

## Annex

**Questionnaire on the implementation of the Recommendation<sup>1</sup> of the European Parliament and the Council of 16 November 2005 on ‘Film heritage and the competitiveness of related industrial industries’ (hereafter referred to as ‘The Recommendation’)**

### **Relevant comments:**

1. The questionnaire refers to all public film heritage institutions in the Member States, including those of local or regional character.
2. After each question, it is indicated in brackets its correspondence with the information already reported in the first implementation report. The aim is to facilitate your reporting, in case that the situation has not changed.

### **List of questions:**

#### **1. LEGISLATIVE AND ADMINISTRATIVE MEASURES PROMOTING THE OBJECTIVES OF THE FILM HERITAGE RECOMMENDATION (TABLE 8)**

What legislative, administrative or other appropriate measures have you adopted to ensure that cinematographic works forming part of your audiovisual heritage are systematically collected, catalogued, preserved, restored and made accessible for educational, cultural, research or other non-commercial uses of a similar nature, in all cases in compliance with copyright and related rights?

#### **For BNT [\*Bulgarian National Television]:**

- National Archive Fund Act, according to which the BNT archive forms part of the National Archive Fund, but maintains its own corporate hierarchy;
- Rules governing the structure and activities of the Television Archive Unit, regulating the unit’s activities within BNT.

#### **2. DEFINITION OF CINEMATOGRAPHIC WORKS FORMING PART OF THE NATIONAL FILM HERITAGE (TABLE 8)**

How do you define the notion of cinematographic works forming part of your audiovisual heritage?

Under the Film Industry Act, ‘a ‘film’ is a series of associated images fixed by whatever means onto a material medium, of whatever length, with or without sound, perceived as a moving picture, in feature-type, animated and documentary cinematographic work formats intended for distribution and projection.’

According to the Methodological Code of the General Department of Archives (GUA) of 1982, cinematic documents (cinematographic films) are visual documents whose content is transferred by photographic means onto a filmstrip reflecting in dynamic development one or more events, facts or phenomena. Other sources define film as a transparent strip of

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<sup>1</sup> OJ L 323, 9.12.2005.

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l\\_323/l\\_32320051209en00570061.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_323/l_32320051209en00570061.pdf).

photographic material preserving a sequence of original images, which, when projected one after the other, give the illusion of a moving image.

### 3. FILM HERITAGE INSTITUTIONS (TABLE 1)

What appropriate bodies have you designated to carry out the public interest tasks described in point 2 with independence and professionalism, ensuring that they are provided with the best available financial and technical resources? What is their budget for 2009? What is their workforce for 2009 (staff directly related to film heritage)?

Please list of all the Film Heritage Institutions, including also those of regional or local character, as well as their websites.

For the **BNF** – Bulgarian National Film Archive, [www.bnf.bg](http://www.bnf.bg), staff 30 persons;

For **BNT** – such activities are carried out by the Television Archive Unit, with a staff of 53. The unit does not have an autonomous budget, it relies on the overall subsidy allocated to BNT. Email: [tvfound@bnt.bg](mailto:tvfound@bnt.bg).

### 4. RECOVERY

#### 4.1. Deposit of cinematographic works forming part of national audiovisual heritage (Table 2)

1) What steps have been taken to systematically collect cinematographic works forming part of your audiovisual heritage?

For **BNF** – Tracing producers and sending written invitations to deposit – which does not meet with particular understanding. For the time being, legal action has not been taken on account of the lack of funds to do so.

For **BNT** - The activities of the Television Archive are regulated by the Rules governing the structure and activities of the Television Archive Unit and the BNT's internal rules of procedure. According to these, the unit has the right to archive all televisual material produced, including that of external production companies and studios, subject to the conclusion of agreements with them and television programming requirements.

2) Would you describe the type of deposit in your Member State as

- i. Legal Deposit  
– in the **BNF**
- ii. Compulsory Deposit of all funded films  
– for **BNT** and **NFTs**
- iii. Voluntary Deposit
- iv. Other (please specify)  
– for **BNT** this is material of an external producer which is kept under a signed contract conferring the right of storage for such material. Material from external producers is stored for potential repeated use, in which case producers' rights are paid.

3) What material has to be deposited?

For the **BNF** – all types of film produced in Bulgaria;

For **BNT**: In the case of internal productions – the original; for material produced under STF-Ekran – the original, a copy and documentation (contract, scenario, cutting notes, photos, etc.); for external categories – the original.

4) What is the deadline for deposit? Do you ensure that deposit takes place when the film is made available to the public and in any case not more than two years later?

For the **BNF** – according to the Act on the mandatory deposit of copies of printed and other works, mandatory copies of films are to be filed within a two-month period following completion, as per Article 63(4) of the Act on copyright and related rights, and copies of other items, as per Article 3(1) point 3, within a fortnight of production. The mandatory copies of works printed off in electronic format are to be filed within a fortnight of being completed in a distributable form.

For **BNT** – BNT's operating technology makes it possible to exert full control over the movement and production of works produced. Film production unit works are produced on media recorded in the Television Archive Unit, at which point control of their movements in the area of television also commences. After the technical usability check at the technical conformity unit (OTK) control rooms and creation of the database entry according to content, works may be used by the unit's clients. This means that for internal materials there is no time limit for deposit. A compromise is permitted for raw material for programmes, which has to be broadcast within 72 hours of technical production being completed. Material produced under STF-Ekran, even where produced by external production companies, is subject to a time-limit under the contracts concluded.

5) Is there a compliance checking for the deposit obligation and for the quality of the material? Which measures have been taken to ensure good technical quality of the deposited cinematographic works (with accompanying metadata as appropriate)?

At the **BNF**, checks are carried out when an item is submitted (see answer at 4.1. point 1).

At **BNT**, all incoming material intended for broadcast is checked for technical usability at the technical conformity unit (OTK) control rooms. Raw materials are not subjected to a technical check. The information in the documents accompanying programmes/films from external sources is checked in the course of the editor's inspection in the archive with a view to entering the details in the database (metadata).

#### 4.2. Collection of cinematographic works not forming part of national audiovisual heritage (Table 9)

1) Is there any provision / practice in your Member State concerning the collection of cinematographic works not forming part of the national audiovisual heritage?

For the **BNF** – This is not regulated by law; it is carried out randomly on a voluntary basis.

For **BNT** – If they so wish, private individuals may submit materials for deposit with the BNT. This is done on a voluntary basis since there are no funds to purchase such material.

2) And about moving-image material other than cinematographic works?

For **BNF** – currently none.

For **BNT** – as at 1).

#### 4.3. Collection of non-film material (Table 9)

Is there any provision / practice in your Member State concerning the collection of non-film material?

For **BNF** - In accordance with the Act on the mandatory deposit of copies of print and other works, which states as follows:

Article 6 (1) Mandatory copies are to be deposited in the following quantities:

[...]

13. films: one copy;

14. works published on film, excluding films: three copies;

15. works published on electronic media: three copies;

[...]

For **BNT** – the collection of non-film material outside BNT is regulated by the National Archive Fund Act. According to Article 6(1), mandatory copies are to be deposited in the following quantities: for films and raw material – one copy; for material under STF-Ekran – the original plus a copy; for material under STF-Ekran – one copy of the documentation pertaining thereto.

#### 5. CATALOGUING AND DATABASES (TABLE 3)

1) What measures have been taken to promote the cataloguing and indexing of deposited cinematographic works and to encourage the creation of databases containing information about the films, making use of European and international standards?

For the **BNF** – The UNESCO standard is applied.

For **BNT** – Rules have been established for the cataloguing and indexing of audiovisual works in the BNT Television Archive. Another incentive for submitting material and creating databases is the intense production process and the need for the rapid publication of material for broadcasting or its inclusion in new works. This encourages film-makers to submit the materials they have produced and, if need be, provide information on the content thereof.

2) What measures have you taken to promote European standardization and interoperability of film databases of and their availability to the public, for instance through the internet?

For the **BNF** – None, on account of the lack of funding.

For **BNT** – The Television Archive Unit is a member of the International Federation of Television Archives, FIAT/IFTA. The unit's activities comply with the IFTA requirements and rules imposed on members with regard to archives. Public access is ensured through

publication of electronic and hard-copy catalogues of the works and films held at BNT as well as filmographies of feature films and serials produced at BNT.

3) Have you contributed to the setting-up of a network of databases encompassing the European audiovisual heritage together with the relevant organizations, in particular the Council of Europe (Eurimages and the European Audiovisual Observatory)?

For the **BNF** – Under review. There is a lack of funding for such measures.

For **BNT** – In the course of IFTA membership, BNT has over the years provided information regarding the content of the archive, including by responding to questionnaires.

The **NFTs** ('National Film Centre') is Bulgaria's representative in Eurimages and the European Audiovisual Observatory. It has been a member since they were founded, and duly submits the required statistical information.

4) Have you invited archiving bodies to add value to stocks by organizing them in collections at EU level, for instance, by theme, author and period?

For the **BNF** – representatives of such organisations have not come to Bulgaria, but Bulgarian experts have been sent abroad to exchange experience.

For **BNT** – In the context of IFTA membership, people have been sent to exchange experience. BNT applies in full the IFTA recommendations and requirements in the area of televisual archiving.

5) Could you describe the databases that are used by your Film Heritage Institutions? Are they searchable via internet?

For the **BNF** – The UNESCO system WinISIS. The database is not accessible via internet for financial reasons.

For **BNT** – Until the start of 2009: ISIS-DOS (UNESCO program). The database is not accessible via internet. Since the start of 2009: a digital metadata database in an Avid production system.

## 6. PRESERVATION (TABLE 4)

1) What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works? Preservation measures should include in particular:

For the **BNF**:

- The reproduction of films on new storage media;
- The preservation of equipment for showing cinematographic works on different legacy storage media.

For **BNT** – Material is being converted from old to modern media – in the process of television production, e.g. for broadcast, or planned – as per the assessment of the Television Archive Unit – for material at risk or which has deteriorated. Technology for the reproduction and transfer of old media is maintained.

- 2) Does the national copy-right law implement the exception of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society<sup>2</sup>? This exception allows Member States to authorise acts of reproduction made by publicly accessible libraries or archives which are not for direct or indirect economic commercial advantage.

For the **NFTs** – The question is not dealt with in this way in the Bulgarian Copyright Act.

For **BNT** – BNT’s internal rules permit the showing, for ‘non-commercial’ purposes, of celebratory recordings, educational programmes etc. subject to conditions of free use.

## 7. RESTORATION (TABLE 4)

- 1) What measures have been adopted in order to permit, within your legislation, the reproduction of deposited cinematographic works for the purpose of restoration while allowing rights-holders to benefit from the improved industrial potential of their works resulting from that restoration on the basis of an agreement between all interested parties?

For financial reasons, the **BNF** does not do this, and the matter has not been dealt with in detail. Nor does legislation offer further clarification on the matter.

- 2) How have you encouraged projects for the restoration of cinematographic works with high cultural or historical value?

**BNF** does not have its own laboratories.

For **BNT** – On account of financial problems, restoration projects are not encouraged. The activity is carried out in the course of work in accordance with the annual budget allocated and the technical options available in television.

**NFC** disburses funds for reproduction or transfer onto different media, and for translation and subtitling.

## 8. ACCESSIBILITY (TABLE 5)

- 1) Have you adopted legislative or administrative measures to allow designated bodies to make deposited cinematographic works accessible for educational, cultural, research or other non-commercial uses of a similar nature, in compliance with copyright and related rights? Please give details of the measures taken.

For the **BNF** – Under the Mandatory Deposit Act, authors retain the copyright and producer rights over the deposited copy. Authors have access to such copies free of cost. The copies held at BNF, following due procedures to respect copyright and related rights, may be used exclusively for educational, cultural, research and other purposes on a non-commercial basis at national and international level, particularly within the EU.

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<sup>2</sup> OJ L 167, 22.6.2001, p. 10.

For **BNT** – The authors retain rights over material submitted for archiving. Under BNT internal rules, access to the archive is ensured for educational and other non-commercial purposes, while respecting copyright.

- 2) Have you taken measures to ensure access for people with disabilities to deposited cinematographic works, in compliance with copyright and related rights? Please give details of the measures taken.

Disabled access is guaranteed at the Odeon (film library) cinema.

## 9. PROFESSIONAL TRAINING (TABLE 5)

What steps have been taken to promote professional training in all fields related to film heritage?

For the **BNF** – Courses on working with archive films are run at the National Academy for Theatre and Film Arts (NATFIZ).

For **BNT** – Sofia University (St. Kliment Ohridski) offers a specialised ‘Archive Studies’ [advanced degree] course, with a ‘Television Archive’ specialisation, in which the principles of archiving are studied. Every year, for educational purposes, the Television Archive Unit guarantees students of Sofia University (SU) and the New Bulgarian University (NBU) access to the archive and its work.

## 10. EDUCATION AND MEDIA LITERACY (TABLE 6)

- 1) What steps have been taken to promote the use of film heritage as a way of strengthening the European dimension in education and promoting cultural diversity?

Since the 1970s, the **BNF** has run a three-yearly ‘cinema university’ (‘kino-universitet) with projections in the Odeon Cinema, associated to the film library, and with lectures on cinema at higher education institutes and NATFIZ.

- 2) What steps have been taken to foster and promote visual education, film studies and media literacy in education at all levels, in particular in professional training programmes or European programmes?
- 3) What steps have been taken to promote close cooperation between producers, distributors, broadcasters and film institutes for educational purposes?

Apart from the ‘cinema university’, the Odeon Cinema also premieres new Bulgarian films (feature films and documentaries), runs special educational showings for students, presents films at universities and festivals, and organises National Cinema Week and similar events.

## 11. FOLLOW-UP OF PRIORITIES IDENTIFIED IN THE FIRST IMPLEMENTATION REPORT

What has been done in your Member State, in order to address the following priorities, identified in Point 24 of the first implementation report:

- 1) establishing a long-term strategy for their national film heritage and annual plans for specific issues (digitisation, restoration, education, etc);

They are submitted to the Ministry of Culture (strategy up to the year 2014) and are updated annually.

For the **BNF** – ‘Strategy for archives to 2014’, prepared and submitted to the Ministry of Culture and updated annually.

For **BNT** – internal strategy for the maintenance of the televisual archive, including digitalisation, technical checking, improving conservation conditions, increasing the qualifications of archive workers.

- 2) monitoring compliance with the mandatory forms of deposit (both with the obligation of deposit and the technical quality of the material);
- 3) promoting voluntary deposit as a complement to legal deposit. Member States should encourage by all means agreements between film heritage institutions and right-holder associations covering the possible cultural uses of the deposited material by the archive.

The **BNF** encourages the above through the opportunities for conservation and maintenance which it offers.

- 4) continuing efforts to achieve interoperability of film databases, and to make those databases accessible via the Internet;
- 5) establishing partnerships with the commercial sector and with other film archives for the restoration of cinematographic works, with the objective of sharing know-how and increase resources available;
- 6) seeking agreements with right-holders with a view to promote cultural access to film heritage as broadly as possible. Have you encouraged the designated bodies to specify, in agreement or by contract with rights-holders, the conditions under which deposited cinematographic works may be made available to the public?
- 7) creating specialised courses at university level for all areas related to film archives;
- 8) giving higher priority and visibility to educational programmes and activities.

## 12. CHALLENGES OF THE DIGITAL ERA FOR FILM HERITAGE INSTITUTIONS

What has been done or it is planned to be done in order to face the challenges of the digital era, described in Point 25 of the first implementation report:

- 1) collection / acquisition of digital material (distributed in cinemas or via new channels);
- 2) storage / conservation of digital material, which could require regular migration to new formats or supports;

At the **BNF**, films are periodically transferred onto digital media.

At **BNT**, archiving in digital form has commenced in respect of newly-produced material, as well as digitalisation of the ‘old’ archive.

3) applying digital technologies for restoration;

**BNT** plans to start to use digital technology for restoration.

4) giving access via internet to the collections, while ensuring respect of copyright laws;

5) integration in the European digital library.

### 13. FILM POLICY AND FILM HERITAGE

Is film heritage fully included in the film policy of your Member State?

**Yes.**

Have you consider linking funding film production and film heritage?

**Such a link is enshrined in law but is not respected (in relation to the mandatory depositing of copies).**

For instance, it could be consider that films that have been financed with public funds are deposited and made available for cultural and education purposes by recognized film heritage institutions. This could be implemented in practice, for instance by requesting from producers that have received funding that they agree that:

- film heritage institutions make cultural screenings of those films without paying a fee;

**This happens in practice, but is not enshrined in law; it depends on the goodwill of the rightholder.**

- there is an educational use of their films (screenings made in schools, extracts made available for teaching purposes);

**Films produced at BNT are made available for cultural and educational purposes, according to BNT internal rules.**

- extracts of their films are made available in Europeana.

**No action has been taken in this respect.**

### 14. EUROPEAN AND INTERNATIONAL ACTIVITIES (TABLE 6)

1) Are your film heritage institutions involved in bilateral co-operation with Film Heritage Institutions of other Member States? Are they active in European associations and projects? Are they active at international level?

For the **BNF** – There is particularly active participation at the bilateral level. Recently, there has been cooperation with Slovenia, Austria, Germany, Israel and Romania.

For **BNT** – The Television Archive Unit is a one of the institutions in the International Federation of Television Archives, IFTA. It has been a confirmed, active and authoritative member for years, serving as a 'bridge' connecting the television archives of Eastern Europe with the organisation.

- 2) How are you encouraging and supporting designated bodies for the purpose of exchanging information and coordinating their activities at national and European levels in order for example to:

For the **BNF** – There is work on individual projects on a bilateral basis. There is a lack of funding for larger-scale activities in this area.

- a) ensure the coherence of collection and conservation methods and the interoperability of databases;
- b) release, for example on DVDs, archival material with subtitles in as many European Union languages as possible, in compliance with copyright and related rights;
- c) compile a European filmography;
- d) develop a common standard for electronic information exchange;
- e) produce common research and educational projects, while promoting the development of European networks of cinema schools and museums.

At **BNT**, the activities of the Television Archive Unit are aligned with IFTA requirements with regard to database development, conservation requirements, etc. As regards potential DVD publication, the European filmography, etc., the question has not arisen.

#### **15. PROGRESS IN RELATION TO PROBLEMS ENCOUNTERED IN THE FIRST IMPLEMENTATION REPORT (TABLE 7)**

What has been done to address the problems encountered or weak areas identified in table 7 of the First Implementation report, in relation to your country?

#### **16. BEST PRACTICES**

Is there any specific good practice in the area of film heritage in your Member State that you would like to report?

#### **17. NEED FOR FURTHER EU ACTION?**

Is there a need of further action of the EU in any of the areas related to film heritage?

For the **BNF**:

1. The problem of storage facilities where films can be kept is again exacerbated in connection with the expiry of the period of grace for the use of the booths of the privatised Boyana Studio.
2. The constant problem is that it is impossible to restore and even take new high-quality copies of the source materials stored at the BNF.
3. Of fundamental significance for the accessibility of the Bulgarian film heritage is the translation of the films into the most widely-spoken European languages.

For **BNT**, problems arise from the lack of funding. The main problem is the absence of conditions for the storage of the television archive. By 2010, the Television Archive Fund is

to receive new storage premises which need to be equipped with air conditioning, etc. The existing facilities also need to be upgraded. There is a lack of technology for restoration as well as for adjusting the quality of re-archived material.