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 2013-2015

**Please complete and return by e-mail to
Rachel.Soucher@ec.europa.eu no later than 30 October 2015**

Country	Slovak Republic

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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 your report should focus on new developments in the reference period 2013-2015.

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

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 provide quantitative indicators on progress achieved, where applicable.

If no information is available for a question, please leave the corresponding box empty.

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

DIGITISATION: ORGANISATION AND FUNDING

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

   a. Setting clear quantitative targets for the digitisation of cultural material, in line with the overall targets mentioned under point 7, indicating the expected increase in digitised material in Europeana and the budgets allocated by public authorities

   - Is a national strategy or other scheme in place for planning the digitisation of cultural material?

     [x] National strategy

     [x] National funding programme

     [ ] Domain specific initiatives

     [ ] Regional schemes

     [ ] No specific scheme

     [ ] Other

     Please provide details of the **present** scheme, and any developments **since the last reporting period.**

Digitisation of cultural material was performed under the Priority Axis 2 of the EU Structural Funds Operational Programme Informatisation of Society called "DEVELOPMENT AND RENEWAL OF THE NATIONAL INFRASTRUCTURE OF REPOSITORY INSTITUTIONS". The global target of the operational programme is "creation of an inclusive information society as a tool for the development of a highly-efficient knowledge-based economy", while specific objective of the priority axis is "improvement of the system of acquisition, processing, protection and utilisation of knowledge and digital content, as well as modernisation and completion of the infrastructure of repository institutions at the national level." The operational programme was co-funded by the ERDF with allocation of 141,27 mil. EUR.

12 national projects were implemented under this Priority Axis of the Operational Programme, of which there are 3 infrastructural projects (**Central Digital Archives** aiming to provide infrastructure for long-term preservation of the digitised cultural heritage of Slovak cultural institutions, **Central application infrastructure and registry** aiming to provide tools for managing and making available of the digitised content and **Harmonisation of information systems** aiming to improve interoperability between information systems in cultural institutions, which generate digitised content within the programme) and 6 digitisation projects (**Digital Library and Digital Archives** aiming to digitize 2.52 million objects of the Slovak National Library and Slovak National Archives,

Digital Gallery with 100 100 objects of the Slovak National Gallery and other Slovak galleries to be digitised, **Digital Museum** with 183 000 objects of Slovak museums to be digitised, **Digital Collection of Monuments** with 2 000 large-scale objects (monuments, statues, castles etc.) to be digitised, **Digital Audiovision** with 58 700 audio-visual objects of the Slovak Film Institute and Slovak Television and Broadcasting to be digitised, as well as **Digital collection of traditional folklore culture** aiming to digitally record traditional dances, folk customs and culture, **Digital resources – webharvesting and archiving of e-born content** and **Digitization and multimedia products of the National Cultural Centre**. The last national project is the **Documentation and Information Centre for Roma Culture** aiming to digitise the oral and other ephemeral histories of the Romas in Slovakia. There were also 7 other smaller digitisation projects implemented under the Priority Axis. The implementation period ends in December 2015 and by the end of October 2015 more than 4,128 million objects have been digitised, of which at least 30% must be made available online and through Europeana. The sustainability period of at least 5 years is obligatory and will bring further increase in the number of digitised objects.

In 2015, Ministry of Culture started to formulate its National Digital Strategy, based on digital strategies of national memory institutions.

- Are quantitative targets for the digitisation of cultural material set at national level?

  Please provide details for the reference period 2013-2015 including any available figures on digitisation targets and allocated budgets/budget sources.

More than 4,128 million objects have been digitised so far, which exceeds the target of 3,09 million objects set as target in the Operational programme by 33%. The progress is monitored using standardized procedures used in the implementation and monitoring of the EU Structural Funds. The allocation from ERDF is 141,27 mil. EUR, plus national co-funding, which in total makes app. 180 mil. EUR.

- Are qualitative targets for the digitisation of cultural material set at national level?

  Please provide details of any **present** standards or guidelines, and any developments **since the last reporting period**.

The digitisation activities under the programme are performed in accordance to the "manuals", elaborated for specific domains, that set the standards for quality of digitisation, metadata etc. These standards are based on the European recommendations and are obligatory for all digitisation projects funded under the operational programme. The manuals (in Slovak language) can be found at: http://opis.culture.gov.sk/obsah/metodicke-manualy.

b.   Creating overviews of digitised cultural material and contributing to collaborative efforts to establish an overview at European level

- Is a national scheme or mechanism in place for monitoring the digitisation of cultural material?

    Yes [x] No [ ]

If yes, please provide details.

All digitised cultural materials are registered in the National register of digitisation, which was developed as part of the above mentioned national project **Central application infrastructure and registry**. Progress of digitisation was monitored regularly at the ministry level throughout the implementation period.

- Has your country encouraged and supported the participation of cultural institutions to the ENUMERATE surveys for the establishment of a European-level overview of digitisation data? Please provide details of actions **within this reporting period,** any related figures, and/or plans to support contribution in upcoming surveys.

No.

2.   **PROGRESS ON 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 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?

    Yes [ ] No [x]

Please provide details of any major partnerships established **since the last reporting period**, compliance of the respective agreements with the conditions in Annex I of the Recommendation as well as contact details of the cultural institution involved.

N/A

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

- Is your country using, or planning to use, funding from the European Structural and Investment Funds for the period 2014-2020 for the digitisation of cultural material?

    Yes [x] No [ ]

If yes, please provide details of specific programmes, or large-scale projects, and respective amounts.

Please see section 1 of the document.

4. **PROGRESS ON WAYS TO 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 developed ways to optimise the use of digitisation capacity and achieve economies of scale, through pooling of digitisation efforts or cross-border collaboration?

    Yes [x] No [ ]

Please provide details of any developments or best practice examples of national, or cross-border, collaboration **within this reporting period**.

The principles on which the above mentioned digitisation projects were built include building specialized national digitisation worksite for each type of content held by cultural institutions – e.g. library materials are digitised in the Digitisation centre of the Slovak National Library, materials like paintings or statues in the digitisation worksite of the Slovak National Gallery etc., which make use of economies of scale and concentrate the specific know-how necessary to safeguard the quality of outputs in one place nation-wide. No cross-border collaboration is in place.

DIGITISATION AND ONLINE ACCESSIBILITY OF PUBLIC DOMAIN MATERIAL

5. PROGRESS ON IMPROVING ACCESS TO AND USE OF DIGITISED CULTURAL MATERIAL THAT IS IN THE PUBLIC DOMAIN

a. Ensuring 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? How do cultural institutions in your country take up the Europeana Public Domain Charter? Please provide details of the **present** situation and any developments **within this reporting period**.

> No, all public domain materials digitised stay, as a rule, public domain after digitisation.

b. Promoting the 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 and re-use of digitised public domain material? Please provide details of any developments **within this reporting period**.

> The portal www.slovakiana.sk developed as a presentational part of the above mentioned national project **Central application infrastructure and registry** makes public domain materials widely available and promotes the access widely through a targeted media campaign.

- What experience has your country been able to gather concerning the re-use of digitised public domain material for non-commercial or commercial purposes? Please provide details of **any best practice examples within this reporting period**. 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).

> Such experience will be gathered in the following periods as the digitised content became available for re-use only late in fall 2015.

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

- Are measures to limit the use of watermarks or other visual protection measures reducing the usability of digitised public domain material in place?

Yes [ ] No [x]

Please provide details of any developments **since the last reporting period**.. Where applicable, please also indicate best/worst practice examples.

> No visual protection measures are used in the digitised material generated under the above mentioned programme.

DIGITISATION AND ONLINE ACCESSIBILITY OF IN-COPYRIGHT MATERIAL

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

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

- Has your country adopted legislation to transpose the Directive on orphan works?

Yes [x] No [ ]

Please provide details of any developments **since the last reporting period.**

> The Directive was incorporated into the Copyright Act in October 2014. Libraries, archives, museums and schools can use an orphan work (after diligent search has been performed) by making reproductions for the purpose of digitisation, indexing, cataloguing, preservation, restoring and making available to the public and by making it available to the public without remuneration. Only non-commercial use is allowed and authors can opt-out. The Slovak National Library is the Competent National Authority for the Orphan Works Database of OHIM.

b. 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 out-of-commerce works?

Yes [x] No [   ]

Please provide details of any developments **since the last reporting period** (including schemes, references and impact).

The legislation pertaining to the status and use of out-of-commerce works by cultural institutions was incorporated into the Slovak copyright law at the end of October 2014 and the below described model based on the principles of the 2011 MoU on Key Principles on the Digitisation and Making Available of Out-of-Commerce Works was a result of previous negotiations among the Slovak National Library (SNL), Ministry of Culture and the collecting society LITA, acting on behalf of the authors.

All three subjects agreed that it would make sense to limit the use of out-of-commerce works as little as possible, while respecting the needs of libraries and their users, rights of authors and commercial interests of publishers.

The resulting definition of an out-of-commerce work is that it is a literary work expressed in printed form (e.g. monographs, journals, newspapers), including visual works included in such a work (pictures, drawings, photographs etc.) that:

  a) is not commercially available on the market through primary distribution channels like bookstores, wholesale distributors etc., excluding the possibility to buy such a work on the second hand market,

  b) is a part of the collection of a library, archives or museum, and

  c) is registered in the publicly accessible list of out-of-commerce works that is maintained by the national library (currently on its website).

This means there are no defined time limits (such as only books published up to 1964, or in the 20th century), which makes it possible to treat relatively new works as out-of-commerce (at the moment, SNL considers monographs published before 2013 and periodicals published before 2014 automatically as out-of-commerce, while, at the same time, newer documents are judged on individual basis). Anyone can propose a work to be registered in the list, in vast majority of cases the proposals are made by the national library itself, based on the list of works that had undergone digitisation (ca. 40 million pages of Slovak-related materials as of now) and the time of publishing as defined in the previous sentence. Before a work is registered, the proposal has to be publicly accessible (via SNL website) for minimum of 3 months during which anyone can object that it is, in fact, still commercially available (we get such request from publishers or distributors), or, the authors can opt-out from the scheme and say they do not want some/all of their works to be used as out-of-commerce (please note, that only the author can do this, not the publisher). The author can opt-out anytime, i.e. also after the work has been registered as out-of-commerce. After this period is over, the work gains the status of an out-of-commerce work. This status is dynamic, i.e. the work can lose it, when it becomes commercially available again, e.g. due to re-edition, and regain it again later. It is expected, that the publishers will be able to use the statistics of usage of the digitised out-of-commerce works for deciding, which works are worth re-publishing, because they are heavily used by the library users.

Once a work gains the status of being commercially unavailable based on the

procedure above, it can be used in the following ways: reproduction (including digitisation), making available to the public (online use) and commercial/non-commercial distribution of the reproductions (e.g. sale of analogue/digital reproductions), based on the **extended collective license agreement** with the collecting society (the above mentioned collecting society LITA is the only collecting society in Slovakia that fulfils the conditions for being entitled to enter into such agreements).

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

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

        Yes [x] No [ ]

Please provide details of any developments **since the last reporting period**.

ARROW is part of the national legislation (with the transposition of OW Directive) as it is mentioned in the copyright law as one of the primary sources to be checked when performing the diligent search.

EUROPEANA

7.   **PROGRESS ON CONTRIBUTION TO THE FURTHER DEVELOPMENT OF EUROPEANA**

a.   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

- Please provide details of any developments, or best practice examples, **within this reporting period.**

All digitisation projects implemented under the Priority axis 2 of the Operational Programme Informatisation of Society have to make their digitised materials accessible through Europeana. This will happen by means of the national cross-domain aggregator, which is the National Cultural Center as an institution responsible for implementation of the national project Central Application Infrastructure and Registry. Making digitised material accessible through the presentational system developed within this project, and thus through Europeana, was a pre-condition for approval of any digitisation project funded from the EU Structural Funds. This also applies to the sound and audio-visual materials digitised by the Slovak Film Institute and Slovak Television and Broadcasting. The aggregation will start in the months to come.

- Please provide figures concerning the contribution of your country to Europeana with regards to the indicative targets for minimum content contribution by 2015, as set at Annex II of the Recommendation.

> The content contribution of Slovakia to Europeana will start to rise considerably in the first months of 2016, when at least 1 mil. objects will harvested to Europeana from the Slovakiana portal.

- Are there known obstacles that have prevented your country from reaching the indicative targets for 2015? **(if relevant)**

> The main reason for the delay in fulfilling the indicative targets for 2015 was the massive national digitisation campaign in the previous years that will last until the end of 2015, and only then the content becomes available to the public through Slovakiana and harvested to Europeana.

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

- Please provide details of any steps taken, or best practice examples, **within this reporting period.**

> The use of EU structural funds for digitisation of cultural heritage materials was made available upon the condition of all materials being made accessible through Slovakiana and, subsequently, through Europeana. This was one of the obligatory conditions for the projects to be eligible for funding.

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

- Please provide details of any steps taken, or best practice examples, **within this reporting period.**

> All public domain masterpieces form all sectors (libraries, archives, museums, galleries etc.) are/will shortly be available to the public through Slovakiana and, subsequently, through Europeana.

d. 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, which may bring about economies of scale

- Is a national aggregator bringing content from different domains into Europeana present in your country?

  Yes [x] No [ ]

- Please provide details of any developments, **within this reporting period,** concerning national aggregators, participating organisations and content domains covered**.**

> The content form all domains is/will shortly be brought together into Europeana via Slovakiana, operated by the National Cultural Centre as the national aggregator.

- Please provide details of any developments or best practice examples, **within this reporting period**, concerning contribution to cross-border aggregators in specific domain or for specific topics**.**

> N/A

   e.   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

- Please provide details of any steps taken, or best practice examples, **within this reporting period,** to ensure the use of common digitisation and metadata standards to achieve interoperability at European level.

> The digitisation standards for all domains were published as methodological recommendations/manuals, that are based on Europeana standards and guidelines, on national level. URN:NBN standard for permanent identification of digital objects was implemented on national level. All these standards are binding for any publicly funded digitisation projects.

- Please provide details of any developments or best practice examples, within this reporting period, concerning the systematic use of permanent identifiers.

> As described above.

   f.   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 steps has your country taken to ensure the free availability of existing metadata? How do cultural institutions in your country take up the Europeana Data Exchange Agreement? Please provide details of any developments or best practice examples, **within this reporting period.**

> All metadata of digitised objects on Slovakiana are submitted under Europeana CC0 license as a condition for publication.

- What experience has your country been able to gather concerning the re-use of free metadata, through services such as Europeana or for innovative applications? Please provide details of **any best practice examples within this reporting period.**

> The real-life experience will be available form 2016 onwards.

     g.   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

- Please provide details of any developments or best practice examples, **within this reporting period,**.

> N/A.

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? Please provide details of **any developments since the last reporting period**.

> Materials digitised within the projects mentioned above is preserved in the Central Digital Archives of the University Library, which is an up-to-date long-term preservation repository, meeting the highest standards of protection of digital cultural materials.

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? Please provide details of **any developments since the last reporting period.**

> No.

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.**

   a. 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? Please provide details of **any developments since the last reporting period.**

> None.

   b. 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? Please provide details of **any developments since the last reporting period.**

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> No.

   c. 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 of **any developments since the last reporting period**.

The web-content is being harvested on voluntary contractual basis by the University Library in Bratislava (**Digital resources – webharvesting and archiving of e-born content** project, co-funded by the EU).

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 of **any developments since the last reporting period**.

New legal deposit legislation is envisaged for the legislative term of 2016-2020, which should unify the approaches to deposition.

Is the Recommendation up to date and fit for purpose?

The Recommendation is a non-binding EU legal act whose purpose is to coordinate, supplement and support MS' actions in an area where the EU has no central competence. In this context:

- What are your views on the overall usefulness of the Recommendation as an instrument to improve conditions, in the areas addressed therein, in your country?

The Recommendation proved to be a useful tool for Slovakia, since it, among others, was used to set the frame for the digitisation of cultural heritage materials on national level (the above mentioned priority axis of the operational programme). This made sure that the huge public investment into the mass digitisation was used appropriately, with all relevant aspects summarized by the Recommendation in mind.

- Which provisions of the Recommendation do you consider to have had high impact in your country?

Those concerning out-of-commerce works as described above, which led to a legislative change.

- Which provisions of the Recommendation do you consider to have had low impact in your country?

> None.

- Would the Recommendation benefit from an update to enhance its impact or bring it up to date with current challenges so that it remains relevant in the coming years? Please provide your suggestions or comments with respect to specific provisions or in general.

> There seems to be a broad consensus that the notion of "masterpieces" should by abandoned as being significant in the context of mass digitisation. It is felt that in 2015 and later the digitization activities should concentrate on the quantitative side of the selection criteria, i.e. to cover tens and hundreds of thousands objects rather than tens or hundreds of what is considered "masterpieces" (which have mostly been digitized anyway in the previous years).

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.