EU POLICY ON ACCESS TO CULTURAL HERITAGE AND THE PROTECTION OF THE PUBLIC DOMAIN

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Abstract:

In November 2021 the European Commission issued a recommendation putting the digital platform Europeana at the heart of a common data space for cultural heritage. The Commission recommended that Member States accelerate the digitisation of all cultural heritage monuments, sites and artefacts for future generations, protect and preserve those at risk and stimulate their reuse in areas such as education, sustainable tourism and cultural creative sectors. There are however other sectoral policies and regulations at EU level that present a serious hindrance to the goal of mass digitisation and re-use, one of which is the strong rightsholder-centric approach of EU copyright law.

The paper uses the normative, systematic and comparative legal methods to analyse the legal framework allowing the digitisation and exploitation of content in the public domain and the legal obstacles users, including institutional ones, have to surmount in doing so. It focuses on the solution for the protection of the public domain given by Article 14 of Directive (EC) 2019/790 on the copyright in the digital single market, its transposition in Bulgaria and the extent to which this new mechanism is likely to succeed in addressing the problems related to the effective use of public domain works and other subject-matter.

Keywords: EU legislation; cultural heritage; public domain; digitisation; copyright

The harmonisation of the regulations related to digitisation, preservation and ensuring public access to European cultural heritage is one of the priorities of the EU legislator. In its Digital Agenda[1] of 2010, the European Commission has stated that the Union shall aim to optimise the benefits of information

[1] European Commission (2010). *A Digital Agenda for Europe*, COM(2010)245.

technologies for economic growth, job creation and the quality of life of European citizens as part of the Europe 2020 strategy, and that one of the key areas targeted by the Digital Agenda is the *digitisation and preservation of Europe's cultural heritage*, which includes printed publications (books, magazines, newspapers), photographs, museum exhibits, and archives. Efforts in this direction started as early as 2006 with the Commission Recommendation of 28 August 2006[2] aimed at optimising the economic and cultural potential of Europe's cultural heritage with the help of the Internet. A major step in the efforts to digitise and preserve Europe's cultural heritage was the launch of the European digital library *Europeana* in November 2008, the publication on 10 January 2011 of the „New Renaissance" report by the *Comite´ des Sages* on making European cultural heritage accessible online[3], as well as the Commission's proposal of 24 May 2011 for an Orphan Works Directive, which also led to the adoption of Directive 2012/28/EU[4]. Later in 2011, the Commission issued a new Communication recommending the introduction of an updated set of measures for the digitisation for the purposes of digital preservation and the making of cultural heritage available online, as well as the promotion of the development of digitised materials by libraries, archives and museums to ensure that Europe maintains its world leadership in the sphere of culture and creative content and makes the best use of its wealth of cultural material. Last but not least, the Commission recommended that digitised material should be *re-used* for commercial and non-commercial purposes, such as developing educational and training content, creating documentaries, tourism applications, games, animations and design tools[5].

Subsequently, as part of the *European Data Strategy*, the European Commission committed to developing sectoral data spaces in strategic fields[6]. More recently, in November 2021, the Commission issued a new recommendation clarifying that *Europeana*, the European digital cultural platform, will be the basis for building the common European data space for cultural heritage. It will also build on the current Europeana Strategy 2020-2025[7]. According to the recommen-

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2 European Commission (2006). *Commission Recommendation of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation*, OJ L 236, 31.8.2006.

3 European Commission, Directorate-General for the Information Society and Media, Lévy, M., Niggemann, E., De Decker, J., (2011) *The new renaissance: report of the Comité des Sages on bringing Europe's cultural heritage online*, Publications Office. Available at: https://data.europa.eu/doi/10.2759/45571

4 Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works Text with EEA relevance, OJ L 299, 27.10.2012.

5 European Commission (2011). *Commission Recommendation of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation* (2011/711/EU).

6 European Commission (2020). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Data Strategy.* COM/2020/66 final. Brussels, 19.2.2020.

7 Europeana (2020). *Europeana Strategy 2020-2025.* Available at: https://pro.europeana.eu/files/Europeana_Professional/Publications/Europeana%20Strategy%202020%20-%202025.pdf

dation, this will allow museums, galleries, libraries and archives across Europe to share and re-use digitised images of cultural heritage, such as high-quality scans of paintings as well as 3D models of historic sites. The Commission recommends Member States to *accelerate the digitisation* of all cultural heritage monuments, objects and artefacts for future generations, to protect and preserve those at risk and to *stimulate their re-use in areas such as education, sustainable tourism and cultural creative sectors*. The Commission encourages Member States to digitise by 2030 all monuments and sites at risk of destruction and half of those heavily visited by tourists. Furthermore, within the Directorate-General for Communications Networks, Content and Technology (DG CNECT) an Expert Group on the common European Data Space for Cultural Heritage (CEDCHE)[8] has been set up.

The ambitions for mass digitisation of cultural heritage and its broad re-use, however, are bound to clash with the regulation of intellectual property rights and the strong interest of rightsholders prevailing at all levels of EU policymaking. Public institutions, public mission organizations such as cultural heritage institutions (CHI), as well as private re-users routinely deal with a variety of protected subject-matter when carrying out certain activities – copying in-copyright works, distributing copies, communicating them and making them available to the public, adapting and remixing them etc., which all constitute acts of exploitation of the works within the meaning of copyright law and are, by definition, entirely within the control of the rightsholder. In order to use copyrighted works and other protected subject matter, users, including institutional ones like memory institutions, must either have the express permission of the authors and other rightsholders, either individually or through collective licensing, or take advantage of the copyright exceptions and limitations available in the law.

Protection of the public domain

By design, all copyright regimes share a number of inherent limitations on the exclusive rights of the author and of other rightsholders (performers, producers, etc.) that are conceived to encourage the dissemination of works and ensure the preservation of a robust public domain. Such limitations are e.g. the fixed duration of copyright protection, the originality requirement, the so-called „idea-expression" dichotomy, and the first sale or exhaustion doctrine[9].

In this sense, copyright protection should not be permanent and absolute. In most cases in Europe, it extends to the lifetime of the author, plus seventy

[8] European Commission (2021). Commission Decision C(2021) 4647 of 29.6.2021 setting up the Commission Expert Group on the common European Data Space for Cultural Heritage and repealing Decision C(2017) 1444.

[9] According to Gibeau, the exhaustion doctrine is an independent criterion for determining the limits of the scope of copyright. See Guibault, L. (2002). *Copyright Limitations and Contracts. An Analysis of the Contractual Overridability of Limitations on Copyright.*, Kluwer Law International, The Hague.

years after their death. When protection ceases, the work enters, by default, *the public domain* so that anyone can freely reproduce, publicly distribute and communicate or adapt it. Thus, part of the public domain consists of works that were once copyrighted but the copyright protection over them has expired. However, it also includes works or elements of protected works that are not protected at all. The principle according to which copyright protection is only granted to original works also helps maintain the strength of the public domain. A related requirement is the principle according to which copyright protects only the form of expression and not the underlying ideas. Anyone may communicate or reproduce the ideas contained in protected materials, provided that the form of expression is not also reproduced.

What do these limitations mean in terms of mass digitisation and re-use of cultural heritage? Surely, notwithstanding the difficulties with the clearance of intellectual property rights over in-copyright works, at least the use of non-original material and works over which the protection has already expired should be unproblematic, right? Wrong!

In view of the above-mentioned elements of the limitations on the rightsholder's monopoly over the use of the work there is, first of all, a tendency for *the term* of copyright and related rights protection to be periodically extended. This trend is particularly strong and visible in the policies of the World Intellectual Property Organisation (WIPO), but curious cases on national level can be mentioned as well. An anecdotal example in this respect is the so-called *Micky Mouse curve*[10], in which commentators observe a modification of the term of copyright protection in the US every time the copyright over the image of the iconic Disney character is about to expire[11].

There is also no shortage of attempts to protect the subject of expired copyright by other means. In 2017, the European Free Trade Association (EFTA) Court finally rejected the application of the Municipality of Oslo to register the sculptures of several Norwegian artists, including the famous works of Gustav Vigeland, as three-dimensional trademarks after the copyright over the works in question had expired and they had become public domain[12]. The supranational court reasoned that the registration of a public domain work as a trademark was contrary to public morality[13].

The restrictions over the user's faculty to fully enjoy public domain works may also be the consequence of a conflation of the concepts of a perpetual

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[10] Di Fiore, R. (2020). Disney and his copyright: will his characters live „happily ever after"? *MediaLaws Journal*. Available at: www.medialaws.eu/disney-and-his-copyright-will-his-characters-live-happily-ever-after/.

[11] Schlackman, S. (2014). *How Mickey Mouse keeps changing Copyright Law*. Available at: https://alj.artrepreneur.com/mickey-mouse-keeps-changing-copyright-law/.

[12] Judgment of the EFTA (European Free Trade Association) Court of 6 April 2017 in Case E-5/16.

[13] Rosati, E. (2017). *Can a public domain artwork be registered as a trade mark or would that be contrary to public policy and morality?* The IPKat Blog. Available at: https://ipkitten.blogspot.com/2017/04/can-public-domain-artwork-be-registered.html.

moral right of integrity of the work and the *economic right to adaptation*. For example, the Bulgarian Ministry of Culture recently fined Byzantia Publishing House for publishing an adapted version of Ivan Vazov's novel „Under the Yoke"[14] without first seeking an express authorisation from the Ministry[15], even though the adaptation and/or remix of public domain works should be free to the public. Despite the fact that the Ministry's decision imposing an administrative sanction to the publisher was initially annulled by a panel of the Sofia District Court, the Sofia City Administrative Court subsequently confirmed it definitively. In a communication dated 18 March 2022, the Ministry issued an opinion that „[t]he decision strengthens the role of the Ministry of Culture as the guardian of the original texts of the classical works of Bulgarian literature *from infringement*, regardless of the *purposes of the adaptation*"[16], which, in my view, demonstrated a misunderstanding of the role of the right of integrity[17] as well as the nature and scope of the public domain.

In many cases, the integrity of the public domain has been compromised by legislative means on the national level. For example, in some countries there is the so-called *paid public domain*[18]. Under this mechanism the state, despite the expiry of intellectual property rights in certain works, continues to maintain a permissive regime for the use of the latter, obliging users to pay royalties for their use of out-of-copyright works.

The free use of public domain works can also be restricted by cultural heritage laws, especially popular in South-European countries. A special quasi-copyright regime for works of cultural heritage is also contained in the Bulgarian *Cultural Heritage Act* (CHA). Recent amendments of 2019 conditioned the reproduction in whole or in part, in image or otherwise, of newly discovered and/or newly excavated archaeological cultural property on the „compliance with the requirements of the Copyright and Neighbouring Rights Act" (CNRA)[19]. Unfortunately, neither the explanatory memorandum to the Amend-

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[14] Lilova, S. (2020). *Adaptation of out-of-copyright works*. Available at: https://gglaw.bg/prerabotka-na-proizvedeniya-s-iztekli-avtorski-prava/.

[15] According to art. 34 in connection to art. 15, para 1, p.5 of the Copyright and Neighbouring Rights Act, the Ministry of Culture safeguards the unwaivable and perpetual moral right of the author to the integrity of the work.

[16] See Ministry of Culture (2022). *Ministry of Culture wins lawsuit against Byzantium Publishing for the novel Under the Yoke*. Available at: http://mc.government.bg/newsn.php?n=8157&i=1.

[17] According to Art. 6-bis of the Berne Convention, the author shall be entitled „to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation". In this sense, the role of the right of integrity is to preserve historical authenticity and the author's reputation, not to introduce post-term control over any and all adaptations and remixes. See the Berne Convention for the Protection of Literary and Artistic Works, last amended on September 28, 1979. Available at: https://wipolex.wipo.int/en/text/283698.

[18] See Marzetti, M. (2018). *The law and economics of the 'Domaine Public Payant': a case study of the Argentinian system*.

[19] See Article 179 of the Cultural Heritage Act.

ment Law nor the minutes of the deliberations within the National Assembly's Committee on Culture provide any clarity on the rationale behind the deliberate introduction of this explicit reference to the CNRA and the legislator's arguments in support of it.

Article 14 of the Copyright Directive of 2019

Another aspect of the restriction of the public domain is the existence in certain Member States of the EU of specific rights over non-original works, such as so-called „other photographs"[20]. Specificities in the EU *acquis* concerning protection of photography allow in practice for countries to grant separate protection over photographs that do not meet the originality standard for photographic works[21]. This particular aspect of „hidden" restrictions over the usability of public domain works is a potential issue concerning the re-use of digitised content. By claiming rights over non-original photographs or other non-original items, some organisations have been able to claim intellectual property rights over the digitised copies of public domain works.

In the context of the expansion of intellectual property rights, recent years have witnessed an increasing number of voices raised in support of and initiatives dedicated to the protection of the public domain[22].

Directive (EU) 2019/790[23] addresses and offers some, albeit partial, solution to the problem of certain cases of expansion of intellectual property rights in works that are not *original*. Article 14 of the Directive effectively introduces a prohibition for Member States to grant protection over faithful reproductions of visual works in the public domain.

The background to the introduction of the provision in EU law is linked to the special protection that non-original photographs enjoy in some European countries and to a high-profile case starring the Wikimedia Foundation in Germany. The reason for Wikimedia's involvement in a copyright infringement lawsuit was that in 2016 a user of *Wikimedia Commons* uploaded to the reposi-

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[20] In a 2014 report, Thomas Margoni conducts a comparative study of protection, available in EU Member States over non-original visual material, that can create another layer of IP rights over digitised copies. See Margoni, T. (2014). The Digitisation of Cultural Heritage. Available at: https://ssrn.com/abstract=2573104.

[21] Ibid., p. 28. According to Margoni's report, Germany, Spain, Italy, Austria, Denmark, Finland, and Sweden, plus Iceland and Norway, have such additional rights in their national legislation.

[22] See, e.g., Communia Association for the Public Domain's 2010 *Public Domain Manifesto*. Available at: https://publicdomainmanifesto.org/manifesto/. See also Europeana's Public Domain Charter - Europeana (2010). *Public Domain Charter*. Available at: https://pro.europeana.eu/post/the-europeana-public-domain-charter. Both documents contain declarations to the effect that the public domain is the rule and copyright - the exception.

[23] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, OJ L-130/92 of 17 May 2019.

tory digital reproductions of several paintings, mostly from the 18th century, which were part of the collection of the *Reiss-Engelhorn-Museen* in Mannheim, Germany. Reiss-Engelhorn brought and won several lawsuits for infringement of the museum's rights in the reproductions as non-original photographs protected by a special twenty-year right[24]. The case, however, prompted Wikimedia to launch a campaign to abolish similar legal mechanisms that may exist at the national level and compromise the public domain as well as help some cultural heritage institutions monopolise access to art.

Thus, Article 14 obliges Member States to provide that, when the term of protection of a work of visual art has expired, any material resulting from an act of reproduction of that work cannot be not subject to copyright or related rights, unless the material resulting from that act of reproduction is original in the sense that it is the author's own intellectual creation.

The Bulgarian solution

As for the national transposition of Article 14, Bulgarian law does not currently contain provisions introducing an additional layer of protection by means of related rights over visual works with expired copyrights, that are in the public domain. Consequently, there are no intellectual property rights to be removed from the Bulgarian legislation in implementation of the directive. However, the rationale behind Article 14 is such that the national law should also block current quasi-copyright legislative solutions, the abovementioned regime under the Cultural Heritage Act being one, as well as protect the public domain from the emergence of similar restricting mechanisms in the future.

In this sense, the approach of the Ministry of Culture in the transposition proposal seems to miss the point of the legal intervention of the directive. The Bulgarian proposal for the amendment of the national Copyright and Neighbouring Rights Act, which implements Directives 2019/789 and 2019/790[25], published for public consultation in September 2021, contained a largely formal transposition without much practical value, while leaving the actual problem open.

Firstly, the current provision of Article 3, paragraph 2, p. 2 of the Copyright and Neighbouring Rights Act, that reads:

„Subject to copyright are also: 1. Translations and adaptations of existing works and works of folklore; 2. arrangement of musical works and works of folklore; 3. periodical publications, encyclopaedias, collections, anthologies,

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[24] Beck, B., von Werder, K. (2016). *Wikimedia Loses German Copyright Case Over Photographs of Public Domain Paintings*. Available at: https://www.allaboutipblog.com/2016/07/wikimedia-loses-copyright-case-over-photographs-of-public-domain-paintings/.

[25] Bulgarian Ministry of Culture (2021). *Draft proposal for the Amendment of the Copyright and Neighbouring Rights Act*. Available at: https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6348.

bibliographies, data bases and other similar items that include two or more works or materials."

is to be amended and supplemented by replacing the word „also" in the main text with the phrase „the following works" and by adding „including works of expired copyright" at the end of p. 1. In my view this addition is redundant and potentially confusing. Out-of-copyright works are still works and thus are included within the scope of the provision as per the current wording of „translations and adaptations of existing works and works of folklore".

Next, according to § 2 of the draft proposal, a point 5 is to be added to the existing Article 4 of the Copyright and Neighbouring Rights Act, which lists works that are *not subject to protection*. The addition should explicitly exclude from copyright protection materials obtained by reproduction of out-of-copyright works under Article 1, points 5 to 9 of the law. The list of visual works in the text of paragraph 5 excludes cadastral maps and state topographic maps, although they are visual works by their very nature. The absence of public domain audio-visual works in the list is also controversial.

More importantly, however, under Article 14 of Directive (EU) 2019/790 public domain protection is introduced in respect to both copyright and related rights.

For a work to be protected by copyright, it has to fulfil a certain *originality standard*. In both theory and practice, there is traditionally no doubt[26] that the potential materials, subject of copyright, are neither exhaustively enumerated nor limited in terms of spheres of human activity. Moreover, in the context of the *knowledge-based* society, new and novel forms of unconventional works are emerging, such as graffiti, DJ sets, culinary presentations, magic tricks, the „bible" or TV shows, etc.[27] The criterion, contained both in international instruments and in the Bulgarian Copyright and Neigbouring Rights Act, attributing copyright to *works of literature, art and science*[28], is to be considered an indicative, rather than a determinative criterion as to whether a work may be subject to copyright or not. It suffuses for a work to be fixed in a tangible medium of expression and to be original. According to the EU *acquis*, a work is original if it is the author's own intellectual creation[29]. Accordingly, an

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[26] See Aplin, T. (2009). Subject Matter. *Research Handbook on The Future of EU Copyright.* Edward Elgar Publishing. See also Samuelson, P. (2016). Evolving Conceptions of Copyright Subject Matter, 78 U. Pitt. L. Rev. 17.

[27] Bonadio, E., & Lucchi, N. (2019). How Far Can Copyright Be Stretched? Framing the Debate on Whether New and Different Forms of Creativity Can Be Protected. *Intellectual Property Quarterly (2019).*

[28] For an analysis of this criterion see e.g. Kamenova, Tsv. (2004). *International and National Copyright.* BAS, p. 69, and Draganov, J. (2016). *Objects of intellectual property.* Sibi, p. 86.

[29] See e.g. Judgment of the Court of Justice of the European Union in Case C-5/08, Infopaq International A/S v Danske Dagblades Forening [2009] ECLI:EU:C:2009:465, and Judgment of the Court of Justice of the European Union in Case C-145/10, Eva-Maria Painer v Standard VerlagsGmbH and Others [2011] ECLI:EU:C:2011:798.

intellectual creation is the author's own if it reflects the personality of the author[30] and if the author has succeeded in expressing his creative ability in an original manner by making free and creative choices[31]. In this respect the futility of introducing express legal rules in the sense that non-original visual materials or faithful reproductions are not subject to copyright is quite self-explanatory, since these materials, by their nature, do not meet the originality threshold.

Despite the requirements analysed above, modern copyright protection is increasingly moving away from the core concept of creative work protection. The instruments of intellectual property are increasingly concerned with regulating social relations peripheral to their sphere, with the purpose of economically stimulating certain ancillary roles in the production chain of the creative industries, such as producers and publishers. Neighbouring or related rights are the tools used to grant copyright-like protection to non-creative subject-matter. An example in this respect is the EU regulation of databases, which introduces a coexisting (i) copyright for the author of the database and (ii) a *sui generis*, in its essence – a neighbouring – right in favour of investors in the database production process (databases makers)[32]. A fresh example in this regard is the introduction of a new right for press publishers[33] for the sole purpose of receiving licensing revenue from online search engines and news aggregators[34].

It is important to note that the implementation of Article 14 of the Directive within the current Bulgarian proposal covers copyright exclusively, without tackling the repeal of quasi-copyright regimes or related rights that may encroach on the public domain. In terms of the legislative technique used by the Bulgarian government when extending copyright rules to related rights, the correct implementation of Article 14 of the Directive would necessitate the introduction of references to Article 4 in the respective referencing provisions for the related rights concerned. There are no such references in the current law, nor are they foreseen by the proposal.

In addition, if Bulgarian law provides for a related right that risks extending to works in the public domain, this would be the new neighbouring right on press publications. The reference to Article 4, however, is omitted in the draft provision of the new Article 90h to be introduced by the transposition proposal. As such, adding to Article 90h a reference to Article 4 of the CNRA in its entirety is a mandatory minimum to ensure a consistent implementation of

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[30] See Article 6 and Recital 16 of Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights (OJ 2006 L 372).

[31] Judgment of the Court of Justice of the European Union in Case C-604/10, Football Dataco Ltd et al. vs. Yahoo UK Ltd [2012] ECLI:EU:C:2012:115.

[32] Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996).

[33] See Article 15 of Directive (EU) 2019/790.

[34] See Lazarova, A. (2021). Re-use the news: between the EU press publishers' right's addressees and the informatory exceptions' beneficiaries. *Journal of Intellectual Property Law & Practice,* 16(3) 236.

Article 14 of the Directive. Such approach would also address concerns that the new press publishers' right may lead to monopolisation of journalistic information that does not contain creative elements.

A much more appropriate and systematic approach to transposing the provision of Article 14 of the Directive into Bulgarian law would, in my view, be the introduction of a general provision in the form of paragraph 2 of Article 34 of the Copyright and Neighbouring Rights Act, which would explicitly specify that no related rights may arise in faithful copies and reproductions of works which are in the public domain, unless the copies or reproductions themselves are original as a result of the creative input of their author.

Conclusion

With the rise of the digital information society, copyright plays an increasingly central role and has a major impact on our access to knowledge and culture, education, research and innovation. At the heart of the concept of the existence of cultural heritage institutions is their mission to preserve cultural heritage and provide citizens with access to it. The current strategic objectives of the European Union also include the extensive re-use of cultural heritage by a wide array of actors, including commercial ones. In this sense, tensions inevitably arise between the activities of re-users, including institutional ones, such as libraries, archives, galleries and museums, on the one hand, and the interests of rightsholders in the creative industries, on the other, as well as a certain tension around the public mission of cultural heritage institutions to preserve and disseminate works. This tension has also an overreaching effect on the use of public domain works, which, albeit free of copyright, can be subject to quasi-copyright regimes or a variety of neighbouring rights able to hinder the free use, including mass digitization and re-use in digitised form, of such works.

In view of the foregoing, the solution proposed by Article 14 of Directive (EU) 2019/790 is a drop in the ocean as far as addressing all the issues relating to the effective use of public domain works is concerned. The provision does not offer a systematic approach concerning the protection of the public domain. On the contrary, it should be borne in mind that, in parallel with the regime of Article 14, the Directive creates new potential problems with regard to the use of works and other subject-matter that are not creative or subject to copyright proper. For example, Article 15 introduces a new related right over press publications, which threatens to extend over news – a content traditionally expressly excluded from copyright protection. Article 17 contains another mechanism that creates a real risk of limiting free use of public domain material by platform users.

All these potential complications must be taken into account by the national legislator in order to ensure the effective access to cultural heritage. In particular, the Bulgarian government should adopt a more holistic approach

to the protection of public domain, so that the national implementation of Article 14 would not only formally forbid copyright protection over out-of-copyright works but reflect the spirit of the EU provision by safeguarding the unrestricted access to and enjoyment of our cultural heritage.

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