

Annex

Questionnaire on the implementation of the Recommendation¹ 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 case that the situation has not changed.

Introduction and context:

The IFI's Irish Film Archive is the organisation that looks after film heritage and its preservation in Ireland. It is an independent organisation that does not receive funding directly from Government nor is it recognised in any legislation at present. Since 1986 the Irish Film Archive (IFA) which is part of the Irish Film Institute (IFI) has been the national repository of archival film in Ireland and has been acquiring film material on behalf of the Irish people. The collection provides an audio-visual record of the development of modern Ireland through the cameras of amateur and professional filmmakers. In total over 500 people or organisations have entrusted their film collections to the care of the Archive including members of the public, manufacturing and service industries, cinema and film industry, local museums, libraries and Government Departments. This collection now numbers over 20,000 cans of film and includes a substantial photographic and document collection.

The Archive's collection covers both film and broadcast material, as there is a significant overlap between the two areas. The Archive currently has delivery agreements with Irish Film Board (IFB) and the Broadcasting Commission of Ireland (BCI) to ensure that copies of all productions they fund are preserved at the Irish Film Archive. These agreements were put in place to ensure the preservation of recently produced moving image material, in the absence of any legislation or national policy with regard to film heritage in Ireland. The Irish Film Archive is an independent body and addresses the preservation of all audio-visual material in a non-preferential manner. As the only Irish member of the International Federation of Film Archives (FIAF) the IFA has established relationships with international archives, as well as nationally with Government departments, the Irish Film Board, BCI and production companies. It also services various user groups including filmmakers, schools, academics and it is recognised as operating in the national interest.

The Irish Film Archive occupies a unique position in relation to the preservation of audio-visual material in Ireland. The IFA collection has been made available in an affordable manner to members of the public, students and academic and programme researchers. Research on the film and broadcast heritage is supplemented immeasurably by the holdings of the Tiernan McBride reference library - the largest reference resource on criticism of Irish film and television, accessed by broadcast and academic researchers – both nationally and internationally.

¹ OJ L 323, 09.12.2005

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

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?

Due to the absence of any governmental initiatives to ensure the preservation of Irish film heritage the IFI's Irish Film Archive has put in place archiving agreements with the Irish Film Board and the Broadcasting Commission of Ireland, whereby a preservation and access copy of each film they fund is retained within the IFA's collection. These materials are documented within the IFA's database in accordance with Library of Congress and FIAF (International Federation of Film Archives (IFA is the only Irish member) standards. In addition to the Master Preservation collection, the Archive has an Access collection, which is available for non-commercial and commercial use by third parties, Irish copyright legislation does not differentiate between commercial and non-commercial uses so all items must be cleared with the rights holders before they can be released. Where clearances have been received and preservation considerations allow, the IFA collections will be made available for research, educational use, public performance or display.

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?

The Irish Film Archive defines Ireland's moving image material heritage as films made in Ireland, with an Irish theme or that are of Irish interest.

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)?

No bodies in Ireland have designated by the government for the purposes of looking after the preservation of film heritage. The Irish Film Institute has historically looked after this area but is self-appointed in this function, undertaking it because no other organisation has this responsibility and because it is not an area that has been addressed by government. The IFA receives 20% funding from a government-funded organisation, the Irish Arts Council, the remainder of the IFI's budget is self-generated. The IFA receives funding from the Irish Film Board and the BCI to preserve and document film funded by those organisations.

The IFA's current budget is approx €500,000 per annum.

The Archive currently has 8 members of staff. There are also 2 staff members in another department of the IFI who deal with Irish Film programming and making material available to festivals nationally and internationally.

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

The Irish Film Institute www.irishfilm.ie RTE – the national broadcaster www.rte.ie

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? **As outlined above the Irish Film Board and the Broadcasting Commission of Ireland both have agreements with the Irish Film Archive regarding the deposit of films that they fund the production of. The Archive also accepts material not funded by these organisations where it fits within the IFA's acquisitions policy, but this is on a voluntary basis.**

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

i. Legal Deposit **There is currently no legal deposit of film in Ireland.**

ii. Compulsory Deposit of all funded films

As outlined above the Irish Film Board and the Broadcasting Commission of Ireland both have agreements with the Irish Film Archive regarding the deposit of films that they fund the production of.

iii. Voluntary Deposit

The Irish Film Archive accepts voluntary deposits of film materials once they fit within the IFA's acquisition policy.

iv. Other (please specify)

Filmmakers that use footage from the archive collections will also deposit a copy of the finished product with the archive.

3) What material has to be deposited? **Pristine master print, release print, Digibeta tape, publicity material (including stills and posters) and production notes, 2 DVD copies under the IFB and BCI agreements.**

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? **Items must be deposited before final draw down of funding in the case of BCI and IFB funded material. With regard to other material that comes within the IFA's acquisitions policy there is no timeframe regarding its deposit.**

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)?

In relation to IFB and BCI deposit materials the Archive staff check all items and metadata received and final monies are not released by the funding bodies until approval has been given by the Archive that all items have been received and are in order.

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?

If this means non Irish material then No

- 2) And about moving-image material other than cinematographic works? **I'm unsure as to the definition of moving-image material other than cinematographic works; if this means web-based and mobile media the IFA doesn't collect this material. The archive does however collect television through the BCI and IFB. The collection also contains some advertisements, promotional and public information films but these are gathered in an ad hoc manner.**

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 IFA collects broadcast quality tape and also has a document and poster collection that supplements the film collection.**

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? **Library of Congress and FIAF cataloguing guidelines are used and are ISAD (G) compliant .**
- 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 IFA database is not available to the public via the IFI website, but portions are available via the TCD database (see 5.5).**
- 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)? **Not currently.**
- 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 the searchable via internet? **The Archive maintains an In Magic DB text works database, which includes filmographic, rights and technical information regarding all material it acquires. Detailed information regarding each film's content, genre, length, location, production credits, cast and plot synopsis; and technical records detailing the physical state of individual film reels, are entered onto the Archive's database. This information is essential in providing access to the collections and allows researchers to search for films under a number**

of subject headings such as date, location, film- maker etc, in addition to keyword searches.

These databases are created in accordance with FIAF standards and are also ISAD (G) compliant. FIAF produces recommendations on all areas of moving image policy. FIAF standards aim to ensure the standardisation of European moving image archives cataloguing and preservation procedures and the interoperability of their databases. The IFA databases do not currently link to any other European databases. Their content is however available via the Irish Film & TV Research Online - Trinity College Dublin www.tcd.ie/irishfilm/

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 IFA does not have digital file storage capabilities at present nor the funds to introduce these measures. Material is telecined when necessary to digibeta, and HD tape. Material is conserved on digital formats where possible; metadata and supplementary information (production notes, images etc) are all kept in a digital format on the Archive's database. The IFA aims to have a digibeta access copy of each title in its collection where budget and preservation considerations allow. The IFA has not yet received any material from production companies or distributors in a digital (hard disc) file format, although digital projection is undertaken in Ireland.**

- The preservation of equipment for showing cinematographic works on different legacy storage media. **The Archive routinely preserves equipment of different formats in order to play existing collections on these formats in the future i.e. Umatic, VHS, 16mm, 35mm, Digibeta, Beta Sp, Mini DV etc. Material is also migrated from format to format as is necessary.**

- 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. **Yes**

7. RESTORATION (TABLE 4)

- 1) 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 measures have been adopted. When the Archive wishes to restore a title it must go to the rights holders on a case- by- case basis.**

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? **In Ireland at present there is no restoration fund for film and the Irish Film Archive receives no specific funding for restoration. IFA undertakes restoration where possible in collaboration with partners such as the Heritage Council and production companies. The establishment of a national (or European) film preservation fund such as that administered by the National Film Preservation Foundation (NFPF) would be a welcome measure, the NFPF is a non-profit organization created by the U.S. Congress to help save America's film heritage.**

In addition to a film preservation fund the establishment of a national (or European) film registry in the model of the USA's National Film Registry, would also be a positive mechanism to help identify and protect important Irish films. The NFR's criteria are that films must be culturally, historically, or aesthetically significant and they must be at least ten years old.

8. ACCESSIBILITY (TABLE 5)

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 IFA is not enabled under Irish copyright law to make material available in this way. Irish copyright legislation does not differentiate between commercial and non-commercial uses. Where preservation and copyright considerations allow, the IFA collections may be made available for research, educational use, public performance or display. Ireland has not introduced administrative or legislative measures to allow bodies that deal with the preservation of film heritage to make cinematic works available in an educational way.

However the Irish Film Archive is working in partnership with a number of third level organisations and the Department of Education to put together educational projects that will be available to the public. In this instance each piece of film used must be individually cleared with rights holders despite the fact that they are educational projects. Although the IFI has an active Education Department that works closely with the Dept of Education, IFI activities do not come under the remit of section 55 of the 2000 Copyright Act (Education 53- 70. Pgs 49-55 and section 105 pg 66) Although the act makes reference to the recording of works for Archival purposes and the use of works for Educational purposes, at present the IFI is not designated by the Minister as either a place of education or as a prescribed archive. Receiving this designation would allow IFI more freedom to collect and screen material for educational and archival purposes.

- 1) 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 IFA asks for subtitled versions of material for people with hearing difficulties**

9. PROFESSIONAL TRAINING (TABLE 5)

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

The Arts Council and Screening Training Ireland have funded training for IFA staff members held by FIAF in the past, however the Archive no longer qualifies for assistance in this area and finds a limited budget, lack of grant aid for this type of activity and the lack of training within Ireland, problematic. There are no specialised courses in this area available in Ireland and training would need to be undertaken

outside of the state which is currently beyond the IFA's budget. The IFA hosts interns and trainees from a variety of third level organisations, both from within Ireland and internationally, therefore contributing to professional training in this field.

10. EDUCATION AND MEDIA LITERACY (TABLE 6) TO BE FILLED IN BY ALICIA?

- 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?

IFI runs an extensive education programme aimed at promoting film heritage among different audiences. Through our schools programme, we would offer access to a wide range of European films, and develop classroom resources to support teachers in their use of the films. Our programme also includes titles from around the world, workshops on aspects of film and film culture with the aim of promoting cultural diversity. We collaborate with various NGO organisations on screenings and events aimed at awareness raising. Finally, we are looking at European funding for 2010 to develop an inter-country film education project to strengthen European links among young people, through sharing film heritage.

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?

Since 2005, we have developed and delivered a Moving Image Module for schools which has been implemented across the country. This Module encompasses film studies, media literacy and visual education and is aimed at students of 15+. Our education programme also promotes visual education and film studies at various levels across the primary and secondary school sector. This combined with our programme for seniors, young people out of school and lifelong learning reflects our commitment to fostering visual education at all levels. We have embarked on a major research project in conjunction with the Irish Film Board, to develop a national strategy for film and young people.

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

At the Irish Film Institute we regularly draw on Irish Film Archive material and collaborate with the Archive to promote Irish film in our events. Through the Module above, but also our ongoing programme, we create events around visiting filmmakers and also actively invite filmmakers to participate and support our work. This year we have begun a series of collaborations with the National Film School, providing access for existing film students as well as establishing contact for potential students. During our Lights Out Film Festival for Young People 2009 we cooperated with RTE (national broadcaster) on various aspects and hope to continue this with our 2010 Festival. We have established a successful relationship with various distributors from whom we source prints but also collaborate on free previews for schools, creating support materials for particular titles and offering further opportunity for a link between industry and young people.

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

As mentioned above the Irish government has not yet directly engaged with the issue of film heritage, which has meant little has been addressed in relation to Point 24.

Ireland has no national policy on film heritage and therefore there is no centralised long- term strategy for this area. It is fundamentally important that a state policy on the preservation of moving image material is introduced in Ireland. Although various bodies have been involved at different levels in preserving Ireland's audio-visual heritage there is no one institution that has been enabled to comprehensively undertake this task or has been given the mandate to do so. It is now essential that a national policy be formulated defining the roles and responsibilities of each of the players in this field, thus preventing duplication of effort and encouraging co-operation between the various organisations.

- 1) monitoring compliance with the mandatory forms of deposit (both with the obligation of deposit and the technical quality of the material); **The Irish Film Institute undertakes this process as outlined above.**
- 2) 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 IFA undertakes a system of voluntary deposit.**
- 3) continuing efforts to achieve interoperability of film databases, and to make those databases accessible via the Internet; **not currently addressed.**
- 4) 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; **not currently addressed.**
- 5) 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 would need government, BCI and IFB support, the IFA is hoping to address this issue in the future.**
- 6) creating specialised courses at university level for all areas related to film archives; **Not possible in Ireland at present as there are no laboratories or specialist centres in Ireland, all work of this kind is sent to the UK or other European countries.**
- 7) giving higher priority and visibility to educational programmes and activities.

The IFA is currently undertaking many educational projects in relation to film heritage in collaboration with a number of third level organisations, the Archive undertakes a variety of educational activities in collaboration with the IFI's education department and education is one of the main objectives within the organisational mission of the IFI.

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); **The IFA currently receives material on film and Digibeta, HD tape. The archive does not currently receive digitally distributed material in the format that it has been distributed.**
- 2) storage / conservation of digital material, which could require regular migration to new formats or supports; **The IFA is working with UK colleagues to investigate this problem.**
- 3) applying digital technologies for restoration; **The IFA is currently working with Trinity College Dublin on a digital restoration project of early Irish films.**
- 4) giving access via internet to the collections, while ensuring respect of copyright laws; **this is currently impossible under current Irish copyright legislation.**
- 5) integration in the European digital library³. **This has not yet been looked at.**

13. FILM POLICY AND FILM HERITAGE

Is film heritage fully included in the film policy of your Member State? Have you consider linking funding film production and film heritage? **As mentioned above film heritage has not been directly addressed by the Irish government and there is no national policy on this area at present.**

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; **The IFI currently pays fees for cultural screenings.**
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- there is an educational use of their films (screenings made in schools, extracts made available for teaching purposes); **the IFI uses film for educational purposes but must pay fees and clear each clip individually.**
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- extracts of their films are made available in Europeana. **Clips would need to be cleared with rights holders for this purpose but the IFA is investigating this. The IFA does have material available on the European Film Treasures website <http://www.europafilmtreasures.eu>**
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³ 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 IFA is a member of FIAF, but due to limited resources is unable to attend many meetings or conferences. The Head of the IFA tries to attend the EU meetings on film heritage in Bruxelles, but again due to budget constraints finances are prioritised for use on film preservation activities.

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 discussion/dialogue has commenced between the IFI and the relevant Government Department (Department of Arts, Sport & Tourism) and other Agencies to develop a strategy for the future.

(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

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? **Nothing currently.**

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?

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?

Yes, a direct recommendation that central government in each of the member states recognises the importance of film heritage and its preservation and actively engages with the organisations (in this case the IFI) that undertake this activity by creating a national strategy on film preservation and restoration. The Irish government needs to consolidate the work of the IFI, BCI and IFB in preserving and making film heritage available on behalf of the Irish and European people.

The preservation and cultural use of Ireland's film heritage would be greatly enhanced if the Irish government recognises the role of the Irish Film Archive and its contribution to Ireland's film culture, as mentioned above the role of the IFA is not officially recognised in any legislation but has formal and informal relationships with a number of state and government bodies. A directive from the EU asking member states to draft national policy within a specified timeframe would be immensely useful.