

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 activities¹ (hereinafter 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?

The legislation has remained unchanged (1433/2007).

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?

Same definition as before

3. FILM HERITAGE INSTITUTIONS (TABLE 1)

What appropriate bodies have you designated (if any) 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 all of the Film Heritage Institutions, including also those of regional or local character, as well as their websites.

¹ OJ L 323, 9.12.2005.

National Audiovisual Archive (KAVA): www.kava.fi (FI, EN)

KAVA has a budget of about EUR 2 million and a workforce of 39 employees directly related to film heritage.

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? *legislation*
- 2) Would you describe the type of deposit in your Member State as
 - i. Legal deposit (concerns films made by a domestic producer and intended for public screening)
 - ii. Compulsory deposit of all funded films
 - iii. Voluntary deposit (concerns foreign films made available to the public in Finland)
 - iv. Other (please specify)
- 3) What material has to be deposited? *original negatives and a print*
- 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?
 - 3 years, *copy of film*
 - 5 years, *original film material*
- 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)?

Under the Act on the Deposit and Preservation of Cultural Material, the National Audiovisual Archive monitors compliance with the deposit obligation (Section 26). The Archive is required to remind those who neglect the deposit obligation of their duty to comply (Section 27), non-compliance being a punishable act for which a fine can be imposed.

The Act lays down the technical requirements for the material to be released (Section 19).

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?

Act on the Deposit and Preservation of Cultural Material, Section 16: the National Audiovisual Archive may agree with a foreign producer on depositing in the

Archive a film screened publicly in Finland as well as the related advertising and other publicity material.

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

See previous answer

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 Act on the Deposit and Preservation of Cultural Material (Section 2) also applies to radio and television programmes, online material as well as printed material and recordings that are to be made available to the public.

The National Audiovisual Archive is responsible for archiving radio and television programmes, films and the related printed material. [See Act, Section 2, subsection 5]

The National Library of Finland is responsible for archiving other material.

Media and video art works have been subject to special treatment based on voluntary deposit since 1999. The Finnish National Gallery's Museum of Contemporary Art Kiasma is responsible for archiving this 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 Tenho database, which is available to professionals and researchers in KAVA.

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

The Elonet database www.elonet.fi

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

Finland has participated actively in the work of the European Audiovisual Observatory since its establishment and also in the activities of Eurimages.

- 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?

KAVA has a database that contains information on cinematographic works (filmographic database) and on the material in the collections. The most important parts of the filmographic database are published on the internet through the Elonet database.

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;

KAVA spends EUR 250 000 every year on laboratory services used to reproduce films. This is the cornerstone of film preservation.

the preservation of equipment for showing cinematographic works in legacy storage media.

KAVA has an extensive, continuously maintained collection of cinematographic equipment and objects, the Museum of the Moving Image.

- 2) Does the national copyright legislation 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 that are not for direct or indirect economic or commercial advantage.

Yes

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 law allows the reproduction of cinematographic works in the Archive.

² OJ L 167, 22.6.2001, p.10.

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

The Ministry has granted special aid for individual projects.

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.

The purpose of the Act on the Deposit and Preservation of Cultural Material is the comprehensive preservation of national cultural products for use by researchers and other customers. The aim of the Act as regards films and related material is to preserve cultural property deposited in film form and promote film knowledge and research.

The domestic films in KAVA's collections can be used for educational purposes at university level without applying for special screening permission. The Act specifically prohibits using films deposited by foreign producers for this purpose.

- 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.

In Finland there must be unimpeded access to all public areas.

- screenings at the Orion cinema
- regional screenings of films in the Archive

Furthermore, the Ministry has supported the production of a DVD version in sign language of one domestic children's film every year since 2000.

9. PROFESSIONAL TRAINING (TABLE 5)

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

The staff have received training, for example, in the summer schools of FIAF/ACE and been sent regularly to international film festivals (e.g. Pordenone Silent Film Festival, Bologna Film Festival). There is a joint annual training event for archive staff from the Nordic (and Baltic) countries.

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?

KAVA raises awareness of film culture by showing films that illustrate the history of film and present remarkable film phenomena as well as films not on commercial

release. In addition to its own screening activities, KAVA lends films to various film festivals and regional film centres. KAVA also has a special agreement with the Department of Film and Television of the University of Art and Design Helsinki to show films as part of the University's teaching programme.

- 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?

Film studies and media literacy are not included in the curriculum of primary schools. Optional courses related to the subject exist in some schools.

The School Cinema Association, which is backed by the Ministry of Education, encourages the inclusion of media studies in schools. It helps teachers to organise film screenings for pupils in their own localities. See also the School Cinema web pages: www.koulukino.fi

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

The School Cinema Association promotes cooperation between producers, scenarists, distributors, cinemas and the Finnish Film Foundation. The School Cinema Association maintains a teaching material database of all films covered by its activities.

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);

KAVA has started preparing its digitisation strategy and is participating in the development and implementation of the National Digital Library (2007–2011) project.

- 2) monitoring compliance with the requirements pertaining to the mandatory forms of deposit (both with the obligation of deposit and the technical quality of the material);

The situation is being monitored and there have been no problems.

- 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 archives.

Screenings by the Archive

In addition to its own screening activities, KAVA lends films to various film festivals and regional film centres.

The Finnish Film Heritage Festival is organised annually in Finland in cooperation with the Archive.

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

This is part of the National Digital Library project.

- 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;

There have been a few collaborative projects with the commercial sector every year.

- 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?

Permission to use domestic films and audiovisual records in teaching is given by production companies and Tuotos (copyright association for audiovisual producers in Finland).

Since the beginning of 2006, schools have been able to agree with Tuotos on using film records for educational purposes. For their part, municipalities can conclude agreements covering the educational establishments of their choice. The charge, based on the number of students, is paid once a year, and the films can be viewed an unlimited number of times.

The film can be borrowed from the library, rented from a video rental shop, bought from a shop selling videos or ordered from a video on demand service. It is also possible to record television programmes.

If a municipality or a school does not have an agreement with Tuotos, they must apply for screening permission from the production company separately for each film.

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

Courses on film history in regular collaboration with the Department of Film and Television Studies at Helsinki University and the Department of Motion Picture, Television and Production Design at the University of Art and Design Helsinki.

- 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 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);

DCPs, too, will be deposited in the Archive as part of legal deposit. This is not yet being done. In future it will probably be necessary to provide for this in legislation.

- 2) storage / conservation of digital material, which could require regular migration to new formats or supports;

When digitising KAVA's operations, data systems will be created to manage digital material. KAVA participates actively in the National Digital Library project, one of whose objectives is to find solutions for the long-term preservation of digital resources.

- 3) applying digital technologies for restoration;

Digital technologies have already been used in restoration projects as necessary.

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

Collections will soon start being published on the internet, and material for which KAVA has the necessary intellectual property rights will be published first.

- 5) integration in the European Digital Library.

Both the European Film Gateway and the National Digital Library are Europeana aggregators, and KAVA is involved in their activities.

13. FILM POLICY AND FILM HERITAGE

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

Yes

Have you considered linking funding film production and film heritage?

So far, no. The issue would call for in-depth discussions among the different beneficiaries and for a common position on the matter.

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 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;

The issue would call for in-depth discussions among the different beneficiaries and for a common position on the matter. It would be necessary to limit this condition to festivals and other cultural events with a film heritage theme.

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

See reply 11.6. Use under the right of quotation (2–3 min. clips) may be considered.

- extracts of their films are made available in the European Digital Library.

Use under the right of quotation (2–3 min. clips) may be considered.

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?

KAVA engages actively in international projects. The staff of Nordic archives meet every year to discuss topical issues. KAVA takes part in FIAF's activities by participating in annual meetings as well as in the Programming and Access to Collections Commission and the Technical Commission. KAVA is a member of the Association des Cinémathèques Européennes (ACE) and a partner in the European Film Gateway project.

- 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

The Ministry of Education has taken these needs into account in the performance management and annual operating budget of the institution.

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 particular problems or weak areas are mentioned in the table in question.

16. PRACTICES

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

- *The Watchdog Unit, www.elonet.fi, partnerships with the private sector for digital restoration*

17. NEED FOR FURTHER EU ACTION?

The EU should continue to concentrate on legal aspects in order to increase the cultural rights of film archives regarding the non-commercial screenings and cultural use of films deposited in the archives.