



## Europeana Foundation Governing Board Meeting

6 April 2017  
16h30 – 18h00 CEST  
[Teleconference Call-in Instructions](#)

### Update on Europeana Copyright Policy Advocacy Efforts

*Action proposed: For information and to take note of the work being undertaken*

This document provides an update on the ongoing copyright advocacy activities undertaken by Europeana Foundation with support from [Kennisland](#) and [Helena Lovegrove](#), our Europeana DSI-2 partner, based in Brussels liaising with EU institutions and bodies. The update covers the period from the last Europeana Board meeting which took place on the 27th of February 2017 until 21 March 2017.

In the past month we have primarily focussed our activities on outreach to policy makers and specifically to MEPs. In addition we have continued our joint efforts with the Library organisations (EBLIDA, IFLA, LIBER and CENL). All our activities continue to be based on [the updated mandate](#) that was adopted in December 2016.

### Outreach to policy makers & Coordination with Library organizations

We have focussed our outreach activities on key MEPs in the three main parliamentary committees dealing with the proposed directive: Legal Affairs (JURI), Internal Market and Consumer Protection (IMCO) and Culture and Education (CULT). In close collaboration with the library organisations we have provided suggestions for amendments to the Rapporteurs and to shadow rapporteurs aimed at convincing them to address our concerns in their draft opinions (CULT, IMCO) and the draft report (JURI).

Europeana has continued to focus on the provisions regarding access to Out of Commerce Works, arguing for a more comprehensive solution that contains a fallback option in the form of an exception. These efforts have been largely successful as shown by the draft opinions and reports published by the European Parliament:

- The draft opinion of the CULT committee (9 February 2017) authored by the French [EPP MEP Marc Joulaud](#) proposes to add a new mandatory exception that would cover the making available online of "Never In Commerce Works". While such an exception would certainly help with the making available of collections, it leaves OOCW in sectors or countries without functioning collective management organisations without a solution. MEP Joulaud has also proposed amendments





that follow our suggestions for digitization and on-site access that are in line with our suggested improvements to the directive.

*The fact that some of our concerns have been addressed by Mr Joulaud is noteworthy because both his party affiliation and his nationality might have led to the assumption that he would take more rightsholder friendly positions.*

- The draft opinion of the IMCO committee (23 February 2017) authored by the [UK S&D MEP Catherine Stihler](#) takes up all the suggestions for improvements proposed by the library groups and Europeana. She proposes language for a fall back exception for out-of-commerce works, broadens the scope of the digitization exception, adds new exceptions for document delivery, e-lending and on-site access and expands the categories of beneficiaries for the education and TDM exceptions.

*Given that Ms Stihler has been traditionally very open to the concerns of Libraries and other cultural heritage institutions the fact that she has taken up our suggestions is less surprising but nevertheless important.*

- The draft report of the JURI committee (17 February 2017) authored by the Maltese [EPP MEP Comodini Cachia](#) also contains the addition of an exception that applies to Out of Commerce Works. While the amendments in question are largely based on language provided by Europeana, they differ in one key aspect: the exception applies to making works available via "secure electronic networks" which seems incompatible with online availability. Ms Comodini Cachia's report contains changes that would widen the group of beneficiaries of the TDM and education exceptions but it does not introduce any of the additional exceptions that we had argued for.

*The fact that Ms Comodini (the lead MEP for the entire file) has taken up our argument that licensing alone cannot provide a comprehensive solution to the OOCW issue is an important success for our advocacy efforts.*

Based on these initial positions from the EP we can conclude that we have been very successful in getting our concerns addressed. The fact that all rapporteurs have taken up our point that licensing alone will not solve the OOCW means that we are in a strong position with regards to the upcoming discussions in Parliament.

### **Library Lovers event at the European Parliament in Strasbourg**

On the 15th of March Europeana contributed to a lunch event at the European Parliament in Strasbourg organized by Public Libraries 2020 as part of their Library Lovers Campaign. The event was hosted by MEP Comodini Cachia and Stihler and attracted 10 MEPs from the relevant committees plus a similar number of assistants and other Stakeholders. Europeana Board Chair Jan Müller was one of the four speakers and delivered an address highlighting the need for a comprehensive solution for the OOCW issue.



The event was well received and allowed us to intensify our connection with key MEPs including the JURI rapporteur and her staff who was very supportive of our concerns.



## Outlook

We will continue to work with MEPs from across the political spectrum to consolidate this position. The success of this will also depend on how much opposition we will encounter from other stakeholders. It is difficult to assess how far our outreach activities from earlier this year have managed to convince some rights holder representatives that the proposed solution for OOCW does not cause harm to them.

**Circulation:**

Europeana Foundation Governing Board Members & Observers

**Classification:**

Public