Framework has been very useful to align all activities in Luxembourg along this framework from early on.

Examples: The official launch of the licensing framework and brochure at a press briefing in November 2011 at the National Library; the online productive launch of the licensing framework was marked with a reception with the Member State Expert Group, Europeana and the European Commission at the Ministry of Culture in September 2012.

Regarding experiences of free re-use of metadata: This change has mostly benefitted the sector internally, as new international interoperability with Creative Commons Zero as new metadata licensing standard has triggered a global wave of shared, cloud based innovation in the library sector, including library systems businesses.

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.

There is no national communication plan as such.

The National Library is participating in the Europeana Awareness project, which includes a dissemination and communication work package.

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.

The National Library and the National Archives have elaborated a business case and defined requirements for a national digital preservation solution for their common needs, and are currently working on the approval and resourcing of the first phase of the implementation project.

Consultation and reference visits have taken place so far in Belgium, the Netherlands, Switzerland and France.

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?

Yes, covered by copyright law.

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 legal framework for legal deposit is in place since 2004 and has been clarified in respect to specific requirements of digital content in 2009 (Réglement grand-ducal relatif

au dépôt légal de 2009).

As far as technical protection measures are concerned, the legal requirement to deposit is only fulfilled if the National Library or the National Audiovisual Center is able to make high quality copies of the digital content and all relevant metadata. If no such copies can be made, the depositor is obliged to provide, on demand, any information or tool required to make such copies.

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.

There are two beneficiaries for (digital) legal deposit: the National Library and the National Audiovisual Center. There is no explicit transfer rule in the legal framework but it is understood that the access and preservation infrastructure will be shared at a minimum for all online works which are not neatly separable as either “printed” or “audiovisual” works. Example: Videos on newspaper sites or text on TV sites. As such, the necessity to transfer copies should not arise.

Unfortunately, when the legal framework was adopted in 2009 the required staff and budget was not allocated so there is no digital legal deposit infrastructure yet on which basis the above assumption could be verified.

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.

There is no differentiation between web content and any other digital content as far as legal deposit rules are concerned.

See 10.2.

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.

During the writing of the legal framework there was extensive consultation of practices in other Member states and internationally as well as consultation of academic texts.

Unfortunately, after the legal framework was adopted in 2009 the required staff and budget was not allocated, so in the absence of concrete deployment, there is no current practical need to continue checking practices abroad.

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.