



European Heritage Hub

Policy Review

2nd Report:
February - July 2024

Digital Transition Policies in Europe's Heritage Sector



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Hub



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1. Introduction

In February 2024, the European Heritage Hub launched the [Policy Monitor](#) which collects and analyses cultural heritage policies from across Europe. The gathered information is stored in the online interface of the Monitor and will serve as a basis for future research, publications and policy recommendations produced within the project. To this date (22 July 2024) the Policy Monitor gives access to over 510 policy documents from 33 countries in the EU and beyond. The Policy Team of the Heritage Hub produces quarterly policy reviews to share preliminary observations and findings gathered through the Policy Monitor. A first [Policy Review](#) was published in April 2024.

As the second quarterly report, this document outlines insights, trends and findings on digital policies included in the Policy Monitor to this date. It has been curated by the Europeana Foundation, with input from all [Hub partners](#). The Europeana Foundation draws on over 15 years of experience in supporting the cultural heritage sector in its digital transformation, including in its current role as steward of the [common European data space for cultural heritage](#)

This report has been designed taking into account the needs of cultural heritage professionals when it comes to digital practices. It highlights key digital policies implemented at EU level that may impact directly or indirectly their day-to-day work. It also considers, on a case by case basis, how national policies can contribute to improving the digital preservation of cultural heritage as well as providing increased access for audiences.

The digital transition in the realm of cultural heritage involves leveraging digital technologies to preserve, manage, share and reuse cultural artefacts and historical records. This process is crucial for protecting cultural assets from degradation and enhancing their discoverability and accessibility, and cultural heritage institutions can greatly benefit from gaining awareness of the policies that affect their operations.

2. Methodology

The Policy Monitor offers access to relevant policies organised around one or more of the [Five Pillars of the Framework for Action on Cultural Heritage](#), and the three aspects of the [Triple Transformation](#) (digital, social and environmental). To this date, 78 policies have been uploaded to the Monitor under the category 'Digital Transition'.

A selection and analysis of policies currently available in the Monitor concerning the Digital Transition is presented below. These are organised according to governance level; EU, national and regional. Based on the available information as well as latest developments, the Policy team provides insights and observations and identifies trends and gaps. This report also links to documents included in the Hub's [Heritage Library](#) when relevant.

3. Analysis

The EU's ambition for a value-based and people-centred digital transformation

The [2030 Digital Compass: the European way for the Digital Decade](#) is a 2021 Communication of the European Commission aiming to pursue digital policies that advance a human centred, sustainable and more prosperous digital future in Europe. It acknowledges that digital infrastructures by themselves are not enough to advance Europe's digital future: there must be a value-based and people-centred approach. This includes more sustainable and energy and resource efficient digital infrastructure that are fully aligned with Europe's societal values and objectives.

The Communication specifically recognises the need for this approach to be fully integrated in the cultural sector, by noting that digital technologies are vital for citizens to access basic services such as health and culture. The Communication emphasises Europe's need to lead in ethical artificial intelligence, ensure secure digital identities for all, and enhance data and technical infrastructures. This is crucial for the EU to achieve digital sovereignty. [Digital sovereignty](#) refers to the EU's ability to act independently in the digital realm, uphold European values, and reduce reliance on non-European technology and data. In an increasingly interconnected world, digital sovereignty is essential for the EU's strategic autonomy on the global stage.

The Communication sets concrete targets to measure progress in digitisation efforts by 2030. In September 2023, the European Commission evaluated this progress in its first [State of the Digital Decade report](#). The report concludes that although there has been visible progress at both the EU and Member State levels, significant work and investment are still needed to achieve the 2030 targets. Of particular interest to the cultural heritage sector are the insights on digital skills, revealing that as much as 46% of Europeans lack basic digital skills, which hinders the effective use of digital technologies.

The [Declaration on Digital Rights and Principles for the Digital Decade](#) is a joint commitment by the European Parliament, the Council and the Commission to ensure the democratic functioning of the digital society while ensuring respect for the rule of law and protection of EU values and fundamental rights. This value-based approach to the digital transformation is also seen in national contexts, for instance in Portugal through the [Lei n.º 27/2021, de 17 de maio: Carta Portuguesa de Direitos Humanos na Era Digital in Portugal](#), a law approving the Portuguese Charter on Human Rights in the Digital Age which establishes principles such as the need to ensure free internet access points in public spaces such as libraries, and ensuring that the cyberspace remains open to the free circulation of ideas and information.

When it comes specifically to the cultural heritage sector, the [European Commission Recommendation of 10.11.2021 on a common European data space for cultural heritage C\(2021\) 7953 final](#) is particularly relevant. This Recommendation builds on the assessment and findings of the 2011 Recommendation concerning the online accessibility of cultural material and digital preservation. It supports the objectives of the Digital Decade and the [European strategy for data](#) by promoting a secure and sustainable digital infrastructure, enhancing digital skills, and encouraging the adoption of technologies in the cultural heritage sector.

It recognises the significant potential of digital technologies for cultural heritage institutions to enhance preservation efforts and reach broader, more diverse audiences. This enables the public to access, discover, explore, and enjoy cultural assets in new ways and creates new opportunities for the reuse of these assets in innovative and creative services and products across various sectors, including other cultural and creative industries and tourism.

The Recommendation encourages Member States to put in place appropriate policy frameworks to support the digital transformation of the cultural heritage sector. It also calls for public funding for heritage digitisation projects to be conditional on making the digitised content available in Europeana and the common European data space for cultural heritage. The Recommendation sets targets for data sharing in the data space by 2030 for all Member States, with a particular emphasis on 3D digitisation. Notably, it encourages Member States to digitise in 3D all monuments and sites deemed at risk, and half of the most physically visited monuments, buildings and sites by 2030.

The European Commission is currently evaluating the progress of this Recommendation across all EU Member States. Although the progress report has not yet been published, recent information shared at the 6th Meeting of the Commission Expert Group on the common European data space for cultural heritage (June 12-13, 2024) indicates that as of June 2024, only 60% of EU Member States have dedicated digital heritage strategies in place. This highlights a persistent digital divide across Europe between countries with robust digital heritage strategies and those without.

The EU's ambition for a thriving, data-driven society

In addition to the ambition for a value-based and people-centred digital transformation, the EU has also seen the potential that digital transformation creates in data generation and use. Individuals, businesses, and organisations generate ever-increasing amounts of data, and this data can be extremely valuable to society. However, in order to maximise its impact, the EU recognises that it is essential to streamline the way data is generated, organised and reused. With these objectives in mind, the EU adopted the [European strategy for data](#) (2020) which aimed to enhance the capacities and leadership of the EU in a data-driven society. Among other things, the strategy acknowledges the value of data reusability for everyone and

explicitly recognises the value of public sector data - including data from the cultural heritage sector- which is produced with public funds, and the need to ensure it benefits society at large.

In line with the ideas established by the [2030 Digital Compass: the European way for the Digital Decade](#) cited above, the Strategy emphasises that the collection and use of data must prioritise the interests of individuals, in alignment with European values, fundamental rights and regulatory frameworks. Moreover, citizens should have the ability to make informed decisions based on insights gleaned from non-personal data. This data should be accessible to all individuals and entities - whether public or private, large or small, startup or established.

The strategy foresees the adoption of various policy measures in order to fulfil its objectives. These include the establishment of 14 common European data spaces in strategic economic sectors and domains of public interest, including one for cultural heritage. The common European data space for cultural heritage is currently being deployed by the European Initiative together with a Consortium of 18 partners. It also foresaw the adoption of legislative measures such as the [Data Governance Act](#) and the [Data Act](#), adopted in 2022 and 2023 respectively.

The EU enabling public access to and enjoyment of digital through legally binding instruments

The EU has also worked to ensure that the various principles established in the documents referred to above acquire a legally binding nature in certain areas. As the value of data becomes more and more prominent, cultural heritage institutions continue to be seen as key players, as establishments that gather and give access to huge amounts of data, often of a historical nature. They are seen to play a key role in a data-driven society, and their digital transformation is an essential part of making this data available to the public.

For institutions operating in the digital realm, including cultural heritage organisations, copyright legislation plays a crucial role in determining the extent to which data can be effectively used. That is why, in 2019, the EU legislators adopted the [Copyright in the Digital Single Market Directive](#), which sought to harmonise copyright legislation across EU member states, and to bring it up to date with the digital world. It acknowledges that previous copyright laws were insufficient to enable uses of copyright-protected material in the digital world

The Directive supports cultural heritage institutions in carrying out digitisation projects aimed at making cultural materials widely accessible to the public and facilitating their reuse. It also facilitates digital preservation and online education.

Importantly, it also safeguards the Public Domain by ensuring that works no longer under copyright protection remain accessible for public use. This seeks to correct a trend over the past years through which cultural heritage institutions claim rights on the digital reproduction

of a cultural heritage item in order to control and place restrictions on its reuse, even if the item is no longer protected by copyright. In this regard, more recently, other types of barriers have arisen that place limitations on the reuse of public domain materials. The [Italian Cultural Heritage Code](#), for example, contains a provision that requires the payment of a fee for the (for-profit) reproduction of digital images of state-owned cultural heritage. This is applicable even if the material is in the public domain and the reproduction has no rights in line with the Copyright in the Digital Single Market Directive. For some time, cultural heritage institutions were free to establish certain fees, or even no fee at all. However, in April 2023, the Italian Ministry of Culture [introduced](#) minimum fees for commercial reproductions. Even if these types of measures pursue a 'protection' of the nation's cultural heritage, it is debatable that this is the result, given that it creates an unfair barrier to the dissemination and reuse of materials that are otherwise not subject to any copyright protection.

The Copyright in the Digital Single Market Directive has been transposed into national legislation across all EU Member States, which means that the new safeguards it establishes can be enjoyed by cultural heritage institutions all across the EU. For instance, in Portugal, [Decreto-Lei n.º 47/2023, de 19 de junho: Direitos de autor e direitos conexos no mercado único digital](#), has incorporated the Directive into Portugal's legal system.

As the rise of AI presents new sectoral challenges and opportunities, the EU has adopted the first comprehensive legal instrument regulating AI and bringing back European values

As we focus on digital transformation, it is important to note the rise of new technologies like Artificial Intelligence, and the new challenges and opportunities they present for the cultural heritage sector. The [Report on Artificial intelligence in education, culture and the audiovisual sector \(2020/2017\(INI\)\)](#) puts forward a sectoral perspective on use of AI in our field. It stresses the supporting role that AI can play in the daily operation of heritage institutions and professionals – from supporting protection and accessibility of cultural heritage to providing new opportunities for interactive engagement, monitoring the illicit trafficking of cultural objects or facilitating research. It also stresses the urgent need for a human-centred and value-based development and use of AI to unleash this potential.

This aligns with recent EU sectoral documents on the topic. For instance, the European Commission [Study](#) on Opportunities and Challenges of Artificial Intelligence Technologies for the Cultural and Creative Sectors (2022) highlights that AI is prone to negative biases and often lacks transparency. AI raises concerns about privacy, misinformation, misrepresentation, manipulation, homogenisation and authenticity. To mitigate these risks, our sector must adhere to rigorous ethical standards in AI usage. This includes recognising power dynamics in AI development and deployment, and critically evaluating its use against a tech-solutionism approach that suggests AI can solve all problems.

To ensure that AI is safe, the EU has adopted the first comprehensive legal instrument regulating AI, bringing back European values in the development and use of this technology. With the [EU AI Act](#), the EU is pioneering regulation to mitigate the threats posed by AI and algorithmic systems. This binding legislation establishes a uniform legal framework for the development, putting into service and use of artificial intelligence systems (AI systems) in the EU.

The AI Act classifies AI applications based on their risks to health, security, fundamental rights, the environment, democracy and the rule of law. On this basis, it prohibits applications deemed to pose unacceptable risks and imposes obligations on high-risk applications. Additionally, it mandates general transparency obligations for generative AI and the identification of 'deep fakes' as such.

As our sector embraces the use of digital technologies, there is growing emphasis on raising awareness of their environmental impact

Europe's ambition to become the first climate-neutral continent by 2050 as expressed in the European Green Deal requires resolute action across all sectors, including digital cultural heritage. Heritage digitisation relies on energy-intensive processes that contribute to climate change. As our sector embraces the use of digital technologies, there is growing emphasis on raising awareness of their environmental impact. The [Green paper on the Sustainable Management of Cultural Heritage](#) is a document by the Spanish Ministry of Culture and Sports, and explores the sustainable management of cultural heritage, focusing on the use of new technologies, the democratisation of knowledge, and the challenges and strategies related to the preservation and promotion of Spanish and European heritage.

The Green Paper recognises the sustainable management of cultural heritage as a multifaceted endeavour that encompasses issues like climate change, social sustainability, economic sustainability, and environmental sustainability. This paper underscores the importance of preserving digital heritage while acknowledging the challenges related to digital obsolescence, meaning when a digital resource is no longer readable because the hardware or the software that runs on it is no longer available due to technological change.

It also emphasises the importance of tourism in preserving and promoting cultural heritage, advocating for responsible and sustainable tourism practices. For example, online virtual experiences, exhibitions and other digitised content that can reach a wide audience without the need for travel, as recognised in the [European Cultural Heritage Green Paper](#) by Europa Nostra, ICOMOS and the Climate Heritage Network.

Examples of national and regional digitisation strategies bringing into practice the various elements highlighted above

The Monitor includes examples of national and regional digitisation strategies from within the EU and beyond which illustrate the practical application of the elements highlighted above. In EU and non-EU countries, these strategies demonstrate how technology and legal provisions play a crucial role in the daily operations of cultural heritage institutions. They showcase innovative approaches to preserving and promoting cultural heritage through digital platforms, ensuring broader accessibility and sustainability.

The [Rulebook on National Standards for the Digitisation of Library Materials](#) in Montenegro prescribes national standards for the digitisation of library materials. When choosing materials for digitisation, it encourages cultural heritage institutions to include ‘material that will gain value in digital form;’ ‘material that will be interesting to users in the long term’ and ‘the degree of encumbrance of the material with copyright’, among other criteria. This translates some of the key principles highlighted in the sections above both at the national level, and more importantly within institutional practices.

The [Guidelines for the Digitisation of Cultural Heritage in the Republic of Serbia](#) includes considerations on long-term storage of digital objects and access to digital objects. It notes that digitised cultural heritage is a public good that should be accessible to the widest circle of interested parties, to the extent that it does not violate the rules of intellectual property protection and privacy.

The [Culture Development Plan 2021-2030](#) in Estonia identifies access to culture on digital platforms as a key indicator of success for a ‘strong and functional Estonian cultural life’. It establishes that Estonian cultural memory should be preserved and valued, including through the long-term physical and digital preservation and accessibility of cultural heritage. It values the history of Estonian culture as vital for scientific research, emphasising the need for publication and research of important source texts.

Lastly, [Towards a powerful cultural sector in digital times](#) is the Vision of the Flemish Government for Flanders’ digital transition as shared in a Statement on 23 December 2022. The digital transformation of the cultural sector is portrayed as a collaborative effort, acknowledging the diverse roles played by various actors in this intricate process.

4. Conclusions

Europe and the entire world are undergoing rapid and system-wide transformations. The most recent wave of the digital revolution, propelled by the rise of Artificial Intelligence, is reshaping every aspect of our lives. This fast-paced digital revolution is paired with a severe climate crisis, which is taking significant human, economic, environmental and cultural tolls, as well as socio-economic and political challenges that threaten the very foundations of our democracies. In this challenging global landscape, the EU strives to be a responsible global leader. With forward-looking policy frameworks like the [2030 Digital Compass: the European way for the Digital Decade](#), the EU expresses its bold ambition to master the ‘*Triple transition*’ with its digital, green and social interlinked dimensions in a holistic way.

The principles and ambitions laid out in Europe's Digital Decade present a significant opportunity for the cultural heritage sector. Fully in line with their public mission, cultural heritage institutions have consistently defended these values. In this context, our sector has a unique opportunity to be a key player at the forefront of a value-based and people-centred digital transition. With this ambitious policy framework, the EU has set a clear direction for digital transformation, and cultural heritage organisations are embracing and upholding this approach.

In the policies here analysed, we witness a growing recognition of the importance of digital transformation policies to properly address social and environmental aspects. While the social aspect seems to be broadly acknowledged, particularly in terms of ensuring access to culture and promoting ethical and inclusive uses of technology, the environmental dimension is still in its early stages. Interestingly, the first legal instrument regulating AI in the EU, the [EU AI Act](#), considers environmental well-being as one of the seven ethical principles intended to ensure that AI is trustworthy and ethical.

Wider EU digital policy frameworks, such as the Digital Decade and the [European strategy for data](#), underscore the EU's pursuit of digital sovereignty. This is a relatively new policy approach aimed to enhance Europe's capacity to act independently in the digital domain, uphold and promote European values, and reduce dependence on non-European technology and data sources. In practical terms, this involves developing new models that empower individuals and organisations to maintain control over their data, influence how their digital environment functions, and actively participate in its creation and use. Within this broader policy context, the EU launched the common European data space for cultural heritage.

The EU has also worked to ensure that the various principles outlined in broader digital policy frameworks acquire a legally binding nature in specific domains. It is important to note that, whereas cultural policy in the EU is governed by the principle of subsidiarity (meaning under the competence of Member's states) with a supporting role of the EU, regulations concerning the Digital Single market, as described above, are binding across all EU Member States.

Many of the policies included in the Monitor under the Digital Transition category are cross-cutting, with digital being viewed as an integral part of broader objectives such as fostering innovation or sustainability in the cultural heritage sector. This reflects the principles of *mainstreaming* and *integrated* approaches put forward by the European Framework for Action on Cultural Heritage of the European Commission (2019). Despite efforts, a persistent digital divide remains across Europe. This divide cuts across countries with robust digital heritage strategies and those without. The digital divide also affects cultural heritage institutions with varying digital capacities, and staff digital skills within institutions. Additionally, current trends suggest that AI-powered efficiency might become a fourth dimension of the digital divide. This report outlines some of the key challenges linked to AI in our sector.

The EU continues to look for solutions to make it possible and easier for the cultural heritage sector to transform digitally, in order to ensure that the invaluable wealth of data produced and

hosted by cultural heritage institutions can have an even bigger impact on society. The discoverability and accessibility of cultural heritage could benefit from further efforts, both at the EU and national, regional and local levels, to meet these objectives.

5. Next steps

The next edition of the quarterly Policy review will be released in autumn 2024, focusing on the green transition. It will be curated by Europa Nostra.