

Action taken in the Federal Republic of Germany
to improve conditions of conservation, restoration and exploitation of film
heritage and remove obstacles to the development and full competitiveness of
the European film industry

Reference:

European Commission questionnaire of 4 October 2007 on the implementation of the Recommendation of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities ("Recommendation")

1. Systematic conservation and restoration measures

Film conservation in Germany is carried out by systematic conservation and restoration work at various qualified entities of the Federal Government and of the *Länder*, as well as centrally in the Federal Archives (*Bundesarchiv*), conservation having been among its duties under archives law since 1988.

No new action in response to the Recommendation has been necessary.

2. Measures adopted to ensure that cinematographic works forming part of the audiovisual heritage are systematically collected, catalogued, preserved, restored and made accessible for non-commercial uses

Under the Federal Archives Act (*Bundesarchivgesetz*, BArchG) films "are to be permanently preserved, made available for use and scholarly exploited by the Federal Archives". The public has a statutory entitlement to use them subject to compliance with more specific legislation such as copyright law. Making films available for use includes collecting and cataloguing them. At present more than 160 000 cinematographic works and relevant documents of all sizes are catalogued in the Federal Archives alone; another 400 are added every year. These include films promoted with public money in Germany (by Federal funding institutions or those of the *Länder*), which have to be deposited with the Federal Archives, or, in the case of works funded by the *Länder*, with another qualified archive.

The Federal Archives are required to collect all German-produced or co-produced films with the exception of publicly funded films, which are deposited with other archive bodies. The German Federal Film Board (*Filmförderungsanstalt*, FFA), an institution incorporated under public law, offers an overview of German films made with public funding.

In order to ensure that films are deposited, Germany's film funding bodies themselves have undertaken to see to it, through their guidelines and funding criteria, that the beneficiaries of production and/or distribution funding deposit a technically perfect copy with an archive qualified for the purpose. The voluntary deposit of films, especially with the Federal Archives, is also possible.

No new action in response to the Recommendation has been necessary.

Germany's audiovisual heritage includes in principle all cinematographic works produced or co-produced in Germany which are intended for showing in a film theatre and actually have been shown in public. This includes all films which have received funding from Federal or *Land* film funding institutions for their production and/or distribution.

3. Appropriate bodies designated to carry out the tasks described in point 2

Since their foundation in 1955, the Federal Archives (*Bundesarchiv*) have been the archiving body for films which have received public funding from the Federal Republic of Germany. The Federal Archives have a staff of 800 trained archivists, some 80 of whom are working in the Film Archives Department. An estimated 10% of the Federal Archives' total budget of €21 million goes into the archiving of film. About another €750 000 is spent annually on routine film restoration work by film technical firms. Also, a world-leading service centre for film storage and processing was opened in 2005 at a construction cost of €11 million, where difficult preservation and restoration work is carried out by about 40 specialists. Some 400 cinematographic works a year are restored there for the first time or can be upgraded for public access.

The *Länder* too have designated archive bodies for this task, including the Stiftung Deutsche Kinemathek (German Cinematheque Foundation, SDK) in Berlin and the Deutsches Filminstitut (German Film Institute, DIF) in Frankfurt am Main. Since 1978 the latter have been contractually bound to the Federal Archives as founder members of the Kinematheksverbund (Cinematheque

Association), an association of German film institutions such as film museums and cinematheques which has other members as well, such as CineGraph (the Hamburg Centre for Film Research), Düsseldorf Film Museum, Munich Film Museum, Potsdam Film Museum, the Documentary Film Centre, Stuttgart, the Friedrich Wilhelm Murnau Foundation, Wiesbaden, and the DEFA Stiftung film foundation, Berlin).

No new action in response to the Recommendation has been necessary.

4. Availability of deposited cinematographic works to the public

General access to films for the public is regulated by the Federal Archives Act (*Bundesarchivgesetz*, BArchG) and private law archive deposit contracts with the film industry. All the legislation provides for a licence for the Federal Archives to make copies for preservation purposes as well as the possibility of licence-free viewing of these copies on the Federal Archives' premises. Lending for showing or copying in whole or in part by third parties requires the consent of the rights holder. Other professional institutions, such as the SDK and the DIF, also distribute historic motion pictures non-commercially on this basis.

5. Bodies for promoting film heritage

In Germany there are numerous bodies whose task or part of it is to promote film heritage. These include in particular the members of the Kinematheksverbund, which operates as a national cinematheque in Germany. As a rule the members of the Kinematheksverbund, like its projects, are financed or co-financed by the Federal Government and the *Länder*.

Since 2005 there have been filmportal.de, the partly publicly-financed central non-commercial Internet portal for the German film (www.filmportal.de), and Vision Kino gGmbH, whose task it is to teach mainly school students and young people film and media skills while making use of film heritage.

6. Digital and new technologies for the cataloguing, preservation and restoration of cinematographic works

Since 1991 the Federal Archives have been using IT for their collection and cataloguing of all films. The data application is continuously updated to meet modern technical and content requirements. Since 2004 increased attention has been given to digital intermediate stages in the preservation and restoration of films. It is scarcely possible to make any provision for digital long-term archiving due to the currently still limited life cycle.

Germany's answers to the specific questions are as follows:

1. Collection

For the mandatory deposit of productions belonging to Germany's audiovisual heritage it is proposed to make it compulsory to leave a technically perfect copy of cinematographic works in a qualified archive. At present the deposit of German cinema films that have received funding for their production or distribution is made mandatory in the relevant guidelines and funding criteria of the Federal and *Land* film funding bodies, which have committed themselves to this in declarations of intent.

The deadlines for submission are laid down in the film funding guidelines and the funding criteria of the Federal authorities and the *Länder*.

2. Cataloguing and creation of databases

The Federal Archives operate according to demand-led FIAF database access guidelines.

They are taking part in the development of the European CEN standard for cinematographic works under the aegis of the DIF, with the aim of improving interoperability between the European film databases, and in the MEDIA-funded European archive portal MIDAS, in which the SDK and the DEFA foundation are also participating on the German side.

The central database for the German film (film works since 1895), built up by the DIF in collaboration with CineGraph, offers the public filmographic data and additional accompanying material free of charge on the Internet. The portal cooperates with numerous institutions both in and outside Germany (e.g. the Association des Cinémathèques Européennes (ACE)).

The members of the Kinematheksverbund have their own archive databases for administrating and giving access to their stocks.

3. Preservation

Conservation work is carried out on cinematographic works deposited in the Federal Archives to preserve them. In particular, film on cellulose nitrate or cellulose triacetate is photochemically converted if required on to polyester film as the new carrier suitable for archiving. Cinematographic equipment is preserved in the Federal Archives in so far as it is necessary for restoring and showing the films. The SDK's equipment collection also documents developments of film history.

4. Restoration

The right and obligation to permanently preserve available film material and keep it accessible – if necessary by conversion on to new carriers – is entrusted to the Federal Archives under the Federal Archives Act (*Bundesarchivgesetz, BArchG*). Specific agreements are concluded in private law archive deposit contracts. Rights holders as well as the general public have a right of access to restored film material which allows them to exploit it further. With some rights holders films are restored in group financing schemes.

Restoration projects are carried out by the Federal Archives, the SDK, the DIF and other bodies, some of them together with Kinematheksverbund members.

5. Access to cinematographic works for non-commercial uses

According to the Federal Archives Act everyone has the right of access to films in the Federal Archives and other qualified entities. Films, material accompanying films and, if necessary, specialist libraries may be used for private, official, scientific and publishing purposes. Non-commercial distribution of the films preserved in the Federal Archives is chiefly through the SDK and the DIF, which, like other qualified entities, also distribute films from their own stocks in so far as they have the consent of the respective rights holders. In numerous qualified entities, such as film museums and cinematheques, some of which have their own cinemas, access may be had to cinematographic works either

there or at individual viewing stations. The entrances to institutions where films are made available are generally designed to be accessible to disabled persons.

6. Professional training and media literacy

In Germany, numerous qualified entities of the Federal Government offer programmes for using film heritage as a means to reinforce the European dimension in education, to promote cultural diversity and develop film and media skills. The most appropriate and the most used means for this are exhibitions, retrospectives, festivals, film conferences and colloquia, film studies, and printed and DVD publications.

In supraregional school education, Vision Kino among others is promoting film and media skills, in cooperation with, for example, distributors, film theatres, producers and cinematheques.

Also, for in-school and out-of-school learning, the key institutions in the Federal Republic of Germany are the non-commercial *Land* and municipal film archives and *Land* media centres, which make their stocks available to the public in a targeted manner.

7. Deposit

For film videos as published media works and for music films generally, deposit with the Deutsche Nationalbibliothek (German National Library) is mandatory.

Documentation accompanying films may be deposited voluntarily with the Federal Archives; in addition, published media works are subject to mandatory deposit with the German National Library. All moving picture stock and older cinematographic works may be deposited voluntarily with the Federal Archives, but also with other qualified archives in so far as they are German productions or German co-productions. Foreign cinema films, including those which have been shown in German cinemas, are not deposited with the Federal Archives but may be deposited with other bodies such as the SDK.

8. Cooperation between designated bodies

The qualified bodies for film archiving in the Federal Republic of Germany work together in the Kinematheksverbund to exchange information, coordinate their activities and carry out joint projects. The Federal Archives, the SDK and the DIF are also members of the Association des Cinémathèques Européennes (ACE), whose tasks include publishing recommendations for collection methods and for database interoperability and standardising electronic data interchange.

The qualified entities in Germany are participating in numerous research and training projects such as the publishing of DVDs on film history and culture.