Basic information

2009/2158(INI) INI - Own-initiative procedure	Procedure completed
Europeana - next steps **Subject** 3.30.25 International information networks and society, internet 4.45.06 Heritage and culture protection, movement of works of art 4.45.08 Cultural and artistic activities, books and reading, arts 4.45.10 Literary and artistic property	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CULT Culture and Education	TRÜPEL Helga (Verts/ALE)	16/09/2009

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	ENCIU Ioan (S&D)	17/11/2009
JURI Legal Affairs	BOULLIER GALLO Marielle (PPE)	02/12/2009

European Commission

Commission DG	Commissioner
Communications Networks, Content and Technology	KROES Neelie

Key events

Date	Event	Reference	Summary
28/08/2009	Non-legislative basic document published	COM(2009)0440	Summary
22/10/2009	Committee referral announced in Parliament		
22/02/2010	Vote in committee		Summary
03/03/2010	Committee report tabled for plenary	A7-0028/2010	
19/04/2010	Debate in Parliament		
05/05/2010	Decision by Parliament	T7-0129/2010	Summary
05/05/2010	Results of vote in Parliament		

05/05/2010	End of procedure in Parliament		

Technical information	
Procedure reference	2009/2158(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CULT/7/01035

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE430.369	11/11/2009	
Amendments tabled in committee		PE430.897	13/01/2010	
Committee opinion	JURI	PE431.073	29/01/2010	
Committee opinion	ITRE	PE430.832	05/02/2010	
Committee report tabled for plenary, single reading		A7-0028/2010	03/03/2010	
Text adopted by Parliament, single reading		T7-0129/2010	05/05/2010	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2009)0440	28/08/2009	Summary
Commission response to text adopted in plenary	SP(2010)4415	06/09/2010	

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.

Europeana - next steps

2009/2158(INI) - 05/05/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on "Europeana - the next steps", in response to the Commission Communication on the subject.

The text adopted in plenary had been tabled by the EPP, S&D, ALDE and Greens/ALE Groups as an alternative motion for a resolution to replace the motion for a resolution contained in the own-initiative report tabled by the Committee on Culture and Education.

A key step in preserving and disseminating Europe's cultural heritage: Parliament welcomes the development of Europeana, and 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.

Targets and objectives: Members call for Europeana to reach a stock of at least 15 million different digitised objects by 2015. Noting that France alone has provided 47% of Europeana's total number of digitised objects to date, they regret the uneven contributions from Member States to the content of Europeana, and strongly encourage them and other cultural institutions to cooperate closely in digitising works 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). Parliament stresses the need to consider ways of encouraging cultural institutions to conclude agreements with rights-holders to make works accessible on a multi-territory basis and to foster the development of a competitive environment with the participating of online booksellers, thus helping to spread Europe’s cultural heritage. It 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.

Benefits: the resolution 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. Europeana should be one of the main reference points for education and research purposes.

Access for everyone: Members stress the need for the design to be user friendly and also take into account the needs of disabled people. Member States are asked to remove intra-EU barriers to access to some parts of Europeana content. The Commission and Member States are also asked 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 for the whole world.

More and better content for Europeana: Members encourage 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.

- ***Public domain content and access***: Parliament 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. Guarantees must be given 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. Members also recommend that the Commission asks digital content providers to certify websites referenced by Europeana.
- ***Copyright issues***: Members stress that solutions should be found for Europeana to offer in-copyright works, particularly out-of-print and orphan works, while complying with laws governing intellectual property and preserving the legitimate interests of rightholders. They endorse the Commission's intention to establish a simple and cost-efficient rights clearance system" working in close co-operation with all the stakeholders. They urge the Commission and Member States to adopt legal provisions designed to ensure that digitisation processes by themselves do not bring about any 'sui generis' copyright. These discussions should also address the issue of whether legal derogations should be introduced for the digitisation of orphan works by public institutions. With regard to its Communication on Copyright in the Knowledge Economy, the Commission is asked 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;
- 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.

- ***Technologies***: Members welcome the continued use of open source software in building the Europeana collection and point to 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. They recommend 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.

Financing and governance issues: the resolution states 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.

- ***Sponsorship and public - private partnerships***: 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. Members recall that the involvement of private partners in the digitisation process must not lead to the creation of private monopolies. They stress 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.
- ***EU and public financial support***: a substantial part of the financing should come from public contributions, such as contributions from the EU, Member States and cultural organisations. Members propose 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. They note that only EUR 6.2 million has been earmarked to date for Europeana for 2009 to 2011, and they call for the next Multiannual Financial Framework to provide for several times more funding than that available to Europeana hitherto. Parliament 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. A move to the public-private funding structure would maximise the potential of the site.
- ***Information and awareness raising***: Parliament proposes to organise a funding and advertising campaign entitled" Join Europeana" in order to heighten awareness of the issue, and recommends that part of the resources earmarked for Europeana should be devoted to promoting this library. It 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.
- ***Governance***: Parliament believes that cultural institutions must continue to play a major role in the governance of the Europeana project, and calls on them to collaborate in order to avoid duplicating works digitised. It wants to ensure that a competent authority is designated at national level for the purpose of managing the digitisation process, to raise awareness of the Europeana project among libraries and to collect existing digital material directly from providers. Lastly, it 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.