

**Meeting between Article 4(1)(b) and Commissioner OETTINGER**  
**at 15:00 on 05/09/2016**

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**I. Scene setter**

***For Europeana Foundation:***

Article 4(1)(b) Europeana Foundation

Article 4(1)(b)

Article 4(1)(b) Europeana Foundation

Article 4(1)(b)

Article 4(1)(b) Europeana Foundation (tbc)

Article 4(1)(b)

***For DG CONNECT:***

Article 4(1)(b) Unit G2 'Data applications and creativity'

***For the Cabinet:***

**Thibaut Kleiner**, Deputy Head of Cabinet

***Estimated duration:***

15:00 hrs – 15:30 hrs

## ***Agenda:***

### *Primary*

1. Review of Europeana Strategy in the light of Council Conclusions – First draft of the Europeana Foundation Board Strategy Team for Commission input (Europeana paper attached)
2. Proposed evaluation of Europeana: sustainability and funding
3. Copyright

### *Secondary*

4. Year of Cultural Heritage

## **Context of the meeting:**

Europeana Foundation (EF) has requested this meeting Article 4(1)(b) and to seek the Commission's endorsement of adaptations they wish to make to their strategy in the light of the Council Conclusions adopted under the Dutch Presidency (CC). According to EF, Europeana should operate as a platform (a place not only to visit, but to build on and create with) rather than a portal offering services for citizens.

Under this proposition, Europeana would mainly work as an intermediary between cultural institutions and content developers who repurpose Europeana content for applications and services to the citizens, and place content on sites where users go anyway (e.g. Wikipedia, History Pin). The portal would have a minor role. Rather than number of visitors to the portal or efficiency of its search engine, a key performance indicator should be number of times items are viewed on other sites (such as Wikipedia or History Pin).

EF is concerned that other organisations might win the contract under procurement. This would force Europeana Foundation to closure.

## ***Copyright***

EF very actively advocates changes in the EU's copyright framework to make it easier for cultural heritage institutions to digitise and make 'out-of-commerce' (OOC) works available online. EF calls for an exception to copyright for such use of OOC works, where right holders have not objected to that use and no licence is available from a collective management body (including licences that cover right holders that are not members of a collective management body). They see this as a last resort solution when no reasonable licensing possibility is available.

As Article 4(1)(b) may express disappointment at the solution as emerged from the leaked version of the Impact Assessment, also because it is considered particularly unsuitable for audio-visual works (where collective management is not very widespread).

## **Our Position / Lines to Take:**

### ***Review of strategy and independent evaluation***

- Commission cannot endorse changes in strategy unilaterally. This is a collaborative effort between the Commission and Member States.
- The portal is essential as a shop window for all Europeana activities to justify the funding spent. That is why all CEF work programmes to date have called for improving its functionality and user-friendliness.
- The strategy developed by EF will be an essential part of the evaluation. Changes need to be defined on the basis of the evaluation results and in collaboration with MS. In the meantime, the CC set framework conditions for operations.

### ***Move to procurement***

- The move to procurement is the only way to remedy the unsustainable financial situation of the Foundation. The Commission will enter into the first service contract by direct negotiation with EF. As this is an exceptional procedure, that cannot be used more than once, the transfer of assets from EF to the Commission is unavoidable. Subsequent contracts will be awarded through open calls. As the incumbent, EF is in a good position to submit a valid tender.

### ***Sustainability and funding***

- The second CEF grant in support of the Europeana core service has been signed. MS have made commitments to cover almost the entire funding gap until the move to procurement can take effect. The current grant will be followed by the first service contract which can cover all the costs. This should put Europeana Foundation on a more sustainable footing financially.
- Europeana needs to flag up if transfers of the committed amounts from MS are slow

### ***Copyright***

- The Commission's proposal will aim at a proportionate solution that takes into account existing national solutions, is effective enough for cultural institutions while preserving the rights of authors and those who invest in creation.
- The planned copyright proposals include new provisions on the use of OOC works by cultural heritage institutions, requiring Member States to put in place licensing regimes whereby a collective licensing body can also issue licences covering rights of right holders that they do not represent (for the specific use at stake), and giving cross-border effect to such licences. The proposed solution would be an enabling mechanism through which licences for large collections could be obtained by cultural heritage institutions in one single transaction. It does not foresee an exception as desired by the EF.

## **II. Speaking points (only if requested)**

### ***Sustainability and funding***

- I am pleased that the Council Conclusions confirm Member States support for Europeana and set the course for the move to procurement to put Europeana on a more sustainable footing financially.
- I am also extremely happy that together with the Dutch Presidency we managed to raise direct financial contributions from Member States to almost fully cover the funding gap until the move to procurement can take effect.
- Please let my services know if Member States are slow in transferring the committed amounts.

### ***Review of strategy and independent evaluation***

- Thank you for raising the issue of strategy.
- The Commission cannot endorse changes in strategy unilaterally. Setting objectives and priorities for action is a collaborative effort between the Commission and Member States.
- As you know, the Council Conclusions invite the Commission to conduct an independent evaluation to deliver recommendations on the future scope of Europeana. The results will inform future CEF work programmes and possible support for Europeana in the next MFF. We count on your support!
- This is your opportunity to underpin the platform proposition with facts and figures to demonstrate its value. The collaboration with

Apple for the development of the Multi-Touch Book and iTunesU course on World War I is a very good initiative, but there need to be more such cases of re-use.

- Until the results of the evaluation become available, the Council Conclusions identify the focus of activities: This includes sustaining a multi-sided platform as well as providing a portal as general multilingual access point. As the first point of entry, the portal must offer an appealing experience, especially for first-time visitors.
- The Council Conclusions also identify a number of challenges: addressing those will not only improve the performance of the portal, but of the platform as a whole.
- Europeana has been perceived as a problem for too long. The provisions of the Council Conclusions together with the more stable financial perspective should be a good starting point for working towards reverting that perception.

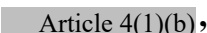

### **Copyright**

- The upcoming copyright modernisation proposals will cover relevant matters for cultural heritage institutions, including on out-of-commerce works.
- We will propose solutions to the problem of high transaction costs of rights clearance for the 'mass digitisation' of out-of-commerce works held by cultural heritage institutions and their cross-border availability.

- Thank you very much for providing the Commission with evidence and data on this problem.
- The Commission's proposal will aim at a proportionate solution that takes into account existing national solutions, is effective enough for cultural institutions while preserving the rights of authors and those who invest in creation.
- We will also be modernising the EU framework of exceptions and limitations, focussing in particular on those exceptions and limitations which are key for the functioning of the digital single market and the pursuit of public policy objectives (e.g. those in the area of education, research - including text and data mining - and access to knowledge).

### ***2018: European Year of Cultural Heritage***

- 2018 will be the European Year of Cultural Heritage.
- The objectives include promoting the enjoyment of cultural heritage by a wide public, heritage education as well as inspiring creation and innovation.
- This is a great opportunity for Europeana to get involved and demonstrate its value!

**Author:**  Article 4(1)(b),  Article 4(1)(b)

## IV. Background

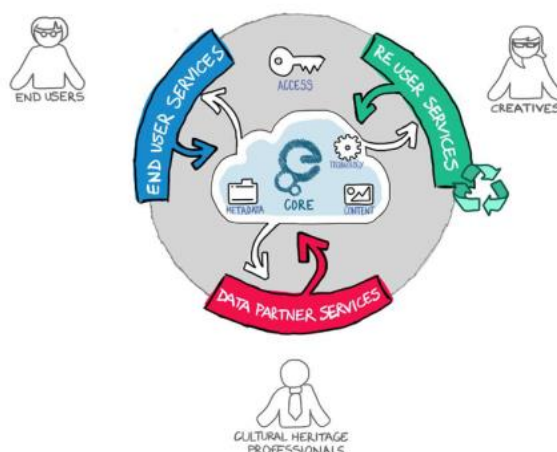
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### *Europeana Strategy*

Under their 2020 Strategy, Europeana advocate to move from portal to platform – a place not only to visit, but also to build on, play in and create with. This means that Europeana wants to focus its resources on the development of the platform, working much less on the portal.

Europeana now operates as a ‘multi-sided platform’, with the portal representing one 'side' of the platform (end-user services). This is one of the prevailing models of the internet economy. Multi-sided platforms create value by facilitating interaction between two or more distinct, but interdependent groups. As such the platform is of value to one group of users only if the other groups of users are also present<sup>1</sup>.



**Figure 1 - Europeana's multisided platform**

All CEF work programmes to date call for improving the user-friendliness, the quality and findability of content, the functionalities for semantic and multilingual search as well as the presentation of the content shared on the Europeana portal in attractive and diverse ways.

The launch of Europeana Collections in January 2016, the new version of the portal, is a step in that direction. It is easier to navigate, offers improved search and filters, better and bigger previews, a zoom function for high resolution images and documents, direct play for video and audio and a new download option. Content bears clear copyright information.

<sup>1</sup> <http://divergence.academy/business-models/what-is-a-multi-sided-platform/>. An example is Airbnb, which brings together people looking for accommodation away from home with local hosts.

Following adoption of the Council Conclusions, EF would like to re-affirm their strategy with stakeholders<sup>2</sup>, considering that "at the extremes people expect Europeana to be (A) an interface with an immersive experience for anyone looking for cultural heritage (i.e. a portal with high brand recognition with casual users) or (B) a shared infrastructure with high brand recognition with professional audiences (i.e. a platform)".

EF's strategy is based on the following assumptions:

- **A Platform is a multiplier**, it allows others to build upon the work that has made the data interoperable, machine readable and freely accessible (to create the immersive experiences). A platform for cultural heritage for Europe aids the Digital Single Market. It aims to create a level playing field, bringing the poorer data up to the standards of the richer and allowing small and large institutions to compete. It allows MS to have interoperable, shared data for digital cultural heritage, it reduces the costs of interaction between cultural heritage institutions across member states and has permitted Europe to lead the world in the exposure of its digital cultural heritage.

*Multi-Touch Book and iTunesU course on World War I is a case of re-use of cultural heritage material building on Europeana. The project was developed through Apple's Distinguished Educators (ADEs) in Residence programme which places selected ADEs in some of the world's leading museums, archives, science centers, and cultural organizations to develop innovative teaching and learning resources. The book and accompanying course, available on iTunes, encourages students to develop their own understanding of what led to war in 1914, drawing on a range of different historical sources from Europeana 1914-1918 alongside learning resources from EUROCLIO.*

- **Users of Europeana Collections (the portal) will always be limited.** There is no such person as a general purpose visitor. There are professional users (researchers, educators, creative, GLAM professionals) and there are casual users, arriving via the search engines to pick up a specific item. The professional user actually likes the breadth of Europeana Collections and will do their own curation on the material. Some more of the casual users might be enticed further but then much, much more curatorial work is needed at a resource cost we cannot cover. We can create a Google Cultural Institute if we only show the best of the best and are not concerned about how open or correctly labelled the material is. This would use approximately a seventh of the 53 million items.
- **Use is increased by placing material where the user is.** We need to be user-demand-led in the services we create. Knowing where and how people use cultural heritage data helps us serve their needs. This will have a negative effect on brand recognition, but a hugely positive one on the number of times an item is viewed and used. The existence of the platform permits such distribution and gives us a reach for the material of 77 million users compared to the 6/7 million achieved on Europeana Collections.

### **Council Conclusions**

On 31/5/16, the Education, Youth, Culture and Sport Council (EYCS) adopted Council Conclusions on the role of Europeana for the digital access, visibility and use of European cultural heritage (CC). The CC confirm Member States' continued support to Europeana, both

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<sup>2</sup> See document "Following up on Council Conclusions".



from a cultural as well as an innovation perspective, and give renewed political guidance on the mission and priorities of Europeana. They foresee arrangements to improve the functionality and user-friendliness of the site operated by Europeana Foundation (EF), strengthen the involvement of Member States and their cultural institutions both in the operational and strategic governance of the DSI through the MSEG and engage a wider audience.

To strengthen the value of Europeana, the CC propose to focus on supporting the professional network, sustaining a multi-sided internet platform for sharing and (re)using metadata and content and providing a general multilingual access point to cultural content.

The CC identify a number of **challenges EF is invited to address:**

- Enhance semantic interoperability to allow cultural heritage institutions to connect, and share and update their content and metadata in a flexible, easy and sustainable way;
- Europeana's multilingual access point should become more user-friendly, in particular by improving the quality and findability of content and further developing semantic and multilingual search functionalities;
- present content shared on Europeana in attractive and diverse ways to better reach and engage end-users;
- engage with outstanding issues in existing partner organisations or concerns of potential partner organisations in particular in countries;
- have more systematic contacts with Member States, improve and provide permanent access to country- and institution specific user statistics and improve the accountability on project results and spending.

They invite the Commission to present to the Council an **independent evaluation** giving clear orientations for the mid- and long-term development of Europeana taking into account its dual nature both as a cultural and digital project.

The CC invite the Commission to **switch the funding method to procurement to fully cover the cost of the Europeana core service** and the **Member States to support Europeana's activities through direct voluntary financial contributions to EF**, until the new scheme can be put in place (Q4 2017).

In addition, **CEF budget** should be made available **to co-finance user-oriented projects (e.g. aggregation of new content, thematic collections, virtual exhibitions, awareness-raising) building on the Europeana infrastructure.**

### *Independent evaluation of Europeana*

The Council Conclusions invite the Commission to carry out *"an independent evaluation of Europeana to give clear orientations for the mid- and long-term development of Europeana by assessing alternatives at the EU level for the future scope, sustainable funding and governance of Europeana, including a possibility to transform or integrate Europeana into a European legal entity, whilst taking account of the dual nature of Europeana as both a cultural and digital innovation project"*.

The evaluation will be of a **technical nature** to

- scope future value propositions, services and target user groups for the Europeana core service, deliver recommendations on who should be involved in its governance to ensure the most effective and inclusive operation, assess the adequacy of the underlying technical solutions, estimate the corresponding costs, and test future viability (**part I**).
- taking into account the outcome of part I, investigate possibilities to transform or integrate Europeana into a European legal entity and present possibilities for sustainable EU-funding to inform the discussions of the next MFF (**part II**).

The evaluation will be conducted in accordance with the Guidelines on Better Regulation. The findings will have to be published as a Staff Working Document (SWD) and transmitted to the Council and Parliament.

### *Sustainability and funding*

We have worked in close cooperation with the Dutch Presidency to achieve consensus with Member States on the mission, governance and funding of Europeana. This close collaboration resulted in Member States accepting to: i) change the funding model from grant to procurement as from autumn 2017 and ii) commit to cover the financial gap estimated to amount to 715.000€ until the move to procurement can take effect in October 2017.

**Funding gap:** 22 Member States have agreed to contribute to 664.000 Euros. This fully closes EF's funding gap for 2016 and comes very close to covering co-funding needs for 2017. The Dutch ministry of culture and the Commission continue to closely monitor the situation, also as regards the actual disbursements of MS funds to EF.

**Cash flow:** The pre-financing under the recently signed grant agreement and the timely disbursements of MS contributions should allow Europeana to operate without serious cash flow problems in the year ahead. Cash flow issues would again need to be tackled during the negotiations of the first service contract due to start on 1 October 2017.

Whilst these developments will allow Europeana to operate without a looming risk of bankruptcy, financial sustainability remains a concern, as e.g. MS commitments might not be met in full, disbursements might be late or there may be negative results of on-going audits. We have therefore maintained the risk of bankruptcy in the Commission's High Level Risk Register for 2016 and will continue to monitor EF's financial situation to take mitigating measures when needed.

### *Copyright*

#### ***Libraries, education and cultural heritage and copyright***

When activities by educational establishment and cultural heritage institutions involve the use of copyright-protected works (as opposed to works in the public domain), they need in principle to be authorised by the right holders (mainly publishers/producers and collective management societies). However, notably in view of the public interest objectives pursued by these institutions, this is an area which has also traditionally been covered by a set of exceptions to copyright.

EU Directives already contain exceptions to the benefit of libraries, archives, heritage institutions. Exceptions are however not the only solution to problems in this area. Licence-

based solutions, including extended collective licensing or presumptions of representation, are already used nationally. As demonstrated by certain well-functioning national examples, exceptions and licence-based mechanisms are not necessarily mutually exclusive.

These discussions take place against a background where institutions are affected by shrinking budgets, and right holders fear that changes in this area will engender further uncontrolled use of their works, with unpredictable consequences on their business.

The landscape is very diverse across Europe. Member States have implemented the existing exceptions (which are all optional) in different ways, and this sector is also highly dependent from the national specificities of education and cultural systems (as well as from the distinct features of each sector). For example, public and university libraries serve very different purposes and 'clients'. Research/university libraries are the main market of scientific publishers, while for 'mainstream'/trade publishers public libraries represent at best 5% of revenues.

### ***Main features of the German mechanisms for out-of-commerce works (print only)***

German law provides for a licensing mechanism allowing a collective management organisation (CMO) to issue licences to cultural heritage institutions (CHIs) which include works whose right holders are not represented by the CMO. This becomes possible because the law introduced a 'presumption of representation' by the CMO. This mechanism is similar in its effects, although not equivalent legally, to extended collective licences (ECL). It is beneficial in that it allows CHIs to avoid individual right clearance, which – particularly for old works – can be extremely burdensome.

The law includes a number of conditions and safeguards, including:

- It only applies to out-of-print matter (books, journals, newspapers or other writings) published before 1 January 1966, present in the collections of CHIs;
- Before a licence can be issued, works have to be recorded in a publicly accessible register managed by the Patent and Trademark Office for a period of six weeks, during which right holders can object to the use at hand ('opt-out' mechanism). Right holders can opt their works out at any time later too.

Similar mechanisms (i.e. involving a public register) are in place in other MS too, notably PL and FR. There is a notable difference with the FR system as the latter is geared towards a commercial re-use of out-of-commerce books and is intended for commercial beneficiaries (notably publishers). In some other EU and EEA MS, these licences are possible on the basis of specific or general ECL systems (notably in SE, FI, DK, NO, UK).

### ***The work of EF***

EF has very actively advocated changes in the EU's copyright framework to make it easier for cultural heritage institutions to digitise and make available online works held in their collections that are not commercially available anymore (for example old films that are not shown or screen anywhere anymore), or have never been so (for example because they have never been intended for commercial circulation, as for example political leaflets, photographs, amateur videos). These are generally referred to as '**out-of-commerce**' (OOC) works.

As acknowledged in the draft Impact Assessment (IA) for the upcoming copyright proposals, obtaining licences for such works can be very cumbersome and time-demanding, particularly when done on an individual basis (right holder by right holders). The EF has made a substantial effort in providing the Commission with evidence and data of the problem, notably in the form of a compilation of case studies.

EF calls for an **exception** to copyright for such use of OOC works, applicable when right holders have not objected to that use and no licence is available from a collective management body (including licences that cover right holders that are not members of a collective management body). They see this as a last resort solution when no reasonable licensing possibility is available. It is therefore likely that Mr Müller will express disappointment at the chosen solution as emerged from the leaked version of the IA, also because it is considered particularly unsuitable for audio-visual works (where collective management is not very widespread). As the CEO of the Netherlands Institute for Sound and Vision and the President of the International Federation of Television Archives (IFTA), Mr Müller is an audio-visual specialist.

Along with leading library association, EF has recently submitted a position paper (attached) which also focuses on the following issues:

- Need for a mandatory **text and data mining (TDM)**;
- A clearer preservation **exception**;
- Expanding the current exception allowing for access of digitised works on terminals on library premises to cover **remote access in closed networks** and non-commercial cross-border **document supply** (libraries supplying documents and extracts of works to another library for their patrons or to patrons directly) – in addition to applying to uses of OOC works as mentioned above;
- General **harmonisation** and **mandatory** nature of exceptions;
- Protection of exceptions from **contractual override** and from **technological protection measures (TPMs)**.
- A legal environment facilitating **electronic lending** by public libraries.

### *Position of the planned copyright proposals*

The planned copyright proposals include new provisions on the use of OOC works by cultural heritage institutions, requiring Member States to put in place licensing regimes whereby a collective licensing body can also issue licences covering rights of right holders that they do not represent (for the specific use at stake), and giving cross-border effect to such licences. In some MS, mechanisms of this kind already exist (see "Background" for the DE example). The proposed solution would be an enabling mechanism through which licences for large collections could be obtained by cultural heritage institutions in one single transaction. It does not foresee an exception as desired by the EF.

As regards other matters raised by cultural heritage institutions, proposals will also cover:

- An exception for text and data mining for public interest research organisations;

- An exception for preservation.

Remote consultation in closed electronic networks and document supply are not covered. They are related notions to electronic lending, which is currently the object of a reference for a preliminary ruling at the CJEU on whether the EU regime (Rental and Lending Directive) on physical lending (possible under an exception) also applies to electronic lending.

Concerning contractual override and TPMs, the December Communication was silent and we expect to take a case by case approach.

### *2018: Year of Cultural Heritage*

On 30 August 2016, the Commission adopted a Proposal for a decision of the European Parliament and of the Council on a European Year of Cultural Heritage (EYCH) [COM(2016) 543 final]. Adoption is expected by the end of the year.

The main objective of EYCH is to raise awareness of the challenges and opportunities facing cultural heritage and to highlight the role of the EU in promoting shared solutions. In line with the objectives of the European Agenda for Culture, the EYCH should have the following overall objectives:

- It shall contribute to promoting the role of European cultural heritage as a pivotal component of cultural diversity and intercultural dialogue. It should highlight the best means to ensure its conservation and safeguarding and its enjoyment by a wider and more diversified public. This includes through audience development measures and heritage education, in full respect of the competences of the Member States, thereby promoting social inclusion and integration.
- It should enhance the contribution of European cultural heritage to the economy and society, through its direct and indirect economic potential. This includes the capacity to underpin the cultural and creative industries and inspire creation and innovation, promote sustainable tourism, and generate long-term local employment.
- It should contribute to promoting cultural heritage as an important element of the EU's international dimension, building on the interest in partner countries for Europe's heritage and expertise.

As there will be no dedicated budget, co-financing of European level activities to mark EYCH will have to come from existing programmes.

DG EAC will be in charge of preparing and implementing EYCH and has set up a dedicated EYCH inter-service working group (involving SG, AGRI, COMM, COMP, CNECT, DEVCO, ECHO, ENV, ESTAT, GROW, HOME, JRC, JUST, MARE, NEAR, REGIO, RTD, SANTE, TAXUD, EEAS and FPI) to ensure that all existing instruments (such as Creative Europe, the European Structural & Investment Funds, Horizon 2020, the Connecting Europe Facility, Erasmus+, Europe for Citizens etc.) are mobilized.

## V. Attachments

- I. Following up on Council Conclusions: Europeana Strategy & Council Conclusions *(attached as part of this file)*
- II. EBLIDA, Public Libraries 2020, IFLA, Europeana and LIBER's position paper on "Towards a modern, more European Copyright Framework – Adapting Exceptions to Digital and Cross-border environments – Recommendations by European library and other cultural heritage institutions" *(uploaded in BASIS as a separate document)*
- III. Proposal for a decision of the European Parliament and of the Council on a European Year of Cultural Heritage (EYCH) [COM(2016) 543 final] *(uploaded in BASIS as a separate document)*

# Following up on Council Conclusions



## Europeana Strategy & Council Conclusions

Council Conclusions largely affirm the strategy of Europeana but there remains a lack of common understanding about what is really meant by a multi-sided platform and on what the “portal” can and should be. And therefore what Europeana is.

## Positioning Europeana

At the extremes people expect Europeana to be (A) an interface with an immersive experience for anyone looking for cultural heritage (i.e. a portal with high brand recognition with casual users) or (B) a shared infrastructure with high brand recognition with professional audiences (i.e. a platform).

Since 2010 we have tried to communicate two concepts:

1. a platform upon which others can build
2. greatest usage of digital cultural heritage will come from placing it where users have an immediate need for it<sup>3</sup>

Europeana Foundation still believes in this strategy but we have **failed to communicate** it so that our different stakeholders see themselves in it or can effectively explain its value.

Failing to claim and communicate a clear position potentially leads to Europeana being seen as a very costly failing portal instead of a thriving platform, designed to ‘transform the world with culture’. The Europeana Foundation would like to see a shift in the emphasis towards the **value of the platform of digital cultural heritage to Europe** which is partially expressed through its portal, and wholly expressed by the use of cultural heritage in society.

We would therefore like to use the impetus of Council Conclusions to get greater understanding of the strategy of Europeana, to find ways of expressing its value and vastly improve the communication of that strategy

## Testing Assumptions

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<sup>3</sup> i.e. in Wikipedia, on Pinterest, on Facebook, in Education systems, on Research infrastructures for the Digital Humanities.

Before creating a new communications strategy we want to test the assumptions that underpin the Europeana strategy, aiming to get better understanding from our stakeholders (EC, MS, Cultural Heritage Institutions & Users) and to know that we are serving their needs at the same time as giving a reality check on what is feasible.

**A Platform is a multiplier**, it allows others to build upon the work that has made the data interoperable, machine readable and freely accessible (to create the immersive experiences). A platform for cultural heritage for Europe aids the [Digital Single Market](#). It aims to create a level playing field, bringing the poorer data up to the standards of the richer and allowing small and large institutions to compete. It allows MS to have interoperable, shared data for digital cultural heritage, it reduces the costs of interaction between cultural heritage institutions across member states and has permitted Europe to lead the world in the exposure of its digital cultural heritage.

**Users of Europeana Collections (the portal) will always be limited.** There is no such person as a general purpose visitor. There are professional users (researchers, educators, creative, GLAM professionals) and there are casual users, arriving via the search engines to pick up a specific item. The professional user actually likes the breadth of Europeana Collections and will do their own curation on the material. Some more of the casual users might be enticed further but then much, much more curatorial work is needed at a resource cost we cannot cover. We can create a Google Cultural Institute if we only show the best of the best and are not concerned about how open or correctly labelled the material is. This would use approximately a seventh of the 53 million items.

**Use is increased by placing material where the user is.** We need to be user demand led in the services we create. Knowing where and how people use cultural heritage data helps us serve their needs. This will have a negative effect on brand recognition but a hugely positive one on the number of times an item is viewed and used. The existence of the platform permits such distribution and gives us a reach for the material of 77 million users compared to the 6/7 million achieved on Europeana Collections.

## Weighting of Platform versus Portal in our positioning

We think that our primary issue in the current perception of Europeana is recognition of the benefits and value of the platform against being able to deliver what is wanted by users in Europeana Collections (and what is feasible).

Greater value probably comes from the platform, but it is “behind the scenes” of the portal. The investment in the platform creates a digital services infrastructure for Europe’s cultural heritage for under 7 million per year (3 million on Europeana Collections & thematic portals) for 28 MS. It is open, owned by Europe and prevents market failure – no individual country will take on making all 28 countries’ data work together.

In creating the platform, Europeana:

- Sets or adopts standards (i.e. EDM, CC0 for metadata, the Europeana Publishing Framework, Rightsstatements.org, IIIF), facilitates human interaction and knowledge exchange through networking (the Network Association, Aggregator Forum)
- Acts as a catalyst of change in the sector (introduction of CC0 in the past, Europeana Publishing Framework & Operation Direct now and in the future)
- Creates interoperability of language and media across geographical boundaries
- Maintains a core on which others can build (Historiana, Apple, StoryPix, #BigArtRide)

These activities are valued much lower than the end-user services by many stakeholders.

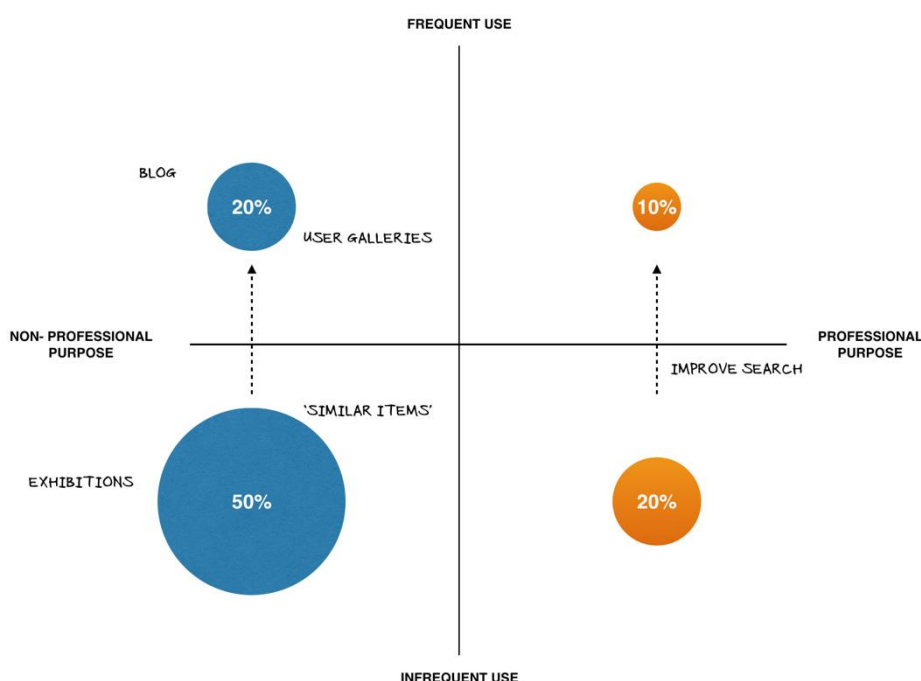
## Audience of Europeana - current and potential



To be of value end user services must have an audience. We need to communicate what audiences can be satisfied directly by Europeana and are best served via partnerships;

The most visible part of our activities is Europeana Collections. This service has been drastically improved in 2015, and this work should be continued. In its current form it is considered (very) useful for the professional (academic) use case, but not as beneficial for “casual” use. This divides to roughly 30:70 in visits. Our strategy has been to cater for casual use on external platforms i.e. on Pinterest or Wikipedia.

Europeana Collections is not an attractive service for casual users<sup>4</sup> and our efforts to bring content to their workflow is not visible enough. Brand awareness is high with professional groups, including academics and heritage professionals, but low with the general public.



## Commission Help

### 1. Promotion of the benefits of the platform to Europe

<sup>4</sup> How did we come to this position? With the data that we receive to make available (high volume, varying quality), we know that we can design good service experiences for the professional communities but not for the casual user. User research supports this: returning visitors (30%) are almost exclusively academics, librarians, curators, educators and creatives. But statistics also show that 70% of the sessions on Europeana.eu come from the so-called casual user and mostly through a google search. Given available UX research that tells us that students, for instance, start their journey at Google what do we need to increase their conversion for some of them to become returning customers? Are we perhaps too rigid in our audience definitions and should we acknowledge that some users are perhaps acting in a casual way but are in fact relatively close to the professionals? If so what do we, or can we, do to get them to be repeat users? Our user validation research shows that there is appetite by the more serious casual user for more curated experiences like the one we provide with the new exhibition platform, blog and newsletter.

2. Help in positioning what Europeana Collections can be
3. Creating sustainable curation for thematic collections
4. Extolling the virtue of placing digital cultural heritage in the path of the user

**Strategy**

See [Europeana Strategy 2020](#)

## Company Profile

A few guidelines to follow for the Company profile:

- International / National
- Shareholders
- Private / Public company
- Annual Turnover + other key economic figures
- Ongoing issues in the EU context – beyond DG Connect
- Key areas of interest
- Shared areas of interest with DG Connect or connections with DG Connect



Brussels, 30.8.2016  
COM(2016) 543 final

2016/0259 (COD)

Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on a European Year of Cultural Heritage**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The ideals, principles and values embedded in the European cultural heritage constitute a shared source of remembrance, understanding, identity, dialogue, cohesion and creativity for Europe. Since the adoption of the European Agenda for Culture<sup>1</sup> in 2007, cultural heritage has been a priority under successive Council Work Plans for Culture, including the current plan for the period 2015-2018<sup>2</sup>. Cooperation at European level has taken place mainly through the open method of coordination. In 2014, the role of heritage policies for delivering social and economic benefits was highlighted in the Council conclusions on cultural heritage as a strategic resource for a sustainable Europe<sup>3</sup> (21 May 2014), and in the Commission Communication *Towards an integrated approach to cultural heritage for Europe*.<sup>4</sup> The Communication was welcomed by the Committee of the Regions in its Opinion of 16 April 2015<sup>5</sup>, and by the European Parliament, which adopted a Resolution on 8 September 2015<sup>6</sup>.

In particular, an invitation to the Commission to propose a ‘European Year of Cultural Heritage’ was included in the Council conclusions on participatory governance of cultural heritage, adopted on 25 November 2014<sup>7</sup>. The European Parliament made a similar invitation in its resolution and invited the Commission ‘to designate, preferably for 2018, a European Year of Cultural Heritage’. The Committee of the Regions also echoed that call in its opinion and stressed that a European Year of Cultural Heritage would contribute to the attainment of shared goals in the pan-European context.

As highlighted in the Commission Communication, the contribution of cultural heritage to economic growth and social cohesion in Europe is insufficiently known and often undervalued. At the same time, the heritage sector in Europe is facing many challenges. These include: decreasing public budgets; declining participation in traditional cultural activities; increasing environmental and physical pressures on heritage sites; transforming value chains and expectations as a result of the digital shift; and the illegal trafficking of cultural artefacts.

As with all European Years, the main objective is to raise awareness of the challenges and opportunities and highlight the role of the EU in promoting shared solutions. In line with the objectives of the European Agenda for Culture, the European Year of Cultural Heritage should have the following overall objectives:

- It shall contribute to promoting the role of European cultural heritage as a pivotal component of cultural diversity and intercultural dialogue. It should highlight the best

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<sup>1</sup> Resolution of the Council of 16 November 2007 on a European Agenda for Culture (2007/C 287/01) OJ C 287, 29.11.2007, p. 1.

<sup>2</sup> Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture 2015-2018 (2014/C/463/02)

<sup>3</sup> Council conclusions of 21 May 2014 on cultural heritage as a strategic resource for a sustainable Europe (2014/C 183/08) OJ C 183, 14.6.2014, p. 36.

<sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Social and Economic Committee and the Committee of the Regions of 22 July 2014 Towards an integrated approach to cultural heritage for Europe COM(2014) 477 final.

<sup>5</sup> Opinion of the European Committee of the Regions — Towards an integrated approach to cultural heritage for Europe (2015/C 195/04) OJ C 195, 12.6.2015, p. 22.

<sup>6</sup> European Parliament resolution of 8 September 2015 Towards an integrated approach to cultural heritage for Europe (2014/2149(INI)) P8\_TA(2015)0293

<sup>7</sup> Council conclusions on participatory governance of cultural heritage (2014/C 463/01) OJ C 463, 23.12.2014, p. 1

means to ensure its conservation and safeguarding and its enjoyment by a wider and more diversified public. This includes through audience development measures and heritage education, in full respect of the competences of the Member States, thereby promoting social inclusion and integration.

- It should enhance the contribution of European cultural heritage to the economy and society, through its direct and indirect economic potential. This includes the capacity to underpin the cultural and creative industries and inspire creation and innovation, promote sustainable tourism, and generate long-term local employment.
- It should contribute to promoting cultural heritage as an important element of the EU's international dimension, building on the interest in partner countries for Europe's heritage and expertise. Heritage plays a major role in several programmes in the area of external relations, mainly — but not exclusively — in the Middle East. The promotion of the value of cultural heritage is also a response to the deliberate destruction of cultural treasures in conflict zones<sup>8</sup>.

The European Year of Cultural Heritage will offer opportunities for European citizens to better understand the present through a richer and shared interpretation of the past. It will stimulate a better evaluation of the social and economic benefits of cultural heritage and of its contribution to economic growth and social cohesion. This can be assessed, for instance, in terms of the promotion of sustainable tourism and urban regeneration. It will highlight the challenges and opportunities linked to digitisation. It will also contribute to addressing the identified challenges, through the dissemination of best practices concerning: safeguarding; management; enhancement; governance; and research and innovation activities. Recent breakthroughs in terms of technological and social innovation in the field of cultural heritage, as well as the EU's initiatives in these domains, will be highlighted.

- **Consistency with existing policy provisions in the policy area**

The European Year of Cultural Heritage will be implemented using existing EU programmes. Cultural heritage is currently eligible for significant EU funding under several EU programmes for conservation, digitisation, infrastructure, research and innovation, enhancement and skills. These programmes include: Creative Europe; the European structural and investment funds; Horizon 2020; Erasmus+; and Europe for Citizens. Three EU actions specifically dedicated to cultural heritage are funded under Creative Europe: European Heritage Days; the EU Prize for Cultural Heritage; and the European Heritage Label.

The European Year will be an opportunity to encourage Member States and stakeholders to work together to develop a stronger and more integrated approach to cultural heritage. This approach would aim to promote and protect Europe's cultural heritage, and maximise its intrinsic and societal value, and its contribution to jobs and growth. This will be pursued in full respect of the subsidiarity principle.

Similar to other European Years, measures will include information and promotion campaigns, events and initiatives at European, national, regional and local levels. They will serve to convey key messages and disseminate information about examples of good practice.

Every effort will be made to ensure that the activities organised in the course of the European Year are tailored to meet the needs and circumstances of each Member State. Member States

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<sup>8</sup> As highlighted in the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, "Towards an EU strategy for international cultural relations", JOIN(2016) 29 final

are therefore invited to appoint a national coordinator responsible for organising their participation in the European Year of Cultural Heritage. A European steering group, including representatives of the national coordinators, will be set up. The Commission shall convene meetings of the national coordinators in order to coordinate the running of the European Year and to exchange information regarding its implementation at national and European level.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The legal basis of the proposal is Article 167 of the Treaty on the Functioning of the European Union (TFEU). This states that the EU 'shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore'. The Union shall also encourage 'cooperation between Member States' in the field of culture and if necessary, support and supplement their action.

### **• Subsidiarity**

The objectives of the proposal cannot be achieved to a sufficient extent solely by action undertaken by the Member States. This is because action at national level alone would not benefit from the European dimension of exchange of experience and good practice between Member States. Article 3 of the Treaty on European Union states that the European Union shall respect the Member States' rich cultural and linguistic diversity, and ensure that Europe's cultural heritage is safeguarded and enhanced. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it by the Treaties. In addition, Member States' action would benefit from the awareness and visibility created within and beyond the EU.

### **• Proportionality**

The proposed course of action is simple. It relies on existing programmes and on refocusing communication activities on the themes of the European Year. It imposes no disproportionate management constraints on administrations implementing the proposal.

EU action will support and complement the efforts of Member States. This action will firstly improve the effectiveness of the EU's own instruments. Secondly, it will act as an enabler by encouraging synergies and cooperation among Member States, cultural organisations and foundations, and private and public enterprises.

EU action would not go beyond what is necessary to address the identified problems.

### **• Choice of the instrument**

A decision of the European Parliament and of the Council is the most appropriate instrument to ensure the full involvement of the legislative authority in designating 2018 as the European Year of Cultural Heritage.

### 3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

#### • Stakeholder consultations

In preparing its proposal, the Commission conducted a series of targeted consultations involving a wide range of stakeholders, reflecting the nature of the cultural heritage sector and its high level of organisation and specialisation, the competences of the Member States and the role of professional bodies and international organisations. In addition, the Commission took special account of the above-mentioned Council conclusions, the resolution of the European Parliament and the opinion of the Committee of the Regions.

At EU level, policy developments on cultural heritage have recently benefited from a rich debate. This has been facilitated by bodies bringing together authorities in charge of heritage policies in Member States. These include the Reflection Group ‘EU and cultural heritage’, and the European Heritage Heads Forum. Other intergovernmental and non-governmental organisations include the International Council of Museums (ICOM), the International Council on Monuments and Sites (ICOMOS), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), the Council of Europe. Other major networks active in the field include Europa Nostra, the European Heritage Alliance 3.3<sup>9</sup>, and the Network of European Museum Organisations (NEMO).

There have been various other developments. In April 2015, the Ministers of Culture of the Council of Europe adopted the Namur Declaration. In this, they welcomed the idea of the Council of the European Union to organise a European Heritage Year. They asked that the Council of Europe, and all States Parties to the European Cultural Convention, be invited to participate.

On 29 June 2015, on the eve of the 40th anniversary of the European Year of Architectural Heritage that was organised in 1975 under the auspices of the Council of Europe, the German Cultural Heritage Committee (*Deutsches Nationalkomitee für Denkmalschutz*) hosted a public discussion in Bonn on the proposal for a European Year, in conjunction with the session of the World Heritage Committee.

Another relevant discussion was organised in April 2015 by Europa Nostra’s Brussels Office with a selected group of chief executive officers of member organisations. At its June 2015 General Assembly, the entire membership of Europa Nostra discussed the purpose of a European Year for Cultural Heritage and the main actions that could be developed. This was organised in Oslo, in the presence of the European Commission.

Stakeholders were also consulted in the framework of the open working group ‘EYCH 2018’, organised by the German Cultural Heritage Committee and the Federal Government Commissioner for Culture and the Media. This resulted in a concept paper (*Sharing Heritage*<sup>10</sup>) that was taken into account in preparing this proposal. The discussion was conducted with members of the Reflection Group ‘EU and Cultural Heritage’, including experts from the national administrations of Belgium, Bulgaria, Germany, France, Greece, Italy, Luxembourg, Latvia, Lithuania, the Netherlands, Norway, Poland, Spain, Sweden, Switzerland, and the United Kingdom. Additional experts came from Estonia, Austria, Portugal, and Slovakia; and from various organisations with observer status, including the European network on cultural management and policy (ENCATC), Europa Nostra, and the Network of European Museum Organisations and others.

<sup>9</sup> An alliance bringing together networks and organisations in the field, coordinated by Europa Nostra. Alliance 3.3 refers to Article 3(3) of the Treaty on European Union (TEU)

<sup>10</sup> <http://www.sharingheritage.de/en/main/>



A seminar on ‘A European Year for Cultural Heritage: sharing heritage, a common challenge’ was organised in Brussels on 28 October 2015 by the Permanent Representations of Italy and Spain to the EU. Stakeholder organisations such as Europa Nostra, national authorities and experts also participated.

The proposal was further discussed at meetings of the above-mentioned Reflection Group in Luxembourg on 23-24 September 2015, in Rome on 30 November – 1 December 2015, in The Hague on 9 May 2016, and at the meeting of the European Heritage Heads Forum in Bern on 19-20 May 2016. Finally, another discussion took place in the framework of the European Culture Forum 2016 on 19 April 2016.

- **Collection and use of expertise**

The initiative will draw on independent analyses and studies, in particular the report *Cultural Heritage Counts for Europe*.<sup>11</sup> This was the result of a two-year comprehensive project, funded by the EU Culture Programme, to gather evidence of the value of cultural heritage and of its impact on Europe’s economy, culture and society, and the environment.

It will also draw on the report of the Horizon 2020 expert group on cultural heritage *Getting cultural heritage to work for Europe*<sup>12</sup> and the *Strategic Research Agenda* developed by the Joint Programming Initiative Cultural Heritage and Global Change.<sup>13</sup> The initiative will eventually draw on the Horizon 2020 Social Platform on Cultural Heritage and European Identities, CULTURALBASE, a multiannual stakeholder consultation initiative<sup>14</sup>, as well as drawing on the establishment of new European Research Infrastructures, such as DARIAH-ERIC (Digital Research Infrastructure for Art and Humanities) and E-RIHS (European Research Infrastructure for Heritage Science)<sup>15</sup>.

Work Package 9: Culture and Tourism of the *Ex post evaluation of Cohesion Policy programmes 2007-2013, focusing on the European Regional Development Fund (ERDF) and Cohesion Fund (CF)* found that investing in culture and tourism can boost a region’s economy and improve social inclusion.

The *Ex post evaluation of the 7th EU Framework Programme 2007-2013 (FP7)*, the EU’s research funding programme between 2007 and 2013, concluded that the programme was effective in boosting excellent science and strengthening Europe’s industrial competitiveness. In so doing, it contributed to growth and jobs in Europe in areas that are typically a national endeavour. FP7 supported research, more than 180 M€, in various aspects of European cultural heritage (tangible, intangible and digital) under the themes Environment, Social Sciences and Humanities, Digital Cultural Heritage, Industrial Technologies, International cooperation and (E)-infrastructure. This existing body of knowledge should be further exploited.

- **Impact assessment**

No impact assessment is needed, since the objectives of the proposed initiative fall within the objectives of existing Union programmes. The European Year of Cultural Heritage can be

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<sup>11</sup> [http://ec.europa.eu/culture/news/2015/0612-cultural-heritage-counts\\_en.htm](http://ec.europa.eu/culture/news/2015/0612-cultural-heritage-counts_en.htm).

<sup>12</sup> [http://bookshop.europa.eu/en/getting-cultural-heritage-to-work-for-europe-pbK10\\_115128/](http://bookshop.europa.eu/en/getting-cultural-heritage-to-work-for-europe-pbK10_115128/).

<sup>13</sup> <http://www.jpi-culturalheritage.eu/wp-content/uploads/SRA-2014-06.pdf>.

<sup>14</sup> <http://www.culturalbase.eu>

<sup>15</sup> ESFRI, Strategy Report on Research Infrastructures, Roadmap 2016.

implemented within existing budget limits by using those programmes that provide for setting funding priorities on an annual or multiannual basis. The proposed initiative would not commit the Commission to any specific actions of a legislative nature. Nor would it have any significant social, economic or environmental impact beyond that of the existing instruments.

#### **4. BUDGETARY IMPLICATIONS**

No additional funding is sought for the European Year. This initiative does not require additional EU budget. The flexibility for setting priorities on an annual or multiannual basis in the relevant programmes is sufficient to envisage an awareness-raising campaign on a scale similar to previous European Years

Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on a European Year of Cultural Heritage**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 167 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Committee of the Regions<sup>16</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The ideals, principles and values embedded in the European cultural heritage constitute a shared source of remembrance, understanding, identity, dialogue, cohesion and creativity for Europe. Cultural heritage plays a role in the European Union, as stated in the preamble to the Treaty on European Union (TEU), which states that the signatories draw ‘inspiration from the cultural, religious and humanist inheritance of Europe’.
- (2) Article 3.3 TEU states that the European Union shall respect its rich cultural and linguistic diversity, and ensure that Europe’s cultural heritage is safeguarded and enhanced.
- (3) Article 167(1) TFEU gives the European Union the task of contributing ‘to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore’. Union action is to be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action, inter alia, in the area of improving the knowledge and dissemination of the culture and history of the European peoples, and in the area of conservation and safeguarding of cultural heritage of European significance (Article 167(2) TFEU).
- (4) As highlighted by the European Commission in its Communication ‘Towards an integrated approach to cultural heritage for Europe’<sup>17</sup>, cultural heritage is to be considered a shared resource and a common good held in trust for future generations, whose care is a common responsibility of all stakeholders.
- (5) Cultural heritage is of great value to European society from a cultural, environmental, social and economic point of view. Thus, its sustainable management constitutes a

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<sup>16</sup> OJ C , , p. .

<sup>17</sup> Communication from the Commission to the European Parliament, the Council, the European Social and Economic Committee and the Committee of the Regions of 22 July 2014 Towards an integrated approach to cultural heritage for Europe COM(2014) 477 final.

strategic choice for the 21st century, as stressed by the Council in its Conclusions of 21 May 2014 on 'cultural heritage as a strategic resource for a sustainable Europe'.<sup>18</sup> Its contribution in terms of value creation, skills and jobs, and quality of life is undervalued.

- (6) Cultural heritage is central to the European Agenda for Culture<sup>19</sup>. It is one of the four priorities for European cooperation on culture for the period 2015-2018, as set out in the current Work Plan for Culture, adopted by the Council on 25 November 2014.<sup>20</sup>
- (7) Cultural heritage encompasses a broad spectrum of 'resources inherited from the past in all forms and aspects — tangible, intangible and digital (born digital and digitised), including monuments, sites, landscapes, skills, practices, knowledge and expressions of human creativity, as well as collections conserved and managed by public and private bodies such as museums, libraries and archives', as stated in the aforementioned Conclusions of 21 May 2014.
- (8) Cultural heritage has been forged over time by the synthesis and combination of cultural expressions of the various civilisations that have populated Europe. A European Year will help to encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions. One way to achieve this would be through educational and greater public awareness programmes, in line with the obligations of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions<sup>21</sup> adopted by UNESCO on 20 October 2005, to which the EU is a party.
- (9) The UN Convention on the Rights of Persons with Disabilities, to which the EU and most of Member States are party, states in Article 30 on participation in cultural life, recreation, leisure and sport that States Parties recognise the right of persons with disabilities to take part on an equal basis with others in cultural life, and that they shall take all appropriate measures to ensure that persons with disabilities inter alia enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
- (10) The European Access City Award has shown the feasibility and good practices of making cities cultural heritage accessible for people with disabilities, elderly people, and those with reduced mobility or other types of temporary impairments, in ways which respect their nature and values.
- (11) Cultural heritage can have an important role for community cohesion at a time when cultural diversity is increasing in European societies. New participatory and intercultural approaches to heritage policies and educational initiatives that attribute equal dignity to all cultural heritages have the potential to increase trust, mutual recognition and social cohesion.

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<sup>18</sup> Council conclusions of 21 May 2014 on cultural heritage as a strategic resource for a sustainable Europe (2014/C 183/08) OJ C 183, 14.6.2014, p. 36.

<sup>19</sup> Resolution of the Council of 16 November 2007 on a European Agenda for Culture (2007/C 287/01) OJ C 287, 29.11.2007, p. 1.

<sup>20</sup> Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture (2015-2018) (2014/C 463/02) OJ C 463, 23.12.2014, p. 4.

<sup>21</sup> Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005, Paris, 20 October 2005

- (12) This is also recognised in the Agenda 2030 for Sustainable Development<sup>22</sup> which acknowledges global citizenship, cultural diversity and intercultural dialogue as overarching principles of sustainable development. It recognises that all cultures and civilizations can contribute to, and are crucial enablers of, sustainable development. Culture is explicitly mentioned in several Sustainable Development Goals of the 2030 Agenda: for example Goal 4 (Education), Goal 5 (Gender), Goal 8 and Goal 12 in relation to tourism (Sustainable growth/Consumption patterns) and in particular Goal 11 (Cities-Heritage).
- (13) The increased recognition at international level of the need to put people and human values at the centre of an enlarged and cross-disciplinary concept of cultural heritage reinforces the need to foster wider access to cultural heritage. This can be achieved by reaching out to different audiences and by increasing accessibility to places, buildings, products, and services, taking into account special needs and the implications of demographic change.
- (14) Policies for the maintenance, restoration, conservation, re-use, accessibility, and promotion of cultural heritage, and cultural heritage related services, are primarily national, regional or local responsibilities. Nonetheless, cultural heritage has a clear European dimension and is addressed in several EU policies beyond the cultural ones. These include the following policies: education, agriculture and rural development, regional development, social cohesion, maritime affairs, environment, tourism, the digital agenda, research and innovation, and communication.
- (15) In order to fully realise their potential for European economies and societies, the safeguarding, enhancement and management of heritage resources, which cut across several public policies, need effective multilevel governance and better cross-sectoral cooperation. This involves all stakeholders, including public authorities, private individuals, civil society organisations, NGOs and the voluntary sector.
- (16) The Council, in its Conclusions of 25 November 2014<sup>23</sup>, invited the Commission to consider presenting a proposal for a 'European Year of Cultural Heritage'.
- (17) The European Parliament, in its resolution of 8 September 2015, recommended designating, preferably for 2018, a European Year of Cultural Heritage.<sup>24</sup>
- (18) The European Committee of the Regions, in its opinion of 16 April 2014<sup>25</sup>, welcomed the proposal of the Council for a 'European Year of Cultural Heritage', stressing its contribution to the attainment of shared goals in the pan-European context.
- (19) Declaring a European Year of Cultural Heritage is an effective way of raising public awareness, disseminating information about good practices and promoting research and innovation as well as policy debate. By creating an environment for simultaneously promoting these objectives at Union, national, regional and local levels, it can achieve greater synergy and a better use of resources.

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<sup>22</sup> United Nations Resolution adopted by the General Assembly on 25 September 2015 Transforming our world: the 2030 Agenda for Sustainable Development

<sup>23</sup> Council conclusions on participatory governance of cultural heritage (2014/C 463/01) OJ C 463, 23.12.2014, p. 1

<sup>24</sup> European Parliament resolution of 8 September 2015 towards an integrated approach to cultural heritage for Europe (2014/2149(INI)) P8\_TA(2015)0293.

<sup>25</sup> Opinion of the European Committee of the Regions — Towards an integrated approach to cultural heritage for Europe (2015/C 195/04) OJ C 195, 12.6.2015, p. 22.

- (20) Heritage is also a field of intervention in several programmes in the area of external relations — mainly but not exclusively in the Middle East. The promotion of the value of cultural heritage is also a response to the deliberate destruction of cultural treasures in conflict zones<sup>26</sup>. It will be important to ensure complementarity between the European Year of Cultural Heritage and all external relations initiatives developed within appropriate frameworks. Actions to protect and promote cultural heritage under relevant external relations instruments should, amongst other things, reflect the mutual interest associated with the exchange of experiences and values with third countries. It will promote mutual knowledge, respect and understanding of the respective cultures.
- (21) While this Decision is addressed to Member States, Enlargement countries should nevertheless be closely associated with actions under the European Year of Cultural Heritage. The involvement of European Neighbourhood Policy countries and other partner countries should also be sought, as appropriate. This can be pursued under the relevant frameworks for cooperation and dialogue, particularly in the context of the civil society dialogue between the EU and these countries.
- (22) The safeguarding, conservation and enhancement of the European cultural heritage comes under the objectives of existing Union programmes. Therefore, a European Year can be implemented by using these programmes under their existing provisions and setting funding priorities on an annual or multiannual basis. Programmes and policies in fields such as culture, education, agriculture and rural development, regional development, social cohesion, maritime affairs, environment, tourism, the Digital Single Market Strategy, research and innovation, and communication contribute directly and indirectly to the protection, enhancement, innovative re-use and promotion of the European cultural heritage, and may support the initiative in accordance with their respective legal frameworks.
- (23) The objective of this Decision is to support the efforts of Member States to protect, safeguard, enhance, re-use and promote the European cultural heritage. Since this cannot be sufficiently achieved by Member States alone, given the need for transnational exchange of information and the Union-wide dissemination of good practice, but can be better achieved at Union level, the European Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.

HAVE ADOPTED THIS DECISION:

#### *Article 1*

#### **Subject matter**

The year 2018 shall be designated as the ‘European Year of Cultural Heritage’ (hereinafter referred to as the ‘European Year’).

#### *Article 2*

#### **Objectives**

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<sup>26</sup> As highlighted in the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, "Towards an EU strategy for international cultural relations", JOIN(2016) 29 final

1. In line with the objectives of the European Agenda for Culture, the overall objectives of the European Year shall be to encourage and support — notably through the exchange of experience and good practices — the efforts of the Union, the Member States, regional and local authorities to protect, safeguard, re-use, enhance, valorise and promote the European cultural heritage in the European Union (EU). In particular:

- (a) It shall contribute to promoting the role of European cultural heritage as a pivotal component of cultural diversity and intercultural dialogue. It should highlight the best means to ensure its conservation and safeguarding and its enjoyment by a wider and more diversified public. This includes through audience development measures and heritage education, in full respect of the competences of the Member States, thereby promoting social inclusion and integration.
- (b) It shall enhance the contribution of European cultural heritage to the economy and the society, through its direct and indirect economic potential. This includes the capacity to underpin the cultural and creative industries and inspire creation and innovation, promote sustainable tourism, enhance social cohesion and generate long-term employment.
- (c) It shall contribute to promoting cultural heritage as an important element of the Union's international dimension, building on the interest in partner countries for Europe's heritage and expertise.

2. The specific objectives of the European Year of Cultural Heritage shall be to:

- (a) encourage approaches that are people-centred, inclusive, forward-looking, more integrated, and cross-sectoral, to make heritage accessible to all and to ensure the safeguarding, conservation, innovative re-use and enhancement of cultural heritage;
- (b) promote innovative models of multilevel governance and management of cultural heritage, involving all stakeholders, including public authorities, private individuals, civil society organisations, NGOs and the voluntary sector;
- (c) promote debate, research and innovation activities and exchange of good practices on the quality of conservation and safeguarding of cultural heritage and on contemporary interventions in the historical environment as well as promoting solutions which are accessible for all, including for persons with disabilities;
- (d) highlight and stimulate the positive contribution of cultural heritage to society and the economy through research and innovation, including an EU level evidence base and through the development of indicators and benchmarks;
- (e) encourage local development strategies that tap into the potential of heritage, including through the promotion of sustainable cultural tourism;
- (f) support the development of specialised skills and improve knowledge management and knowledge transfer in the heritage sector, taking into account the implications of the digital shift;
- (g) promote heritage as a source of inspiration for contemporary creation and innovation, and highlight the potential for cross-fertilisation and stronger interaction between the cultural and creative sectors and communities and the heritage sector;
- (h) raise awareness of the importance of the European cultural heritage through education and lifelong learning, in particular by targeting young people and local communities;

- (i) highlight the potential of international cooperation in matters of cultural heritage for developing stronger ties with countries outside the EU, and encourage intercultural dialogue, post-conflict reconciliation and conflict prevention;
- (j) promote research and innovation on cultural heritage; facilitate the uptake and exploitation of research results by all stakeholders, in particular public authorities and the private sector, and facilitate the dissemination of research results to a broader audience; and
- (k) encourage synergies between the Union and Member States, including strengthening initiatives to prevent the illegal trafficking of cultural goods.

### *Article 3*

#### **Content of measures**

1. The measures to be taken to achieve the objectives set out in Article 2 shall include the following activities at European, national, regional or local level linked to the objectives of the European Year:

- (a) conferences, events and initiatives to promote debate and raise awareness of the importance and value of cultural heritage and to facilitate engagement with citizens and stakeholders;
- (b) information, education and awareness-raising campaigns to convey values such as diversity and intercultural dialogue using evidence from Europe's rich heritage and to stimulate the general public's contribution in heritage protection and management and more generally in achieving the objectives of the European Year;
- (c) sharing of experience and good practices of national, regional and local administrations, and other organisations, to disseminate information about cultural heritage; and
- (d) undertaking studies and research and innovation activities and the dissemination of their results on European or national scale.

2. The Commission and the Member States may identify other activities which could contribute to the objectives of the European Year set out in Article 2 and allow references to the European Year to be used in promoting those activities in so far as they contribute to achieving those objectives.

### *Article 4*

#### **Coordination at national level**

Each Member State shall appoint a national coordinator responsible for organising its participation in the European Year. The coordinator shall ensure the coordination of relevant activities at national level.

### *Article 5*

#### **Coordination at Union level**

The Commission shall convene meetings of the national coordinators in order to coordinate the running of the European Year and to exchange information regarding its implementation at national and European level.



## *Article 6*

### **International Cooperation**

For the purpose of the European Year, the Commission shall cooperate with competent international organisations, in particular with UNESCO and the Council of Europe, while ensuring the visibility of the EU's participation.

## *Article 7*

### **Funding**

Co-financing at European level of activities in support of the European Year shall be in accordance with the applicable rules, and within the existing possibilities for priority setting on an annual or multiannual basis, to existing programmes, in particular the Creative Europe programme. Where appropriate, other programmes and policies, within their existing legal and financial provisions, may also support the European Year.

## *Article 8*

### **Monitoring and evaluation**

By 31 December 2019, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the initiatives provided for in this Decision.

## *Article 9*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

## *Article 10*

This Decision is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management mode(s) planned

### **2. MANAGEMENT MEASURES**

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

### **3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE**

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
  - 3.2.1. *Summary of estimated impact on expenditure*
  - 3.2.2. *Estimated impact on operational appropriations*
  - 3.2.3. *Estimated impact on appropriations of an administrative nature*
  - 3.2.4. *Compatibility with the current multiannual financial framework*
  - 3.2.5. *Third-party contributions*
- 3.3. Estimated impact on revenue

## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

European Year of Cultural Heritage
------------------------------------

#### 1.2. Policy area(s) concerned in the ABM/ABB structure<sup>27</sup>

POLICY AREA(S): EDUCATION AND CULTURE ACTIVITY (-IES): CREATIVE EUROPE
---

#### 1.3. Nature of the proposal/initiative

☒ The proposal/initiative relates to **a new action**

☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action**<sup>28</sup>

☐ The proposal/initiative relates to **the extension of an existing action**

☐ The proposal/initiative relates to **an action redirected towards a new action**

#### 1.4. Objective(s)

##### 1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

No multiannual strategic objective considering the specificity of the initiative which is a European Year
---

##### 1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

<u>Specific objective No</u>
------------------------------

(a) It shall contribute to promoting the role of European cultural heritage as a pivotal component of cultural diversity and intercultural dialogue. It should highlight the best means to ensure its conservation and safeguarding and its enjoyment by a wider and more diversified public. This includes through audience development measures and heritage education, in full respect of the competences of the Member States, thereby promoting social inclusion and integration.
--

(b) It shall enhance the contribution of European cultural heritage to the economy and the society, through its direct and indirect economic potential. This includes the capacity to underpin the cultural and creative industries and inspire creation and innovation, promote sustainable tourism, enhance social cohesion and generate long-term employment.
--

(c) It shall contribute to promoting cultural heritage as an important element of the Union's international dimension, building on the interest in partner countries for Europe's heritage and expertise.
---

<u>ABM/ABB activity(ies) concerned</u>
--

15.04 – Creative Europe
-------------------------

<sup>27</sup> ABM: activity-based management; ABB: activity-based budgeting.  
<sup>28</sup> As referred to in Article 54(2) (a) or (b) of the Financial Regulation.

#### 1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

- Information and promotion campaigns, events and initiatives at European, national, regional and local levels to convey key messages and disseminate information about examples of good practice, including of the role of the EU in promoting shared solutions.
- Raising awareness of the importance of cultural heritage for EU citizens and strengthening its contribution to growth and jobs and social cohesion at national and European level -
- Highlight the challenges and enhance the opportunities concerning safeguarding, conservation and management of cultural heritage, including those linked to digitisation

#### 1.4.4. *Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

Number of outputs in the framework of the information campaign

### **1.5. Grounds for the proposal/initiative**

#### 1.5.1. *Requirement(s) to be met in the short or long term*

Short-term: Better information on the importance of cultural heritage as an asset for the EU as well as of the role of the EU in safeguarding it

Long-term: Greater awareness among the citizens of the importance of cultural heritage and greater recognition of the positive role of the EU

#### 1.5.2. *Added value of EU involvement*

- Strengthening the awareness of the importance of the European cultural heritage in terms of economic growth and social cohesion
- Raise awareness of the challenges and opportunities and highlight the role of the EU in promoting shared solutions

#### 1.5.3. *Lessons learned from similar experiences in the past*

The European Years organised over the last 10 years have proven their value as effective awareness raising instruments which had an impact on both the general public and multipliers and have created synergies between different areas of intervention at EU and Member States level.

#### 1.5.4. *Compatibility and possible synergy with other appropriate instruments*

The European Year of cultural heritage will act as a reference point for several Union programmes such as the Creative Europe programme, the European Structural & Investment Funds, Horizon 2020 (including the digital elements of heritage preservation and valorisation), Erasmus+ and Europe for Citizens. Creative Europe also funds three EU actions specifically dedicated to cultural heritage: European Heritage Days; the EU Prize for Cultural Heritage; and the European Heritage Label.

## 1.6. Duration and financial impact

☒ Proposal/initiative of **limited duration**

- ☒ Proposal/initiative in effect from 01/01/2018 to 31/12/2018
- ☒ Financial impact from 2017 to 2018

☐ Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

## 1.7. Management mode(s) planned<sup>29</sup>

☒ **Direct management** by the Commission

- ☐ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 208 and 209 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

[...]
[...]

<sup>29</sup>

Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: <https://myintracomm.ec.testa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

Work Programme of the European Year Establishment of a Steering Committee
--

### **2.2. Management and control system**

#### **2.2.1. Risk(s) identified**

- Lack of visibility of the initiatives - Too high expectations with regard to the limited budget
--

#### **2.2.2. Information concerning the internal control system set up**

Regular risk assessment in the framework of Steering Committee
--

#### **2.2.3. Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error**

[Pour mémoire]
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[Pour mémoire]
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### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties. The Commission is authorised to carry out checks and verifications in situ under this Decision, in compliance Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities. If need be, investigations shall be carried out by the European Anti-Fraud Office and shall be governed by Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)
--

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Heading 3: Security and citizenship	Diff./Non-diff. <sup>30</sup>	from EFTA countries <sup>31</sup>	from candidate countries <sup>32</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
3	15 04 02- Culture sub-programme — Supporting cross-border actions and promoting transnational circulation and mobility	Diff.	NO	NO	NO	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
		Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation

<sup>30</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>31</sup> EFTA: European Free Trade Association.

<sup>32</sup> Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

### 3.2. Estimated impact on expenditure

[This section should be filled in using the spreadsheet on budget data of an administrative nature (second document in annex to this financial statement) and uploaded to CISNET for interservice consultation purposes.]

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	Number	[3] Heading Security and citizenship
---	--------	--------------------------------------

DG: EAC			Year N <sup>33</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
• Operational appropriations										
		(1)								
		(2)								
15 04 02 – creative Europe – Culture Sub-programme	Commitments	(1a)	1.000	3.000						<b>4.000</b>
	Payments	(2a)	0.500	1.900	1.100	0.500				<b>4.000</b>
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>34</sup>										
Number of budget line		(3)								
<b>TOTAL appropriations for DG EAC*</b>	Commitments	=1+1a +3								
	Payments	=2+2a +3								

<sup>33</sup> Year N is the year in which implementation of the proposal/initiative starts.

<sup>34</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former ‘BA’ lines), indirect research, direct research.



• TOTAL operational appropriations	Commitments	(4)	1.000	3.000						<b>4.000</b>
	Payments	(5)	0.500	1.900	1.100	0.500				<b>4.000</b>
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)								
<b>TOTAL appropriations under HEADING &lt;....&gt; of the multiannual financial framework</b>	Commitments	=4+ 6								
	Payments	=5+ 6								

**If more than one heading is affected by the proposal / initiative:**

• TOTAL operational appropriations	Commitments	(4)								
	Payments	(5)								
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)								
<b>TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)</b>	Commitments	=4+ 6	1.000	3.000						<b>4.000</b>
	Payments	=5+ 6	0.500	1.900	1.100	0.500				<b>4.000</b>

<b>Heading of multiannual financial framework</b>	<b>5</b>	‘Administrative expenditure’
---	----------	------------------------------

EUR million (to three decimal places)

		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: EAC									
• Human resources		p.m.	p.m.	p.m.	p.m.				p.m.
• Other administrative expenditure		p.m.	p.m.	p.m.	p.m.				p.m.
<b>TOTAL DG EAC</b>	Appropriations	p.m.	p.m.	p.m.	p.m.				p.m.

<b>TOTAL appropriations under HEADING 5 of the multiannual financial framework</b>	(Total commitments = Total payments)	p.m.	p.m.						p.m.
--	---	------	------	--	--	--	--	--	------

EUR million (to three decimal places)

		Year N <sup>35</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
<b>TOTAL appropriations under HEADINGS 1 to 5* of the multiannual financial framework</b>	Commitments								
	Payments								

\*Heading 5: Costs for administration, including human resources, will be assured by internal redeployment inside DG EAC.

<sup>35</sup> Year N is the year in which implementation of the proposal/initiative starts.

### 3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs  ↓			Year N		Year N+1		Year N+2		Year N+3		Enter as many years as necessary to show the duration of the impact (see point 1.6)						TOTAL	
	OUTPUTS																	
	Type <sup>36</sup>	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 <sup>37</sup> ...																		
- Output	Comm	0.3	2	0.600	0	0												0.600
- Output	Seminars	0.25	4	1.000	0	0												1.000
- Output																		
Subtotal for specific objective No 1			6	1.600	0	0												1.600
SPECIFIC OBJECTIVE No 2 ...																		
- Output	Communication	0.3	2	0.600	0	0												0.600
- Output	Seminars and conferences	0.25	3	0.750	0	0												0.750
Subtotal for specific objective No 2			5	1.350	0	0												1.350

<sup>36</sup>

Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>37</sup>

As described in point 1.4.2. 'Specific objective(s)...

SPECIFIC OBJECTIVE No 3 ...																			
- Output	Comm unicati on	0.3	1	0.300	0	0													0.300
- Output	Semin ars and confer ences	0.25	3	0.750	0	0													0.750
Subtotal for specific objective No 3			4	1.050	0	0													1.050
<b>TOTAL COST</b>																			4.000

## Outputs

Communication campaign: this may include VNRs, video clips, visual identity, website, PR activities, social media, promotion material, publications and printing, studies and other awareness-raising activities

Seminars and conferences: this may include opening and closing conferences, lectures, workshops, high level events, journalists' seminars, side events and other gatherings both in Brussels or in Member States

## Cost structure

Based on previous experience in other culture-related actions, notably in the framework of the Creative Europe programme, it has been estimated that the average cost of a communication campaign on a EU level is around EUR 300,000, and that of a seminar may vary between EUR 100,000 and EUR 400,000 depending on the scope and number of attendees, so it has been assumed that the average cost of the seminars which will be organised in the framework of the European Year of Heritage may reasonably amount to EUR 250,000

### 3.2.3. Estimated impact on appropriations of an administrative nature

#### 3.2.3.1. Summary

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N <sup>38</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
--	-------------------------	-------------	-------------	-------------	--	--	--	-------

<b>HEADING 5 of the multiannual financial framework</b>								
Human resources	p.m.	p.m.	p.m.	p.m.				
Other administrative expenditure	p.m.	p.m.	p.m.	p.m.				
<b>Subtotal HEADING 5 of the multiannual financial framework</b>	p.m.	p.m.	p.m.	p.m.				

<b>Outside HEADING 5<sup>39</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature								
<b>Subtotal outside HEADING 5 of the multiannual financial framework</b>								

<b>TOTAL</b>	<b>p.m.</b>	<b>p.m.</b>	<b>p.m.</b>	<b>p.m.</b>				
--------------	-------------	-------------	-------------	-------------	--	--	--	--

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>38</sup>

Year N is the year in which implementation of the proposal/initiative starts.

<sup>39</sup>

Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

### 3.2.3.2. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources.
- ☒ The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	Year N	Year N+1	Year N+2	Ye ar N+ 3	Enter as many years as necessa ry to show the duratio n of the impact (see point 1.6)		
<b>• Establishment plan posts (officials and temporary staff)</b>							
XX 01 01 01 (Headquarters and Commission's Representation Offices)	1	1	1				
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
<b>• External staff (in Full Time Equivalent unit: FTE)<sup>40</sup></b>							
XX 01 02 01 (AC, END, INT from the 'global envelope')							
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)							
<b>XX 01 04 yy<sup>41</sup></b>	- at Headquarters						
	- in Delegations						
XX 01 05 02 (AC, END, INT - Indirect research)							
10 01 05 02 (AC, END, INT - Direct research)							
Other budget lines (specify)							
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>1</b>				

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Formulating and coordinating with other services the work plan of the Year; drawing up the terms of reference for service and purchase contracts and accompanying the selection process; ensuring the interinstitutional coordination; preparing briefings and speeches for Commissioner and DG; ensuring input for press work; accompanying ex-
-------------------------------	--

<sup>40</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

<sup>41</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

	post evaluation
External staff	

### 3.2.4. *Compatibility with the current multiannual financial framework*

- ☒ X The proposal/initiative is compatible the current multiannual financial framework.
- ☐ The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- ☐ The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

### 3.2.5. *Third-party contributions*

- ☒ X The proposal/initiative does not provide for co-financing by third parties.
- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								



### 3.3. Estimated impact on revenue

- ☒ The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>42</sup>						
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article .....								

For miscellaneous ‘assigned’ revenue, specify the budget expenditure line(s) affected.

--

Specify the method for calculating the impact on revenue.

--

<sup>42</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.



**“Towards a modern, more European Copyright Framework”:  
Adapting Exceptions to Digital and Cross-border Environments –  
Recommendations by European library and other cultural heritage organisations**

In response to the Commission’s Communication “Towards a modern, more European copyright framework” and in anticipation of upcoming proposals on copyright, this document presents recommendations on behalf of the library and cultural heritage community.

These recommendations aim to **update and strengthen justified exceptions and limitations** to copyright in this modern digital age, and propose measures to prevent further fragmentation of the single market caused by **contract terms and Technological Protection Measures** overriding legislative provisions for exceptions and limitations.

Libraries, museums and archives provide a cultural space for European **citizens**, a unique outlet for **creators** and essential hubs for **education and research**. European libraries spend approximately **€4.8billion on purchasing content every year<sup>1</sup>**. Not only do they support authors through purchasing, they provide a much-needed platform for promotion to existing and new audiences and ensure lasting access to authors’ works. In addition, EU Member States ensure **on-going remuneration of authors** for book loans through national implementation of the Rental and Lending directive.

The library and broader cultural heritage community supports a balanced copyright framework that not only recognises citizens’ right to information, but also respects authors’ rights to fair remuneration for their work. However, libraries and audio-visual collections in particular are witnessing first-hand how **fragmented implementation** of exceptions under EU copyright legislation is an increasing **barrier to cross-border access to content**, preventing progress in particular for students and pan-European research projects. To compound this, in all but four European Member States (Belgium, Ireland, Portugal and the United Kingdom), **contract terms can override existing copyright exceptions**, which further undermines the goal of a coherent European copyright framework. *Examples of the resulting single market failures are provided in Annex.*

In this context, the library and cultural heritage communities agree with the Commission that copyright exceptions must be brought up to date and reflect technological developments in an increasingly digital society. We fully support the Commission’s general objective to make **relevant exceptions mandatory** and to **increase the level of harmonisation**, as outlined in the December Communication, to ensure that all EU citizens benefit from the same level of access to information. However, we would stress that this approach must go hand in hand with provisions to **close loopholes** that allow imposition of contract terms and technological protection measures (TPMs) that override exceptions and limitations.

In order to achieve this, the library and cultural heritage communities propose the following recommendations to update the current EU copyright legislative framework.

<sup>1</sup> \$5.5billion, from 2014 Outsell report, “Library Market Size, Share, Performance and Trends”.

### 1. Extend relevant exceptions in the InfoSoc Directive to reflect new technological realities

We very much welcome the Commission's stated intention to update certain exceptions benefitting libraries and cultural heritage organisations under Art. 5 of the InfoSoc Directive (2001/29/EC), as well as its intention to make it easier to digitise out-of-commerce works and make them available online. In particular, we would welcome the Commission's action on the following issues:

- Introducing a robust harmonised and mandatory exception that allows **Text and Data Mining (TDM)** both for non-commercial and commercial purposes. Any type of stakeholder should be allowed to carry out TDM where content has been legally obtained;
- Clarifying the preservation exception (5(2)c) to provide a clear space for **preservation** by cultural heritage and research institutions, reflecting the use of digital technologies for preservation and the needs of born-digital and digitised works, where current rules around rights add unnecessary complexity and uncertainty.
- Updating the scope of the existing exception for private study (5(3)n) and research to take into account current practices of accessing digitised collections, including:
  - on site consultation and **remote access via (closed) networks**,
  - **non-commercial cross-border document supply** for research and private study of works and other subject-matter contained in library collections,
  - making available online for non-commercial purposes works in the collections of cultural heritage institutions that are **not available via commercial channels**, or otherwise actively managed by their rights holders;
- Finally, we note that libraries are facing significant challenges when it comes to facilitating **e-lending** within the current copyright framework. However, we appreciate the impact of the ongoing CJEU case (Case C 174/15 on e-lending, between the Dutch Public Libraries Association and Public Lending Right Foundation) on the Commission's upcoming round of proposals.

### 2. Make the exceptions harmonised and mandatory to prevent single market failure

To ensure that libraries and cultural heritage organisations can cooperate across Europe and that all European citizens and researchers enjoy the same high standard of access to culture and knowledge, all of the above exceptions must be made **mandatory** and should be implemented in a **harmonised** way under the InfoSoc Directive.

### 3. Protect the exceptions from override by contract terms and technological protection measures

To achieve the objectives of stimulating pan-European collaboration on research, ensuring cross-border access to content at a local level and fostering European cultural diversity, it is crucial that rights to lawfully access content (including content made available to the public on agreed contractual terms which they may access where and when they choose) are not undermined by **contract terms** and **technological protection measures**. The European copyright framework must include a provision that protects exceptions and limitations in the InfoSoc Directive from being overridden in this way<sup>2</sup>.

For further information, please contact Hannah Gent ([hannah@readingandwriting.eu](mailto:hannah@readingandwriting.eu))

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<sup>2</sup> This could be done by replicating the provision on contract override already present in the Database Directive (Art. 15, 96/9/EC) (either overall or with regard to specific exceptions), and removing the wording in the InfoSoc Directive (Article 6.4 - 4th paragraph) which excludes on-demand content made available to the public on agreed contractual terms from the scope of Article 6.4.

## ANNEXE

### ***Examples of single market failures as a result of legislative gaps in existing Copyright Framework***

#### Cross-border library services

In January 2012, to protect itself from potential claims of copyright infringement, the British Library, one of the world's greatest research libraries, a library of 'last resort' and the world's largest document supplier, ceased its international document supply service, the Overseas Library Privilege Service (OPLS) that was supported by a UK copyright exception. OPLS was replaced with a publisher-approved licence, known as the *International Non-Commercial Document Supply (INCD)* service. The British Library's response to a Freedom of Information request made in Spring 2015 by European NGO, Electronic Information for Libraries (EIFL), revealed that this licence has adversely impacted cross-border access to information for research for non-commercial purposes in Europe and elsewhere, with 97% fewer requests receiving a positive response in 2014 than in 2012. This is due both to the dramatic increase in copyright fees the library must charge under INCD which has put access to its collections beyond the reach of many countries' (including European) universities and research institutions, and due to publishers having withdrawn 93% of journal titles in the library's collection from availability for cross-border document supply.

EIFL (Electronic Information for Libraries) offers a further example: a PhD student in Estonia was undertaking comparative research in five Baltic and Nordic countries on historiographical narratives i.e. a critical analysis of authentic source materials used in the writing of history. The student needed to consult articles and book chapters from c. 1920 that are not available in Estonia. The university library sent electronic requests to libraries in Iceland and Norway that had the materials in their collections. But, due to copyright and licensing restrictions, the requests were refused.

Indeed, despite extensive schemes in Nordic countries, licensing did not facilitate this straightforward request. In addition, libraries in Denmark and Norway reported in the recent EU consultation on copyright that cross-border access is not permitted under their Extended Collective Licensing schemes. In its comments, the National Library of Norway that has an Extended Collective Licence to provide online access to Norwegian literature said, "the cross-border effect is halted as the cross-border effect is not compatible with EU-law".

#### Contract override

Libraries are faced with licence contract terms that prohibit them from carrying out various acts permitted by national copyright exceptions and limitations. Purely to illustrate, and not at all to single out its terms as being anything other than typical for digital information products, we compare the publicly available internationally offered *Wiley Online Library Licence* to UK copyright exceptions. This particular licence benefits from being short and clearly written, but its terms are typical of the variables in licence contracts that restrict or prohibit acts permitted by copyright exceptions in one or more EU Member States.

*Clause 2(5)* states "All rights not specifically licensed herein to the Licensee are expressly re-served by Wiley." This means that any act not expressly mentioned in the licence may not be carried out. Thus, by omission this licence does not permit:

- Preservation copying
- Copying into accessible formats for disabled people
- Copying for judicial or statutory purposes

Additionally, this licence expressly forbids:

- Document supply (*Clause 3(2)*)
- Text and data mining (*Clause 3(1)(3)*)

However, in 2014 the UK introduced provisions to protect its library, archive, research and education exceptions from override by contract terms by rendering “unenforceable” any “term of a contract” [that] “purports to prevent or restrict the doing of any act which [...] would not infringe copyright. All five activities listed above permitted by UK copyright exceptions but not permitted by this licence in most other jurisdictions, may now be carried out by UK licensees on *Wiley Online Library* content without affecting the remainder of the licence contract (*Clause 9(4)* also covers such eventualities).

Licensing removes by the back door the public policy space to determine how information may be accessed and used, with consequential unhealthy impacts on culture, scientific research, education, learning and a democratic society. This should be prevented by legally protecting copyright exceptions and limitations from override by making any contract terms that purport to do so null and void – as the UK, Ireland, Portugal and Belgium have done. There is precedence for this in the Database Directive 96/9/EC.

#### TPM workaround systems

In September 2015 the UK Libraries and Archives Copyright Alliance (LACA) made a complaint to the UK Intellectual Property Office (IPO) under the s.296ZE of the Copyright Designs and Patent Act 1998 (CDPA), which implements Information Society Directive Article 6.4 into UK law, seeking remedy on behalf of a bona fide researcher attached to an academic institution who was prevented by the CAPTCHA TPM from taking an electronic copy of a free to access online law database, for the purpose of text and data analysis for a non-commercial purpose as permitted under the UK’s text and data mining exception (CDPA s.29A).

The law database website states that it is a term of user access to the website that they will not “copy...publish or reproduce any information which is protected by copyright or any intellectual property rights, except if expressly permitted by the copyright owner”, a contract term that is in this case voided by the UK’s contract override provisions CDPA s.29A(5) protecting the text and data mining exception. The complaint arose because after a number of attempts over several months it had proven impossible to raise any response from the rightholder. Two months later, in November 2015, the IPO formally responded that the complaint could not proceed because it was out of scope under CDPA s.296ZE(9) (implementing paragraph 4 of Information Society Directive Article 6.4) stating:

“Copying for the purposes of text and data mining under s.29A CDPA is a “permitted act” for the purposes of s.296ZE CDPA as are acts which may be done under the exception in reg.20 CRDR (see s.296ZE (11) (b)).

The Complainant has stated that the CAPTCHA technology applied to the site prevents him from carrying out a permitted act in relation to the sentencing web page and seeks a remedy under s.296ZE CDPA. However, it appears that the complaint falls outside of the scope of s.296ZE since s.296ZE(9) provides the section does not apply to copyright works made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them. As users of the website are able to download the databases on-line, then the terms and conditions governing access to those works will prevail, and it will be necessary to approach the owner of the website to request permission to copy/extract the data.”

The researcher has been unable to carry out the text and data analysis of the database content. The content he required is not available from any other online source to which he has access.