

## **Results of the online consultation on 'Europeana - next steps'**

Europeana is Europe's digital library, archive and museum, bringing together the digital collections of Europe's cultural organisations through a multilingual access point. The site was launched on 20 November 2008 and will be further developed in the coming years.

The consultation on 'Europeana: next steps' started on 28 August 2009. It was based on a [Commission Communication](#), accompanied by a [Commission staff working paper](#) with 16 questions for consultation. The present document gives an overview of the replies to the consultation - the number of contributions by categories - and analyses the key messages that emerged from the contributions.

The questions for consultation were divided in three categories: 1) the general future orientations of Europeana; 2) more content for Europeana; and 3) financing and governance issues.

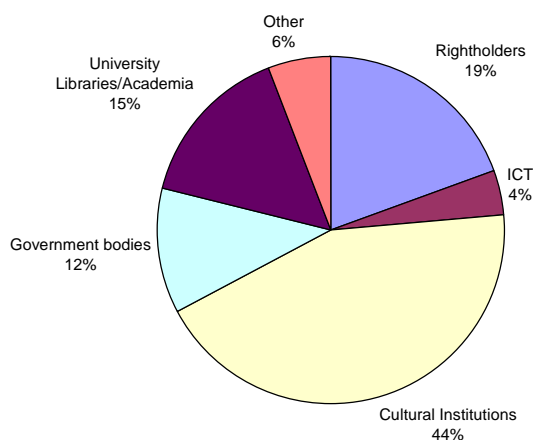
The replies will feed into the further policy development in relation with Europeana and more in general in areas such as copyright questions for the digitisation and online accessibility of cultural material, and the re-use of public sector information.

### **1. The online consultation, facts and figures**

The deadline for submitting replies was 15 November 2009. The **Commission received 118 replies**. The [contributions](#) are all available on the digital libraries website, apart from the few where the contributor explicitly asked not to publish the reply.

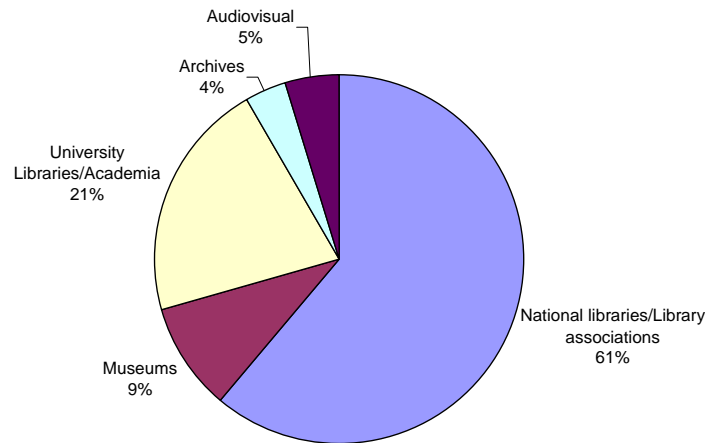
The **majority of the contributions came from cultural institutions** - 59% including university libraries and library associations. **Right holders and their associations** were also active in replying (19%). Government bodies provided 12% of the replies, ICT companies 4%, and 'others' - in particular individuals and NGOs - submitted 6% of the replies.

#### **Percentage of all contributions to the Europeana on-line consultation**



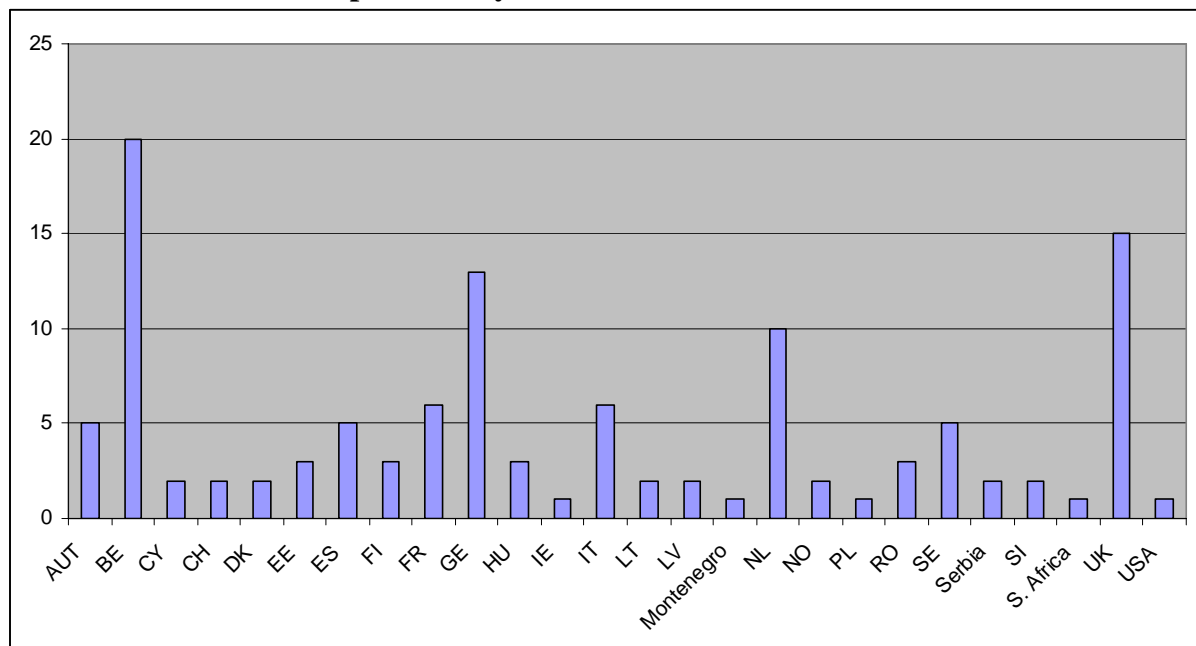
**Amongst the cultural institutions**, the libraries community was the most active, contributing 82% of the total replies. Museums, the audiovisual institutes and archives submitted 9%, 5% and 4% of the replies respectively.

**Percentage of contributions from different cultural institutions/academia to the Europeana on-line consultation**



The bar chart below indicates the number of contributions received **per country**. A significant number of replies comes from Belgium (20 out of 118), which can be explained by the concentrated number of European associations that replied to the consultation having their office headquarters situated in Brussels.

**Number of contributions per country**



## 2. Substance of the replies

### General issues (questions 1-5)

Questions 1 to 5 of the consultation concerned the general orientations of Europeana and focused on issues related to its functionalities, identity and branding, as well as the minimum use and technical requirements for its content.

- Europeana is seen by a large majority of stakeholders - cultural institutions as well as right holders and public authorities - as a **very positive endeavour that needs to be further developed and supported**. The replies **support its orientation as a common multilingual access point to Europe's cultural and scientific heritage**.
- Priorities for developing the site are **increasing its content** and **improving the functionalities** of the present prototype. **Key functionalities** to be addressed are the **multilingual features** (automatic translation, multilingual search), **improving the search**, (including work on the search-engine, on metadata and semantic web features), and **the further implementation of web 2.0 services**, including connections to existing social media. The **need to open up the material searchable through Europeana for creative uses** is also frequently mentioned. Some of the replies stress that Europeana should focus in the first place on its role as a common access point/search engine and not try to become an online encyclopaedia, whereas others would like to see more editorial activities at the central Europeana level to increase the added-value of the site. One reply suggests that the further development of Europeana be supported by a scientific advisory committee.
- Several contributions stress the need for **further analysis of the user needs**, involving different user groups (academics, students, citizens), and for a better understanding of how users may engage with the Europeana service. Some submissions underline that the **relationship with other initiatives**, including The European Library and the World Digital Library need to be clarified.
- As for the **content accessible through Europeana**, many respondents indicate that content should more accurately reflect the cultural and scientific heritage of Europe than is the case at present, and should also include European collections from beyond the EU. A majority of replies supports Europeana **giving access to paid-for (in-copyright) material** as well as free material. In this context several replies underline the need for Europeana to look towards a generic multilingual payment system. Several contributions underline that **funding digitisation remains a major issue** for bringing cultural material online and into Europeana. More detailed indications on the way in which Europeana's content should develop were given in reply to questions 6-10.
- Europeana is seen as having found a **rather good balance between an own identity and respecting the branding of the organisations** holding the content. Several contributions indicate, however, that a **more unified way of presenting the content** would be preferable. One submission proposes to **distinguish the presentation of the content** between works of a major European interest (which could be presented in a more unified way to be centrally managed) and other material (the presentation of which would depend on the contributing organisations).

- The stakeholders indicate that Europeana has already built up a relatively **strong brand image**. This could be further improved, for example by ensuring that all EU funded projects in the digital libraries area support Europeana in their communication actions thus avoiding 'competing' branding. More in general, further **action** is deemed necessary to **raise the awareness of Internet users** about the service (directed towards the general public, but also to specific target groups such as schools).
- The presence of **minimum technical requirements** for the content accessible through Europeana (e.g. requirements for the metadata) seems to be acceptable for all. For **minimum use requirements** (e.g. viewing, downloading) a **distinction should be made between public domain material and in-copyright material**. The public domain material should, in principle, be freely accessible for all. The in-copyright material could be made available against payment, and could in some cases also be accessible for free for the end-user on the basis of agreements between the cultural institutions and right holders that ensure that the latter are fairly rewarded. Some contributions stress, however, the importance of **commercialisation of content as a tool for cultural institutions** to recover part of their costs for making the collections available online, and indicate that even for public domain material there may be restrictions (e.g. the free availability of low resolution images only). The **minimum requirements** for content should be **defined by Europeana** in consultation with the content providers.
- The replies to the consultation show that there are still significant **divergences of opinion on copyright questions** between right holders and other stakeholders. Right holders stress that digitisation and online accessibility need to be achieved in full respect of the **current copyright rules**. Cultural institutions stress the **need for copyright reform and further harmonisation of copyright at European level** to create the appropriate conditions for **large-scale digitisation** and cross-border accessibility. There seems, however, to be willingness from both sides to engage in discussions in order to find balanced agreements that will guarantee an adequate remuneration for right holders, while ensuring the maximum accessibility of the material.

### **More content for Europeana (questions 6-10)**

Questions 6 to 10 of the consultation addressed the practical priorities for increasing Europeana's content, as well as a series of broader policy issues related to the availability of in-copyright content through the site, and the availability and usability of digitised public domain material.

- The contributions show a consensus on the following priorities for increasing the content of Europeana: 1) a substantial **increase of the number of digital objects**; 2) **more diversity in terms of geographic origin of the content**, therefore more cultural and linguistic diversity; 3) the availability of **in-copyright content**, together with public domain works.
- In relation with the type of content accessible through Europeana, several replies advocate a **better balance in terms of type of content** (text, pictures, audiovisual, sound). As for the accessibility of books, several contributions stress that Europeana should **not just focus on books**, but that it should give access to a more complete European cultural heritage in all its forms. On the other hand, some replies underline the need to boost **the number of books available through Europeana**, and ascribe the relatively low number

of books accessible at the moment to, in particular, insufficient digitisation efforts and difficult copyright clearance.

- Concerning the development of a Europeana policy for content selection and prioritisation, several contributions state that quality should be given priority over quantity. Some other contributions underline, however, the **dangers of distinguishing between 'high-quality content'** (such as 'treasures, masterpieces and classics') **and 'low quality content'**. This distinction is in certain cases seen as an undue interference with the possibility for users to choose the content they prefer (e.g. by users' organisations), whereas some of the culture Ministries underline that any choice in this regard should be made at national level and not at European level.
- Nevertheless, works that would fall into the category "treasures, masterpieces and classics" are often quoted as **categories of content that should get precedence** for digitisation and ingestion into Europeana. Other categories that are quoted include: content that reflects cross-border history (e.g. the Great War, the Roman Empire, the Vikings, the Reformation); items which have been separated and that can now be virtually reunited. Many cultural institutions indicate that **more analysis of user needs** would be necessary before setting up a real content selection policy for the further development of Europeana.
- As for the measures that could be taken to ensure the availability of priority content in Europeana, **appropriate funding for digitisation** is mentioned as a key factor by cultural institutions and government bodies. Some of them call for an increase in the **EU funding for the digitisation of cultural heritage**.
- In relation with bringing in-copyright material into Europeana, replies depend on the type of organisation. Cultural institutions call for a **further harmonisation of the copyright framework** at European level, and possibly a revision of the Berne Convention and other international intellectual property rights instruments to adapt them to the digital age. Right holders' organisations highlight the importance of **contractual arrangements within the current copyright framework**, and the need to implement the pragmatic solutions agreed within the High level Expert Group on Digital Libraries. They underline that **prior authorisation of the right holder** should remain the founding principle for digitisation and online accessibility and indicate that there is a **need for incentives for the private sector** to bring in-copyright content into Europeana. Replies from Scandinavian countries suggest that the principles of **extended collective licensing**, typical of Nordic countries, could be introduced at European level in order to solve the issues of orphan and out-of-print works.
- Concerning the specific questions on how to encourage **cross-border access to in-copyright content**, most of the replies in principle tend to agree that **online content should not be locked up in national silos**. Beyond this general statement, **different approaches are advocated**: on one hand cultural institutions, together with organisations representing users, consumers and people with disabilities, are in favour of solutions based on a modification of the EU legislative framework; on the other hand, right holders' organisations strongly favour licensing solutions based on the current legislation and on implementing the advice by the High Level Expert Group on Digital Libraries. Replies from the different sectors indicate that the issue of cross-border access may differ from

one sector to another, with specific categories of content (such as newspapers) more linked to national boundaries than others.

- The difference in approach is also clear in relation with a **US type cut-off date** (implemented through copyright legislation, through agreements with right holders or within specific digitisation projects), in order to facilitate the digitisation and online accessibility of older works. Whereas **cultural institutions would welcome this approach, right holders strongly object to this idea**. For the right holders the information infrastructure on rights, to be set up through ARROW (Accessible Registries of Rights Information and Orphan Works towards Europeana) is the way forward for improving the accessibility of orphan and out-of-print works.
- Facilitating access to in-copyright works through Europeana by **providing links to publishers' websites and e-aggregators** where users can buy the book they searched through a unified search facility (e.g. Gallica in France and Enclave in Spain) is much less controversial. Most contributions are in favour of this type of solution.
- **Maintaining public domain material in the public domain** once it is digitised is seen as an important issue by cultural institutions. Many contributions underline that **Europeana should fulfil a public mission in terms of access to digital cultural heritage, and that asking users to pay for public domain content would not be in line** with this mission. The **Public Domain Charter** to be developed by Europeana is often mentioned in this context. The Charter will have to find a middle way between enforcing this principle and the risk that contributing organisations will refrain from bringing content into Europeana, if the material can be freely re-used by all. Many replies from cultural institutions stress the importance of **creative commons licensing**, and that a specific "Europeana Commons Licence" should be developed. In this way the terms and conditions for re-use would be clearer.
- Certain replies from cultural institutions indicate that they would like to maintain the possibility to generate a **revenue stream by the exploitation of the digitised images of their public domain collections**. Some replies state that access to digitised public domain works does not necessarily have to be for free in the digital environment, as this is not the case either in the analogue world. In a few replies this is linked to the possible implementation by Europeana of a paying policy for public domain material, in particular for high resolution images and for commercial re-use. Some supplementary factors mentioned in connection with the re-use of material from cultural institutions relate to the protection of personal data, the need to maintain the integrity of the material and to avoid abuse (e.g. the presentation of potentially sensitive material out of context).
- On the issue of **uncertainty around possible new rights created by digitisation**, many cultural institutions advocate a further harmonisation of European copyright legislation. The uncertainty is a real issue where litigation cases have already been reported, and in the short run further guidance for cultural institutions may be necessary. Case law is so far rather limited. Different national approaches are evident as for the level of originality needed to create new rights, also in relation to the different types of digitisation (scanning vs. photography; tri-dimensional reproduction of objects etc).
- The **sui generis right of the European Database Directive** is mentioned by several replies as an additional factor that may limit the access to and use of public domain

material. It is seen by cultural institutions and by users' organisations, as posing a threat to the free availability of public domain works. Some of the replies therefore suggest that cultural institutions should not enforce their sui generis database rights.

- For the **digitisation of public domain material by private partners**, it is recognised that the private partner who invests wants a return on investment. Cultural institutions point to the fact that **granting exclusive rights** to make the digitised content available online is often **the only way to attract commercial firms** to enter into scanning contracts. Exclusivity on digitised copies of public domain material under public private partnerships should, however, be **limited in time** (some contributions mention 3-5 years).

### **Financing and Governance (questions 11-16)**

Questions 11 to 16 concern the funding and governance of Europeana, with the aim of finding an optimal balance between different funding sources, and exploring the possibility for (different types of) private involvement in the development of the site.

- There seems to be a general acceptance that **in future there will also be a need for public funding for Europeana**. The overwhelming majority of respondents indicate that **relying entirely or to a large extent on private funding for the financing of Europeana** could have an **adverse effect on its objective and could compromise long-term sustainability**. Europeana should not be turned into a commercial endeavour and more in general **private funding and involvement should not jeopardise the aim of providing the widest possible access to cultural heritage**.
- Many **cultural institutions** would see the **funding for the central Europeana service after 2013 coming totally or predominantly from the EU budget**, in view of the pan-European and public nature of the site and its aim. Some, including the National Libraries of many MS, national museums, universities as well as European associations of national cultural institutions, even suggest a funding percentage of **100% plus overheads** in order **to safeguard Europeana's independence and sustainability**.
- Several Member States, right holders and some of the cultural institutions advocate a more balanced financing model, with **contributions from the EU budget, national funding and private sponsoring**. A minority of organisations would also see a **contribution by the individual cultural institutions**. Some replies suggest creative and alternative solutions for funding Europeana, such as a European tax on games and bets, a tax on certain types of appliances (e.g. printers and scanners) and a levy on Internet use and downloading, part of which could be devoted to Europeana funding.
- In relation with a possible contribution by Member States, several public authorities draw attention to the **digitisation efforts they are undertaking** and which contribute to Europeana. They stress that **the cost for digitisation is many times larger than the cost for maintaining the central Europeana operation** and also emphasise the investments they are making to set up national aggregators for cultural heritage material feeding into Europeana and to preserve the digital resources. Some contributions point out that the *in fine* **overall low amount of funding granted by some MS** to the operation of Europeana **does not justify the disproportionate administrative overhead** involved in collecting such financial contributions.

- Many respondents are of the opinion that **the present project-based funding at EU level severely hampers long-term planning**. It is thus considered inappropriate for the longer-term sustainability and quality of the service and the respondents therefore advocate a more stable financing system. Several contributions therefore **advocate the creation of a specific EU instrument** for funding the central Europeana service over a longer period.
- **Sponsorship is generally viewed as a positive opportunity**, although this **may depend on the type and definition of sponsorship**. For example some of the replies indicate that in Germany cultural institutions are not allowed to accept sponsoring (only fundraising is allowed under the German tax and anti-corruption laws). Some contributions, including the one of the EDL-foundation stress that the quality of the service should be first improved to increase the attractiveness of Europeana for private sponsors. It is further suggested that sponsoring could be linked to specific features or collections that the sponsoring partner would like to be associated with (e.g. access for visually impaired persons, pedagogical functions, specific themes).
- More **caution is required for advertising** by commercial organisations, especially if this advertising is linked to the cultural objects. A majority of respondents believe that **commercial communications on Europeana should only be admissible, if related to cultural events or products**. Most of those respondents feel that **independence and addressing citizens' needs should have precedence**. Others would accept **communications from commercial partners but would see certain restrictions** (e.g. they should not appear on the home page, or only a moderate number of relevant commercial communications returned with the sought search results, provided they do not affect the objectivity of the search).
- A significant number of respondents are reluctant to have Europeana engage in **technological partnerships** with private partners **to improve the service**, mainly because this could lead to a lock-in situation and dependence on a specific proprietary system. In the medium-term such dependence could put access to content and sustainability of the service at risk.
- **Establishing links from Europeana to sites of commercial content providers** (e.g. publishers) seems **acceptable for a large majority of respondents**. Many of them feel that **links to sites providing commercial offers**, including also in-copyright works, will **increase the visibility of Europeana** and constitute a positive complement of its offer. Right holders stress the **added-value of these links for Europeana** and think they should not be subject to payment for the commercial content providers. In general the Gallica model is considered as worth exploring. Some contributions indicate that Europeana needs to be fully operational first before the potential of this type of link to the sites of commercial partners can be fully explored.
- In relation with the future governance model of Europeana, cultural institutions strongly feel that the **content providers should be running the site**. Several contributions point out that there should **not be a linear relation between who pays and who governs Europeana**. Some Member States indicate they would like to be **represented in the governance structure**; some other contributions believe that also the Commission should be involved. **Right holders should also be represented** within the governance structure, because of the importance of making in-copyright works available (some replies suggest

an advisory function outside the formal governance structure). Some of the replies suggest transforming the EDL foundation into a European body or EU agency.