

Annex

Questionnaire on the implementation of the Recommendation of the European Parliament and the Council of 16 November 2005 on 'Film heritage and the competitiveness of related industrial industries'¹ (hereafter referred to as 'The Recommendation')

Notes:

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.

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?

- As is known, Cyprus does not have any legislation regulating the operation of a Film Archive and facilitating the systematic collection, cataloguing, preservation and restoration of its audiovisual heritage. However, pending the adoption of such legislation, the competent authority has included a provision requiring a copy of the film to be deposited with the Cyprus Film Archive, set up in 1989, in the contracts it signs with film and audiovisual programme producers.

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?

¹ OJ L 323, 9.12 2005.

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_323/l_32320051209en00570061.pdf

- Every cinematographic work and every work of art in general, is set in the time and place where it is created; it is therefore a record of the period, the society and the country in general, which with the passage of time will cease to be that depicted in that particular work. In the Cyprus Film Archive's collection there are at least three films of great historical importance, dating from 1927, 1929 and 1947. Each one depicts a Cyprus that no longer exists.

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.

- The first institution dealing with the collection, cataloguing, preservation and restoration of the island's cinematographic and audiovisual heritage, on the basis of the Council of Ministers' decision of 1989, is the Cyprus Film Archive (CFA), which is administratively attached to the Press and Information Office (www.moi.gov.cy/pio) and operates with an insufficient budget and minimum staff. In addition, various Government departments have assembled small collections of works concerning their subject areas, such as the Department of Forests of the Ministry of Agriculture, Natural Resources and Environment, the Ministry of Education and Culture via the Pedagogical Institute, etc. The Cyprus Film Archive is trying to move this material to its premises. Likewise, efforts are being made to acquire important private collections, most of which belong to journalists who over the years covered the events that marked the island's history.

4. COLLECTION

4.1. Deposit of cinematographic works forming part of the national film heritage (Table 2)

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

- See answer to the first question (legislative and administrative measures)

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

- i. Legal deposit
- ii. **Compulsory deposit of all funded films**
- iii. Voluntary deposit

iv. Other (please specify)

3) What material has to be deposited?

- Up to now a positive copy of each film has been deposited. The Archive is looking for more suitable premises where it could function better and be better organised, with better conditions for implementing other programmes such as the repatriation of negatives, most of which are in Athens.

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?

- As soon as a film is completed, the producer must deliver a copy to the Cyprus Film Archive.

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)?

- The copy deposited with the Archive must be new, and of a quality that will guarantee the film's longevity. If these conditions are not met, the Government, which funded the production of the film, will not pay the final instalment of the agreed funding.

4.2. Collection of cinematographic works not forming part of the 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?

No

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

No

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?

- The Cyprus State Archive is responsible for questions concerning the location, acquisition, preservation, cataloguing and restoration of any non-audiovisual material.

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?
 - The Cyprus Film Archive is taking various steps to prepare a complete list of all the films in its collection. The installation of software that will enable the Archive to prepare the list and create a webpage where extracts of its films will be shown is already under way. Since 2004 a special film digitisation programme has been used for this purpose. To date around 60% of the films have been digitised; this has been funded entirely by the Cypriot Government.
- 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?
 - This is one of the programmes that the Cyprus Film Archive intends to implement in the near future. Implementation depends on various factors such as finding more suitable premises, with better storage conditions and a more suitable working environment for researchers/interested parties .
- 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)?
 - The CFA's programmes include collaboration with the *Europeana* digital library.
- 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?

No
- 5) Could you describe the databases that are used by your Film Heritage Institutions? Are they searchable via internet?
 - As stated above, all this is being organised and is pending implementation, as soon as the required premises and resources can be found.

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:
 - The reproduction of films on new storage media;
 - As explained above (5.1), since 2004 the CFA has been using a special programme to digitise its collection; to date around 60% of the collection has been digitised.

- The preservation of equipment for showing cinematographic works on different legacy storage media.

- 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 society²? 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.
 - All the work to align existing national legislation with EU legislation began some time ago and will be completed within the time frame laid down.

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?
 - The Cyprus Film Archive has insufficient financial resources. This means that it cannot adopt such measures immediately. Such measures also mean that works that needed to be restored would have to be transported elsewhere. The only solution is to set up a technical unit that could undertake such work in Cyprus, which would be part of the Archive. This possibility is being examined, as is the conclusion of a joint agreement regulating the rights question.
- 2) How have you encouraged projects for the restoration of cinematographic works with high cultural or historical value?
 - In such cases the State has agreed to cover all costs, as it did in the case for restoration of the archive of Giorgos Filis, journalist and cinematographer.

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.

² OJ L 167, 22.6.2001, p. 10.

- Although there are no regulatory measures, the CFA facilitates this in cases it regards as 'cultural activities', which will not result in financial gain as they are not commercial operations.
- 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.
- The CFA is considering this. At its current premises, people with disabilities have access via a special ramp.

9. PROFESSIONAL TRAINING (TABLE 5)

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

- To date no steps have been taken.

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?

- The CFA would like to be part of the research centre to be set up, where researchers will have access to digitised cinematographic material.
- Until such time as this is achieved, the CFA tries to offer its support wherever this is feasible.

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?

- In collaboration with the Cyprus Media Office, the Press and Information Office of the Republic of Cyprus, to which the Cyprus Film Archive is administratively attached, organises seminars involving well-known experts on these subjects and offers further training for professionals in the field.

3) What steps have been taken to promote close cooperation between producers, distributors, broadcasters and film institutes for educational purposes?

- The Cyprus Media Office has undertaken the role of coordinator in the efforts to develop collaboration between producers and distributors. The CFA is not responsible for matters concerning broadcasters and film institutes.

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);
 - As already mentioned, since 2004 the CFA has been working on a programme of film records covering the entire territory of the Republic; this is not an easy task given the situation that has developed because of the presence of an occupying army in the northern half of the island. To achieve this objective the CFA has also been working with Turkish-Cypriot film producers.
- 2) monitoring compliance with the mandatory forms of deposit (both with the obligation of deposit and the technical quality of the material);
 - There are no other specific measures apart from the requirement included in the contract concluded between the producer and the State, that the producer deliver a copy of the film to the funder.
- 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;
 - To date no decision has been taken in this direction.
- 4) continuing efforts to achieve interoperability of film databases, and to make those databases accessible via the Internet;
 - See answer to question 10.1.
- 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;
 - No
- 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?
 - This is one of the priorities in the programme being implemented by the CFA
- 7) creating specialised courses at university level for all areas related to film archives;
 - This is the responsibility of the Ministry of Education and Culture.

- 8) giving higher priority and visibility to educational programmes and activities.
 - Such programmes are implemented in the private sector by private universities. The CFA would like to work together more closely with these establishments.

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);
 - As part of its work, the CFA locates Cypriot films or films made in Cyprus, buys them and digitises them.
- 2) storage / conservation of digital material, which could require regular migration to new formats or supports;
 - No
- 3) applying digital technologies for restoration;
 - No
- 4) giving access via internet to the collections, while ensuring respect of copyright laws;
 - No, but this is one of the things the CFA wants to do when the Research Centres have been set up.
- 5) integration in the European digital library³
 - Yes

13. FILM POLICY AND FILM HERITAGE

Is film heritage fully included in the film policy of your Member State? Have you considered linking the funding of film production to film heritage? For instance, it could be considered that films that have been financed with public funds are deposited and made available for cultural and educational 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:

³ www.europeana.eu

- film heritage institutions make cultural screenings of those films without paying a fee;
- there is an educational use of their films (screenings made in schools, extracts made available for teaching purposes);
- extracts of their films are made available in Europeana.
 - All of this is being done either through specific provisions in the funding contracts for productions or, as you will see below, via CFA activities.

14. EUROPEAN AND INTERNATIONAL ACTIVITIES (TABLE 6)

1) 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?

- Only partially. The CFA works in close collaboration with the Greek Film Archive, which offers expertise and support for the restoration of films in the CFA's collection.

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:

(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

Answer to all points: these are all aspects of CFA policy that it is either already implementing or plans to implement.

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?

- These problems, which relate mainly to the CFA's status, are being discussed and we believe a definitive solution will be found with the setting up of the Research Centres, which will enable the CFA to extend the scope of its work, covering areas that until now it did not cover, such as schools and libraries.

16. BEST PRACTICES

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

- No

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?

- Definitely. The CFA is a relatively new institution that is still acquiring knowledge and experience. It does not have the resources needed to develop its programmes and so it cannot fulfil its basic obligations, such as preserving and restoring its collection. In addition, because of particular historical circumstances - until 1960 Cyprus was under colonial rule - film records of the island's recent history were deposited in archives abroad, which belong to private companies. Cyprus does not have access to this material and can only provide references to the owners.