

CENL Annual Report 2014-2015

May 2014-May 2015

The year covering May 2014 to May 2015 is the last of the current Executive Committee that must be thanked for its commitment regarding a period marked by a complex transition. The conclusion of the process regarding TEL launched in 2012 when CENL set up the TEL Assessment Group has come to an end. The establishing of TEL as an independent structure was fully explored. However, delays in obtaining the necessary agreements, crucial to securing its funding, within the required period and a business model all too fragile put both Europeana and CENL financially at risk. Therefore, the merging of TEL with Europeana appeared to be the obvious solution to ensure the continuity of operating services, primarily aggregation. The consequences of this decision in terms of value proposition and costs are to be discussed during the 28th CENL GA to be held in Bern in May 2015.

During the CENL AG in Moscow, the future strategy of CENL from 2015 onwards was discussed during an open session and the necessity of a strategic plan emerged. The recommendations made by the participants have been summed up in the strategic plan 2015-2018 drawn up by the Executive Committee to be presented for approval in Bern and carried out by the next chairmanship.

To be complete, we must also mention the launch of a new CENL website and the nomination of several new national librarians throughout Europe.

1) From turning TEL into an independent entity to merging with Europeana

Background

During the CENL AG held in Baku, the recommendations of the TEL Assessment's group were presented. Option 4 focusing on services to libraries and partnering with Europeana to deliver Europeana research had the full backing of the TEL MC and was approved along with a new fee structure proposed by the CENL Economic Taskforce and the hiring of a consultant to investigate a sustainable business model



for new services. The TEL strategy was based on a core data services to libraries and strategic projects and potentially end user products and services as well as consultancy/advisory services on a 100% funding basis. The Dutch consultancy firm Thaesis was hired on Dec. 18, 2013 to provide analysis and proposals for a new governance and business model.

The conclusion of the consultancy firm's report was the recommendation to set up TEL as an independent entity instead of merging with Europeana, which had been the other option proposed by the TEL Assessment Group in Baku. CENL was to back this transition process alone without any financial support from CERL and LIBER and could not go beyond a commitment of €0.5 M.

During the CENL AG in Moscow, the Board voted in favor (22 out of 24) of this option and approved the transfer by CENL of €0.5 M. to support the TEL Foundation.

Renewal of the SLA with Europeana (July-December 2014)

In order to allow the establishment of the foundation and its operational running by January 1st, 2015, the SLA with Europeana had to be extended for the second part of 2014 (01/07-31/12) appeared necessary. Signed on Nov. 18, this SLA stated that Europeana was responsible for providing the employment of TEL staff and human resource support: financial administration, the administration of TEL contracts and the financial administration of TEL projects. All these responsibilities were to be transferred to the Stichting TEL on January 1, 2015.

Establishment of the TEL foundation and the process of transferring activities (June-December 2014)

Until the creation of the new legal entity and the meeting of its first Board, Bas Savenije, as Chair of the TEL Management Committee, was designated, on June 5, to take all steps necessary to the creation of the Stichting. The TEL Foundation was founded on Oct. 2, 2014. Paul Doorenbosch (KB) was designated as transition manager and in this capacity he wrote the Assets Purchase agreement (APA) between Europeana, CENL and The TEL Foundation.

A new TEL Board was created to supervise the process. On June 5, 2014, two current members of The European Library Management Committee, Dr. Bas Savenije, then Chair of The European Library Management Committee, and Director General of the Koninklijke Bibliotheek and Dr. Elisabeth Niggemann, then Treasurer of The European Library Management Committee, and Director General of the Deutsche Nationalbibliothek were appointed to represent CENL as members of the new The European Library Transition Board, for the transition period until 31st December 2015. The other members of the TEL Board were: Ulf Göranson (CERL), Andris Vilks (LIBER), Claudia Fabian (LIBER), Jeannette Frey (LIBER), Paul Ayris, Louise Edwards (TEL). The TEL BOARD held 3 teleconferences (10 September, 23 October, 19 November, 18 December) plus a physical meeting in The Hague on November 19. At the same time, the TEL MC held 3 teleconferences (4 September, 13 October, 9 December 2014).

The intended Transfer of Undertakings (ToU) of the TEL Business from Europeana Foundation (EF) and CENL to Stichting The European Library (TEL), described in the Assets Purchase Agreement (APA) between TEL, CENL and EF, was to be signed on 01-01-2015. The TEL Business mainly consisted of the TEL activities as described in the SLA 2014 between EF and CENL (which also included the participation of TEL in several European Projects). The APA also included the transfer of 500.000 Euro from CENL to TEL as starting and investment capital.

Delays in transfer synonymous with risk taking

Regarding TEL staff in the case of a ToU, there was by law only an obligation for TEL to take over the employment contracts of four persons with a permanent contract with EF, and not for the six employees with a temporary contract whose contracts ended all by law per 31-12-2014.

On 18 December 2014, a TEL Board meeting took place and on 19 December 2014, CENL was informed that several outstanding items could not be resolved by Dec. 31st, 2014 due to the lack of certainty about TEL being accepted as an independent project partner by the EU by the 1st of January and the reallocation of the European projects' subsidy. TEL did not have a final agreement from the project

officers and coordinators to take over each of the European projects in which TEL was currently involved. Moreover, the amount of subsidy that TEL could claim from the CEF funding to aggregate TEL-data in Europeana in 2015 and following years, even if TEL was eligible to the CEF, was unknown.

Thus the TEL Board required an extension of the SLA, being confident that these matters would be resolved by April 1st, 2015 and made a request to both CENL and Europeana Foundation in order to extend the SLA by 3 months.

Jill Cousins, the Executive Director of Europeana, informed CENL that such an extension of the SLA was not possible because it would imply short-term contracts for several Europeana employees dedicated to TEL to become permanent contracts, therefore putting Europeana financially at risk in case of failure of TEL. LIBER and CERL having refused any financial involvement in TEL, CENL would have been left alone to cover that risk, thus jeopardizing its own finances. A total of 40 000€ had already been spent for the transition (out of the 500 000€ voted in Moscow for financing the TEL transition), a provision for redundancy of 274 394€ was required, reducing by half the amount of money which could be invested in the development of TEL - far from the need initially estimated at 1M€ by the consultant.

However difficult it was, it had become clear that the project was no longer viable and it would have been irresponsible to try to defer or to hide the recognition of this fact.

Merging with Europeana, the only alternative

Europeana had already, during the Thaeisis consultancy, agreed to the principle that, should The Foundation TEL fail, Europeana would take over aggregation. Moreover, the CENL General Assembly in Moscow had made the decision that: *"should the new TEL fail, CENL would look to Europeana again for aggregation"*. Therefore, and given situation, the CENL EC asked Europeana to take over aggregation and run the services delivered to the member libraries. This takes place within the framework of a one-year Service Level Agreement signed on 18 February 2015. This agreement is to be communicated for information to the next General Assembly in May 2015. The CENL EC informed the Board and on the recommendation of its



auditor PWC, organized a vote on the decision made to merge with Europeana. Europeana has also provided an Operation Plan for 2015.

For 2015, the fees are in line with scenario 2 (a fee band of €500-€20.000) approved in Baku and CENL is collectively responsible for the collection of the fees through its secretariat. An updated Partnership Agreement was sent to be signed by every library on April 13th 2014.

Upon the CENL Executive Committee's request, Jill Cousins worked on a fee proposal for 2016 onwards, submitted to the CENL EC on April 16 and to be approved in Bern 18-19 on May 2015.

For the period 2016 onwards, the CENL GA will have to decide whether each member library partners with Europeana in a customer / provider relationship or if CENL continues to liaise collectively with Europeana regarding the collection of the fees.

One of the consequences of the merging is the departure of TEL Director Louise Edwards, which implies a severance allowance of €85.000 and a possible additional provision to be paid according to Dutch law. 4 former TEL staff will work for aggregation and 6 for Europeana projects. From 2016 on, 4 employees will work full time for aggregation.

Regarding research libraries, this decision does not prevent CENL and Europeana to keep on liaising with CERL and LIBER for developing cooperation and new services for libraries, for example in the framework of new European projects as stated in our Strategic Plan 2015-2018.

2) CENL strategy 2015-2018

"The future of CENL with a view to the strategic plan 2015-2020" was the title of an open session during the GA in Moscow. It had given place to numerous proposals summed up at the end of the draft minutes of the CENL AG in Moscow. They have been taken into account and are to be found in the strategic plan 2015-2018 whose implementation will coincide with the election of a new Chair.

The draft Strategic Plan was first presented to the CENL EC during its meeting held in Paris on 12 December 2014. Suggestions were made and the document was further altered in the course of January.

The implementation of this Strategic Plan implies to rethink the role of the Secretariat. Furthermore, all members are entitled to chair the CENL. To make this financially possible the costs of the Secretariat must be funded collectively from central funds to an agreed level. Therefore, the subscription fee is meant to rise through either a doubling of the actual fee or a fee band calculated on the basis of an array of criteria. Pierre Clavel, who previously worked out the revision of the TEL membership fee model, was asked to explore both scenarios and to propose two pricing models to be presented in Bern.

The Strategic Plan and different proposals regarding a new membership fee model were examined by the CENL EC on 16 April during the CENL EC meeting in Paris and will be presented for approval in Bern.

As mentioned afore, the CENL EC met twice on 12 December 2014 and on 16 April 2015 and each time the future of TEL and the Strategic Plan 2015-2018 have been the core topics. Meanwhile, the working groups have pursued their activities.

3) CENL Working groups

The CENL Copyright Working Group met twice: in October 2014 in Copenhagen and in March 2015 in London.

On October 1st, The CENL Copyright Working Group met at the Royal Library in Copenhagen. National Copyright updates, Orphan works implementation, and EU Policy Issues (Copyright Consultation, Collecting societies, Licences for Europe, PSI directive, Privacy and E-lending) were on the agenda. TEL's future as an independent entity was still relevant at that stage and Louise Edwards presented the project.

On 11 March 2015, the CENL Copyright Working Group met at the British Library in London and discussed potentially working with IFLA, LIBER and other organizations and what public positioning CENL could take on EU copyright reform. The basis of the discussion was the 2014 CENL submission to the European

Commission, as well as the public position statements which are on the CENL website. Notwithstanding the fact that different European governments have different positions on EU copyright reform and different national libraries have differing responsibilities, the majority view / recommendation from the working group was that the issues outlined below were of importance to national libraries. The issues at stake were: Cross Border Access; E-lending; Content Mining / TDM; Protect Existing Exceptions; Digital Preservation also across borders; Supplying Research Articles across borders; Disabilities and access to cultural material; Orphan Works.

The CENL-FEP Working Group met twice: in May in London and in December in Paris

On 14 May 2014, the CENL-FEP working group met at British Library in London. The topics addressed during this meeting were: The organization and future of the CENL/ FEP working group, (the Committee could be more structured and tackle not only legal deposit but other specific issues, such as metadata, preservation, the relation between content collected and the provision of commercial services by libraries, and exchange information on “*open access*”); the working group report to be presented at the CENL meeting in Moscow; a Statement on Document Delivery to Qualifying Institutions under the Research4Life Programme in the UN Designated Least Developed Countries; European/ international developments, WIPO debates on copyright exceptions; European discussions on a possible copyright reform; National developments.

On 1 December 2014, the CENL-FEP working group met at the BnF in Paris. Ute schwens (DNB) was appointed as new head of the CENL- FEP Working Group after Gerard Van Trier (KB) retired. Bruno Racine (CENL chair) and Pierre Dutilleul (FEP chair) attended part of the meeting, which gave the group an opportunity to discuss future strategic directions. The topics addressed during this meeting were: E-deposit and web-harvesting; Preservation and the issue of security; Metadata rights and quality and the visibility of content online depending on them; Digitization/ digital libraries Beyond public domain works (orphan works and out-of-commerce works); Services to the disabled and copyright exceptions for the visually impaired people and the implementation of the WIPO Marrakech treaty; Services to researchers with the issues of the legal framework of “*open access*”

(OA), and the deposit of OA publications and “text and data mining” (TDM) of web-archives and digitized content, in particular for indexation purposes.

4) A new CENL website

CENL website was hosted for many years by the National Library of Estonia that is to be warmly thanked for its support. This hosting coming to an end, it was decided to revamp the CENL website. It will facilitate real-time updating of information and has been the occasion to think of both a new layout and a new graphic design. The new website is to be introduced during the GA in Bern.

5) Welcome to new members

As a conclusion, CENL addresses a warm welcome to the new directors who have joined us this year:

- Mr Adolf Knoll, Czech Republic
- Dr. Lily Knibbeler, Netherlands
- Mr Aslak Sira Myhre, Norway
- Ms Claudia Șerbănuță, Romania
- Mr Laslo Blaskovic, Serbia
- M. Elena Pintilei, Moldova

6) Election of new Executive Committee Meeting

At the Annual General Meeting in Bern, Switzerland, on 18 May 2015, members of CENL voted a new Executive Committee for the next three years:

Roly Keating (United Kingdom) - CENL Chair
Marie-Christine Doffey (Switzerland), CENL Vice-Chair
Katarina Kristofova (Slovakia), CENL EC Member
Caroline Brazier (United Kingdom), CENL Treasurer