

Questionnaire on the implementation of the Recommendation³ 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’)

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 the event 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?

Act No 249/2006 of 25 April 2006

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?

A Czech audiovisual work is an audiovisual work whose producer has or had at the time of publication his or her registered office or permanent residence in the Czech Republic; in addition, any audiovisual work in which a producer who has or had at the time of publication their registered office or permanent residence in the Czech Republic, and who contributed to a level of at least 20% of total production costs, and where it was created with a Czech artist or Czech technical assistance, to a level corresponding to 20% of the total production costs, is also considered a Czech audiovisual work.

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)?

³ OJ L 3, 9.12.2005.

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

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

*Národní filmový archiv (NFA - National Film Archive) www.nfa.cz
Budget: ca. EUR 2.6m. Number of staff: 70.*

4. COLLECTION:

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?

No change

- 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)

i. Legal Deposit

- 3) What material has to be deposited?

No change (table 2, page 19)

- 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?

No change (table 2, page 19)

- 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)?

Each film undergoes a technical check in which it is projected.

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

NFA Note: the title of table 9 does not correspond to question 4.2. (1,2)

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

Cinematographic works which do not form part of the national audiovisual heritage are collected on the basis of voluntary deposit.

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

All published audiovisual works are subject to legal deposit.

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?

Non-film material (photographs, posters and promotional material) is collected on the basis of the provisions of Section 5, paragraph 10(1) of Act No 249/2006.

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?
- 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?

The NFA participated in consultations on? the newly-adopted standard on cinematographic works: ČSN EN 15744 (198050) Film identification – minimum metadata set for cinematography work. The NFA is currently participating in the EFG project to apply European standardisation and interoperability of film databases and digital content through the EFG portal and the Filmarchives on-line portal, including making them publicly accessible. The ability to make film heritage available to the public is currently hampered by unharmonised (copyright) legislation in individual EU Member States. This poses a big challenge to the European Commission, whose job it is to resolve the situation.

- 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 NFA, within the international projects submitted by ACE, FIAF, etc....

- *MIDAS – Filmarchives on-line <http://www.filmarchives-online.eu/>*
- *COLLATE – Collaboratory for annotation, indexing and retrieval of digitised historical archive material; IST 1999 - 20882) - <http://www.collate.de/>*
- ***EFG - The European Film Gateway - project 2008-2011** <http://www.europeanfilmgateway.eu/>*
- ***EFT – Europa Film Treasures** <http://www.europafilmtreasures.eu/>*

- 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?

The NFA database enables searches according to a wide range of criteria.

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

- Databases of film collections, photographs and posters
- Databases belonging to the NFA film library
- Databases of the Film Yearbook
- NFA databases – freely accessible
- Czech feature films on-line (1898 - 1970) -
<http://web.nfa.cz/CeskyHranyFilm/cz/obsah/index.html> (in Czech and English)
- On-line catalogue of the NFA library - <http://arl.nfa.cz> (in Czech and English)
- On-line authorities of the NFA library - <http://arl.nfa.cz> (in Czech and English)
- Filmographic databases – licensed (professional) – log-in and password – subscription required
- *www (Film Index International)*
- *www (American Film Institute Catalog)*
- Film bibliography databases (full-text) – licensed (professional, intended for the academic community and schools) – log-in and password – subscription required
- *www (Film Index International)*
- *www (American Film Institute Catalog)*
- Filmographic databases - freely available on the internet; for example:
- *www (České filmové nebe - Czech Film Heaven)*
- *www (Česko-Slovenská filmová databáze – Czecho-Slovak film databases)*
- *www (Filmová databáze – Film databases)*
- *www (International Movie Database)*
- *www (Filmportal.de)*
- *www (Allmovie)*

databases of joint film archives at the International Federation of Film Archives (FIAF)

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;
 - The preservation of equipment for showing cinematographic works on different mediums;

No change (table 4, page 31)

- 2) Does the national copyright 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?⁴ 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.

Yes (table 4, page 31)

⁴ OJ L 167, 22.6.2001, p. 10

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?

No change (table 4, page 31)

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

No change (table 4, page 31)

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.

No change (table 5, page 39)

- 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.

No change (table 5, page 39)

9. PROFESSIONAL TRAINING (TABLE 5)

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

No change (table 5, page 39)

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?

No change (table 5, page 39) – no table 6

- 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 addition to the details given in the previous report (table 6 on page 48) the NFA is involved in the European Film Gateway (EFG) programme www.europeanfilmgateway.eu

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

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 national film heritage and annual plans for specific issues (digitisation, restoration, education, etc);

Plans to digitise the national film heritage over the period from 2007 to 2013 have been drawn up. There are annual restoration and digitisation plans for film material, posters, photographs and periodicals. An extensive questionnaire has been drawn up for the national strategy on digitising cultural artefacts. A list has been drawn up of the 200 most important films of the period from 1898 to 1993 that should be digitised into 2K or 4K format.

- 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;
- 4) continuing efforts to achieve interoperability of film databases, and to make those databases accessible via the Internet;

The NFA has joined the EFG and MIDAS projects.

- 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 increasing resources available;

This is achieved on the basis of bilateral agreements.

- 6) seeking agreements with right-holders with a view to promoting 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?

The NFA has entered into appropriate contracts with individual producers.

- 7) creating specialised courses at university level for all areas related to film archives;

In 2009 the NFA inaugurated a university-level course in the restoration of film materials.

- 8) giving higher priority and visibility to educational programmes and activities.

The NFA provides information on its activities through the internet, television, radio and through the World Day for Audiovisual Heritage.

12. CHALLENGES OF THE DIGITAL ERA FOR FILM HERITAGE INSTITUTIONS

What has been done or is being planned 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 communications channels);

This is being done through legal deposit.

- 2) storage / conservation of digital material, which could require regular migration to new formats or storage media;
- 3) applying digital technologies for restoration;
- 4) giving access via the internet to the collections while ensuring respect of copyright laws;

The issue of access to collections should be tackled in a harmonised way at pan-European level.

- 5) integration in the European digital library⁵.

The NFA addresses this issue in the EFG project. No progress will be made unless point 12.4) is resolved.

13. FILM POLICY AND FILM HERITAGE

Is film heritage fully included in the film policy of your Member State? Have you considered linking funding film production and 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 education purposes by recognised film heritage institutions. This could be implemented in practice, for instance by requesting producers that have received funding to agree that:

- film heritage institutions make cultural screenings of those films without paying a fee;
- there is an educational use of their films (screenings in schools, extracts made available for teaching purposes);
- extracts of their films are made available in the Europeana database.

This must be answered through the Ministry of Culture.

⁵ www.europeana.eu

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?

The NFA, as a founding member of ACE and a member of FIAF, and which is on the management board of both organisations, actively cooperates in bilateral and especially multilateral restoration and other projects. It also participates in the European EFG and MIDAS projects. The NFA also cooperates with UNESCO.

- 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?

The NFA deals with the issue of interoperability in the EFG project.

- 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?

The NFA has issued and continues to issue DVDs subtitled in a minimum of three languages.

- c) compile a European filmography?

- d) develop a common standard for electronic information exchange?

Through ACE the NFA participates in the work of CEN, which is developing a unified set of metadata for describing cinematographic works.

- e) produce common research and educational projects, while promoting the development of European networks of cinema schools and museums?

In collaboration with FAMU (Film And TV School of the Academy of Performing Arts) the NFA has inaugurated a two-semester course in film restoration.

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?

No comment (table 7, page 53)

16. GOOD PRACTICE

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

See table 7, page 53

17. NEED FOR FURTHER EU ACTION?

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

It is absolutely essential to resolve the issue of copyright at European level.