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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**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**

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1. CONTEXT AND AIM OF THIS COMMUNICATION

Europe's libraries, archives, museums and audiovisual archives have vast and rich collections that represent Europe's history and cultural diversity. When made accessible on the internet, these collections can be consulted and re-used by Europe's citizens for leisure, work or studies.

In September 2005, the European Commission launched the Digital Libraries initiative, the aim being to make Europe's cultural and scientific heritage accessible online¹. The initiative, which is part of the Commission's i2010 strategy for the information society, received strong support from the European Parliament² and the Council.

The Digital Libraries initiative supports the development of *Europeana* – the European digital library – and contributes to improving the conditions for the online accessibility of books, newspapers, films, maps, photographs and archival documents from Europe's cultural institutions. Priority areas to be addressed by Member States were identified in the 2006 Commission Recommendation on the digitisation and online accessibility of cultural material and digital preservation³, and the related Council Conclusions⁴.

This Communication describes progress towards the creation of the European digital library as well as the actions deployed by Member States to address organisational, financial, technical and legal issues, essential for making cultural material available on the internet. It calls on Member States and stakeholders to step up their efforts to make our common heritage more accessible, and confirms the Commission's commitment to support this goal through its policy actions and funding programmes.

2. EUROPEANA, A COMMON ACCESS POINT TO EUROPE'S CULTURAL HERITAGE

2.1. State of play

The Commission has encouraged Europe's cultural institutions to join forces and work towards the creation of a common multilingual access point to digitised resources across Europe. This European digital library, archive and museum is named *Europeana*.

¹ See COM(2005)465 of 30 September 2005, which focuses on access to cultural material. The issue of access to scientific information is dealt with separately; see COM(2007)56 final of 14 February 2008.

² Parliament Resolution on 'i2010, towards a European digital library' of 27 September 2007.

³ Recommendation 2006/585/EC of 24 August 2006, OJ L 236, 31.8.2006, p.28.

⁴ Council Conclusions of 13 November 2006, OJ C297, 7.12.2006, p.1.

Users can access Europeana to explore and combine digitised material from museums, archives, libraries and audiovisual archives all over Europe, without having to know about or go to multiple sites. They will have direct access to digitised books, newspapers, archival records, photographs and audiovisual files and can consult or use them for leisure, study or work purposes.

Several major steps were taken last year to create *Europeana*, from both an organisational and an operational point of view. On 8 November 2007, the European Digital Library Foundation was established, showing the commitment of the different cultural sectors to achieving this goal. Founder members are European associations of libraries, archives, museums and audiovisual archives, as well as a number of major individual cultural institutions. The operational structure supporting *Europeana* is hosted by the Dutch National Library.

The development of *Europeana* is well under way. It builds on the results of existing projects and initiatives and is supported by a series of new projects co-funded under the *eContentplus* programme. Work is geared towards launching a first prototype in November 2008. It will give direct access, through a multilingual interface, to at least 2 million objects from cultural institutions across Europe, thus showcasing the potential of the concept. A demo site was published for comments in February 2008⁵.

2.2. Further development of *Europeana*

Over the next two years, the prototype will be developed into a fully operational service. This means first and foremost that more content from various types of cultural institutions will be added. By 2010, the number of digital objects accessible through *Europeana* is likely to go far beyond the 6 million originally envisaged.

Initially, the material accessible through *Europeana* will be mostly public domain material. One of the key challenges is to include in-copyright material, so as 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 from the more recent past. This requires good collaboration between cultural institutions and rightholders. This collaboration can take shape through agreements between national cultural institutions and rightholders or through links from *Europeana* to sites operated by rightholders.

Further development of *Europeana* will also have to address multilingual search and retrieval, as well as integrating collaborative tools.

The European Parliament and the European Economic and Social Committee have stressed the need to make the European digital library widely known to the public and to take what steps are necessary in this respect. The Commission will actively promote *Europeana* and already devotes resources to raising awareness of the service through the *eContentplus* programme. Member States and cultural institutions can also help to make *Europeana* known to the wider public.

Furthermore, Member States can contribute by directly sponsoring the European Digital Library Foundation as associated partners, in addition to their efforts to fully implement the relevant parts of Recommendation 2006/585/EC and the related Council Conclusions.

⁵ See at <http://www.europeana.eu/>.

3. IMPLEMENTATION OF RECOMMENDATION 2006/585/EC BY THE MEMBER STATES

3.1. Monitoring implementation of the Recommendation and the related Council Conclusions

In its 2006 Recommendation on the digitisation and online accessibility of cultural material and digital preservation, the Commission urged the Member States to take action in a number of selected key areas and to report on progress by February 2008. On 13 November 2006, the Ministers responsible for culture adopted Council Conclusions showing the readiness of the Member States to work together on these issues. The Conclusions also added a timeline to the actions.

Taking up a suggestion from the Council, the Commission created a Member States Expert Group on Digitisation and Digital Preservation, which replaced an existing intergovernmental group dealing with digitisation. The new group met twice in 2007 in order to report on progress in the relevant areas and exchange national experiences.

The following observations on progress are largely based on the reports that the Member States submitted in February/March 2008.

3.2. Progress on digitisation (points 1-4 of the Recommendation)

– Overviews of digitisation activities

The creation of overviews of digitised material is essential to avoid duplication of effort and to achieve complementarity between digitisation activities. Since 2005, a majority of Member States have started to make such overviews, in various forms. A few countries have established registries of digitised collections, sometimes backed by legislation, e.g. Slovenia.

In other countries, national portals serve as a main point of reference. Several Member States cite the MICHAEL project in this context, which provides descriptions of and links to digitised collections across Europe. By its very nature, the development of *Europeana* will also lead to a more detailed overview of digitised resources.

The NUMERIC study, funded by the Commission, addresses the methodology for obtaining more reliable figures on digitisation in the future, which can help planning further digitisation efforts. Results of a first Europe-wide survey will be available early 2009.

Despite the above efforts, the existing overviews are not used systematically as a tool for priority setting within digitisation policies. Furthermore, overviews and surveys in the Member States show that much of the digitised material is not yet accessible on the web, thus limiting its usability.

– Plans for digitisation and related financial resources

Quantitative targets for digitisation will help to focus activities and contribute to the efficiency of digitisation across Europe.

Most Member States have digitisation strategies and plans in place, often as part of wider strategies for the information society. Several others are working on such plans. However, with a few exceptions, these strategies and plans do not contain clear quantitative targets for digitisation as indicated in the Recommendation and the related Council Conclusions. Establishing quantitative targets and the associated financial planning is an area where more efforts by the Member States are needed.

The financing of digitisation is a key issue. Over the last few years, several Member States have allocated considerable new resources to digitisation which will lead to the digitisation of millions of new objects.

Between 2003 and 2007, Greece supported 180 different digitisation projects from museums, libraries and archives with total funding of €100 million. Under the Greek national digital strategy for 2008-2013 a similar amount is earmarked for digitisation.

The Netherlands has allocated €90 million to the digitisation of audiovisual archives alone for the period 2007-2014.

Other Member States have been less ambitious. Sometimes the picture is not clear, given that budgets for digitisation are fragmented and ‘hidden’ in the budgets of cultural institutions.

In several cases (e.g. Lithuania and Finland), the European Structural Funds are used to support digitisation. Member States and regions could further explore this means of financing digitisation projects.

– *Public-private partnerships for digitisation*

One way of funding digitisation could be private sponsoring or public-private partnerships. Private companies are indeed involved in digitisation activities in several Member States, but often merely as service providers. There are also several examples of real public-private partnerships or private sponsoring of digitisation, for example by technology firms, banks and telecoms companies.

These examples could inspire Member States to forge similar partnerships and cultural institutions and private sponsors to find ways of collaborating, taking into account the guidance given by the High Level Group on Digital Libraries on this issue.

– *Large-scale digitisation facilities*

To bring Europe’s cultural heritage online, the rate and capacity for digitisation needs to be stepped up. Several Member States report on digitisation centres that have been established in different shapes and sizes. Sometimes they are linked to a university (Germany), national library (Finland, France, the Netherlands), archive (Sweden, Greece), audiovisual archive (France), ministry (Italy) or private company (Hungary). Generally speaking, these Member States expect the output of digitisation to rise considerably over the coming years.

In support of these activities, the Commission co-funds a network of competence centres for the digitisation of different types of material across Europe (see section 5).

In addition the EU Publications Office is engaged in a major digitisation project which will treat about 130.000 publications by October 2009. This digital library of all EU publications since 1952 will be accessible through the EU bookshop website and in due course also through Europeana.

3.3. Progress on online accessibility (points 5 and 6 of the Recommendation)

– *Access to content through Europeana*

Member States can contribute to the success of *Europeana* by encouraging cultural institutions to add their digitised material. This can be done through specific funding criteria for digitisation, an approach adopted in Spain and the Netherlands.

Thirteen Member States report that they have set up or are in the process of setting up national portals. Such portals can have an important role as aggregators for the common European access point, provided that they implement the right standards.

A majority of the Member States report ongoing work in relation to the standards needed to achieve interoperability across Europe. Again, funding criteria could play a role in this, as in the Netherlands. The EDLnet and Minerva projects are mentioned as important points of reference for standardisation work.

Action is taken in some Member States to involve private content holders and thus facilitate the availability of in-copyright works. Examples are an agreement between the national library and the national publishers' association in France within the context of Gallica 2, activities relating to the 'Libreka!' portal set up by German publishers, and an agreement between the State and a publishing house in Italy.

– *Orphan works*

Orphan works are copyrighted works whose owners are difficult or even impossible to locate. This poses problems of rights clearance for digitisation and for online accessibility of the material.

Finland, Sweden, Denmark and Hungary have mechanisms of extended collective licensing in place which can be used to handle orphan works. Both Denmark and Hungary are in the process of changing the legislation to introduce a stronger mechanism for dealing with orphan works. Germany is also preparing legislation within the context of wider adaptation of copyright rules.

In spite of these examples, overall little practical progress is reported. In most cases, the issue is still under consideration, often through working groups that consider the orphan works issue together with other copyright related-issues within the digital libraries domain. Some Member States indicate they would welcome a solution or guidance at European level.

The reports do not show any substantial work on databases of orphan works in most Member States. Nevertheless, actions at European level - such as the ARROW project in which rightholders and cultural institutions together address the creation of databases of orphan works - should be backed up by national efforts.

Overall more efforts by Member States on the orphan works issue are needed.

– *Works that are out of print or out of distribution*

Costs for rights clearance for digitising and bringing works that are out of print or out of distribution online can be very high. In order to facilitate rights clearance, rightholders, cultural institutions and collecting societies must work together. The Member States can contribute by providing a platform for this collaboration.

Although there are examples of cultural institutions — in particular in the audiovisual sector — that have obtained the agreement of rightholders for the digitisation and accessibility of their collections, Member States' actions in this area have hardly taken off.

When clearing rights for works that are out of print or out of distribution, it is essential for cultural institutions to obtain the rights for making the material available beyond national borders. An approach that limits access to digitised material to users within a specific national territory runs counter to the basic idea of a European Digital Library.

– *Barriers to the use of public domain works*

Provisions in national legislation may contain barriers to the use of works that are in the public domain. These barriers could limit the accessibility and usability of the material, for example through *Europeana*.

This issue is addressed by a minority of the Member States' reports. The low response in relation to this specific area seems to indicate that no action has been taken in many Member States and that it requires further attention. A few Member States point out that they have not encountered any barriers to the use of public domain material in their legislation. Some Member States note that barriers have been identified, but that they are justified.

In this context, it is important to stress the importance of keeping public domain works accessible after a format shift. In other words, works in the public domain should stay there once digitised and be made accessible through the internet.

3.4. Progress on digital preservation (points 7-11 of the Recommendation)

– Strategies and plans for digital preservation; exchange of information

The absence of clear and comprehensive policies in many Member States was identified in the Recommendation as a threat to the survival of digitised and born-digital material.

Most Member States have started working on digital preservation strategies, through special committees or working groups involving the main memory institutions, and in some cases there are specific digital preservation plans in place. However, very often the operational follow-up to and financial backing of high-level infrastructural and organisational strategies is limited. More effort is needed in this area to preserve valuable information and content for future generations.

Progress is mostly made by countries that have one or more organisations with a long track record in the area of digital preservation and which do not work in isolation but collaborate with other national institutions and institutions abroad.

In the UK, the Digital Preservation Coalition, which includes, among others, the British Library, the Joint Information Systems Committee and several research institutions, provides a forum for the development and coordination of digital preservation strategies at national level.

The Member States' reports mention Community-funded projects as well as the Member States' Expert Group on Digitisation and Digital Preservation as useful platforms for the exchange of information between the Member States.

– Multiple copying for preservation purposes

A large majority of Member States already allow multiple copying for preservation purposes, thus taking into account the need for migration between formats. Some of the Member States, where multiple copying for preservation purposes is not allowed, are considering legislative action to change the present situation (e.g. the United Kingdom, as part of the implementation of the Gowers Review on copyright legislation).

– Legal deposit

A large majority of Member States have updated their legal deposit legislation or have made practical arrangements to also cover born-digital material. However, the types of material covered in the deposit legislation (e.g. CD-ROMs, static web publications, dynamic web content) vary considerably from one country to another, as do deposit criteria.

The reports highlight exchanges of experience between deposit institutions and participation in EC-funded projects on digital preservation as ways of reducing the risk of divergence in depositing arrangements.

– *Web harvesting*

About half of the Member States have implemented legislation that allows web harvesting — the active collection of web material — by selected cultural institutions. Provisions relating to mandatory web harvesting are normally included in legislation related to the legal deposit of born-digital material. In most cases, the organisation responsible for harvesting is the national library.

Access policies in relation to web-harvested material are generally restrictive, owing to considerations of intellectual property rights and privacy.

3.5. Key areas for attention

Commission Recommendation 2006/585/EC and the related Council Conclusions have set a range of tasks for the Member States to make cultural information accessible to all on the internet and preserve it for future generations. Much has been achieved in the meantime, but much also remains to be done. On the basis of the above analysis, the following areas and aspects need particular attention:

- Financial resources and quantitative targets for digitisation.
- Solid support from the Member States for *Europeana*, ranging from criteria for financing digitisation to setting up national aggregators and work on standardisation.
- Legislative and practical mechanisms facilitating the digitisation and accessibility of orphan works, and measures to encourage voluntary agreements on works that are out of print or out of distribution, taking into account cross-border aspects.
- Financial and organisational aspects of digital preservation.

4. WORK WITH STAKEHOLDERS

In February 2006, the Commission set up a High Level Expert Group on Digital Libraries. The group brings together cultural institutions, publishers, technology firms and academics to find ways forward that are agreeable to stakeholders on potentially difficult issues. There are three subgroups active, on public-private partnerships, on scientific information and on copyright issues.

The High Level Group has found common ground in several areas and given practical guidance on issues addressed in Commission Recommendation 2006/585/EC. It has drawn up ‘do’s and don’ts’, for example for public-private partnerships for digitisation, and endorsed a model licence for the digitisation and accessibility of out-of-print works.

The results of the High Level Group, in particular on copyright issues, have been discussed and taken forward with a wider group of stakeholders. For the issue of orphan works, sector-based groups have been active and have established due diligence guidelines, in other words, a common understanding of what measures have to be taken before a work can be considered to be orphan. On 4 June 2008 stakeholders’ organisations signed a Memorandum of Understanding in this respect.

Within the context of the Parliament and Council Recommendation of 16 November 2005 on film heritage, the Commission is acting as a facilitator for an agreement between film-archives and rightholders for the use of deposited films in archives.

5. TECHNICAL ISSUES

Progress on technical issues is a prerequisite for the development of digital libraries in general and the improvement of the services of *Europeana* in particular.

First of all, there is a need for cheaper and better quality digitisation (including optical character recognition, which is necessary to make full texts searchable) and cheaper and better preservation techniques for digital content. Within the Framework Programmes for Research and Development, these and related problems are addressed by the thematic area of digital libraries and technology-enhanced learning.

The IMPACT project under the 7th Framework Programme for Research and Development supports a network of competence centres for digitisation. The project receives Community co-funding of €11.5 million, for a total budget of €15.5 million.

The *eContentplus* programme has also made a major contribution to the area of digital libraries, by addressing notably cross-domain interoperability issues and multilingual access with a budget of some €60 million over the period 2005-2008.

The EDLnet project, co-funded under eContentplus, directly contributes to the creation of Europeana. It brings together the main content providers to Europeana and helps to establish an interoperability framework underpinning the work. The European Film Gateway project (earmarked co-funding of €4.5 million) helps the national film archives to aggregate content across the Member States, and thus it can be easily brought into Europeana.

Through its funding programmes, the Commission will continue to support projects that enhance the online accessibility of cultural content and digital preservation and contribute to the development of *Europeana*. Within the 7th Framework Programme for Research and Development, digital libraries and digital preservation are now a specific objective, with a budget that is expected to be in the order of €69 million for the period 2009-2010. Within the *eContentplus* programme, some €25 million has been earmarked for digital libraries for 2008. In 2009 and 2010, an amount of a similar magnitude is expected to be allocated to the area of digital libraries within the Competitiveness and Innovation programme.

6. CONCLUSION

The internet has created an unprecedented opportunity to make Europe's cultural heritage accessible. Through the Digital Libraries initiative, the Commission is giving Europe's cultural institutions the support they need to turn this opportunity into reality. Where cultural material has been made available by libraries, museums and (audiovisual) archives, there has been in general great interest from the public.

Europeana, the European digital library, will be launched in November 2008 and will show the potential of a common access point to Europe's distributed cultural heritage. The content and services offered by *Europeana* will grow over the years as more institutions join and more material is digitised.

Making cultural material available to citizens requires work on the basic conditions for digitisation, online accessibility and digital preservation. The Commission has recommended a set of priority measures to the Member States to support progress across Europe. Although, overall, the Member States have made significant strides, more has to be done to make a critical mass of digital content available for all. In particular, the key areas for attention identified in section 3 on the basis of the national reports need to be addressed.

The Commission will continue to support the process through its policy initiatives and funding programmes and calls on the Member States, their cultural institutions and stakeholders to work towards the common goal of making Europe's cultural content widely accessible on the internet. It will closely monitor the developments in collaboration with the Member States in order to assess in which areas further action is needed.