



Europeana Foundation Governing Board Meeting

23 November 2017
16h30 – 18h00 CET
Teleconference

Data Exchange Agreement Review, Future Proofing DEAs

Action Proposed: For information and Q&A

Circulation:

Europeana Foundation Governing Board Members & Observers

Classification:

Public



Insects and Fruit
Jan van Kessel
1660 - 1665, Rijksmuseum
Netherlands, Public Domain

Europeanana

FUTURE PROOFING THE DATA EXCHANGE AGREEMENT

Paul Keller | FALL 2017 AGGREGATOR FORUM, ZAGREB



Co-financed by the European Union
Connecting Europe Facility

Why review the DEA now?

As part of the the DSI 3 contract Kennisland and Europeana will undertake a review of the Data Exchange Agreement with the aim of future proofing the DEA.

So far we have undertaken preliminary research into the legal requirements. Today's session is intended to reach out to the aggregators community to understand how possible changes to the DEA will affect your work.



**THE THREE REASONS
TO UPDATE THE DEA
(IN ASCENDING ORDER
OF IMPORTANCE)**

Cirque de Moscou
Anonymous
1911 Circus Museum
Netherlands, CC BY-SA

DEA

I

Iceland
Ireland
Israel
Italy

DEA

L-M

Latvia
Liechten-
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Lithuania
Luxemb.
Malta
Nether-
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Norway
MONTE
NEGRO

DEA

P

Poland
Portugal

DEA

R-S

Romania
Russia
Serbia
Slovakia
Slovenia

**#1: WE NEED TO IMPROVE
OUR INTERNAL PROCESSES**

#2: WE NEED TO REFLECT THE CHANGES IN HOW EUROPEANA OPERATES



Massed German prisoners in France, probably after the Allied advance of August 1918, unknown photographer, National Library of Scotland, CC BY-NC-SA

for the fashion theme and ALT-Graz, on behalf of OpenUp!, for the natural history domain) and Europeana Foundation will be active in encouraging content providers to improve their data and deliver new data where appropriate, using the best available work flow for the content providers (task 2.3). Content providers can contact expert hubs and Europeana Foundation to signal the availability of their content for harvesting via the aggregation tools, or via the dedicated team at EF (task 2.1)

#3: WE ARE REQUIRED TO MAKE THE DEA 'OPERATOR INDEPENDENT'

The existing consent system of the Data Exchange Agreement (DEA), as a principal element of the Europeana Licensing Framework, between Europeana Foundation and each content provider will be reviewed during the contract period. This will be done with the objective of making it independent from the operator of the Europeana DSI, to enable a transfer of assets as required under the tender specifications (task 1.8 and 7.1).

A2. Quality of service, data security and disaster recovery

The platform will be available for all users during the running of the contract.

DEA review - design principles

- The guiding principle for this review is to **keep changes to the DEA as minimal as possible**. We will strive not to substantially alter the scope or the effects of the DEA
- We will make changes only when they are based on a clearly identified external or internal needs.
- We will consult with our aggregation partners, other data partners and the members of the Europeana network on all proposed changes.

DEA

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Iceland
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**#1: WE NEED TO IMPROVE
OUR INTERNAL PROCESSES**

#1 improving internal processes

- We aim to streamline the process for signing the DEAs and make it part of the future ingestion workflow. As part of this we want to make sure that the DEA can be executed electronically and that the DEAs can be stored within Europeana's CRM system
- We will also make sure that any references to specific elements of the the Europeana governance structure are up to date (such as references to the non-existing "Council of Content Providers and Aggregators" that does not exist anymore.
- We expect these changes to be relatively minor

#2: WE NEED TO REFLECT THE CHANGES IN HOW EUROPEANA OPERATES



Massed German prisoners in France, probably after the Allied advance of August 1918, unknown photographer, National Library of Scotland, CC BY-NC-SA

THEMATIC COLLECTION

EUROPEANA 1914-1918

THEMATIC COLLECTION

EUROPEANA ART

THEMATIC COLLECTION

EUROPEANA FASHION

THEMATIC COLLECTION

EUROPEANA MAPS AND GEOGRAPHY

THEMATIC COLLECTION

EUROPEANA MUSIC

THEMATIC COLLECTION

EUROPEANA NATURAL HISTORY

THEMATIC COLLECTION

EUROPEANA PHOTOGRAPHY

THEMATIC COLLECTION

EUROPEANA SPORT

EXHIBITION

FEATURED SITE

Daniel . et
je souhaite

GALLERIES

WHAT'S NEW

www.europeana.eu/portal/en/collections/natural-history

Natural History - Europeana Collections

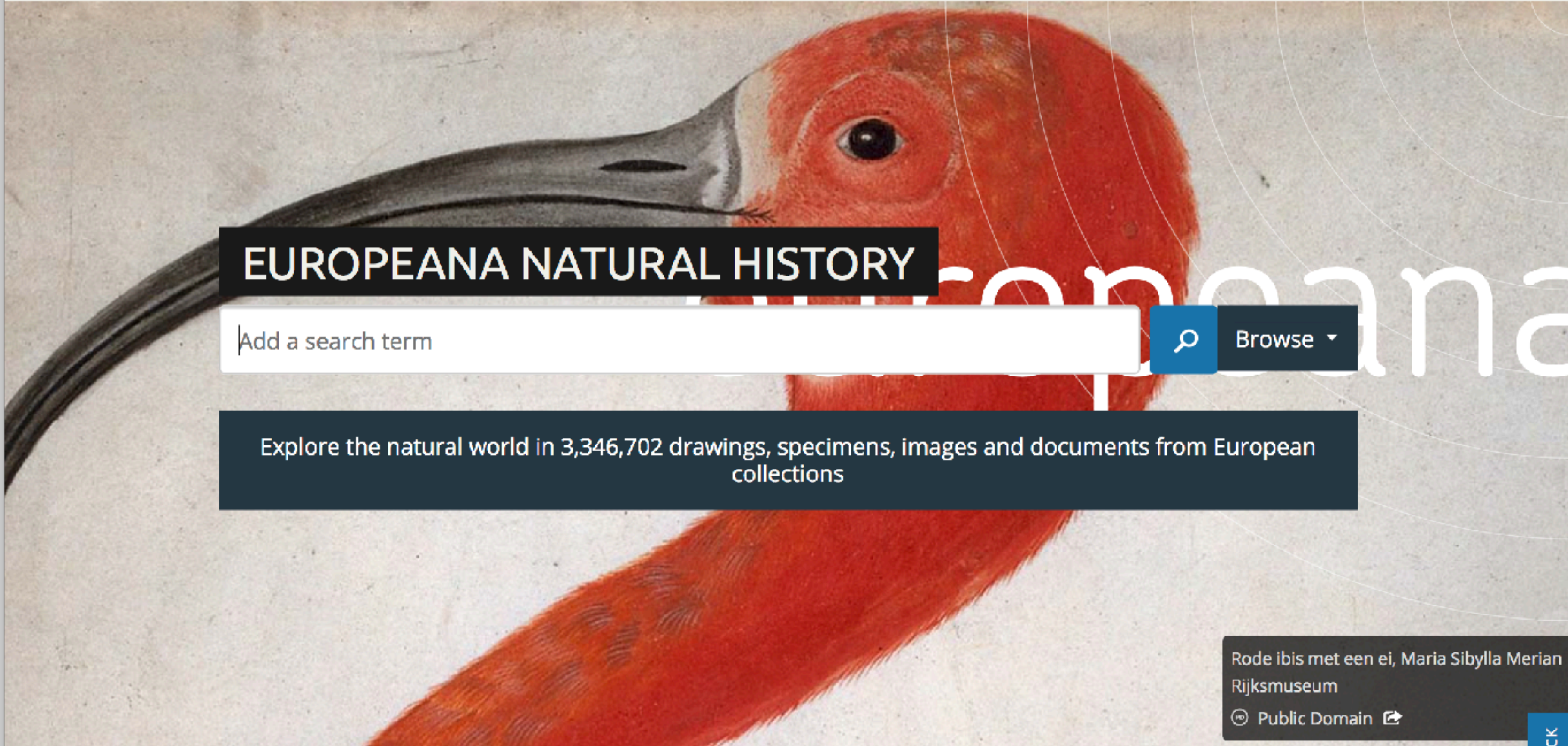
europa
collections

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EUROPEANA NATURAL HISTORY

Add a search term

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Explore the natural world in 3,346,702 drawings, specimens, images and documents from European collections

Rode ibis met een ei, Maria Sibylla Merian
Rijksmuseum

Public Domain

FEEDBACK

www.europeana.eu/portal/en/collections/maps?q=what%3A(%22globe...
what:("globe... - Search Results - Europeana Collections

maps and Geography
europeana
collections

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MEDIA ▲

- Image (360)
- Text (53)
- Only items with links to media


CAN I USE IT? ? ▾

PROVIDING COUNTRY ▾


LANGUAGE ▾

AGGREGATOR ▾


INSTITUTION ▾



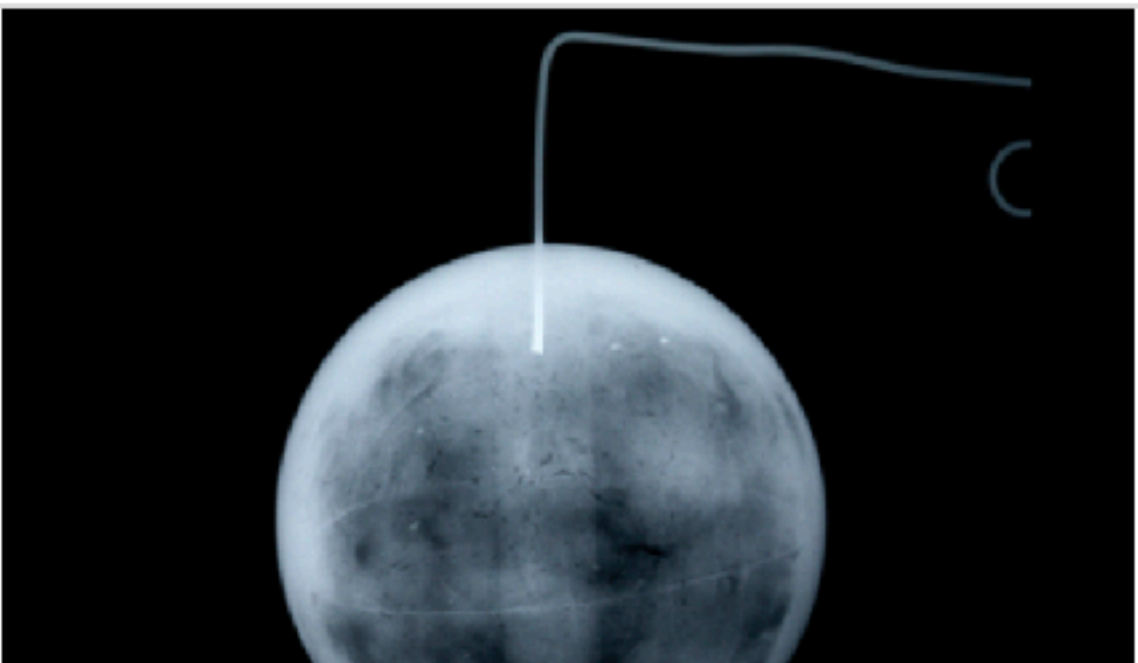
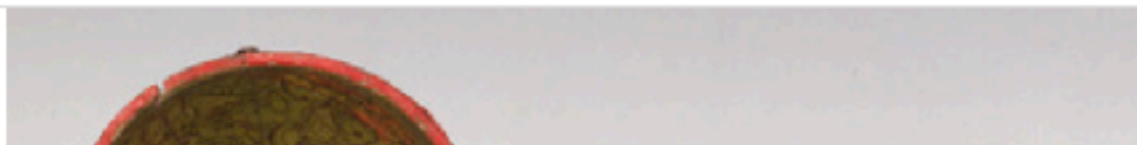
Terrestrial and celestial pocket globe (17... 🖼️



Terrestrial and celestial pocket globe (17... 🖼️



Terrestrial and celestial pocket globe (15... 🖼️



FEEDBACK

www.europeana.eu/portal/en/explore/galleries/european-landscap

European landscapes and landmarks - Galleries - Europeana Collections

europa
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collections

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Barcelona Seen from Vallvidrera
Regoyos, Darfo de

La Corniche near Monaco
Monet, Claude

Norway

The Luxembourg Gardens, Paris
Albert Edelfelt

Trh v Banskej Bystrici
Skutecký, Dominik

Die alte Brücke in Mostar (Stari ...
Bernt, Rudolf

FEEDBACK



COMBINED FORCES

South African Infantry in their glory, 1914-1920,
National Library of Scotland
CC BY-NC-SA

#2 reflect changing nature of Europeana

- Over the past years Europeana has evolved significantly. We have transformed the portal into a platform and we have put a greater emphasis on providing access to reusable high quality content.
- The DEA does not adequately reflect this and limits presentation of content on Europeana to the display of previews alongside their mediate (as search results).
- There is a need to give Europeana more room to work with content in line with the re-use conditions that apply to others.
- We expect these changes to be relatively minor

for the fashion theme and ALT-Graz, on behalf of OpenUp!, for the natural history domain) and Europeana Foundation will be active in encouraging content providers to improve their data and deliver new data where appropriate, using the best available work flow for the content providers (task 2.3). Content providers can contact expert hubs and Europeana Foundation to signal the availability of their content for harvesting via the aggregation tools, or via the dedicated team at EF (task 2.1)

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Europeana Foundation Undertakings

(as per 25 October 2016)

Undertakings:

- A. Data Exchange Agreements
- B. Registered Trademark
- C. Domain Name
- D. Distribution/API Relations
- E. Europeana Network Association
- F. Supplier Agreements (Cloud)
- G. Employees (63 FTE)

Most are employed under the laws of the Netherlands, some under laws of other member states, some with employment agreement for indefinite period some for a definite period of time. Articles 7:662-666 DCC however applies to all these employees as all are integral part of the Dutch undertakings.

Articles 7: 662 – 666 Dutch Civil Code

Transfer:

Europeana Foundation is a foundation under the laws of the Netherlands.

Articles 7: 662 – 666 Dutch Civil Code are applicable on all transfers of undertakings. Also as no undertaking or other activity would remain in this legal entity after the transfer of the Assets (either A through C, A through D or A through E), such transfer is subject to said Articles. In other words, such transfer would by law at least include the automatic transfer of all employees and related rights of such employees.



#3 make the DEA operator independent

- In preparation of the the open procurement (DSI 4 and beyond) we are required to make the DEA operator independent so that the rights and obligations resulting from the DEA can be transferred to another operator (should another operator win the tender).
- We have researched a number of options and after consulting our lawyers it seems that they best way to comply with this requirement is the introduction of an assignment clause into the DEA.

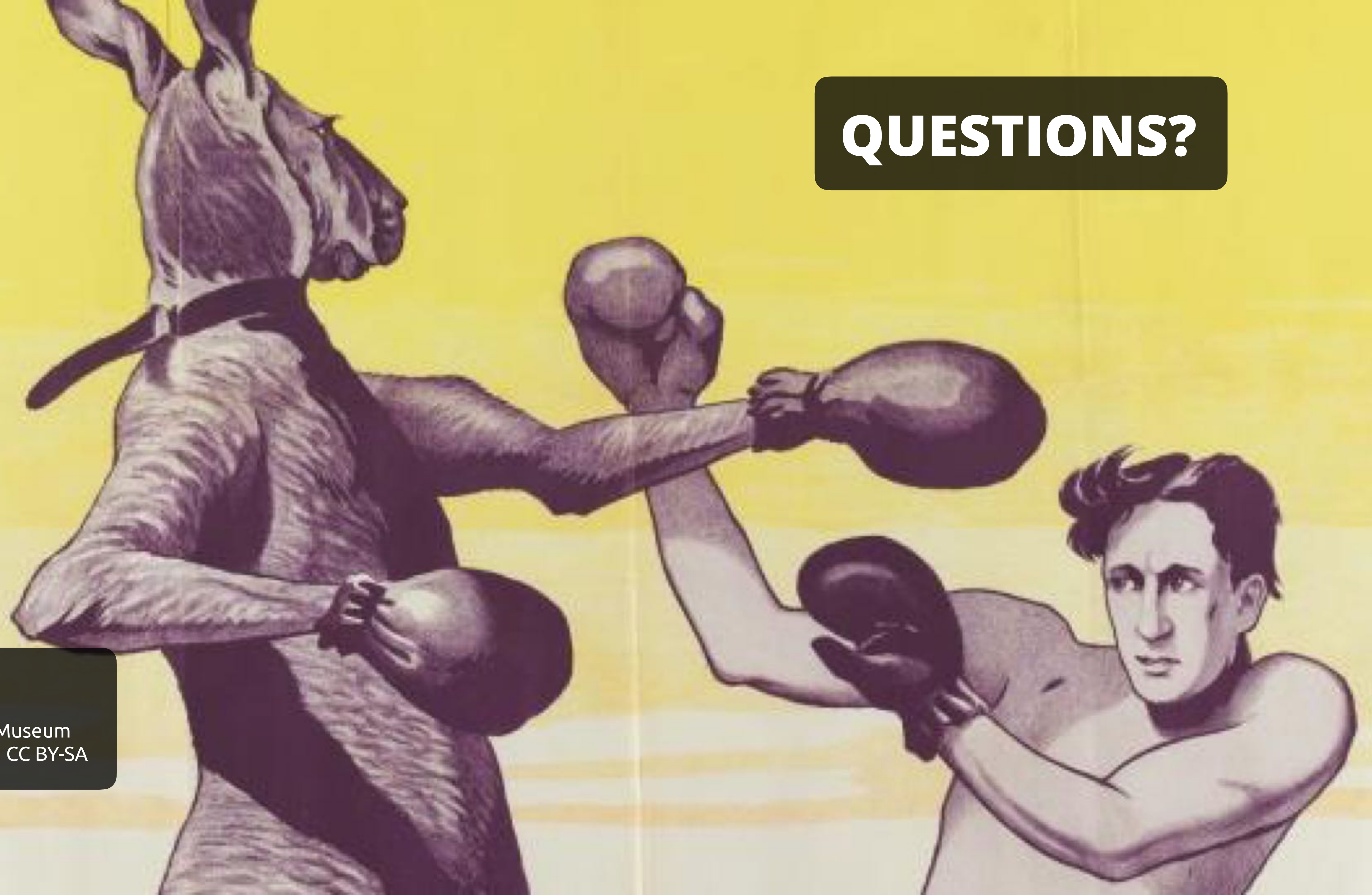
#3 make the DEA operator independent

- Such an assignment clause would allow Europeana Foundation to assign the rights and obligations created by the DEAs to another party. The assignment clause would specify conditions for such an assignment and provide safeguards for the Data Partners such as;
 - Assignment can only take place under the condition that the operation of the Europeana DSI gets awarded to another operator (and only to that operator)
 - In the case of an assignment, data providers would be allowed to terminate their DEAs outside of the normal termination rules.

DEA review proposed timeline:

- Getting initial input from our Data and Aggregations partners (now)
- We will draft suggestions for the changes to the DEA for feedback from a small group of Data and Aggregation partners and the European Commission (by early december 2017)
- We will consolidate the feedback and publish a draft version of the updated DEA for public review (early 2018)
- Incorporating feedback and finalising the DEA (spring 2018)
- Updated DEA goes into effect: new data providers will need to sign the new one and existing ones will be asked to update to the new version (summer 2018).

QUESTIONS?



Untitled
Anonymous
1930 Circus Museum
Netherlands, CC BY-SA