Europeana - next steps

2009/2158(INI) - 28/08/2009 - Non-legislative basic document

PURPOSE: to define the broad objectives of EUROPEANA, Europe's online library, museum and archive, for the years to come, along with its funding and management.

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

This document looks ahead to the next phase of development of EUROPEANA and its orientation for the future. It sets out the main challenges for the coming years in relation to:

enriching EUROPEANA's content with both public domain and in copyright material of the highest quality and relevance to users, and

a sustainable financing and governance model.

In order to enrich the debate, the Commission calls upon all interested parties to respond to its consultation that it is launching in parallel (see SEC(2009)1124). Interested parties should submit their comments by 15 November 2009 at the latest.

EUROPEANA – state of play: EUROPEANA is the flagship project of the i2010 digital libraries project, launched in September 2005 by the Commission to bring Europe's cultural heritage online. Today, it provides a common point of access to an enormous and growing amount of content which has been digitised and made available online by cultural institutions in Member States. EUROPEANA currently gives direct access through a multilingual interface to a unique supply of **more than 4.6 million digitised books, newspapers, film clips, maps, photographs and documents** from Europe's libraries, archives, museums and audiovisual archives. This number will grow rapidly over the coming years. At present, more than 1.000 cultural institutions contribute content to EUROPEANA (directly or through aggregators) and more than 150 institutions are participating in its partner network. This collaboration between different types of cultural institutions achieved through EUROPEANA is unprecedented in its scale and potential and could, in the future, be extended to other initiatives around the globe, such as the World Digital Library. In the coming years the site will gradually be improved with new functionalities and services and an enhancement of those that already exist. Key issues to be addressed are search features and interfaces.

EUROPEANA: content and copyright: how to continue its successful development?

EUROPEANA will have to expand its collections. The Commission's policy target is to have 10 million objects accessible through the site in 2010. Feeding EUROPEANA calls for **sustained digitisation across Europe**. The Commission has, therefore, asked the Member States to step up their efforts in this regard, and to ensure that the digitised content can be easily made accessible through EUROPEANA.

- **Types of content**: overall, the contribution by the different Member States to EUROPEANA is still unbalanced (e.g. France provides about 47% of all the digitized objects; while other Member States contribute only a few). This situation has prompted comments and questions from users and means that, in the medium term, some Member States will considerably increase their contributions of content.

- **Copyright issues:** one of the key challenges for EUROPEANA is to include in-copyright material so as to avoid a '20th century black hole' (and thus to make available material from the more recent past). The advantage for the users is that they not only get direct online access to public domain material, but they can also easily find in-copyright content they may want to acquire. The advantage for the publishers would be the higher visibility of their works to a Europe-wide audience. However, for copyright reasons, access to certain works may be restricted by national providers (aggregators) to IP addresses within the national domain. According to the Commission, for the development of EUROPEANA, it is essential that licences provide for the availability of the material across the EU. Otherwise, there is the risk of **fragmenting Europe's digitised cultural heritage** into national silos on the internet.
- One of the areas where progress urgently needs to be made to facilitate digitisation that will benefit the content accessible through EUROPEANA is the area of **orphan works**, i.e. works for which it is impossible or very difficult to trace the rightholders. In this area, the Commission is very critical of the slow progress made by the Member States to find a solution. It is currently assessing whether European legislation is required in regard to this issue and how to tackle the cross-border aspects involved.
- In the context of **digitisation of older works**, there is a striking and highly relevant difference with the US in terms of copyright legislation. The term of copyright protection has been harmonised in Europe and in the US to 70 years after the death of the author, but US legislation includes a cut-off date of 1923 (works published before 1923 are in the public domain). The practical consequence is wider online access to digital books in the US than in Europe, and solutions involving rightholders and cultural institutions should be considered in order to redress this situation. These solutions could include speeding up the creation of registries for orphan and out of print works or the pragmatic use of a cut-off date, as in the US.
- **Public domain content:** much of the material accessible in digital format through EUROPEANA is in the public domain. This means it is not or no longer covered by copyright and can in principle be accessed and used by all. However, in practice, certain cultural institutions explicitly indicate that downloads of the material they provide to EUROPEANA are subject to payment. Aware that digitisation costs money, the Commission wonders if, from a legal point of view, the question is whether digitisation in itself creates new rights. The issue of principle is whether it is acceptable to lock up public domain material that has been digitised with public money by public institutions instead of turning it into a pervasive asset for the information society.

EUROPEANA – funding: in its **inception phase**, the European Commission contributed financially to the creation of EUROPEANA through the EDL-net project, co-funded under the eContentplus programme. The project, which had a budget of €1.3 million ended at the beginning of 2009. For the period from 2009 to mid-2011, the development of EUROPEANA will be co-funded with €6.2 million through the EUROPEANA 1.0 project, selected under the eContentplus programme. In this phase, several Member States as well as a few individual cultural institutions will contribute financially. Until the end of 2013, the Commission can continue supporting the development phase of EUROPEANA through the Competitiveness and Innovation Programme.

For the period beyond 2013, additional ways of financing EUROPEANA should be considered, which strike the right balance between Community funding and other resources, and moving away from the present project-based financing. Complementary sources of financing could be provided through public private partnerships or through a more structural contribution by the Member States. Some site revenue can also be expected, but this will only cover a very modest share of the total costs for running the service.
Making the end user pay for finding the content through EUROPEANA and for the other functionalities of the site **is not an option**, since this would seriously jeopardise the take-up by the users and would run counter to the basic aim of the site.

The Commission envisages **public-private partnerships** in different forms: i) private sponsorship out of philanthropic considerations, ii) advertising; iii) payment for the links provided by EUROPEANA towards

content of (public and private) organisations; iv) technological solutions and skills of private companies to develop EUROPEANA; v) other forms of partnerships where the private sector would be directly involved in running EUROPEANA and generating revenues to operate the site

Sustained **public sector financing** would find its justification in the importance of EUROPEANA as a vehicle of cultural policy. The public financing could come from a range of different sources. One option considered and rejected by the European Digital Library Foundation is a financial contribution made by the cultural organisations who contribute content. These organisations comprise national and European associations, aggregators and individual institutions from different sectors. However, the heterogeneity of this group is an obstacle to the design of a system of contributions that all concerned would consider as fair.

The Commission therefore envisages **an increased contribution by the Member States** that would rely either on the willingness of individual Member States to contribute, as several did in the start-up phase, or on a distribution key through which all Member States would contribute in accordance with their level of GDP.

A **Community contribution** after 2013 would find its justification in the European added-value of the site and its importance for demonstrating Europe's unity in all its cultural diversity. However, the present project funding, based on open calls for proposals, is not a sustainable basis for financial planning. **Alternatives for the basic funding of EUROPEANA need to be considered** within the range of available policy instruments.

EUROPEANA – governance: currently, the European Digital Library (EDL) Foundation oversees the operations of EUROPEANA. The financial support given to EUROPEANA by several Member States has raised the issue of their influence on the governing bodies of the Foundation. The Commission and the Member States are not part of the formal governance structure of EUROPEANA but are kept informed about progress. Because of the expected inflow of new members, the EDL Foundation is preparing a change in the present governance structure. The follow-up to the debate on the medium-term orientation of EUROPEANA, including its funding and the related issue of accountability, may require some further adjustments in the future.