

## French Film Archives of the CNC

### Questionnaire on the implementation of the Recommendation<sup>1</sup> of the European Parliament and of the Council of 16 November 2005 on film heritage and the competitiveness of related industrial activities (hereafter referred to as 'the Recommendation').

#### 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?

Answer:

The legislative part of the Cinema and Moving Image Code entered into force on Saturday 25 July 2009.

With regard to the legal deposit of cinema films, the Heritage Code has been amended to bring the cinematographic legal deposit system into line with the European Convention for the protection of the Audiovisual Heritage adopted in Strasbourg on 8 November 2001. As indicated by the French Government during the debate which authorised the approval of this convention, the amendment of the Heritage Code was intended to ensure that cinematographic works intended for screening in cinemas are subject to legal deposit irrespective of whether they are made available to the public or not. Moreover, as the Code no longer refers to the material used, cinematographic documents produced on material other than photochemical – and in particular digital – are also subject to the legal deposit obligation in respect of the CNC, which was not the case previously (only films produced on photochemical material were collected).

#### 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?

Answer:

All cinematographic works must have a CNC reference number in order to be recognised as such.

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

### 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.

Answer:

Pursuant to Decree 93-1429 of 31 December 1993 in its amended version, the National Cinema and Moving Image Centre (CNC) is the only public French body responsible for the legal deposit of cinematographic works. Within the CNC this remit is carried out by the French Film Archives of the CNC, which is also responsible for the management of regular deposits. One hundred thousand films are stored at Bois d'Arcy and Saint-Cyr, near Paris.

Workforce: 80 staff.

2009 budget, including wage bill, €8.7m.

#### Other heritage institutions at national level

La Cinémathèque française, private institution, budget excluding depreciation €27.5m including a €19.5m subsidy from the Ministry of Culture. Workforce approximately 300 staff (including temporary and casual staff).

La Cinémathèque de Toulouse, private institution, workforce 29 staff (full-time equivalent), 2009 budget €2.121m. Operating subsidies in 2009: €1.7m (Ministry of Culture, Ville de Toulouse, Haute-Garonne General Council, Midi-Pyrénées Regional Council).

#### Other heritage institutions:

- Cinémathèque de Marseille, 31 bis, Boulevard d'Athènes 13211 – MARSEILLE Cedex  
d.armogathe@aix-mrs.iufm.fr

- Cinémathèque de Nice, 3 Esplanade Kennedy - 06364 – NICE Cedex 4 odile.chapel@ville-nice.fr

- Cinémathèque de Bretagne, 2 Avenue Clemenceau – BP 6611 29266 – BREST Cedex  
cinematheque.bretagne@wanadoo.fr

- Pôle Image Haute Normandie, 73, Rue de Martainville - 76000 – ROUEN  
agnesdeleforge@poleimagehn.com

- Cinémathèque Universitaire de Paris, 3, Rue Santeuil, PARIS  
cinematheque.universitaire@univ-paris3.fr

- Cinémathèque de la Ville de Paris Robert Lynen, 11, Rue Jacques Bingen 75017 – PARIS

- Conservatoire Régional de l'Image Nancy Lorraine 9, Rue Michel Ney 54000 – NANCY  
serge.necker@cri-lorraine.org
- Cinémathèque de Corse/Casa di Lume Espace Jean Paul de Rocca Serra 20537 – PORTO-VECCHIO Cedex casadilume@wanadoo.fr
- Cinémathèque de St Etienne 24, Rue Goutteborge – BP 25 42000 – St ETIENNE  
cinematheque@mairie-st-etienne.fr
- Cinémathèque de Grenoble 4, Rue Hector Berlioz 38000 – GRENOBLE
- Cinémathèque Euro-Régionale Institut Jean Vigo  
1, Rue Jean Vielledent 66000 – PERPIGNAN contact@inst-jeanvigo.com
- Archives Audiovisuelles de Monaco 4, Avenue Hector Otto MC 98000 – MONACO  
vv@films-archive.mc

#### 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?

Answer:

Pursuant to Decree 93-1429 of 31 December 1993 in its amended version, the National Cinema and Moving Image Centre (CNC) is the public body responsible for the legal deposit of cinematographic works. All cinema films which are produced and/or distributed in France, irrespective of the film's country of origin and the production and distribution media used, must be deposited at the French Film Archives of the CNC as soon as they receive a CNC reference number.

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

Answer:

##### **A legal deposit**

**However**, it is important to note that, in parallel to legal deposits, voluntary deposits are registered with the public institution – French Film Archives of the CNC – and with private heritage institutions for a considerable number of films, with a marked increase from year to year.

- 3) What material has to be deposited?

Answer:

The material must be deposited in the form of an intermediate element enabling either a positive print or a negative matrix to be obtained or, where this is not possible, in the form of a new positive print in perfect technical condition. The version deposited must be identical in

length and content to the version submitted to the classification commission for examination as provided for under Article 1 of the Decree of 23 February 1990.

By derogation, deposits of prints which have already been used are accepted for cinematographic works of less than one hour, provided that the print submitted is of perfect technical quality.

Where different formats exist for a given material, the format with the best definition and best preservation conditions is to be deposited, excluding the 70mm format.

The question of the legal deposit of entirely digital films is still being examined. The French Film Archives of the CNC are to adopt a solution in the months ahead for the collection and conservation of digital files which will guarantee their longevity and accessibility.

- 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?

Answer:

The legal deposit must take place as soon as a CNC reference number has been issued for the film, irrespective of when the film is made available to the public. 90% of feature films and 50% of short films are collected in the two years following the issue of the reference number.

- 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)?

Answer:

When the deposit is made in the form of a positive print which is not of sufficient technical quality, the CNC, with the authorisation of the rights-holders, has access to the intermediate element mentioned in the first paragraph and bears the cost of producing a new positive print.

#### **4.2. Definition of cinematographic works forming part of the national film 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?

Answer:

All cinema films which are produced and/or distributed in France must be deposited at the French Film Archives of the CNC as soon as they receive a CNC reference number, irrespective of the film's country of origin and the production and distribution media.

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

Answer:

In addition to cinematographic works, French legislation provides for the legal deposit of audiovisual works, multimedia documents and video recordings which correspond to requirements in terms of information, training and development of physical or legal persons under public or private law.

### **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?

Answer:

French legislation provides for the legal deposit of books and periodicals, gravures, films, sound recordings, radio and television programmes, software and databases. A legal deposit system relating to the French internet has been in development since 2005 under the joint responsibility of the National Audiovisual Institute.

## **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?

Answer:

In 2004 the French Film Archives of the CNC launched the LISE database which is now accessible online at [www.cnc-aff.fr](http://www.cnc-aff.fr).

This database has been designed to, progressively, mirror the national collections held by the public heritage institution, the CNC, and by all the private heritage institutions. It is also planned to include films stored in the French cinematographic laboratories in the database from 2010 onwards; naturally this will only be possible with the agreement of the rights-holders. At present the LISE database is a common database for all the major heritage institutions: French Film Archives of the CNC, Cinémathèque Française, Cinémathèque de Toulouse and a growing number of regional and municipal film libraries. The cataloguing standards are compatible with FIAF standards (Fédération Internationale des Archives du Film) and the CNC is part of the European working group in cooperation with the European Committee for Standardisation.

- 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?

Answer:

The CNC is a member of the European working group set up by the European Commission in cooperation with the European Committee for Standardisation. A considerable number of similarities between the institutions represented were identified at the last meeting.

- 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)?

Answer:

Not yet.

- 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?

Answer:

No.

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

Answer:

The LISE database is an exhaustive documentary base combined with a management database for films and other elements. Part or all of the information available on the films stored can be accessed on the internet depending on users' accreditation levels (individual users, researchers, depositors, rights-holders, heritage institution, etc.). Such functions range from simple documentary descriptions (credits, summary) to remote management of the movement of elements by depositors and rights-holders.

## **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;

Answer:

Yes, when the original medium is in poor condition, or if it may no longer be used (nitrate).

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

Answer:

The problem does not arise for films stored on photochemical material in 35mm, irrespective of their original medium. However, the question will arise as the different entirely digital cinema formats (compressed, 2K, 4K) and the equipment used for their distribution become more widespread.

- 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.

Answer:

Law No 2006-961 of 1 August 2006 relating to copyright and related rights in the field of information technology introduced an exception to copyright and related rights into the Heritage Code to the advantage of bodies in charge of legal deposit. This exception provides for 'on-site consultation of a given work by researchers duly accredited by each deposit-holding body for individual consultation items, the use of which is restricted exclusively to these researchers.'

## **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?

Answer:

In accordance with Decree No 69-675 of 19 June 1969, the CNC is tasked with the preservation of the cinematographic films which are entrusted to it by means of deposit or of which it acquires the ownership. The deposits covered by this Decree are voluntary deposits within the meaning of Article 1921 and the subsequent articles of the Civil Code. Under this remit, the CNC has implemented a preservation and restoration plan and

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

provides rights-holders with access to the restorations. This access is subject to the signature of agreements which specify the terms under which the funds advanced by the CNC will be repaid (forfeit of a percentage of the income from the use of the work until the restoration cost has been repaid).

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

Answer:

The CNC has set up a commission comprising cinematographic heritage experts and representatives of major heritage institutions at national level – French Film Archives, Cinémathèque Française, Cinémathèque de Toulouse. The commission has been meeting since the early 1990s and submits opinions to the CNC on priorities in terms of restoration. It is to be noted that the French Ministry of Culture has provided the CNC with exceptional budgetary resources since 1990, as approximately one hundred million euros have been allocated at national level for the restoration of heritage films, thus enabling the preservation and restoration of more than 15 000 films of particular cultural or historical value.

## **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.

Answer:

With regard to voluntary deposits, the agreements adopted between depositors and rights-holders and the CNC define the scope of use of the works held, for all types of non-commercial purposes. With regard to legal deposits, Law No. 2006-961 of 1 August 2006 relating to copyright and related rights in the field of information technology introduced an exception in this area into the Heritage Code to the advantage of bodies in charge of legal deposit. This exception provides for 'on-site consultation of a given work by researchers duly accredited by each deposit-holding body for individual consultation items, the use of which is restricted exclusively to these researchers.'

- 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.



Answer:

The major national heritage institutions open to the public have taken the necessary measures to ensure access for disabled persons.

## **9. PROFESSIONAL TRAINING (TABLE 5)**

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

Answer:

In addition to the universities which offer training modules in cinematographic heritage, INA and INP – the National Heritage Institute – now offer training in all areas of audiovisual heritage. Private and public heritage institutions responsible for cinematographic heritage are often called upon to provide additional training in the form of introductory or advanced sessions within their establishments.

## **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?

Answer:

The collections held by the three French heritage institutions – French Film Archives, Cinémathèque française, Cinémathèque de Toulouse – are distributed extensively in France and abroad. Some programmes serve to reinforce the European dimension in the public perception and virtually all demonstrate cultural diversity.

- 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?

Answer:

Several schemes have been implemented by the French Ministry of Culture and the CNC and are delivered by numerous private institutions.

The 'Collège au cinéma' scheme introduces pupils in the first to fourth year of secondary school to cinematographic works by organising special screenings in cinemas and, together with the educational activities delivered by teachers and cultural partners, gives pupils the opportunity to acquire a basic cinematographic culture.

'Lycéens et apprentis au cinéma' is a scheme for students and trainees in post-16 education and forms part of the CNC's policy to promote the artistic awareness and education of young people. The scheme is aimed at students in traditional or vocational post-16

education, both in public and private institutions, agricultural colleges and training centres for apprentices.

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

Answer:

Schemes at national level are based on the commitment of four main partners: the Ministry of Culture and Communication (CNC, DDAI, DRAC), the Ministry for Education (Directorate for education at school (DGESCO), local education authorities, secondary schools and their teaching staff), regional authorities (General Councils); cinema professionals (operators, distributors) are also closely involved in the scheme.

In addition, the national heritage institutions – French Film Archives, Cinémathèque Française, Cinémathèque de Toulouse – regularly conclude joint production agreements for their programmes with cinema professionals, with the agreement of the rights-holders of the films in question.

## **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),

Answer:

The conservation and restoration plan for heritage films implemented in 1990 and still in progress today enables the CNC to fund the restoration of collections deposited with national heritage institutions. The digitisation of collections to facilitate consultation has been in progress since 2006.

Two major strategic objectives are currently being discussed by the Ministry of Culture and the CNC: the question of a national inventory of all films available on French territory and the question of legal deposits for entirely digital films.

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

Answer:

Films deposited on photochemical material are monitored systematically. However, the rules governing the future legal deposit of entirely digital films and the material to be stored are still to be defined.

- 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.

Answer:

Voluntary deposits with the French Film Archives of the CNC are increasing permanently in parallel to legal deposits. The general agreements governing voluntary deposits authorise the use of the material deposited for non-commercial purposes, the scope of which is clearly defined. This enables users to benefit from the material deposited, on the premises of the public institution, in all formats – individual consultations, public screenings – and the distribution of holdings covered by the convention within the international network made up of the one hundred and forty heritage institutions which are members of the International Federation of Film Archives.

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

Answer:

The national heritage institutions are involved in the work coordinated by the European Commission relating to the interoperability of databases. In parallel, they are working within FIAF on standardisation at world level of documentary databases dedicated to film.

- 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;

Answer:

The national heritage institutions – French Film Archives, Cinémathèque Française, Cinémathèque de Toulouse – restore the films submitted in accordance with the priorities defined by the Cinematographic Heritage Commission of the CNC, comprising experts and representatives of the institutions. Most restorations are funded by the CNC and the Ministry of Culture. An increase in private donations has been noted since 2005, however, particularly for the restoration of prestigious works. Restorations are always governed by agreements between private depositors and rights-holders on the one hand and heritage institutions on the other hand. Finally, the

institutions regularly conclude joint editing agreements for their programmes with cinema professionals, in agreement with the rights-holders of the films in question.

- 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?

Answer:

Yes, the agreements adopted by private depositors and rights-holders on the one hand and heritage institutions on the other hand enable the heritage institutions to make the works which they hold and which remain the property of the rights-holders available to the public until they enter the public domain.

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

Answer:

Universities and cinema schools include the subject of cinematographic archives in their training programmes.

## **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);

Answer:

Under its legal deposit remit, the CNC will become the depositary for and administrator of digital films (cf. Heritage Code amended by the Decree of 24 July 2009); the following question will therefore have to be answered imminently:

How can cinema produced and distributed exclusively in digital form be preserved in a durable manner?

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

Answer:

At present, the instability of digital data and the need for migration every four years to ensure data integrity would incur management costs for the legal deposit of entirely digital cinema which would be much too high. In principle, the CNC is in favour of the solution adopted by the major American film studios, as summarised by the Academy of Motion Picture Arts and Sciences in a document entitled 'The digital dilemma, Strategic issues in archiving and accessing digital motion picture materials'. The solution would involve equipping the French Film Archives with a series of imagers capable of transferring digital data onto 35mm polyester film, thus guaranteeing long-term preservation. A technical audit has been commissioned by the CNC to assess all options with regard to the preservation of digital film. The results of the audit will be available in spring 2010.

- 3) applying digital technologies for restoration;

Answer:

The laboratory of the French Film Archives of the CNC is equipped with all the hardware and software required for the digital restoration of the collections held by the national heritage institutions – French Film Archives, Cinémathèque Française, Cinémathèque de Toulouse.

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

Yes, based on partnerships with private distributors.

- 5) integration in the European digital library<sup>3</sup>

Not planned at present.

### **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 envisaged 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: 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 on the Europeana site.

Answer:

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<sup>3</sup> [www.europeana.eu](http://www.europeana.eu)

As we have explained in more detail above, the mechanisms in place in France are as follows:

- a law on the legal deposit of films, which relates to all productions.
- a system of agreements with depositors and rights-holders, which enables relatively broad use of the films preserved by the national heritage institutions – French Film Archives, Cinémathèque Française, Cinémathèque de Toulouse.

#### **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?

Answer:

Yes, in connection with the European Commission and within FIAF. In addition, France is very actively involved in work with heritage institutions in southern hemisphere countries and provides its support in the form of technical know-how and resources to such institutions on request.

- 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;

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:

The French heritage institutions are at the European Commission's disposal for participation in focus groups on these subjects.

#### **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 States that you would like to report?

We consider that the French system of agreements with depositors and rights-holders is a system which addresses most of the issues arising in relation to access to the works held by heritage institutions.

## 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?

**Given that there is no preservation system at present, entirely digital cinema could disappear rapidly, just a few decades after production, if the conditions for its preservation are not clearly defined. It is essential that the EU address this matter.**