**EBLIDA submission to the European Commission Consultation: "Europeana: next steps"**

**November 2009**

EBLIDA is the European Bureau of Library, Information and Documentation Associations. We are an independent umbrella organisation of national library associations in Europe, indirectly covering over 70,000 individual libraries throughout the EU. We promote unhindered access to information in the digital age and the role of archives and libraries in achieving this goal. www.eblida.org

EBLIDA is a partner in the Europeana v1.0 Thematic Network and therefore welcomes the opportunity to contribute to the future of Europeana through this consultation.

The British Library and the Museums, Libraries and Archives Council have written a thoughtful response which has had input from members of EBLIDA and receives our full support. We therefore attach the full response below.

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**Introduction**

- We would like to see Europeana develop into a channel for contemporary European culture, including popular culture and user-generated artefacts as well as culture from minority groups, and not just of 'high culture'.
- EU copyright laws need to be revisited for the digital age.
- Europeana should give access to the born-digital as well as the digitised.
- EU and national funding of digitisation is the best way to keep digitised content in the public domain.

**General**
**Question 1**
*Which orientations would you suggest for the future development of Europeana as a common access point to Europe's cultural heritage in the digital environment?*

We suggest that audience research should be conducted to establish the usage, potential and orientations of Europeana: a clear vision related to this would be the most compelling reason to support its development financially.

As content becomes ubiquitous, the utility of a single point of access is questionable: channels to content are more important.

There should be greater integration with web tools and other sites so that people do not have to come to Europeana to access content. e.g. Europeana could work with Wikipedia and Google Books to share content via linked data.

The database should also be opened up to people for creative uses: there should be clear, standard terms and conditions that allow re-use.

There is a need to clarify its relationship with The European Library and the World Digital Library. Europeana is dependent on aggregators e.g. The European Library for national libraries: this is funded by TEL membership fees, yet Europeana may be competing for national library resources and could divert support from the very aggregator it is dependent on.

In the particular phase of the development of the World Wide Web we are in, Europeana's greatest value may lie in its development of a network of cultural professionals, its research and development projects and its leverage in IP reform to enable digitisation.


**Question 2**
*Which features should be given priority in the further development of the site?*

There should be fuller metadata for searching, aggregating and interpreting content, with better context and background information about the content, including pathways for people to discover more, once they have found the entry route.

More effort needs to be put into user-generated and other Web 2.0 features, but these should be market-tested with user communities, and not done just for the sake of it.

Europeana should make its content available to software developers to develop tools/APIs for the public to use in manipulating and navigating content.

The main emphasis needs to be on user needs and what users value, not on the brands of content providers. This means that we need to interrogate the idea of a common entry point – is this really what people want, or is it enough to have a large database (back end) which is made available to multiple entry points so that people who didn't even know they were looking for culture are able to find it? The benefit of Europeana would then be in aggregating content which could be used in a variety of different ways to provide services for European people and to allow them to play with the content and do their own interpretation, rather than in presenting them with a common entry point which may not be the way they want to access content.


**Question 3**
*Has Europeana struck the right balance between making Europe's digitised cultural heritage searchable through a common entry point and at the same time giving visibility to the institutions that contribute the material, or should the material accessible through Europeana be presented in a more unified way?*

There needs to be always the option to link back to the institution providing the content, to provide a motivation for contributing content. The Europeana brand should be as unobtrusive as possible – it is a service brand rather than a public facing brand.

Institutions provide reassurance about the authority and validity of data and therefore it should be clear where the data comes from.


**Question 4**
*How should Europeana further develop its own autonomous identity?*

Some fundamental questions need to be addressed: What is the point of Europeana having an autonomous identity?  What benefit does this provide to the citizens of Europe or the cultural institutions that input into Europeana? We need to make sure that we don't just expand Europeana because it exists – it should only be developed in response to a defined need.

Europeana might need to be a strong service brand but need it be necessarily a public facing brand?


**Question 5**
*Should there be minimum requirements for the content brought into Europeana by the contributing organisations (e.g. minimum viewing or use options)? If so, who should be responsible for defining and imposing these minimum requirements?*

Requirements should not be a disincentive to participation, it is acceptable for Europeana to signpost content as well as provide the full content. All content submitted should adhere to MINERVA digitisation standards and agreed (Library, Archive, Museum) metadata standards for maximum interoperability that have emerged from i2010 projects. A Europeana Commons licence should be developed based on Creative Commons: terms and conditions for re-use should be simple and clear.


**Content for Europeana**
**Question 6**
*Which categories of content are so important for the users that Member States and their cultural institutions should be encouraged to make them available through Europeana?*
*What measures can be taken to ensure the availability of these works through Europeana?*

There should be a requirement for audience research prior to digitisation to make sure the assets digitised at public cost fulfil a public need and provide public value. What is it that people want to be able to access? If we take a 'high culture' view, which values famous artists and acknowledged names, or specific forms of art, how does this fit with the view of the European citizen about what they would value and use in terms of digital content?

Europeana should be transformed into a channel for contemporary European culture. One area that is particularly lacking in coverage at the moment is popular culture and user-generated artefacts and culture from minority groups who do not have an effective voice in 'high culture' in the countries where they live. We would recommend making strong efforts to include these communities e.g. traveller and Romany communities, minority culture such as Bulgarian community in Greece, Irish community in London etc. This would have the additional benefit of making Europeana a participatory project for the public of Europe and may increase usage.

No one should be forced to deliver content to Europeana, but the product and its undoubted benefit to the citizen should be made strong enough to generate excitement in the sector and a desire to deliver content to Europeana.

There also needs to be clarity about what cultural heritage means and includes: does it include secondary works about cultural objects? How does it link to in-copyright in-print books? archived websites? open-access? Copyright restrictions will leave a digital black hole in Europeana's presentation of European cultural heritage.


**Question 7**
*What is the best way to encourage cultural institutions and rightholders to take into account cross-border access - including through Europeana - in their agreements on digitisation and dissemination of in-copyright material?*
*Which legal or practical barriers to this cross-border access need to be addressed?*

Effective mandatory pan-European legislation on orphan works to mitigate legal and reputational risk for cultural institutions should is required. Any legislation must reflect the global nature of cultural sector collections and the fact that orphan works will be accessible by people not only within Europe but also outside.

A European Commons licence should be developed based on Creative Commons (cf. Question 5) Appropriate licences such as these should be required for acceptance of any content, just as content has to be provided in a specific format.

The EC should facilitate cultural institution / rightsholder dialogue around the creation of historical cut-off points. It should aim at reaching parity with the US where pre-1923 material is in the public domain.


**Question 8**
*How can the difference in the level playing field for digitising and making accessible older works between the US and Europe (in particular the 1923 cut-off date in the US, that places all material from before 1923 in the public domain) be addressed in a pragmatic way (e.g. better databases of orphan and out-of-print works, a cut-off point that imposes lower requirements for diligent search in relation to orphan works)?*

The cut off point seems like the only practical way to dovetail with US policy – databases are an unrealistic proposal which are unlikely to help this situation. Databases would potentially contain tens of millions of works because of the very

large proportion of works still in copyright that are out of print. They would be vastly expensive in relation to their usefulness.  But one kind of database that might be useful would be a database of orphan works that have been digitised  -  in order to help prevent unnecessary digitisation.


**Question 9**
*What policies should be adopted to avoid that the process of digitisation itself creates new types of sui generis copyright that, in turn, could create barriers to the dissemination of digitised public domain material?*

This is the de facto situation. Any solution would need to take account of the millions of digital objects to whom this issue pertains. Wikipedia vs National Portrait Gallery should clarify whether out of copyright images can have new copyright applied to them in the digital sphere in the UK at least. Legislation may be appropriate, though of course the main regulator of historical material in this area is private contract law not copyright law. It will be important to ensure that educational exceptions apply to format shifting copyright and that exemptions are given to museums and libraries to make copies for insurance purposes and for the purposes of digital preservation.


**Question 10**
*What measures can be taken to ensure that cultural institutions make their digitised public domain material accessible and usable in the widest possible way on the Internet? Should there be minimum requirements for the way in which digitised public domain content is made available through Europeana?*

We need to balance the public interest in open access with models for financial sustainability of digital enterprises. It may be possible to agree a higher threshold for resolution of images publicly available online. We could also impose maximum sizes for watermarks. However, this may have the effect of excluding top quality content from Europeana, which would jeopardise the entire project.


**Financing and governance**
**Question 11**
*Which financing model would reflect a fair distribution between Community funding, Member States' funding and private funding, taking into account that the aim of Europeana is to give the widest possible access to Europe's cultural heritage at pan-European level?*
*Could Europeana be financed solely by national cultural institutions or by private funding?*

We need to address the issue of citizen need, value for money and return on investment. If Europeana is able to secure private funding, this will help to demonstrate the public value of the project to member states and may make them more likely to contribute. It will need to considerably develop its partnership working and the quality of the product before this is possible.

Given current funding constraints of many cultural institutions, the funding of Europeana by them would be very difficult.

There is already a hidden subsidy to Europeana from the use of internal resources to submit content, and through support of aggregators (e.g. The European Library) on which Europeana depends.

Currently there is the expectation that national governments should help finance digitisation in their respective countries – in some countries this may not happen, and, as a consequence the content available to Europeana will be uneven.

**Question 12**
*Is sustained European Union funding for the basic operations of Europeana necessary and justified for the period after 2013? What type of European funding instrument could best be used?*

Europeana needs to become at least partially self-sustaining to justify continued public investment.

A European-wide rights agency could be used as an endowment to fund Europeana and/or digitisation.

**Question 13**
*Which governance structure for Europeana would best fit the preferred financing model (as indicated under question 11)? Should there be a role in the governance structure for organisations other than content providers?*

Any review of governance should involve all stakeholders and potential funders. User groups and learning institutions also have a stake in how Europeana develops.

**Question 14**
*How can private involvement in Europeana best take shape (e.g. through sponsoring, through technological partnerships, through links from Europeana to the sites of publishers and other rightholders where the user can buy in-copyright content, or through another type of partnership)?*

All these should be considered. PPP should observe the principles of the High-Level Expert Group on Digital Libraries Public Private Partnerships (PPP) Subgroup report.

**Question 15**
*How can private sponsorship of Europeana best be stimulated? Are commercial communications on the Europeana site acceptable, and, if so, what type of commercial communications (e.g. logos of sponsors, promotion of specific products)?*

Europeana may need to achieve greater profile and utility to attract private sponsorship.

**Question 16**

*Should there be a contribution (financial or other) in exchange for the links from Europeana to sites with content for which the user has to pay? Can a model such as that of Gallica 2, providing links from the site of the Bibliothèque Nationale de France to the content on the sites of French publishers, be transposed to Europeana?*

Gallica 2 is a model worth serious exploration and may be an effective way to give access to in-copyright materials. It may need to be developed to give pay per view access to chapters as well as whole books.

Relationships with print-on-demand distributors for out of copyright works e.g. Amazon, EbooksonDemand etc. should also be explored.