

# PERSPECTIVES OF DIGITIZATION OF CULTURAL HERITAGE IN EUROPEAN COUNTRIES

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## **Abstract**

*Digitization of cultural heritage has special place deriving from the significance of cultural heritage for national identity of each European country. European countries seek to regulate and direct the process of digitization of cultural heritage in order to achieve the most optimal results in this area. Special role in that process belongs to the Recommendation of the European Union (EU) on the digitization and online availability of cultural material and on digital protection, and the EU Copyright Directive in the Digital Single Market. The implementation of that Recommendation and the whole process of digitization of cultural heritage was monitored by the EU Expert Group on Digitization and Digital Protection since 2007, and since 2017 by the Expert Group on Digitization of Cultural Heritage and Europeana.*

*European countries have recognized great importance of digitization of cultural heritage and therefore are monitoring and directing activities in this area, especially since 2006 to the present. EU decisions and recommendations regulate the online accessibility of cultural heritage and its digital protection, aimed at harmonizing Member States' actions in the field of digitization. The future progress of digitization in the field of cultural heritage in the EU is largely linked to Europeana, as one of the world's largest digital cultural heritage sites. About three thousand institutions from European countries are exhibiting objects of digitized cultural heritage through their collections in Europeana.*

**Key Words:** *Digitization of Cultural Heritage, Copyright, EU, Europeana.*

**JEL Classification:** [K2, K24]

## **1. Introduction**

Digital technologies are profoundly changing our daily lives, our way of working and doing business, and the way people communicate to each other. Digital communication, social media interaction, e-commerce, and digital enterprises are steadily transforming our world<sup>1</sup>. European countries seek to regulate and direct the

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<sup>1</sup> European Commission, 2020. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Shaping Europe's digital future*, COM (2020) 67 final, Brussels, 19.2.2020, p. 2. Available at: [https://ec.europa.eu/info/sites/info/files/communication-shaping-europes-digital-future-feb2020\\_en\\_3.pdf](https://ec.europa.eu/info/sites/info/files/communication-shaping-europes-digital-future-feb2020_en_3.pdf), accessed on 2<sup>nd</sup> March 2020.

process of digitization of cultural heritage in order to achieve the most optimal results in this area.

The European Union (EU) has made more decisions and recommendations back in 2006 and 2007 to indicate that digitization of cultural heritage is an important tool of ensuring greater access and, in some cases, the only way to provide for the availability of valuable material to future generations (Gasmi, Korać & Prlja 2019, p. 19). EU decisions and recommendations<sup>2</sup> regulate the on-line accessibility of cultural heritage and its digital protection, aimed at harmonizing Member States' actions in the field of digitization. Harmonizing Member States' actions in the field of digitization of their cultural heritage is aimed at ensuring coherence in the choice of digitization materials and at elimination of overlaps. In documents issued of the European Commission and the Council in 2007, it was concluded that access, dissemination and preservation of information is a major challenge of the digital age. Success in this area is crucial for the development of the European information society.

The European Parliament adopted in 2007 decision "Towards a European Digital Library" recommending the creation of a unique multilingual European digital library, as a basic access point for European cultural heritage. Europeana - a unique European digital library providing access to digital cultural heritage from all over Europe (books, newspapers, photographs, films and audiovisual works, archival documents, museum materials, architectural and archeological heritage, etc.) was established in late 2008. Consequently, Europeana became a reference point on the Internet for European cultural heritage

Further development of European regulations on the digitization of cultural heritage has resulted in the adoption of a Recommendation on the digitization and online availability of cultural material and on digital protection in 2011<sup>3</sup>. Its implementation was overseen first by the Expert Group on Digitization and Digital Protection, and from 2017 by the Expert Group on the Digitization of Cultural Heritage and Europeana. The adoption of the Copyright and Related Rights Directive in the Digital Single Market followed<sup>4</sup>. This Directive was adopted on 17

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<sup>2</sup> EU Recommendation of 27 October 2011 on the digitization and online accessibility of cultural material and digital preservation, 2011/711/EU, Official Journal of the European Union, L 283/39, 29.10.2011; EU Council Decision on the digitization and online availability of cultural material and its digital protection, 2006, European Commission Recommendation on the digitalization and online availability of cultural material and its digital protection, European Commission Decision establishing an Expert Group on Digital Libraries, 2006, Conclusion of the European Commission and the Council on Scientific Information in the Digital Age, 2007, European Parliament Decision 2010: Towards a European Digital Library, 2007.

<sup>3</sup> EU Recommendation of 27 October 2011 on the digitization and online accessibility of cultural material and digital preservation, 2011/711/EU, Official Journal of the European Union, L 283/39, 29.10.2011.

<sup>4</sup> Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, Official Journal of the European Union, L 130, 17.05.2019., <https://eur-lex.europa.eu/legal->

April 2019 and has been implemented since 7 June 2019 and is an integral part of the EU Digital Single Market project.

## **2. Recommendation of October 2011 on the digitization and online accessibility of cultural material and digital preservation**

The European Commission adopted a Recommendation on the digitization and online accessibility of cultural material and on digital protection (2011/711/EU)<sup>5</sup> aimed at upgrading its 2006 Recommendation, with a view to defining the basis for the digitization of cultural heritage in line with the European Union's 2020 strategy. Monitoring the implementation of the Recommendation on the digitization and online availability of cultural material and on digital protection has resulted in biennial reports by Member States for the period 2011 to 2013, from 2013 to 2015, and from 2015 to 2017.

The preliminary report for the period 2015 to 2017, presented at the third meeting of the Expert Group on Cultural Digitization of the Heritage and European held from 17-18 April 2018<sup>6</sup>, showed that there are five key areas of application of the Recommendation. These areas are: 1. Europeana, 2. Organization and financing of digitization, 3. Digital protection, 4. Digitization of copyrighted material, and 5. Digitization of material in the public domain.

Europeana is quantitatively advancing and has reached around 60 millions digital objects, but it is essential to improve the metadata, multilingualism and generally the quality of digital objects. It is also necessary to provide public funds for digitization projects based on the availability of digitized material through Europeana, while respecting the standards defined by Europeana.

Conclusions of the Council of the European Union on the role of Europeana in the digital approach, visibility and use of European cultural heritage from 2016 aimed to regulate the status and functioning of the largest European portal - Europeana (Batrićević 2017, p. 28).

When it comes to organizing and financing digitization, quantitative goals and a system for monitoring the achievement of those goals must be set. Particular attention should be paid to the possibility of realizing a public-private partnership, as many EU countries have had good experience in such cooperation in the implementation of digitization projects in the previous period. An example of a successful public-private partnership in the digitization of books has been performed in the Czech Republic, the Netherlands and Germany, with Google (Gasmi, Korać & Prlja 2017, p. 36). Optimizing the capacity for digitization and

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content/EN/TXT/?uri=uriserv:OJ.L\_.2019.130.01.0092.01.ENG&toc=OJ:L:2019:130:TOC, accessed in May 2019.

<sup>5</sup> Recommendation of 27 October 2011 on the digitization and online accessibility of cultural material and digital preservation, 2011/711/EU, Official Journal of the European Union, L 283/39, 29.10.2011.

<sup>6</sup> <https://ec.europa.eu/digital-single-market/en/news/third-meeting-european-commissions-expert-group-digital-cultural-heritage-and-europeana-dche>, 31.08.2018, accessed in May 2019.

achieving cost-effectiveness in digitization are important goals to be achieved. It is also necessary to use European Union funds dedicated to digitization when possible.

Recommendation on the digitization and online accessibility of cultural material and on digital protection (2011/711/ EU/) represents the legal framework for the digitization of cultural heritage in line with the EU's 2020 strategy.

### **3. Expert Group on digitization of cultural heritage and Europeana**

Following the Decision on the digitization and online availability of cultural material and its digital protection in 2006, in 2007, the European Commission decided to establish an Expert Group on Digitization and Digital Protection<sup>7</sup>.

The task of the expert group was to harmonize Member States' policies in this area, to monitor progress, to evaluate results and contribute to the exchange of information and good practices in the field of digitization and online accessibility of cultural material and in the field of digital protection. The expert group had eighteen meetings up to November 2016. At these meetings, the Expert Group addressed various issues related to digitization, such as:

- modernization of copyright (especially with regard to key exceptions and limitations in the field of cultural heritage research, education and conservation to enable cultural heritage institutions to have the right to copy works, including digital works, to protect them),

- qualitative aspects of digitization policy and results of digitization (promoting accessibility to high quality content and metadata of national and regional collections of digitized cultural heritage),

- data quality control,
- digitalisation strategy,
- text and data recognition algorithms, 3D digitalisation of cultural heritage,
- digitization practices in individual EU countries,
- the principles of digitalisation and making non-commercial works available to public libraries,

- digitization of works in the public domain,

- standards in the field of digitization,

- Europeana's 2020 development strategy.

Since 2011 the European Commission adopted a Recommendation on the digitization and on-line availability of cultural material and on digital protection, which defines the basic principles of preserving cultural heritage through digitization, the Decision of 7 March 2017, followed, that formed a new Expert Group on the Digitization of Cultural Heritage in Europe<sup>8</sup>.

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<sup>7</sup> Commission Decision of 22 March 2007 setting up the Member States' Expert Group on Digitization and Digital Preservation, 2007/320/EC, Official Journal of the European Union, L 119/45, 9.05.2007.

<sup>8</sup> Commission Decision of 7.3.2017 setting up the Expert Group on Digital Cultural Heritage and Europeana, [http://ec.europa.eu/information\\_society/newsroom/image/document/2017-42/](http://ec.europa.eu/information_society/newsroom/image/document/2017-42/)

One of the tasks of the new Expert Group was to review and discuss the policy of digitization of cultural heritage and to monitor the implementation of the 2011 Recommendation. on the digitization and on-line availability of cultural material and its digital preservation and the 2016 Council Conclusions on Europeana's role in the visibility and use of Europe's cultural heritage.

The second task was to ensure co-operation between the EU Member States and the Commission in this area and to ensure the exchange of information and best models practices, as well as the coordination of Member States' policies and strategies in the field of on-line availability of cultural material and its digital preservation.

The third task was to contribute to the further development and sustainability of Europeana by defining the overall objectives, priorities of the activities and the envisaged level of funding. The fourth task of the Expert Group was to assist the European Commission in monitoring the development of the cultural and creative industries. The Expert Group had several meetings in previous period.

In addition to the new name, the Expert Group was given the new powers by December 31, 2020. It was tasked with continuing to make recommendations for improving the conditions for digitization, the on-line accessibility of cultural heritage and its digital preservation. Furthermore, the Expert Group is authorized to coordinate the preparation and submission of national progress reports every two years, and to contribute to the development and sustainability of Europeana, to set common goals and priorities, as well as a certain level of funding. The specific task of the Expert Group is to prepare an independent evaluation of Europeana and to set clear medium and long-term goals for Europeana's development and financing.

The Expert Group addressed virtual multimedia museums, issues of exploitation of film treasures in the digital era, Europeana's 2020 development strategy, national progress reports from 2015 to 2017, as well as copyright issues in the Digital Single Market pertaining to cultural institutions.

One of the conclusions of the Expert Group at the 2018 meeting is that the key issues of the further digitization of cultural heritage are the following:

- the organization and financing of digitization,
- the digitization and online availability of material in the public domain,
- the digitization and availability of copyrighted material,
- Europeana, and
- the digital protection and preservation of cultural heritage.

Digitization standards and metadata are also indispensable elements of high-quality digitization of cultural heritage, as well as public-private partnerships in the process of digitization.

The sixth meeting of the Expert Group was held in Luxembourg on 5 and 6 November 2019. At that meeting the Europeana sub-group presented its draft

recommendation for the next Europeana 2020-2025 strategy. Particular attention was given to the essential issues, such as:

- possibility of developing a comprehensive, holistic approach to 3D documentation of cultural assets,
- creating framework conditions for an open European repository of 3D cultural heritage models, and
- applying advanced digital technologies and capacity building in the cultural heritage sector.

#### **4. Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market**

The digitization of cultural heritage is one of the primary goals of cultural policy in developed countries. It is not only a form of heritage conservation, but is also a way of promoting concrete culture (Kostić 2019, p. 5). In line with the Digital Single Market Strategy, in 2015 the European Commission has decided to modernize the copyright regime to ensure, among other things, wider access to protected on-line content. The Proposal for a new Digital Millennium Copyright Directive was prepared and enacted in 2016<sup>9</sup>, and was adopted as the Digital Millennium Copyright and Related Directive on May 17, 2019<sup>10</sup>. The new Directive started to apply from June 7, 2019. This Directive is an integral part of the EU Digital Single Market project.

The aim of the Directive's enactment was to reduce the differences between national copyright systems and to allow more liberal access to on-line content for users across whole Europe. Modernization in the area of exceptions and limitations would provide a clearer legal framework for the use of research tools for text and data retrieval. Consequently, teachers and students can use digital technologies in the field of education. The same is valid for cultural institutions, libraries, museums, archives, and film-preserving institutions and audio-visual heritage, in the field of cultural heritage conservation. The aim of introducing exceptions and restrictions was to provide European citizens with access to inaccessible works and contents of cultural heritage, as well as to introduce a special mechanism to facilitate the licensing of cultural heritage institutions so that they can make it accessible through internet.

For cultural heritage institutions, the Article 6 of the Directive provides for an exemption allowing the reproduction of works and other content, which is a

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<sup>9</sup> Proposal for a Directive of the European Parliament and of the Council on Copyright in the Digital Single Market, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0593>, 31.08.2018, accessed in May 2019.

<sup>10</sup> Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, Official Journal of the European Union, L 130, 17.05.2019., [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2019.130.01.0092.01.ENG&toc=OJ:L:2019:130:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2019.130.01.0092.01.ENG&toc=OJ:L:2019:130:TOC), accessed in November 2019.

permanent part of their collections in any format or medium, solely for the purpose of preserving such works or other content. This provides for the exception on the basis of which institutions that preserve and digitize cultural heritage, have the right to copy works created directly in digital form and to digitize works in analogue formats.

The Directive provides for a specific legal regime for collective agreements on licensing, dissemination and digitization of cultural heritage content (books that publishers have stopped printing and selling). Article 8 of the Directive provides that such institutions, when concluding a non-exclusive license agreement with organizations for the collective exercise of the rights of authors for the purpose of digitizing, distributing, communicating to the public, or making available inaccessible items or other content being a permanent part of their collections, such non-exclusive license may be extended or may be presumed to apply to copyright holders who are in the same category as those covered by the license. An item or other content is considered inaccessible when the entire item or content, including all its translations, versions, views, is not available to the public through the usual marketing channels and cannot reasonably be expected to become available.

On the basis of the Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market, EU Member States are required to ensure that service providers establish complaint and redress mechanisms available to users in the event of a dispute. Member States are also obliged to ensure that authors and performers receive on a regular basis information on the use of their works by those whom they have licensed or transferred rights to, in particular as regards the use, the revenues generated and the fees attributable to them.

### **Conclusions**

European Union countries have recognized the undoubted importance of digitalisation of cultural heritage and, for this reason, have been monitoring and directing activities in this area, especially since 2006 to the present. The decisions and recommendations of the EU institutions regulate the on-line accessibility of cultural heritage and its digital protection, with the aim of harmonizing Member States' actions in the field of digitization.

The Expert Group on Digitization and Digital Protection has played a particularly significant role in this process. Since 2017 the Expert Group on the Digitization of Cultural Heritage and Europeana has been considering Member States' periodic reports, analyzing examples of good practice and monitoring and improving digitization in all its segments, from technical to strategic dimensions.

The adoption of the controversial Directive on Copyright and Related Rights in the Digital Single Market and its implementation will show the extent to which the further direction of digitization of cultural heritage in the European Union will be accelerated or slowed, and how it will affect the exercise of copyright and open access to creative ideas and materials.

The future progress of digitization in the European Union is significantly linked to Europeana, as one of the world's largest digital cultural heritage database. The achievement of standards established by Europeana, especially in the area of object quality and object metadata, is a prerequisite for successful digitization in all EU Member States.

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