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	Luxembourg

Contact Details (info will not be published):

Name	Monique Kieffer
Organisation	National Library Luxembourg / Bibliothèque nationale de Luxembourg
Telephone	+352 22 97 55 1
Email	Patrick.peiffer@bnl.etat.lu / 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 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?

     [ ] National strategy

     [ ] National funding programme

     [ ] Domain specific initiatives

     [ ] Regional schemes

     [X] No specific scheme

     [ ] Other

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

Overall, there have been no significant changes since the last reporting period and institutions are continuing with their own schemes, without a national strategy, planning or monitoring plan.

In practice, the major cultural heritage organisations are executing their own schemes and securing the budgets individually. The National Library was designated to coordinate digitisation activities. Unfortunately, because of lack of resources, the plan to relaunch the "Groupe Europeana Luxembourg" in 2014 had to be abandoned (Note: the group, open to all practitioners in digitisation and online accessibility, met regularly during the previous reporting period)

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 Library is continuing with its digitisation programme, focussing on newspaper and periodicals, resulting in about one yearly European tender for digitisation services. About 10% (61.000 issues, 380.000 pages or 2.600.000 articles) of its newspaper holdings have been digitised. Rights clearance continues

> to be very labour intensive.
>
> 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 during the reporting period is much more limited, manuscript fragments have been virtually reassembled in partnership with the French national library and the city library of Trier (DE). A small pilot project of about 440 old Luxembourgish books was launched in 2014. Data produced by the digitisation projects is also used as raw material for Digital Humanities research, both nationally and internationally. The demand for further mass-digitisation as input material for Digital Humanities research is likely to increase massively as a Digital Humanities centre at the University of Luxembourg was decided in 2015
>
> The continuing active role of the National Library since 2009 in the development of the Europeana Licensing Framework continues to be very useful to align all activities in Luxembourg early on.

-   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.

> No, apart from organisation specific targets, which depend also on annual funding, there are no national targets. This has not changed from previous reporting periods.

-   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**.

> No. Again, no change from the last reporting periods.

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 [ ] No [X]

    If yes, please provide details**.**

- 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.

The National Library is taking part in ENUMERATE.

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.

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 newspaper publishers and the National Library to make some of their content available online, free of charge. Such contracts are well established and were again signed during this reporting period.

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 [ ] No [X]

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

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 [ ] No [X]

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

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 major obstacles were encountered. The National Library was actively involved in the creation of the Europeana Public Domain Charter and has promoted it nationally. This has not changed since the last reporting periods.

In this reporting period, the National Library has co-financed the redevelopment of the Europeana Public Domain Calculator (www.outofcopyright.eu) and participated in the working group between Europeana and the DPLA (Digital Public Library of America) to define a new shared set of rights statements (www.rightsstatements.org). These services will improve the determination of the public domains status of works on the one hand and improve its cross-border communication via state of the art Linked Data rights statements. Both services are hosted in Luxembourg.

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**.

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

- 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).

n/a

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.

There are no such national measures.

Nevertheless the National Archives and the National Library have a policy to avoid watermarks in their current and future projects.

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 on orphan works was transposed a year late on the 3rd December 2015 (Loi du 3 décembre 2015 relative à certaines utilisations autorisées des œuvres orphelines,
http://www.chd.lu/wps/portal/public/RoleEtendu?action=doDocpaDetails&id=6783#).

Unfortunately there has not yet been an initiative to draft secondary legislation (Règlement Grand-ducal) to determine the list of sources to consult. There is furthermore a pronounced lack of relevant historical databases to consult which may make the implementation of the Directive rather difficult, in addition to it having little effect anyway on mass digitisation projects due to the requirement to identify each

orphan work using a diligent search.

The National Library has joined the advisory board of the EnDOW project, which seeks to analyse the conditions for and then build an online system to define rights status of works, including a crowd sourced due diligence search based on the Directive on orphan works.

(https://microsites.bournemouth.ac.uk/cippm/2015/06/02/endow/)

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 [ ] No [X]

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

The National Library is continuing to investigate a system for rights clearance in a mass-digitisation setting using an instrument based on Extended Collective Licensing (ECL). A final report by IvIR on the subject was discussed at the 4th Europeana Licensing Workshop Luxembourg in November 2015, organised by the National Library as part of its Presidency events.

In the absence of tangible progress on the European Level towards a new Limitation or Exception in favour of digitisation projects, the next task at hand is to lobby for a national approach for a system of ECL, which emerged as the most promising way to advance in the complex matter of rights clearance, including for out-of-commerce and orphan works.

A consultation process was run between the National Library and the Collective Management Organisation for text and still images, Luxorr. The outcome was that an ECL approach requires legal changes and that further legal analysis is required and a proposal for a legal change needs to be formulated. The National Library is contact with experts from other national libraries on this matter.

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**.

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

The National Library has started and finished a first batch of author data which will be made available in VIAF (Virtual International Authority File) one of the key identifier hubs for author related data.

There are no other national measures to improve availability of rights information databases.

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.**

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

The Luxembourg National archives have contributed, through the APEx project, 9.500 descriptive units with 8.000 linked digitised objects to Europeana, bringing its total number of objects in Europeana to 8.323.

The National Library has contributed no additional material during the reporting period, but made available its periodicals to the "Europeana Newspapers archive" which has re-ingested them into Europeana. The total number is 65.590 objects. In 2016 a complete re- harvesting of all metadata is planned to add titles not currently available and add OCR for objects currently in image—only mode.

The CVCE has contributed additional content to Europeana bringing its total number of available objects to 23.075.

   - 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 initial targets were set at 66.000 objects in Europeana for 2015. The total country contribution from Luxembourg is 96.988 (autumn 2015).

While the target number has been overshot by almost 50%, it must be borne in

> mind that initial plans included long form objects such as books and movies of which none were digitised. Instead the large number of objects contains many small objects such as stand-alone photographs. It is also worth noting that every single issue of each periodical title was counted towards the final total.

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

> n/a

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.**

> None taken.

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.**

> The Ministry of Culture started in 2015 to coordinate Luxembourg's participation in Europeana 280, Europeana's masterpiece initiative.

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 [ ] No [X]

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

> There is still no national aggregator and all institutions upload content through their respective domain aggregators.

- 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**.**

> The National Library participated in "Europeana Awareness" and "Europeana Newspapers". The Luxembourg National Archives participated in "APEx". The Agence luxembourgeoise d'action culturelle participated via Plurio.net in "Europeana Awareness" and "Europeana Creative". The Centre Virtuel de la Connaissance sur l'Europe participated in CUbRIK.

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.

> There is no coordination at the national level.
>
> Luxembourg institutions do look at the European and other guidelines in their respective fields for interoperability of content and are using standards as far as possible.

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

> There is agreement that the shared long term archiving project between the National Library, the Luxembourg National Archives and the Government Computing Center will also result in a persistent identifier system.

     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.**

> The Europeana Data Exchange Agreement is widely accepted.

- 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.**

> n/a

     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**.

> A digital preservation system is currently being set up by the National Computing Centre, the National Library and the National Archives. The long term strategy will be that material will be hosted at several datacentres under the control of

the National Computing Centre, ingest and delivery will be under tight control of each institution and active preservation, when needed, will be done in a collaborative way so as to maximize knowledge transfer and minimize resource expenditure. Other stakeholders may be invited to use the platform and services in the future for other content that has to be preserved digitally for the long term.

Consultation and reference visits have taken place so far in Belgium, the Netherlands, Switzerland, Wales 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? Please provide details of **any developments since the last reporting period.**

Yes, this is 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.**

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.**

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.

There is however no implementation of this law.

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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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.

There is however no implementation of this law.

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**.

Web-harvesting falls under the same law as general e-legal deposit and there is no legal impediment for harvesting and preservation of webharvested data. Access is restricted by existing copyright, right-to-be-forgotten, personal data protection and other laws.

There is however no implementation of this law.

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**.

> During the writing of the legal framework (2009) there was extensive consultation of practices in other Member states and internationally as well as consultation of academic texts.
>
> As there is however no implementation of the existing e-deposit law there has been no further consultation. Once the implementation proceeds, renewed extensive consultation is planned.

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?

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

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

- 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.

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.