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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 the Commission communication of 28 August 2009 entitled: ‘Europeana - next steps’ (COM(2009)0440),
- having regard to the Commission communication of 19 October 2009 entitled: ‘Copyright in the Knowledge Economy’ (COM(2009)0532),
- having regard to the Council conclusions of 20 November 2008 on the European digital library EUROPEANA¹,
- 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 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 library²,
- having regard to the Commission Recommendation 2006/585/EC of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation³,
- 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 society⁴,
- having regard to the Treaty on the Functioning of the European Union and in particular Article 167 thereof,
- having regard to Rule 48 of its Rules of Procedure,

¹ OJ C 319, 13.12.2008, p. 18.

² OJ C 219 E, 28.8.2008, p. 296.

³ OJ L 236, 31.8.2006, p. 28.

⁴ OJ L 167, 22.6.2001, p. 10.

- 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 (A7-0028/2010),
- A. whereas in a digital environment it is essential to guarantee and simplify universal access to European cultural heritage and to ensure that it be promoted and preserved for generations to come, both within and outside Europe,
- B. whereas, with reference to the digitisation of European cultural heritage materials, a European policy in the field of culture is essential and shows a strong public commitment by the European Union and its Member States to preserving, respecting and promoting cultural diversity,
- C. whereas the wealth and diversity of the common European cultural heritage ought to be promoted and accessible as widely as possible, including outside Europe, 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,
- D. 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,
- E. whereas access to cultural and educational information must be a priority in order to improve educational and living standards,
- F. whereas there is a need to establish common standards for the digitisation of European cultural heritage, and whereas large numbers of digitised works currently held by various libraries have not been made publicly available owing to incompatibilities between digital formats,
- G. whereas, thanks to their staff, libraries are the institutions most qualified to supervise and manage the process of digitising works,
- H. whereas the European digital library should be more than a digital collection with information management tools, but should rather embrace the development of a whole range of technical capacities and resources for the creation, research and use of information,
- I. 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,
- J. whereas there is, consequently, an urgent need for Member States to step up their efforts, join forces and equip themselves with the requisite means to maintain and encourage their contribution to Europeana so as to raise Europe's profile in the world,
- K. 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; whereas Member States should step up their efforts to speed up the process of digitising public and private works,

- L. whereas digitisation of European cultural heritage and scientific materials will benefit, in particular, sectors such as education, science, research, tourism, entrepreneurship, innovation, and the media,
- M. whereas digital technology also constitutes a remarkable tool for generating access to European cultural heritage for people coming up against barriers to their access to culture, including disabled people,
- N. whereas copyright legislation differs widely amongst EU member States and the copyright status of a great number of works remains uncertain,
- O. 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,
- P. whereas any protected or disclosed work for which, despite a documented and serious search being made, one or more copyright holders or holders of related rights cannot be identified or located should be considered an orphan work,
- Q. whereas there is a need for more information on the progress made in the work being conducted by the European Digital Library Foundation,
- R. whereas there is a need for greater transparency in the European Union’s activities,

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. States that the role of the Europeana digital library should be to protect European cultural heritage so that future generations may be able to put together a collective European memory and more fragile documents may be protected from the damage caused by constant use;
3. Stresses that the European digital library, being available to everyone from afar, constitutes a tool for the democratisation of culture and will therefore allow a very wide section of the public to access rare or old documents in Europe’s heritage whose conservation renders their consultation difficult;
4. 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;

(i) Targets and objectives

5. Calls for Europeana to reach a stock of at least 15 million different digitised objects by 2015;
6. Seriously regrets the uneven contributions from Member States to the content of Europeana, and strongly 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 in order to reach the goals set (10 million documents in 2010);
7. Stresses the need to consider ways of encouraging cultural institutions, once they have drafted a digitisation plan, to conclude agreements with rights-holders to make works accessible on a multiterritory basis and to foster the development of a competitive environment with the participation of online booksellers, thus helping to spread Europe's cultural heritage throughout the continent;
8. Notes that France alone has provided 47% of Europeana's total number of digitised objects to date, and that it is therefore necessary to be considerably more active in encouraging the Member States to make available contributions from their national libraries and cultural institutions, so that all Europeans have full access to their own cultural heritage;
9. Encourages the Commission to assist in finding ways and means of drawing Member States' attention to the fact that users of Europeana are seeking major works available in their national collections but not through Europeana;

(ii) Benefits

10. 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, all the while bearing in mind the fact that cultural assets are not standard economic goods and must be protected from excessive commercialisation;
11. 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, literary and scientific heritage and content; would become an area of convergence and contribute towards transcultural cohesion in the EU;

(iii) Access for everyone

12. Stresses that user-friendliness, in particular clarity and the ease with which content can be found, should be key criteria for the design of the portal;
13. Emphasises that, in view of the benefits for all EU citizens of accessing Europeana, its availability in all the official languages should be envisaged as soon as possible;

14. 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; recommends to the Commission that it ensure the provision of special digital versions for people with disabilities, such as audio reading, for as much of the digital content as possible;
15. Stresses the importance of equal access to the common European cultural heritage and therefore asks the Member States to remove intra-EU barriers to access to some parts of Europeana content;
16. Urges the Commission and Member States to take all necessary steps to avoid a knowledge gap between Europe and non-EU countries and to ensure full access for Europeans to their own cultural heritage in all its diversity, as well as facilitating access thereto for the whole world;
17. Asks the Commission to continue the work started by 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 assets; encourages the creation of a separate online space on Europeana where users can create content;
18. Stresses that Europeana should take all necessary steps online and offline to promote itself among citizens of Europe, in particular those involved in cultural activities in the private, public and educational sectors;

More and better content for Europeana

19. Encourages content providers to increase the diversity of the types of content for Europeana, especially audio and video content, paying special attention to those forms of expression belonging to oral cultures and to those works which deteriorate easily, while respecting intellectual property rights, especially authors and performers' rights; stresses, in this regard, the importance of respecting moral rights in order to protect the integrity of the work, and avoid any possible changes (censorship, alterations to works, etc.);
20. Believes that free and artistic expression are fundamental values; considers that cultural institutions or aggregators shall not be the subject of scrutiny or censorship with regard to the European cultural, literary or scientific content provided to Europeana;

(i) Public domain content and access

21. 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;
22. Recalls that the main objective of European digitisation policy must be the protection of Europe's cultural heritage, and that guarantees must be given in this regard to ensure that digitisation activities have a non-exclusive status, so that these activities do not lead to the appearance of 'new rights' derived from the digitisation process, such as, for example, an obligation to pay for the reuse of works in the public domain;

23. Recalls that Europeana must be able to benefit from agreements signed with other libraries under public-private partnerships and that said libraries must therefore be provided with a physical copy of the files already digitised;
24. States that physical files of works in the public domain which have been digitised by public-private partnerships must remain the property of the public partner institution, and that, should this prove impossible and cultural institutions from Member States are led, under a public-private partnership, to conclude agreements with exclusivity clauses for the digitisation of works from their national heritage, then assurances must be obtained before accessing the Europeana portal that the digitised files will become the property of the institutions upon the expiry of said clauses;
25. Stresses that the digital library must not depart from its prime objective, namely to ensure that the dissemination of knowledge on the Internet is not left to private commercial firms, in order that the digitisation of works does not equate to a stranglehold on Europe's public heritage that results in the public domain being privatised;
26. Recommends to the Commission that it asks digital content providers to certify websites referenced by Europeana;
27. 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;

(ii) Copyright issues, including orphan works

28. Stresses that solutions should be found for Europeana also to offer in-copyright works, particularly out-of-print and orphan works, taking a sector-by-sector approach, while complying with laws governing intellectual property and preserving the legitimate interests of rightholders; believes that solutions such as extended collective licensing or other collective management practices could be favoured;
29. Welcomes the Commission's launch of the debate on EU copyright law, which seeks to strike a balance between rightholders and consumer rights in a globally connected world, in the context of the rapidly changing online reality of new technologies and social and cultural practices;
30. Urges the Commission and the Member States, in the context of the further development of copyright protection in Europe, to adopt legal provisions which are as uniform and comprehensive as possible, designed to ensure that digitisation processes by themselves do not bring about any 'sui generis' copyright; takes the view that these discussions should also address the issue of whether legal derogations should be introduced for the digitisation of orphan works by public institutions;
31. Stresses the importance of orphan works – works which are covered under copyright, but whose rights-holders cannot be determined despite a diligent search – and the need to ascertain precisely, on a sector-by-sector basis, the number and type of such works in order to find appropriate solutions;

32. Calls on the Commission, in regard to its Communication on Copyright in the Knowledge Economy of 19 October 2009, to submit a legislative proposal on the digitisation, preservation and dissemination of orphan works which would put an end to the current legal uncertainty, in accordance with the requirement for diligent search for, and remuneration of, rights-holders;
33. 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;
34. 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 to clarify the rights' status of works including whether these are orphan or out of print;
35. Calls on the Commission to develop a European database of orphan works understood to be protected works whose rightholders are unknown or cannot be located, despite documented serious searches being made which would make it possible to exchange information on the ownership of rights and thereby reduce costs incurred in making diligent searches for rights-holders;
36. 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;
37. Emphasises that a solution must be found for personal documents (correspondence, notes, photos, films) which are held by cultural institutions, but have never been published or made available to the public, and which raise privacy-protection and moral-rights issues;

(iii) Technologies

38. 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; welcomes the continued use of open source software in building the Europeana collection;
39. Recommends to the Commission that backups of digitised material provided by national institutions or private partners be kept on hardware belonging to those institutions or partners;
40. Recommends that the Commission and partner institutions in the private sector find IT solutions – such as read-only and copy protect formats – for digitised material available on the Europeana website that is subject to copyright, and that the file's presentation page include a link to a page on the content provider's website where the document can be downloaded under the conditions stipulated by the provider;

¹ Accessible Registries of Rights Information and Orphan Works

41. Recommends to the Commission that it insist on a standard electronic format for the digitised works, so as to ensure that the digitised documents are compatible with the online interface and the database;
42. Believes that a study of Web 2.0 tools should be developed to explore ways in which citizens (in the long term) can provide content input to Europeana, without necessitating involvement of cultural institutions;

Financing and governance issues

43. Emphasises that creating a sustainable financing and governance model is crucial to Europeana's long-term existence and that the role of the immediate stakeholders in the process of establishing such a governance model is crucial;

(i) Sponsorship and public - private partnerships

44. 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, provided that the latter comply with rules on intellectual property and competition while furthering access to works via cultural institutions, ensuring digitised files will be freely available to libraries with no time limits;
45. Stresses the importance of a concerted approach at European level to the issue of the terms and conditions governing public-private partnerships and the need for an in-depth examination of partnership agreements with private stakeholders on digitisation plans, notably as regards the duration of exclusivity clauses, the indexing and referencing via search engine by libraries of digitised files held for their own use, service continuity, the non-confidential nature of such agreements and digitisation quality;
46. Points out that the digitisation of works in national libraries is the fruit of the financial investment of taxpayers via payment of their taxes; stresses, therefore, that public-private partnership contracts must stipulate that the copy of the work digitised by the private half of the partnership on behalf of the library may be indexed by all search engines, so that it may be consulted on the library's website and not solely on the website of the partner private company;
47. Recalls that the involvement of private partners in the digitisation process must not lead to the creation of private monopolies, which would threaten cultural diversity and pluralism, and that compliance with the rules of competition is a prerequisite to the involvement of private companies;
48. Stresses that sponsorship is an interesting alternative for Europeana insofar as it offers an opportunity to fund not just digitisation activities but also the management of copyright payments for out-of-print, orphan and copyrighted works, as well as putting them online;

(ii) EU and public financial support

49. Stresses that a substantial part of the financing should come from public contributions, such as contributions from the EU, Member States and cultural organisations and proposes that

Europeana's digitisation process be interpreted as part of the Lisbon strategy and that a separate budget line be established in the next Multiannual Financial Framework, but recommends that the project continue to look for revenue streams in order that it become self-financing in the longer term;

50. Stresses that only a separate budget line can create the conditions to ensure that the funding available is spent transparently, cost-efficiently and in accordance with the objectives set;
51. Notes that only € 6.2 million has been earmarked to date for Europeana for 2009 to 2011 under the eContentplus programme;
52. Calls for the next Multiannual Financial Framework to provide for several times more funding than that available to Europeana hitherto;
53. Stresses the need to eliminate legal obstacles at EU level in order to enable libraries to apply for European financing for digitising operations;
54. Calls on the Member States and the Commission to present an annual report to the European Parliament on the outlay on Europeana and the progress made;
55. Proposes that a review of the funding arrangements for Europeana be carried out by Parliament, in conjunction with the Commission, as early as 2011, with a view to finding a sustainable financing model for the project for 2013 and beyond; suggests that a move to the public-private funding structure would maximise the potential of the site;

(iii) Information and awareness raising

56. Proposes to organise a funding and advertising campaign entitled "Join Europeana" 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 a library containing as wide-ranging a collection of works as possible on all forms of media (text, audio, video);
57. Proposes that "Join Europeana" be advertised creatively; carried out under public-private partnerships and sponsoring, this should be targeted primarily at young people, for instance at international sports events , or in the context of art exhibitions and cultural competitions;
58. Asks the Commission to launch a media and online campaign for popularising the Europeana site, directing traffic from European servers to Europeana sources as the main location for accessing data in digital form, and encouraging the Member States and cultural institutions to provide content to the site; calls, at the same time, for a special media campaign to target students and teachers at all levels of education, focusing on the use of the Europeana digital resources for educational purposes;
59. Is of the opinion that such a campaign is very similar to the type of action already identified as being necessary in order to close the digital divide that still exists across Europe, thereby ensuring that everyone has access to Europeana and other online content and information and to the potential benefits thereof, no matter where they are; recommends that this campaign and in particular the potential use of Europeana in schools be based on an understanding that

access to greater content and information online is not an end in itself, and must therefore be accompanied by initiatives which stimulate critical analysis of online content and information;

60. Calls on the Commission to ensure that information campaigns and similar awareness-raising activities regarding Europeana are channelled through the relevant partnership organisations in the Member States;

(iv) Governance

61. 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;
62. Believes that cultural institutions must continue to play a major role in the governance, which should be as democratic as possible, of the Europeana project; and calls on them to collaborate in order to avoid duplicating works digitised and to rationalise use of resources;
63. Asks the Commission and the Member States to improve the management of the project and ensure that a competent authority is designated at national level for the purpose of managing and monitoring the digitisation process, to raise awareness of the Europeana project among libraries and providers of cultural material and to collect existing digital material directly from providers with the aim of converting it to a single digital standard so that new content can immediately be added to the Europeana database; is of the view that, in the long run, consideration must be given to making it a priority to collect existing digital material produced as part of projects co-funded by the European Union and add it to the Europeana digital library;
64. Suggests issuing a public call for tenders with a view to coordinating the administration of Europeana as effectively as possible, defining clear, realistic objectives and re-evaluating the operation if necessary;
65. Recommends to the Commission that it research the possibility of establishing a European body to coordinate the involvement of national authorities in monitoring the digitisation process, copyright payments to authors and other issues relevant to the Europeana project;

66. 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 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-

¹ <http://www.europeana.eu>

digitizing copyrighted materials, and on raising awareness about the importance of such an 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 (*some* 90% of the content of national libraries) nor orphan works (*estimated at* 10% to 20% of national *in-copyright* 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.

5.2.2010

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on Culture and Education

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

Rapporteur: Ioan Enciu

SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas access to cultural and educational information must be a priority in order to improve educational and living standards,
- B. whereas large numbers of digitised works currently held by various libraries have not been made publicly available owing to incompatibilities between digital formats, and whereas, thanks to their staff, libraries are the institutions most qualified to supervise and manage the process of digitising works,
 - 1. Recommends to the Commission that the 'Europeana' virtual library be organised as an online database, thus facilitating user access by means of a standard layout for the digital material and improving the security of the digitised works, given that monitoring a single database will reduce operational and maintenance costs;
 - 2. Emphasises that, in view of the benefits for all EU citizens of accessing 'Europeana', its availability in all the official languages should be envisaged as soon as possible;
 - 3. Stresses that people with disabilities should have the benefit of digital technology and enjoy easier access to education and information, and encourages the Member States to ensure full and free access to Europe's collective knowledge through accessible formats and adapted technologies, in order to guarantee access for disabled persons;

4. Asks the Commission and the Member States to improve the management of the project and ensure that a competent authority is designated at national level for the purpose of managing and monitoring the digitisation process, to raise awareness of the 'Europeana' project among libraries and providers of cultural material and to collect existing digital material directly from providers with the aim of converting it to a single digital standard so that new content can immediately be added to the 'Europeana' database; is of the view that, in the long run, consideration must be given to making it a priority to collect existing digital material produced as part of projects co-funded by the European Union and add it to the 'Europeana' digital library;
5. Suggests issuing a public call for tenders with a view to coordinating the administration of 'Europeana' as effectively as possible, defining clear, realistic objectives and re-evaluating the operation if necessary;
6. Recommends to the Commission that it ask digital content providers to certify websites referenced by 'Europeana';
7. Asks the Commission to establish rules for a standard procedure for publishing a work and forwarding its digital version to the national archives at the same time as the work goes to the printers, with the national archives adding the content to the 'Europeana' database on a basis of strict respect for copyright;
8. Recommends to the Commission that it ensure free-of-charge access to all cultural and educational information contained in the 'Europeana' library for pupils, students and teachers in secondary schools, universities and other educational institutions, as well as all persons engaged in bona fide study or research, and that, at the same time, it promote research and development projects that make use of the 'Europeana' digital resources, through the development and free distribution of integrated lesson plans, curricula and educational software for both formal and informal (lifelong) education; is of the view that subsidiarity is no obstacle to European programmes which make the maximum amount of scientific and technical information available to the education system as a whole and to teachers, students and researchers;
9. Underlines that the long-term existence of 'Europeana' will be dependent upon choosing sustainable financing and governance models, and stresses that public contributions should constitute a substantial proportion of its financing, but that new methods of financing – such as public-private partnerships – must also be taken into consideration and developed;
10. Recommends to the Commission that, in the future, it consider the option of making it a requirement that all digital resources developed under future research and development projects co-funded by the European Union be submitted to the 'Europeana' digital library, taking into account any restrictions arising from intellectual property rights;
11. Stresses the need to eliminate legal obstacles at EU level in order to enable libraries to apply for European financing for digitising operations;
12. Recommends to the Commission that guidelines also be put in place to ensure affordable access to 'Europeana' content by anyone else wishing to use it, irrespective of the financing model eventually selected;

13. Calls on the Commission and the current Dutch-based administration to make extensive technical and aesthetic improvements to 'Europeana', including an analysis of the difficulties involved in identifying and securing funds to enable libraries to carry out the necessary digitising operations;
14. Asks the Commission to launch a media and online campaign for popularising the 'Europeana' site, directing traffic from European servers to 'Europeana' sources as the main location for accessing data in digital form, and encouraging the Member States and cultural institutions to provide content to the site; calls, at the same time, for a special media campaign to target students and teachers at all levels of education, focusing on the use of the 'Europeana' digital resources for educational purposes;
15. Is of the opinion that such a campaign is very similar to the type of action already identified as being necessary in order to close the digital divide that still exists across Europe, thereby ensuring that everyone has access to 'Europeana' and other online content and information and to the potential benefits thereof, no matter where they are; recommends that this campaign and in particular the potential use of 'Europeana' in schools be based on an understanding that access to greater content and information online is not an end in itself, and must therefore be accompanied by initiatives which stimulate critical analysis of online content and information;
16. Recommends to the Commission that it research the possibility of establishing a European body to coordinate the involvement of national authorities in monitoring the digitisation process, copyright payments to authors and other issues relevant to the 'Europeana' project;
17. Recommends to the Commission that it ensure the provision of special digital versions for people with disabilities, such as audio reading, for as much of the digital content as possible;
18. Recommends that the Commission and partner institutions in the private sector find IT solutions – such as read-only and copy protect formats – for digitised material available on the 'Europeana' website that is subject to copyright, and that the file's presentation page include a link to a page on the content provider's website where the document can be downloaded under the conditions stipulated by the provider;
19. Recommends to the Commission that it insist on a standard electronic format for the digitised works, so as to ensure that the digitised documents are compatible with the online interface and the database;
20. Recommends to the Commission that backups of digitised material provided by national institutions or private partners be kept on hardware belonging to those institutions or partners.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	4.2.2010
Result of final vote	+: 50 -: 0 0: 1
Members present for the final vote	Jean-Pierre Audy, Zoltán Balczó, Bendt Bendtsen, Reinhard Bütikofer, Maria Da Graça Carvalho, Jorgo Chatzimarkakis, Giles Chichester, Pilar del Castillo Vera, Lena Ek, Ioan Enciu, Adam Gierek, Norbert Glante, Fiona Hall, Jacky Hénin, Edit Herczog, Arturs Krišjānis Kariņš, Philippe Lamberts, Bogdan Kazimierz Marcinkiewicz, Judith A. Merkies, Angelika Niebler, Jaroslav Paška, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Michèle Rivasi, Paul Rübig, Amalia Sartori, Francisco Sosa Wagner, Konrad Szymański, Evžen Tošenovský, Ioannis A. Tsoukalas, Marita Ulvskog, Vladimir Urutchev, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras, Henri Weber
Substitute(s) present for the final vote	António Fernando Correia De Campos, Francesco De Angelis, Ilda Figueiredo, Françoise Grossetête, Andrzej Grzyb, Ivailo Kalfin, Paweł Robert Kowal, Werner Langen, Marian-Jean Marinescu, Alajos Mészáros, Vladko Todorov Panayotov, Peter Skinner, Hannu Takkula, Silvia-Adriana Țicău

29.1.2010

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Culture and Education

on 'Europeana – the next steps'
(2009/2158(INI))

Rapporteur: Marielle Gallo

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Stresses the importance of orphan works – works which are covered under copyright, but whose rights-holders cannot be determined despite a diligent search – and the need to ascertain precisely, on a sector-by-sector basis, the number and type of such works in order to find appropriate solutions;
2. Calls on the Commission to submit a legislative proposal on the digitisation, preservation and dissemination of orphan works which would put an end to the current legal uncertainty, in accordance with the requirement for diligent search for, and remuneration of, rights-holders;
3. Calls on the Commission to develop a European database of orphan works which would make it possible to exchange information on the ownership of rights and thereby reduce costs incurred in making diligent searches for rights-holders;
4. Emphasises that a solution must be found for personal documents (correspondence, notes, photos, films) which are held by cultural institutions, but have never been published or made available to the public, and which raise privacy-protection and moral-rights issues;
5. Stresses the need to consider ways of encouraging cultural institutions, once they have drafted a digitisation plan, to conclude agreements with rights-holders to make works accessible on a multiterritory basis and to foster the development of a competitive environment with the participation of online booksellers, thus helping to spread Europe's

cultural heritage throughout the continent;

6. Stresses the importance of equal access to the common European cultural heritage and therefore asks the Member States to remove intra-EU barriers to access to some parts of Europeana content;
7. Stresses the importance of a concerted approach at European level to the issue of the terms and conditions governing public-private partnerships and the need for an in-depth examination of partnership agreements with private stakeholders on digitisation plans, notably as regards the duration of exclusivity clauses, the indexing and referencing via search engine by libraries of digitised files held for their own use, service continuity, the non-confidential nature of such agreements and digitisation quality;
8. Calls on the Commission to implement a major information campaign to raise public awareness of Europeana and the services it provides;
9. Calls on the Commission to ensure that information campaigns and similar awareness-raising activities regarding Europeana are channelled through the relevant partnership organisations in the Member States;
10. Encourages the Commission to assist in finding ways and means of drawing Member States' attention to the fact that users of Europeana are seeking major works available in their national collections but not through Europeana.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.1.2010
Result of final vote	+ : 22 - : 0 0 : 0
Members present for the final vote	Raffaele Baldassarre, Sebastian Valentin Bodu, Christian Engström, Marielle Gallo, Lidia Joanna Geringer de Oedenberg, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Jiří Maštálka, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Alexandra Thein, Cecilia Wikström
Substitute(s) present for the final vote	Piotr Borys, Sajjad Karim, Vytautas Landsbergis, Kurt Lechner, Eva Lichtenberger, Toine Manders, Arlene McCarthy, Angelika Niebler

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	22.2.2010
Result of final vote	+: 30 -: 0 0: 0
Members present for the final vote	Maria Badia i Cutchet, Malika Benarab-Attou, Piotr Borys, Silvia Costa, Santiago Fisas Ayxela, Mary Honeyball, Cătălin Sorin Ivan, Petra Kammerevert, Morten Løkkegaard, Emma McClarkin, Katarína Neveďalová, Doris Pack, Chrysoula Paliadeli, Marie-Thérèse Sanchez-Schmid, Pál Schmitt, Marco Scurria, Timo Soini, Emil Stoyanov, Hannu Takkula, László Tőkés, Helga Trüpel, Gianni Vattimo, Sabine Verheyen, Milan Zver
Substitute(s) present for the final vote	Ivo Belet, Nessa Childers, Nadja Hirsch, Catherine Soullie, Rui Tavares
Substitute(s) under Rule 187(2) present for the final vote	Roger Helmer