# European Commission: Final Report of the Comité des Sages on Digitisation of European Cultural Heritage

**IRIS 2011-3:1/5**

*Vicky Breemen*
*Institute for Information Law (IViR), University of Amsterdam*

On 10 January 2011 the Comité des Sages, a reflection group on bringing Europe's culture online, published its report entitled "The New Renaissance". The research, which started in April 2010, was carried out by order of Neelie Kroes (Vice President of the European Commission for the Digital Agenda) and Androulla Vassiliou (European Commissioner for Education, Culture, Multilingualism and Youth).

A focus point was to make recommendations for the digitisation, online accessibility and preservation of Europe's cultural heritage in the digital age, with special attention to the question of public-private partnerships for digitisation in Europe. The report aims to help the European Union and Member States to develop policy in these fields.

The Comité points at the new information technologies that have created incredible opportunities for bringing the European cultural heritage to the general public. Accessibility is a central aspect of the vision of the Comité. Consequently, one of its core missions is to ensure full access to the cultural expressions and knowledge of the past, the present and the future for the largest possible audience. With regard to recommendations concerning accessibility and use models, a distinction is made between public domain material and in-copyright material.

Many digitised works are not protected by copyright anymore and thus fall into the public domain. When their digitisation is funded with public money, the Comité feels that everyone should have free access to them for non-commercial purposes. Commercial re-use could be charged. The Comité also points at the EU Directive on the re-use of public sector information. Public institutions should comply with this when they make their information available for re-use, although the Directive does not currently apply to cultural institutions.

Since users are used to finding everything they want on the internet, they expect the same from cultural institutions. It is therefore important that these institutions digitise their collections. As concerns in-copyright material, rights have to be cleared. This costs much time and money given the size of the collections, which makes individual negotiations impracticable. Furthermore, the Comité points to

© European Audiovisual Observatory (Council of Europe) 2026

the issues of out-of-distribution works and orphan works. The rightsholders of orphan works cannot be identified or located, as a result of which they form a barrier to mass digitisation projects.

Europeana is referred to as the platform for Europe's cultural heritage. It would be a problem if this digital library, archive and museum would lack 20th century works. The Comité recommends that a European legal instrument be adopted regarding the issue of orphan works. Such an instrument is in preparation by the Commission. The Comité sets out an 8-step test, which requires for example that the instrument cover all different sectors (audiovisual, text, visual arts, sound) and that it be in place in all the Member States. In addition, future orphan works should be avoided. In order to achieve this some form of registration could be considered; this would mean that the Berne Convention would have to be changed. Regarding out of distribution works, the Comité states that rightsholders should be the first to exploit them. However, when they do not do so, cultural institutions should be able to digitise these works. In this regard the Comité suggests collective licensing systems and a window of opportunity backed by legislation.

The Comité stresses the central role of Europeana in the strategy of bringing Europe's cultural heritage online. This requires its development from a portal into an application platform to which digitisation activities in the Member States are linked. In-copyright materials that private providers offer against payment should complement free offer. The Comité recommends that Europeana keep a digital copy of all digitised or born digital material with the aim of preservation. Furthermore, all Member States should ensure that their public domain masterpieces are made available by 2016. Finally, Europeana must actively be promoted among the general public and in schools.

The digitisation process demands large investments. Therefore, an important aspect of the report is the examination of sustainable financing for digitisation and Europeana. According to the Comité, this is primarily the responsibility of the public sector. Making digitised material available through Europeana should be a condition for all public funding for digitisation. Since public funding is scarce, cooperation with private partners should be encouraged as a complement. The Comité suggests basic conditions for these partnerships, such as respect for rightsholders, transparency and encouragement of free access for end users. Member States should also create favourable conditions for involving European players, for example by encouraging digitisation in new areas such as audiovisual material.

### *Report of the Comité des Sages, "The New Renaissance"*

http://ec.europa.eu/information_society/activities/digital_libraries/doc/refgroup/final_report_cds.pdf

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026