



EBF Comments

Commission Consultation Paper

“EUROPEANA – Next steps”

To: European Commission
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From: The European Booksellers Federation
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The European Booksellers Federation

The European Booksellers Federation (EBF) is a non-commercial umbrella organization representing national Booksellers Associations in the European Union in the EU and EEA. Through its Members EBF speaks on behalf of more than 25,000 individual booksellers. Depending on the country, booksellers represented include independent booksellers, chains, internet retailers and other cultural or general outlets selling books. It is estimated that the whole book industry accounts for more than half a million jobs in the European Union.

The objectives of EBF are to:

- Enhance the image of the bookseller
- Strengthen links between booksellers associations
- Assist booksellers associations in promoting excellence in the profession
- To represent the interest of the bookselling trade before the European Institutions.

In view of this last point, the EBF very much welcomes the opportunity to comment on the Commission's communication “Europeana – Next steps” (COM(2009) 440 final) and to reply to some of the questions raised in the Commission Staff Working Document.

GENERAL COMMENTS

EBF and its members welcome the Europeana initiative and have been following its progressive implementation and the launch of its prototype version in November 2008 with great interest. EBF share the Commission's conviction that digitization is a valuable tool to make Europe's cultural heritage as widely available as possible whilst also preserving it for future generations.

EBF notes with satisfaction that the respect of copyright has always been at the heart of the Europeana project and that all the partners involved (cultural institutions and libraries, right holders, Member States) were consulted on a regular basis during the various implementation stages.

Booksellers believe indeed that copyright is the backbone of the book industry. Booksellers are convinced that the full respect of copyright is absolutely essential to ensure Europe's diversity, creativity and innovation. If in the future, Europe's libraries should still be able to feed from a wide selection of literary productions and knowledge, a fair remuneration and business model is essential for all the stakeholders in the book trade chain, from the author, over the publisher, to the bookseller and the library.

In the digital environment, copyright protection is more than ever a challenge - for the producers of digital products, national legislators and authorities alike. Whilst mass digitization is to be encouraged, mass making available online could be problematic from a booksellers' point of view, insofar as it could constitute unfair competition with the commercial operators offering digital products. EBF reminds that the exception granted by article 5 of Directive 2001/29 allows libraries and public institutions to create copies of works and to make these copies available to its users solely for the purpose of research or private study and at dedicated terminals on the library premises. Booksellers point out that these restrictions can be easily circumvented.

In addition, although booksellers believe that digitization and online dissemination represent a milestone in terms of access to knowledge and culture, they draw the Commission's attention to the fact that the online reality is not the only reality. In the future, readers should still be able to choose the format of the book (electronic, paper, digital) and the channel through which they want to access it (bookseller, library, publisher, online, etc.). EBF reminds the Commission that a flourishing network of brick-and-mortar bookshops is an essential element to guarantee choice, cultural diversity and promotion of reading.

EBF is aware of the huge challenges facing Europeana's future and the enormous financial costs required to bringing this instrument in line with its ambitions. EBF shares the Commission's view that if Europeana is to fulfill its mission viable alternative sources of income have to be considered, and booksellers are open to become part of a public-private business model for works in copyright.

SPECIFIC COMMENTS

EBF's comments to the questions raised in the consultation paper focus mainly on the aspects of Financing and Governance (Questions 11 to 16). Regarding Content (Questions 6 to 10), EBF's remarks naturally cover only the digitization of books.

Question 5:

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

Minimum requirements for viewing and use options should be built in for in-copyright works. In order to ensure a good consumer experience, these requirements should be similar to all content if at all possible. Therefore, recommendations should be set centrally, but final terms should be agreed with the contributing organisations and the copyright holders.

Question 8:

How can the difference in the level playing field for digitization and making accessible older works between the US and Europe be addressed in a pragmatic way?

EBF believes that the ARROW project, once completed, will be a fair solution for right holders and libraries, by creating a European registry of orphan works and by providing access to a network of existing clearance centres for out-of-print works.

Question 11:

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

Given the importance of Europeana as a gateway to the European heritage for EU citizens, EBF believes that the appropriate financing model after 2013 would be a three pillar model: a) Member States' funding according to a contribution key based on Member States GDP (and possibly additional criteria), b) Community funding based on an appropriate policy instrument, and c) private funding to a limited extent (see answer to question 14, 15 and 16).

Question 13:

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

Apart from the content providers, consideration should be given for copyright holders to be involved in the governance of Europeana.

Question 14:

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

Question 15:

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

Private funding could be envisaged under the form of sponsorship with companies or institutions that could gain additional notoriety and publicity thanks to the placement of logos, contact details or links to Europeana; however, the guidelines for such sponsorship should be extremely clear and makes sure that European values and fair competition are respected and to ensure that any single commercial organization is not given exclusivity.

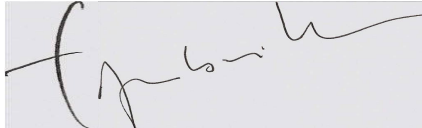
Question 16:

Should there be a contribution (financial or other) in exchange for the links from Europeana to the sites with content for which the user has to pay? Can a model such as that of Gallica2, providing links from the site of the BNF to the content on the sites of the French publishers, be transposed to Europeana?

The Gallica2 model would definitely be an interesting model for Europeana insofar as it efficiently achieves Europeana's primary objective, which is to bring content to the user and - in the case of material in copyright- sell it to the latter. Such transactions could be envisaged on the basis of a variety of sales models (including pricing models based on chapter, article, etc.). In many European countries, there are now operational aggregators who perform exactly these operations and in the last year, several e-book platforms have been set up (<http://info.libreka.de/> in Germany, <http://www.e-boek.org/> in Belgium) that could also become partners. EBF could imagine that booksellers might show an interest in entering a partnership with Europeana, either via such aggregators or platforms, or directly, on the basis of a broker arrangement.

In guise of conclusion, EBF would like to offer its support and assistance to Europeana and would appreciate to be involved in the further debates on Europeana's future.

Yours sincerely,

A handwritten signature in black ink on a light grey background. The signature is cursive and appears to read 'Fran Dubruille'.

Fran Dubruille
Director
European Booksellers Federation