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DRAFT REPORT

on "Europeana - the next steps"
(2009/2158(INI))

Committee on Culture and Education

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on "Europeana - the next steps"
(2009/2158(INI))

The European Parliament,

- having regard to Article 151 of the EC Treaty,
- having regard to the Commission communication of 28 August 2009 entitled: ‘Europeana - next steps’ (COM(2009)0440),
- having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society¹,
- having regard to the Commission Recommendation 2006/585/EC of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation²,
- having regard to the Commission communication of 19 October 2009 entitled: ‘Copyright in the Knowledge Economy’ (COM(2009)0532),
- having regard to the Commission communication of 11 August 2008 entitled ‘Europe's cultural heritage at the click of a mouse - Progress on the digitisation and online accessibility of cultural material and digital preservation across the EU’ (COM(2008)0513),
- having regard to the Council conclusions of 20 November 2008 on the European digital library EUROPEANA³,
- having regard to the final report of 4 June 2008 by the High-Level Expert Group - Copyright subgroup- on Digital Libraries on digital preservation, orphan works and out-of-print works,
- having regard to the final report of May 2008 by the High-Level Expert Group on Digital Libraries -Sub-group on Public Private Partnerships- on Public Private Partnerships for the Digitisation and Online Accessibility of Europe's Cultural Heritage,
- having regard to its resolution of 27 September 2007 on i2010: towards a European digital library⁴,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Industry, Research and Energy and the Committee on Legal Affairs

¹ OJ L 167, 22.6.2001, p.10

² OJ L 236, 31.8.2006, p.28

³ OJ C 319, 13.12.2008, p.18

⁴ OJ C 219 E, 28.8.2008, p. 296.

(A7-0000/2009),

- A. whereas in a digital environment it is essential to guarantee universal access to European cultural heritage and to ensure that it be preserved for generations to come,
- B. whereas the wealth and diversity of the common European cultural heritage ought to be promoted as widely as possible, and the Member States and cultural institutions, particularly libraries, have a key role to play in this endeavour both at national level and at regional and local levels,
- C. whereas European cultural heritage is largely made up of works in the public domain, and access to them should be provided in the digital world as far as possible in high-quality formats,
- D. whereas account must be taken of the rapid development of new technologies with resulting changes in cultural practices, and of existing digitisation projects outside Europe, such as Google Books and the results of the settlement of its case in the United States of America,
- E. whereas only a tiny part of European cultural heritage has been digitised so far, Member States are progressing at different speeds, and public funding allocated to mass digitisation is insufficient,
- F. whereas digitisation of European cultural heritage will also benefit other sectors, such as education, science, research, tourism, and the media,
- G. whereas digital technology also constitutes a remarkable tool for disabled people,
- H. whereas copyright legislation differs widely amongst EU member States and the copyright status of a great number of works remains uncertain,
- I. whereas urgent efforts are needed to solve the issue of a "black hole" with regard to 20th and 21st century content, where works of high cultural value are languishing unused; whereas any solution must take proper account of the interests of all parties involved,

Europeana - a key step in preserving and disseminating Europe's cultural heritage

- 1. Welcomes the opening and development of the European digital library, museum and archive for high-quality content named Europeana, as a single, direct and multilingual access point and gateway to European cultural heritage;
- 2. Underlines the importance of developing Europeana into a fully operational service, with multilingual interface and semantic web features preserving the high-quality of works and data accessible worldwide;
- 3. Regrets the uneven contributions from Member States to the content of Europeana and encourages them and other cultural institutions to cooperate closely in digitising works and to keep up their efforts in drawing up digitisation plans at all possible levels, thus avoiding duplication of efforts as well as to speed up the rate of digitisation of cultural content;

4. Emphasises the potential economic benefits of digitisation, as digitised cultural assets have an important economic impact, especially on culture-related industries, and underpin the knowledge economy;
5. Points out that the portal should take into account the needs of disabled people, who should be able to get full access to Europe's collective knowledge; therefore encourages publishers to make more works available in formats accessible to disabled persons;
6. Stresses that Europeana should become one of the main reference points for education and research purposes; considers that, if integrated coherently into education systems, it could bring young Europeans closer to their cultural and literary heritage;
7. Urges the Commission and Member States to take all necessary steps to avoid a knowledge gap between Europe and the United States of America and to ensure full access for Europeans to their own cultural heritage;
8. Welcomes the Commission's decision to renew the mandate of the High Level Expert Group, as it contributes to a shared vision for European digital libraries, and supports practical solutions for key issues affecting online accessibility of cultural material;

More and better content for Europeana

9. Encourages content providers to increase the diversity of the types of content for Europeana, especially audio and video content, paying special attention to those works which deteriorate easily, while respecting intellectual property rights especially performers' rights;
10. Is convinced that public domain content in the analogue world should remain in the public domain in the digital environment even after the format shift;
11. Calls on those European cultural institutions which take up the digitisation of their public domain works' content to make it available via Europeana and not to restrict availability to the territory of their country;
12. Stresses that solutions should be found for Europeana also to offer in-copyright as well as out-of-print and orphan works with a sector-by-sector approach, while complying with laws governing intellectual property; believes that solutions such as extended collective licensing or other collective management practices could be favoured;
13. Endorses the Commission's intention to establish a simple and cost-efficient rights clearance system for the digitisation of published works and their availability on the Internet, working in close cooperation with all the stakeholders involved;
14. Therefore, welcomes and supports initiatives, such as the ARROW project¹, partnered by both rights-holders and library representatives, in particular since these seek to identify rights-holders and their rights, and clarify the rights' status of works including whether these are orphan or out of print;

¹ Accessible Registries of Rights Information and Orphan Works

15. Favours a balanced Europe-wide solution for digitising and disseminating orphan works, starting by clearly defining them, establishing common standards (including that of due diligence applied in searching for their owners), and resolving the issue of potential copyright infringement when orphan works are used;
16. Points out the need to develop technologies to ensure long-term and sustainable digital preservation, interoperability of access systems to content, multilingual navigation and availability of content and a set of unifying standards;

Financing and governance issues

17. Emphasises that creating a sustainable financing and governance model is crucial to Europeana's long-term existence;
18. Stresses that, in order to meet the high costs of digitisation and time pressures, new methods of financing must be developed, such as public-private partnerships on the basis of well-understood conditions and common guidelines;
19. Underlines that a substantial part of the financing should come from public contributions and proposes to take into account the process of digitisation under the aegis of the Lisbon strategy, and to include part of the costs of digitisation in the next Multiannual Financial Framework through the Community programmes;
20. Proposes to organise a campaign entitled "Join Europeana" on funding efforts in order to heighten awareness of the issue and its urgency, and recommends that part of the resources earmarked for Europeana should be devoted to promoting this library among the broadest possible public;
21. Welcomes current input by the European Digital Library Foundation in facilitating formal agreements between museums, archives, audio-visual archives and libraries on how to cooperate in the delivery and sustainability of the joint portal Europeana;
22. Believes that cultural institutions must continue to play a major role in the future governance model of Europeana;
23. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

Europeana¹ – Europe's online library, museum and archive – opened in November 2008 as part of the Commission's digital libraries initiative: the aim of this initiative is to make Europe's cultural and scientific heritage accessible to all on the internet.

Today, Europeana offers 4,6 million digitised works, including books, maps, film clips and photographs. The objective is to reach 10 million objects by June 2010, when a new version of Europeana is supposed to be launched. The second phase of the project will see the launch in 2011 of a fully operational Europeana.eu, which will be more multilingual in character and will have semantic web features. The additional value to users is that Europeana makes it possible to find information in their own mother tongues.

Europeana is funded by the *eContentplus* programme, by the Competitiveness and Innovation programme, and by some Member States and cultural institutions.

The European Digital Library Foundation has been created with a goal to provide cross-domain access to Europe's cultural heritage. It tries to facilitate formal agreements across museums, archives, audio-visual archives and libraries on how to cooperate in the delivery and sustainability of the joint portal Europeana. It also aims to provide a legal framework for use by the EU for funding purposes and as a springboard for future governance.

The site is run by the Europeana office, hosted by the Dutch National Library. More than 1000 cultural institutions contribute content to Europeana (directly or through aggregators) and more than 150 institutions have joined its partner network.

The Commission now looks ahead to the next phase of development of Europeana. The aim is to ensure that Europeana and the underlying policies for digitisation, online accessibility and digital preservation, give European culture a lasting visibility on the internet and turn our common and diverse heritage into an integral part of Europe's information infrastructure for the future.

A public consultation was also launched on the further development of Europeana. It dealt amongst other things with the way in which the private sector can be involved in the further development of Europeana through public private partnerships, and how in-copyright content can be made searchable through Europeana.

In its resolution of 27 September 2007 on "i2010: towards a European digital library", the European Parliament expressed its strong support for the idea of establishing a European digital library in the form of a common, multilingual access point to European cultural heritage.

Now, at a time when Europeana is becoming a reality, it needs clear political backing from the European Parliament, since the staying-power and quality of this project depend on creating a sustainable financing and governance model, on finding solutions for mass-digitizing copyrighted materials, and on raising awareness about the importance of such an

¹ <http://www.europeana.eu>

endeavour among the Member States.

Main issues concerning content

The digitisation of cultural products, including books, is an extensive and expensive undertaking that requires close cooperation between rights-holders, cultural institutions and ICT companies, as well as between the public and private sectors.

The selection of content to be digitised and brought into Europeana is determined by the Member States and their cultural institutions, in line with their cultural and/or information policies.

The **contribution** by different Member States to Europeana is very **uneven**, both in terms of number of objects and types of material. Only 5% of all digital books are available in Europeana. Almost half of these come from France. Other big contributing countries are Germany (16%), the Netherlands (8%), and the United Kingdom (8%). All other countries provide 5% or less each.

With **mass digitisation** taking off in other parts of the world, it becomes urgent to engage more seriously with the task of large-scale digitisation of European cultural heritage. Special attention should be paid to those works which are fragile and might cease to exist very soon and, among those, audiovisual materials.

The initial aim was to concentrate on the potential provided by out-of-copyright text material. For legal reasons, Europeana includes neither out-of-print books (90% of the content of national libraries) nor orphan works (10% to 20% of national collections), whose authors cannot be identified.

At the same time it is clear that solutions should be found on how to include **in-copyright** material. This is especially important in order to avoid a '20th century black hole' - a situation in which much cultural material from before 1900 is accessible on the web, but very little material is available from the more recent past. This requires close collaboration between cultural institutions and right holders, in full respect of copyright legislation.

A particularly acute problem exists in the area of **orphan works**, i.e. works for which it is impossible or very difficult to trace the rightful holders. Most Member States have made little progress after the Commission issued its 2006 Recommendation on digitisation and digital preservation.

The issue of orphan works has attracted increasing attention as a result of the Google Book Search legal case settlement in the United States of America which concerns many of these works. (Google Books is a commercial project developed by one of the most important players in the Internet services market. It allows users to view online public domain books or snippets of in-copyright books after having conducted a keyword-based search.) This settlement is an agreement between Google and the Association of American Publishers and the Authors' Guild to settle a legal action for breach of copyright. The US settlement only applies to commercial exploitation of books by Google in the United States. Nevertheless, it may lead to the creation of a knowledge gap between the Europe and the USA if the digitised

books of European authors become available only from the territory of the USA as a consequence of this settlement. Google could end up in de facto monopoly position as the sole source of ultimate power in book discovery, distribution and sales.

The Commission therefore needs to have a close look at how the situation develops. All necessary steps should be taken so as to avoid a new digital divide and to protect common long-term European interests. The European way is different from the Google Books approach as Europeana is a service available worldwide, and strives for high-quality content and full respect for copyright legislation. This should be kept in mind when looking for solutions to the manifold problems which arise around copyright legislations, which happen to differ widely amongst EU Member States.

At the moment, initiatives such as ARROW (Accessible Registries of Rights Information and Orphan Works), a project which allows any user to verify whether a work is available, expired or orphan by using an interface developed at European level, and to obtain information on copyright holders, are very useful tools in facilitating the rights clearance for orphan works.

Ongoing digitisation projects in Europe show an emerging problem with **public domain materials** after the format shift. It is essential that books in the public domain in the analogue world, remain in the public domain in the digital world and that they can be enjoyed by the widest possible audience. There exists a wide range of approaches in Europe, which raise legal questions about rights created by digitisation.

Among problematic points for public domain material is, e.g., the assumption of a new layer of rights that would be created by digitization, the granting of exclusive rights on public domain works to the digitizing company, as well as territorial limitations to access cultural content which may accrue during the process of digitisation.

Financing issues

The **financing model** for the European digital library has evolved from an exclusively Community-funded one (until 2009 through the EDL-net project co-funded by the *eContentplus* programme) to a model where financing does not come only from the Commission (through the Competitiveness and Innovation Programme) but also from the Member States, some cultural institutions, and from private sector sponsorship (from 2009 until the end of 2013).

New methods of financing must be developed so as to find a sustainable financing model from 2013 onwards.

One of the ways envisaged is to move away from the present project-based financing towards public-private partnerships and more structured contributions by public institutions.

Public private partnerships can be developed in various forms, such as private sponsoring, payment for the links provided by Europeana to the content of organisations that generate income from this content, as well as further-reaching partnership models, where the private sector would be directly involved in running Europeana and generating revenues to operate the site. This should be always done on the basis of well-understood conditions and common

guidelines.

Public funding models should include both an increased contribution by the Member States and a continuous Community contribution after 2013.

An immediate task would be to deal with the costly process of mass digitisation under the currently evolving Lisbon strategy. One way forward would be to cover part of the costs of digitisation from the next generation of Community programmes and to take account of this in the next Multiannual Financial Framework. The current recession cannot be a reason to cut funding for the information society, digitization, and the like.

A proper **campaign** for future funding is needed, including fund-raising conferences, in order to heighten awareness of Europeana and more broadly, of the sheer volume of work and effort needed to make significant progress in the task of large-scale digitisation of European cultural heritage.