



European Economic and Social Committee

TEN/292
The European Digital
Library

Brussels, 13 February 2008

OPINION

of the

European Economic and Social Committee

on

Promoting broad public access to the European digital library

(Own-initiative opinion)

On 16 February 2007 the European Economic and Social Committee, acting under Rule 29(2) of its Rules of Procedure, decided to draw up an own-initiative opinion on

Promoting broad public access to the European digital library.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 23 January 2008. The rapporteur was Ms Pichenot.

At its 442nd plenary session, held on 13 and 14 February 2008 (meeting of 13 February), the European Economic and Social Committee adopted the following opinion by 153 votes to four, with five abstentions.

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1. Conclusions and recommendations

- 1.1 As the 2008 launch of the European digital library¹ approaches, the Committee's opinion aims to offer broad support to this plan to make part of our cultural, scientific and technical heritage accessible on line. It therefore underpins the European institutions' work on setting up a portal for the general public, a tool for disseminating organised knowledge in the digital era.
- 1.2 The Committee recognises the joint efforts of the Commission and the Member States and welcomes the coordination of cultural institutions set in motion by the CENL (Conference of European National Librarians) in order to establish a foundation to group together all those institutions willing to make their digitalised collections available. It calls on civil society organisations at European, national and regional level to join this far-reaching European project so as to ensure the public is well-informed.
- 1.3 Civil society involvement in the development of the EDL will prove decisive for four main reasons, justifying EESC involvement:
- it will help to define relevant criteria for choosing the content to be digitalised;
 - it will secure public support for the requisite funding;
 - it will encourage the participation of and new ideas from all the stakeholders in the publishing chain and other cultural bodies;

¹ The European Digital Library (EDL) is a provisional name for the European project aimed at digitalising documents from museums, archives, audiovisual centres and libraries, etc.

- it will promote an inclusive information society.

1.4 The Committee is aware of all that has already been achieved by the Commission with stakeholder involvement in the Member States during successive presidencies. It endorses the recent European Parliament report², which summed up progress made and the next steps. The Committee has chosen to focus this opinion on the need for civil society to get involved, by encouraging its members to take part in the launch of the EDL and in future developments. The emphasis should be on user expectations and needs, so as to achieve the goal of broad public access.

1.4.1 With regard to civil society organisations, the EESC recommends:

- becoming involved in informing the European public as of 2008;
- devoting attention to the need to monitor user groups testing the common portal for relevance, user-friendliness and eAccessibility³ for people with disabilities;
- organising a broad debate on content, in consultation with neighbourhood libraries;
- prompting a debate in the information society on the adjustment of the legal framework to make it compatible with the digitalisation of modern intellectual, artistic and scientific property.

1.4.2 As regards the Member States and the Commission, the EESC recommends:

- establishing a steering committee for the project, open to dialogue with civil society;
- securing financial commitments from the Member States to enable large-scale digitalisation from a wide range of backgrounds and media by 2010;
- establishing national digitalisation plans following consultation, with reference to a common document-policy charter and with support from skills centres;
- carrying out a Community-level search for solutions to the technical problems of multilingualism and interoperability and with a view to working out common guidelines to secure eAccessibility for people with disabilities;
- surveying user expectations, needs and practices (especially for people with disabilities), and involving the EESC in that process;
- drawing conclusions from the analysis of national practice with regard to exceptions contained in Directive 2001/29/EC⁴ and extending the search for solutions to fill legal loopholes (orphan works, out-of-print works, documents of digital origin, etc.).

² Report on "i2010: towards a European digital library" (2006/2040(INI), by Ms Marie-Hélène Descamps, MEP, July 2007).

³ EESC opinion on Future eAccessibility legislation (rapporteur: Mr Hernandez Bataller), OJ C 175 of 27.07.2007; EESC opinion on Equal opportunities for people with disabilities (rapporteur: Mr Joost), OJ C 93/08 of 27.4.2007.

⁴ Directive 2001/29/EC of the European Parliament and of the Council on the harmonisation of certain aspects of copyright and related rights in the information society.

1.4.3 As regards economic operators and cultural institutions, the EESC wishes to encourage them to:

- promote broad access to recent or contemporary digital content, accessible on the European digital library portal;
- draw up models for putting copyrighted work on-line at an affordable price;
- take part in the digitalisation of their collections through public-private partnerships;
- be prepared to use sponsorship to promote digitalisation;
- promote the role of public libraries in making dematerialised content available by means of local access in situ or within closed circuits (intranets).

2. **Improving public information and involving civil society in the development of the future European digital library (EDL)**

2.1 **Improving public information on the future European digital library**

2.1.1 In 2010, the on-line accessibility in Europe of cultural assets from libraries, archives and museums will give Europeans and people elsewhere in the world access to six million digital documents to use for recreational, educational, professional and research-related purposes. This quantitative goal will mark the first stage in a large-scale digitalisation process.

2.1.2 This project, provisionally termed the European Digital Library (EDL), is called a library for the sake of convenience, but even in its communication⁵, the Commission defined a broad framework for digitalisation, calling on all institutions to take part. The project therefore encompasses cultural, scientific and technical knowledge, and concerns all sorts of written documents, books, sheet music, maps, sound recordings, audiovisual recordings, magazines, photographs, etc.

2.1.3 The Committee agrees with the Member States in their unanimous conclusions to the November 2006 Council meeting that this EDL project is a flagship project, designed to promote participation for all in the information society, and to assist the public in their understanding of the European identity.

2.1.4 The project's second goal is to make the future EDL a multilingual access point for all, not just a source of interest for scientific or artistic communities, by means of a common portal. With this in mind, the EESC invites the Commission to improve public information so as to encourage people to get involved with the start-up of the digital library, in particular by providing multilingual documentation. A communication plan should be drawn up for all the European institutions and the Member States, starting as of the launch in November 2008.

⁵ Communication of 30 September 2005 on i2010: Digital Libraries, COM(2005) 465 final.

2.1.5 Mass digitalisation will be a milestone in the history of humanity. The debate ought therefore to cover the selection and organisation of content and knowledge at European level. The EESC believes that a broad debate on the conditions for mass digitalisation should cover certain financial, technical and legal aspects, necessary if there is to be progress towards a knowledge-based society open to all:

- the financial resources needed for the digitalisation of public assets, i.e. how to strike the right balance between the digitalisation of rare or fragile documents and the mass digitalisation expected by the general public;
- financial support for the publishers carrying out the digitalisation of their current collections and agreeing to make them accessible on-line;
- financing from the private sector and sponsorship for digitalisation and dissemination;
- the preservation, without differentiation, of intellectual property rights until 70 years after the death of the author;
- transparency and a collegial system for the selection for digitalisation of cultural content of all kinds (text, audiovisual material, museum pieces, archives, etc.) from the public domain;
- the need for a "European document policy charter" listing the main areas of knowledge for digitalisation; this presupposes a Europe-wide inventory of the on-line accessibility of material that has already been digitalised;
- the possibility for authors of out-of-print works that have not been re-published to opt for digital publication under a simpler licence⁶;
- the benefits of setting up an interactive file to assist in the search for the holders of copyright on orphan works⁷;
- the processing of scientific information⁸;
- issues associated with the accessibility of Internet portals and digitalised material for people with disabilities, particularly disabilities affecting sight.

2.2 Involving civil society in the European cultural agenda in the era of globalisation

2.2.1 Discussion of the project so far has been the sole preserve of specialists, reflecting the keen interest of stakeholders (cultural institutions, authors, editors, librarians, etc.) and their effective participation in the high-level group set up by the Commission. When, in 2005, the Commission launched its consultation, entitled "i2010: Digital libraries"⁹, only 7% of responses came from private individuals and only 14% from universities. There is nothing

⁶ A simplified licence, such as for instance the "Creative Commons" (www.creativecommons.org).

⁷ High Level Expert Group Report on Digital Preservation, Orphan Works and Out-of-Print Works (April 2007).

⁸ Communication of 14 February 2007 on Scientific information in the digital age: access, dissemination and preservation, COM(2007) 56 final.

⁹ Communication of 30 September 2005 on *i2010: Digital Libraries*, COM(2005) 465 final.

surprising about this lack of involvement on the part of the general public; particularly since the debate was launched suddenly at the end of 2004 after the announcement of a massive digitalisation project by Google, and since the questionnaire targeted the economic interest groups likely to be affected by a digitalisation project.

- 2.2.2 Given the commonplace nature of free access to information on the Internet, the cost of which is hidden in substantial financing from advertising, the public is likely to be confused when it comes to the services offered by digital libraries. Civil society therefore has a major responsibility, particularly towards the younger generations, to take part in an information and education campaign on the value of intellectual and artistic work and the need to ensure it is given due respect.
- 2.2.3 The EESC calls on the Commission and the Member States to do everything within their power to involve civil society in future developments in the digitalisation of cultural heritage. The involvement of civil society organisations is crucial for four main reasons: to define common content selection criteria, to offer financial support, to encourage all those involved and to promote an inclusive information society.
- 2.2.4 To do this, the EESC recommends opening a public forum in March 2008, to coincide with the launch of the prototype, to lend a voice to the associations, and educational, cultural, family-related and socio-occupational bodies representing future users. Civil society initiatives will prove useful in the various phases following the launch in November 2008 and in subsequent phases of development.
- 2.2.5 The debate should complement the 2007-2010 roadmap set out in the annex to the Council conclusions and extend it so as to ensure digitalisation continues and that better use is made of it. The EESC welcomes with interest the invitation to contact the Civil Society Platform for Intercultural Dialogue, which is forming a citizens' network in connection with the digital libraries.
- 2.2.6 After the 2008 European Year of Intercultural Dialogue, the debate may grow and lead on to a new consultation in 2009. That should enable civil society to play a part in deciding on the longer term stages, taking into account the European cultural agenda in the era of globalisation¹⁰.

2.3 **Encouraging the development of the future library**

- 2.3.1 The EESC endorses the proposal made in the European Parliament report¹¹, calling for the establishment of an EDL steering committee made up of the cultural institutions involved in

¹⁰ Communication of 10 May 2007 on A European agenda for culture in a globalising world, COM(2007) 242 final.

¹¹ Report on "i2010: towards a European digital library" (2006/2040(INI), by Ms Marie-Hélène Descamps, MEP, July 2007).

EDLnet. It will oversee the project and the coordination of national digitalisation plans. A fruitful dialogue must begin between this steering committee and organisations representing users, notably the EESC.

- 2.3.2 The EESC recognises the major guiding role of the CENL, leaning on international codification standards (bibliographic notes) and the head-start made in the digitalisation of written material. It would urge other national cultural institutions, at regional and national level as well as European level, to become involved in the coordination of EDLnet for archives, national museums and audiovisual centres, more specifically within the foundation set up in November 2007.
- 2.3.3 On this key issue, the EESC supports the application of Directive 2001/29/EC, which protects copyright and related rights in the information society, particularly when it comes to the reproduction and distribution of works. Nevertheless, in the digital age, there are elements missing from this directive with regard to the treatment of orphan works, procedures for digital preservation, the status of "digital born" work that originated on the web and the absence of solutions for out-of-print work that has not been republished
- 2.3.4 This directive makes exceptions in particular for specific reproductions made by libraries accessible to the public or to educational establishments, museums or archives and for use for the benefit of people with disabilities. As these exceptions are optional, use of them varies from one Member State to the next.
- 2.3.5 Alongside this legal situation, the Committee recognises that other issues of a technological nature contribute to the complexity of the project. In this area, it welcomes the work done by the Commission over a number of years to resolve the technical aspects. It supports the initiatives taken under the seventh R&D framework programme and the "eContentplus" programme, especially the research into interoperability and digitalisation skills centres. Interoperability and multilingualism, the mechanisms through which the content of museums, libraries and archives will be accessible on a single site, will be among the main factors in the EDL's success.
- 2.3.6 National- and regional-level civil society organisations and in particular national economic and social councils are called upon to support the necessary investment in digitalisation in each Member State, so as to reach a critical mass of content and guarantee diversity. The Committee recommends that the Member States draw on Structural Fund financing; Lithuania can provide a good example of this.

3. **Promoting broad access to the EDL by supplying historic and contemporary well-organised content**

3.1 **Taking into account the expectations and needs of users**¹²

3.1.1 The EESC believes that this exceptional juncture in the digitalisation process must be used as a powerful tool to promote social and territorial cohesion¹³. More specifically, the Committee recommends taking account of the expectations of the different generations in digital supply and means of access so as to facilitate links and the passing-on of information. It is rare for non-readers to be converted to reading past adolescence. The challenge for the information society when it comes to broad public access to the digital library is to make these non-readers and occasional readers into users.

3.1.2 The digitalisation of cultural works and particularly of scientific information¹⁴ carries considerable potential for access to knowledge in the light of the concept of lifelong learning¹⁵. One implication of this objective will be the need to adapt initial and ongoing teacher training¹⁶ to cater for this new setting for knowledge transmission.

3.1.3 The expected knock-on effect of this mechanism demands research into users' expectations and practices. In the current phase, priority has been given to written content (manuscripts, books, reviews and reference books) for which three main uses have been identified: full text searches, on-line consultation and off-line reading (a virtual personal library). New uses should be tested, such as collaborative tools, platforms for annotation, the hypertext enrichment of content and even multimedia input (sound, video or animation). These new functions serve as useful tools, not only for the dissemination of ideas but first for the development of the thought processes behind them.

3.1.4 For other non-written documents, the Michael portal (a multilingual inventory of European cultural assets) has since 2007 been giving access to various digital collections of museums, libraries and archives previously dispersed around Europe. A number of local, regional and national cultural institutions have thus made their collection descriptions available. The project initially covered the United Kingdom, France and Italy but will eventually take in 15

¹² The user is not just a passive client, but views him or herself as an active user with a role in defining the service expected and its evaluation.

¹³ EESC opinion on Future eAccessibility legislation, OJ C 175 of 27.7.2007, p. 91.

¹⁴ European Council Conclusions on scientific information.

¹⁵ EESC opinion on the Proposal for a Recommendation of the European Parliament and of the Council on key competences for lifelong learning (rapporteur: Ms Herczog), OJ C 195 of 18.8.2006.

¹⁶ EESC opinion on Improving the quality of teacher education (rapporteur: Mr Soares), adopted on 16 January 2008 (CESE 1526/2007 fin).

other Member States, offering new cultural tourism services. This portal, known as "Michael Culture", is part of a foundation set up in November 2007 to bring together and manage all the cultural institutions involved in the project.

3.1.5 The EESC recommends setting up a "usage observatory" to study the full range of possibilities and practices. The attraction of the EDL will lie not just in its wealth of content, but also in the dissemination of new practices for intellectual exchange and in openness to research themes. The Committee hopes to become involved in the work of the EDLnet users' working group.

3.2 **Promoting an all-inclusive digital society, in particular by making arrangements for people with disabilities**¹⁷

3.2.1 In line with the ministerial declaration made in Riga in June 2006 on new technologies in an inclusive society, care should be taken to ensure that the EDL does not increase differences between average Internet use and Internet use by older people, people with disabilities or vulnerable people. In recent exploratory opinions, the Committee set out some measures designed to secure e-accessibility, not least involving the European Social Fund.

3.2.2 The digitalisation and on-line availability of documents from libraries, archives and museums across Europe are unparalleled tools for the accessibility of people with disabilities. However, a complicated design, inappropriate format or inadequate protection measures could prevent that access.

3.2.3 The 2001 directive states explicitly that exceptions to the principles of copyright may be allowed for people with disabilities (e.g. the blind and partially sighted, and people with physical or mental disabilities).

3.2.4 To give access to this cultural heritage, the Internet portal of the future EDL and the associated national portals must be designed from the outset in such a way as to be accessible to disabled people by means of specific technical mechanisms.

3.2.5 Although technological protection mechanisms against pirating can often be circumvented by those in the know, they are nevertheless effective barriers to ordinary users. To this end, the EESC recommends that technological protection measures take issues of accessibility and interoperability into account from the design stage, so as to enable the reading tools used by people with disabilities, such as voice synthesisers, to be used to read digital texts.

¹⁷ Commission awareness-raising campaign submitted to the Council on inclusiveness in the information society: "*e-Inclusion, be part of it!*".

3.3 **Broadening the supply of content already available with contemporary or recent documents**

- 3.3.1 In autumn 2008, a portal will appear with two million works, photographs or maps, copyright-free, accessible on line and downloadable free of charge. This will make a priceless contribution, particularly for documents that are rare, precious or out of print. However, in the long run, access cannot be limited to the supply of such historic documents with no relevance to the modern day.
- 3.3.2 The EDL's original brief was also to offer users contemporary or recent documents that are still in copyright, on the same portal as documents not subject to copyright.
- 3.3.3 A high level expert group was set up by the Commission to look into ways of providing access to recent works. This committee, made up of representatives from publishing houses, national libraries, audiovisual sector professionals and archives, sought to reduce the "black hole of the 20th and 21st centuries"¹⁸ in relation to the issue of copyrighted works. It drew up proposals in April 2007 to facilitate access to orphan works and out-of-print works and to promote digital conservation.
- 3.3.4 Achieving the objective of mass digitalisation accessible to the general public means inventing a new economic model, ensuring fair distribution between authors, publishers and service providers. Internet surfers have the right to expect access to a reasonably priced pay-service. The Committee would encourage economic operators in the publishing chain to actively negotiate and secure solutions¹⁹. Publishers, authors and booksellers have a responsibility to make consumers an attractive offer, so as to nurture this new market and avoid the risk of pirating and counterfeit, while respecting the positions of the various players.
- 3.3.5 They advise that with regard to works covered by copyright, subject to agreement with copyright holders, users could be enabled to access short extracts or to flick through books virtually by means of specialist sites. Beyond that, to access the copyrighted document in its entirety, the web surfer would be directed towards private operators, including the traditional library network, where various options would be proposed at an affordable price, recognising the need to recompense copyright holders. The Committee would encourage copyright holders to sign up to these new formulae.
- 3.3.6 In order to encourage this pay-service at an affordable price, it is important that Member States extend reduced VAT on books and other publications to publications in an electronic format.

¹⁸ This expression was used by Commissioner Viviane Reding when speaking to the EESC on 12 December 2007.

¹⁹ Study by Denis Zwirn, Numilog (April 2007) with a view to devising an economic model for the participation of publishers in the European Digital Library.

- 3.3.7 With a view to promoting more open licences and thus adding to the contemporary content available, a recent Committee opinion²⁰ recommends that proper protection should be granted at Community level for authors and artists who opt for a simpler licence. While making their work accessible free of charge, this should also give them guarantees concerning their moral rights and offer protection against abusive commercial use.
- 3.3.8 The Committee recommends that the Commission take the initiative and devise new licences so as to eventually decouple digital publication rights from rights collected for publication on paper.
- 3.3.9 In 2007, the Commission conducted an in-depth comparative study²¹ of national rights regarding the transposition of the directive on copyright and related rights²². The Committee will be taking a close look at the conclusions reached by this report with a view to improving European harmonisation.

3.4 **Responding to the need for organised knowledge**

- 3.4.1 As we begin the 21st century, faced with a torrent of Internet information with no specific references and of uncertain authenticity, the European project's trump card will be to select content so as to secure objectivity and plurality, organising and classifying knowledge, and offering standard format in order to retain clarity in the profusion of information. The ability to respond with finesse, quality and relevance to users' questions and their searches will depend on the development of search engines, in conjunction with improved coordination of digital knowledge at European level.
- 3.4.2 For access to organised collections, the EESC would stress the potential benefit of testing the prototype launched in March 2007 as a joint endeavour between institutions in France, Hungary and Portugal. This European matrix, validated by experts, is the basis for a European digitalisation corpus, contributing to the next stage in the EDL. Furthermore, this prototype is open to all search engines and should make searches easier by using standard questionnaires to enable surfers to express and target their requests.

²⁰ EESC opinion on the Proposal for a Directive of the European Parliament and of the Council on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version), OJ C 324 of 30.12.2006, pp. 7–8.

²¹ Study on the transposition and effect on the legislation of the Member States of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society (ETD/2005/IM/DI/91).

²² The duration of copyright has been extended to 70 years following the death of the author and 50 years for related rights.

3.5 **Securing cultural and linguistic diversity**

3.5.1 The EESC would stress the unique role on the world stage of this multilingual library²³ as a fundamental tool for preserving and harnessing cultural diversity. With its exceptional cultural heritage and major output of content, Europe must play a key role in the digitalisation of knowledge at world level, in accordance with the UNESCO convention on cultural diversity. Thanks to the dissemination of European languages worldwide, accessibility will be useful to both Europeans and non-Europeans seeking access to world heritage and the sources of their own culture in Europe.

3.5.2 The EESC recommends that in the post-2010 development phase of the EDL each Member State should donate a selection of its works of literature in other languages, so as to contribute to the promotion of a European cultural identity and respond to diversity.

4. **Promoting and modernising the role of public libraries within an on-line accessibility system**

4.1 The EESC recommends supporting the role of public libraries, as a means of securing local access in a globalised system. The circulation of cultural assets has taken on a world-wide, multimodal dimension, which works well if the public have the material means necessary to access this considerable resource. Public libraries are local cultural facilities that still offer equal access to the greatest number. Libraries must retain a role in making dematerialised content available, with a view to social inclusion.

4.2 In the chain that leads from the author to the reader via the bookseller, lending libraries and multimedia libraries have proved their worth in passing on organised knowledge and offering the public access to cultural products. These local facilities must continue to fulfil this role for dematerialised content. It is therefore appropriate to promote specific contracts or licences that encourage these establishments in their dissemination task without creating imbalances²⁴.

4.3 It is a matter of importance that the digitalisation of the public domain of national cultural institutions should take place in consultation with local libraries and archive centres. The expectations of lending library users, a non-specialist public, must be taken into account when decisions are made regarding content exempt from copyright, demonstrating respect for public diversity.

²³ EESC opinion on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – A New Framework Strategy for Multilingualism, OJ C 324 of 30.12.2006, p. 68.

²⁴ See Recital 40 of the 2001 Directive on copyright in the information society.

4.4 Devising economic models for the purchase and availability to the public of digitalised contemporary works

4.4.1 Lending libraries buy materials (books, CDs, sheet music, language learning material, etc.) and make them available to their users free of charge or for a minimal sum, for a limited time, ensuring that money does not systematically obstruct access to them. A new economic model for dematerialised content is needed to respond to the expectations of library and multimedia library users and must be tailored to their practices. In addition, lending libraries are major buyers of current content, and have a direct grip on up-to-date information and cultural and technical products. They must be involved in defining this new economic model.

4.4.2 The spread of dematerialised content, in particular when it is the product of digitalisation, must not be allowed to prevent lending libraries from pursuing their educational role. Economic and technical models for the circulation of digitalised content must therefore take into account the role of lending libraries and enable them to continue in that role, in the context of closed circuits (intranets) and as part of the lending service to library members.

4.5 Ensuring service users have local access

4.5.1 Lending libraries should be able to supply their members with local access to dematerialised content through closed circuits (intranet) in the same way as for material content; i.e. with computer work stations, printers, software, high-speed connections, assistance and coaching. The initial and on-going training given to librarians and the organisation of their work must from now on take dematerialised content into account.

4.6 Organising events and coaching for access to digitalised and dematerialised content for the general public

4.6.1 In the absence of training and information, the general public tend to view PCs, which are increasingly common fixtures in homes, as sources of multimedia recreation, unaware of the cultural, educational, teaching and information resources available on the Internet. In the same way that lending libraries use events to offer all ages an active interface with books and reading, they must take responsibility for coaching and events on dematerialised content.

Brussels, 13 February 2008.

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European Economic and Social Committee

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