Update on EU policy actions

1.1 3rd Implementation report on the Film Heritage Recommendation¹

The Recommendation on Film Heritage and the competitiveness of related industrial activities² was adopted by the European Parliament and the Council in 2005 and calls for Europe's film heritage to be methodically collected, catalogued, preserved and restored so that it can be passed on to future generations. EU Member States are asked to inform the European Commission every two years of what they have done in this connection.

In its bi-annual reports, the European assesses the extent to which the measures taken by Member States are working effectively, and considers the need for further action. The first report was adopted in August 2008, the second report in 2010. This presentation will highlight the findings of the third report.

MARI SOL PÉREZ GUEVARA Converging Media & Content Unit - DG CONNECT European Commission

1.2 European Film in the Digital Era

The switchover to digital, IPTV and the internet connected TV enable consumers to access more and more non linear services as well as the developments in consumer equipment have enabled people to access and create content anywhere anytime using mobile devices (tablets, laptops, smartphones). In the complex and increasingly competitive landscape, an appropriate policy of support and promotion of European works becomes crucial.

In 2010, the Commission adopted a *Communication on opportunities and challenges for European cinema in the digital era*³ to ensure that the process of digitisation of cinemas covers all types of cinemas, especially art house cinemas, throughout Europe and is favourable to the circulation and overall audience of European films. This was follow-up by a European Parliament *Report on European cinema in the digital era*⁴ of October 2012.

The European Commission is planning a proposal on digital film before the end of this year.

This presentation will give an overlook of the challenges of the digital era for the film sector and how the European Commission is acting to support the sector.

EMMANUEL JOLY

MEDIA Programme and Media Literacy Unit - DG Education and Culture European Commission

¹ http://ec.europa.eu/avpolicy/reg/cinema/report 3/index en.htm

² http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:323:0057:0061:EN:PDF

³ http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0487:FIN:EN:PDF

⁴ http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0366&language=EN

1.3 Digitisation and on-line availability of cultural material and digital preservation: Commission Recommendation⁵ and Council Conclusions⁶

In October 2011, the European Commission adopted a *Recommendation on the digitisation* and online accessibility of cultural material and digital preservation, which asks the Member States to step up their efforts, pool their resources and involve private actors in digitising cultural material and making it available through Europeana. It addresses the further development of Europeana and issues related to the organisation and funding of digitisation, the online accessibility of public domain and in-copyright material as well as digital preservation in the Member States.

In May 2012, the Council adopted its *Conclusions* as Member States' follow-up to the above-mentioned Recommendation from 2011. The document invites Member States – inter alia – to consolidate their strategies and targets for the digitisation of cultural material and calls also the European Commission for instance to continue to support Europeana as a common multilingual access point to Europe's digital cultural heritage.

The Recommendation applies to Europe's cultural memory regardless of the format in which it is imbedded, including film heritage.

Both documents will be presented, with special emphasis on those aspects more relevant for Film Heritage Institutions.

GUDRUN STOCK Creativity Unit - DG CONNECT European Commission

1.4 ICT PSP 2013 Work Programme and future programmes (Horizon 2020 and Connecting Europe Facility) – Areas of interest for Film Heritage Institutions⁷

The ICT Policy Support Programme is one of the three specific programmes of the Competitiveness and Innovation framework Programme⁸ (CIP) and runs for the years 2007-2013. The ICT PSP aims at stimulating innovation and competitiveness through the wider uptake and best use of ICT by citizens, governments and businesses. The presentation covers the next Work Programme which defines the priorities for calls for proposals, calls for tender and other supporting actions to be launched in 2013.

Some highlights of Horizon 2020 and the Connecting Europe Facility will be also presented.

GUDRUN STOCK Creativity Unit - DG CONNECT European Commission

⁵ http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:283:0039:0045:EN:PDF

⁶ http://register.consilium.europa.eu/pdf/en/12/st08/st08832.en12.pdf

http://ec.europa.eu/information society/activities/ict psp/index en.htm

⁸ http://ec.europa.eu/cip/

Open data strategy and Public Sector Information Directive⁹ – Impact on archives and 1.5 museums

The Directive on the re-use of public sector information 10 provides a common legislative framework to a previously unregulated European public sector information market building on information held by public authorities. The aim of the Directive is to facilitate the creation of Community-wide services based on or integrating public sector information as well as to enhance an effective cross-border re-use of information for added value products and services.

In December 2011, the European Commission presented a proposal to revise¹¹ the Directive which proposes to extend the scope of application of the Directive to cultural institutions (libraries, museums and archives).

Also in December 2011, the European Commission adopted a Communication on Open Data¹² which proposes to create a portal site for Commission-held information in a first phase in 2012 aiming at an expansion to other EU institutions, bodies and agencies at a later stage as well as to work with the Member States on data formats and interoperability between existing sites.

SZYMON LEWANDOWSKI Data Value Chain Unit - DG CONNECT **European Commission**

http://ec.europa.eu/information_society/policy/psi/index_en.htm http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:345:0090:0096:EN:PDF

¹¹ http://ec.europa.eu/information_society/policy/psi/docs/pdfs/directive_proposal/2012/proposal_directive.pdf

Film heritage and film literacy

2.1 On-going study on Film Literacy

The European Commission has funded a consortium of agencies from across Europe, led by British Film Institute and the London University Institute of Education, in the UK, to compile a picture of film education in every nation in the EU and EEA. Film literacy is defined as "the level of understanding of a film, the ability to be conscious and curious in the choice of films; the competence to critically watch a film and to analyse its content, cinematography and technical aspects; and the ability to manipulate its language and technical resources in creative moving image production. The final report is expected to be received in December 2012.

One of the aspects of this study is the involvement of FHI in film literacy.

The presentation will cover an introduction to this on-going study, as well as a view on the BFI's activities in film education.

MARK REID British Film Institute

2.2 School Film Archive project¹³ – Poland

Poland is very active in the use of new technologies for providing school access to film heritage through its project "School Film Archive".

TADEUS KOWALSKI Director Polish National Film Archive

2.3 Film i skolan¹⁴ – Sweden

The Swedish Film Institute financially supports film educational work in schools and communities across the country.

PER ERIKSSON Swedish Film Institute

¹³ http://www.edukacjafilmowa.pl

¹⁴ http://www.sfi.se/sv/filmiskolan/Om-Film-i-skolan

Best practices in the digital era

3.1 EFG 1914¹⁵

The 1910s in Europe witnessed the First World War, with the most far-reaching consequences imaginable. This most violent war, a European catastrophe, disrupted the continent and cost millions of victims. For the first time war and its atrocities was extensively captured and reflected by a young medium: film. EFG1914 sets out to digitise more than 640 hours of moving image content of both fiction and non-fiction film mainly from the 1910s and from later periods, depicting different aspects, the impact and aftermaths of WWI. The material will be used in Europeana and EFG – The European Film Gateway. The films come from the rich collections of major European film archives. The project is supported by the Association des Cinémathèques Européennes, a founder member of the Europeana Foundation, and by the Foundation itself. The consortium's 25 members include 20 film archives from 15 countries. The project started in February 2012 and runs for two years.

EFG1914 is the follow-up project of EFG – The European Film Gateway (2008-2011). The main outcome of the EFG project is the online portal The European Film Gateway ¹⁶, which gives access to several hundreds of thousands photos, films, texts and other material preserved in European film archives.

GEORG ECKES
German Film Institute

3.2 Lithuanian Documentary Cinema on the Internet¹⁷ (e-Cinema)

In May, 2010 the Lithuanian Central State Archive started implementing a 30-months project called "Lithuanian documentaries on the Internet (e-Cinema)". For its mission, the Archive has received support of about €2.7 million from the EU Structural Funds. The objective of the project is the preservation of Lithuanian documentary heritage by digitisation as well as its accessibility for everyone via the Internet. It is expected that the project will digitize and transfer to the Internet 1000 titles of Lithuanian documentaries, created in the period between 1919 and 1961.

The main and the most visible result of the project Lithuanian Documentary Cinema on the Internet (e-Cinema) is a moving image search portal www.e-kinas.lt. A new information system of Lithuanian documentary films was developed with regard to the newest European standards and a new electronic public service 'E-cinema' simultaneously is provided. Both national and foreign Internet users may review digitised Lithuanian documentary films online as well as to order digital copies of movies. Film descriptions are provided both in national and English languages. After the project implementation the virtual archive of Lithuanian documentaries will constantly grow increasing the space of the digital content.

¹⁵ http://project.efg1914.eu/

http://www.europeanfilmgateway.eu/

http://www.ace-film.eu/?p=560

The portal will be linked to the national aggregator's portal <u>www.epaveldas.lt</u> and its digital objects will be accessible through EUROPEANA as well.

VALERJA JUSEVICIUTE Lithuanian Central State Archive

3.3 Using social media to promote film heritage: Irish promotional video¹⁸

In November 2011, the Irish Film Institute (IFI) has launched the IFI Irish Film Archive Preservation Fund, with the unveiling of a promotional video starring Ireland's young star Saoirse Ronan. The promotional video sees the young actress transported into iconic Irish film and archive scenes, from appearances in 'Once' and 'My Left Foot' to real-life footage of the arrival of JFK at Dublin Airport. Saoirse appeals for public support saying "The written word can be powerful and beautiful but films can transport us to another place in a way that even the most evocative words never can. (...) If we lose our films we lose that other place forever. The IFI Irish Film Archive urgently needs your support to save and preserve our film heritage."

All of the people involved in the project gave their time for free, the rights holders allowed to use their material for free and the production costs and administration came to a total of 5,000 euros. The film was screened on 105 screens in Ireland for a 2-month period Via Carlton cinema advertising (who did not charge for this). In addition, 10,000 people have watched on You Tube.

The fundraising campaign has proven to be extremely effective in raising greater awareness and interest in the work of the Archive amongst the film industry and audience. The result was that the IFI secured the 530,000 euros they needed via the campaign and through public donations and sales of IFI products.

KASANDRA O'CONNELL Head of IFI Irish Film Archive

3.4 Images for the Future¹⁹ – What lessons to learn?

"Images for the Future" (2007-2014) is a large-scale restoration and digitisation project funded by the Dutch Ministry of Education, Culture and Science.. The goal of the project is to digitise, preserve, contextualise and make available large parts of the audiovisual collections of the EYE film Institute, the Dutch Institute for Sound and Vision and the National Archive of the Netherlands.. The past 100 years of image history are stored in the archives at EYE, Beeld en Geluid and the National Archive. The Images for the Future project aims to have 22,510 hours of film, 137,000 hours of video, 123,900 hours of audio material and 2.9 million photographs restored, conserved, digitised and accessible via applications and thematic,

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¹⁸ http://www.youtube.com/watch?v=EarCLUQJbTQ

¹⁹ http://imagesforthefuture.com/en/

interactive websites. Educational institutions, libraries and museums will be able to draw upon this enormous digital repository to serve their students, patrons and visitors.

The presentation will highlight a number of key lessons learned in the process of the 'Images for the Future' project. In 2012 the project partners have undertaken a first evaluation of the effects of the project and we will present a summary of this evaluation here. The presentation will focus on the reach of the digitised material and identify issues that need to be addressed in order to unlock the potential of full availability of audio visual collections online.

PAUL KELLER Knowledgeland

3.5 BFI Collection Policy²⁰: how it has been updated to the digital era?

In 2009 the British Film Institute (BFI) started a review of its Collection Policy. This was partly routine: the previous policy was ratified in 2004. But it was also a response to various external drivers, especially the proliferation of moving image production, the convergence of distribution channels, and the urgent need to ensure that our documentation and conservation practice were fit for the digital age. Conducted through a rigorous process of consultation, the review posed some important questions: in the digital age, do archives still have a role? Should we collect everything? How can we preserve digital moving images, when the technology is evolving so fast? How can we make our collections and information available to the widest audience, and actively engage them with their moving image heritage? BFI hopes that their new Collection Policy helps provide some answers - at least for now!

This new collection policy, published in November 2011, defines film as: "a moving image work crafted to express an idea or tell a story – fictional, factual or artistic – regardless of production process, recording medium or distribution channel". This document also states that "preservation and access have equal priority as objectives".

For the BFI, one of the priorities is to ensure institutional interoperability so that information can be shared with other organisations, supporting the widest possible access through a network of collections. For that reason, their newly created "Collections Information Database" complies with the European standards.

CHARLES FAIRALL
GABRIELE POPP
British Film Institute

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 $^{^{20}\} http://www.bfi.org.uk/sites/bfi.org.uk/files/downloads/bfi-collection-policy-2011-11-16.pdf$

Copyright and film heritage institutions

4.1 Orphan works Directive

Orphan works are works that are still protected by copyright but the copyright holders cannot be located to obtain copyright permissions.

According to the results of an ACE survey conducted in 2010, 21% of the film deposited in the ACE member archives is considered to be orphan works. The figures are confirmed by the results of the rights clearing process carried out by the EYE Film Institute in The Netherlands in the framework of the Images for the Future Project. Those orphan works cannot be restored, digitised or used for educational or cultural purposes.

The European Commission made a proposal for a European Parliament and Council Directive on certain permitted uses of orphan works in May 2011. Cinematographic works contained in the collection of FHI are covered by the proposed Directive. Firstly, the proposed Directive contains rules on how to identify orphan works. It provides that the user has to conduct a diligent search to find the copyright holder. Secondly, it establishes that if the diligent search does not yield the identity or location of the copyright holder, the work shall be recognized as an orphan work. This status shall then, by virtue of mutual recognition, be valid across the European Union. Thirdly, it establishes the uses that can be made of the orphan works and the conditions for such uses depending on their nature. Thus, this Directive will make a major contribution to the development of various European digital library initiatives and their accessibility for everyone throughout the European Union.

On 13 September, the European Parliament Plenary approved its amendments²¹ to the Commission's proposal. The Council is expected to accept all these amendments in one of its coming meetings, which would lead to the adoption of the Directive.

MARCO GIORELLO Copyright Unit – DG Internal Market and Services European Commission

4.2 Follow-up of the Audiovisual Green Paper²² – issues for Film Heritage Institutions

In July 2011, the European Commission issued a Green Paper on "the online distribution of audiovisual works in the European Union". Chapter 5.1 of the Green Paper is devoted to FHI, under the heading "Special uses and beneficiaries". It is explained that these institutions are

http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2012-0055&language=EN&mode=XML#title1

²¹ http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+20120913+SIT+DOC+WORD+V0//EN&language=EN

http://ec.europa.eu/internal market/consultations/docs/2011/audiovisual/green paper COM2011 427 en.pdf

concerned that the current EU copyright legal framework does not provide them with sufficient legal certainty to carry out their public missions of preservation and providing cultural and educational access.

The Green Paper inquired if exceptions of Article 5(2)(c) and of Article 5(3)(n) of Directive 2001/29/EC need to be adapted in order to provide legal security to the daily practice of FHI. It also asked what other measures could be considered.

A follow-up to the consultation is planned by the end of 2012.

HELEN DOLBY

Copyright Unit - DG Internal Market and Services European Commission