

Questionnaire
on the implementation of the Recommendation of the European Parliament
and the Council of 16 November 2005 on "Film heritage and the
competitiveness of related industrial industries"

1. Legislative and administrative measures promoting the objectives of the Film Heritage Recommendation:

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?

To deliver the above objectives, measures have been adopted to ensure that cinematographic works forming part of our 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 most important are:

- a body for delivery of these objectives has been established – the National Film Archive, with ensured provision of available financial resources and the ability to regularly collect cinematographic works forming part of the audiovisual heritage - by obliging producers to submit a copy of each film produced along with supporting documents related to the film's production;
- under the Act of 30 June 2005 on cinematography (Polish Journal of Laws no. 132, item 1111 as amended), the Polish Film Institute was established – a public legal entity entrusted with delivery of tasks related to the state policy on cinematography, including support of film archives maintenance;
- the National Audiovisual Institute has been established as the central body specialised in digitalisation and coordinating the programme of preservation and sharing of digital cultural heritage, in particular of audiovisual works;
- the National Digital Archive has been established as the central national archive entrusted with collecting audiovisual archive materials, excluding such materials as are collected by the National Film Archive;
- the ability to support projects aimed at increasing access to the resources of cultural heritage and their protection in digital form have been created through the Operating Programme of the Ministry of Culture and National Heritage "Cultural Heritage", Priority 4 "Creating digital resources of cultural heritage" constituting the tool to coordinate digitalisation processes countrywide and maintain specific standards for these processes.

2. Definition of cinematographic works forming part of the national audiovisual heritage:

How do you define the notion of cinematographic works forming part of your audiovisual heritage?

Pursuant to the act of 30 June 2005 on cinematography "cinematographic works forming part of the national audiovisual heritage are films understood as works of any length, including documentary or animated films, consisting of a series of consecutive sound images or silent images, recorded on any carrier allowing multiple playback, creating the impression of movement and forming a unique entirety, expressing action (content) in an individual form, and - for a part from documentary and animated works - intended to be displayed in cinemas as the primary field of operation as defined by the regulations on copyright and related

rights, including co-productions in which the producer or co-producer is an entity based in the Republic of Poland, and meeting at least one of the following criteria:

- the author of the script or adaptation of a literary work, director or actor of one of the leading roles are Polish citizens, the share of financial resources of the producer based in the Republic of Poland in film production costs is 100%, and these resources are expended, up to the amount of 80% of film production costs, in the Republic of Poland, and the release copy is made in the Polish language,
- the author of the script or adaptation of a literary work, director or actor of one of the leading roles are Polish citizens, the share of financial resources of the co-producer based in the Republic of Poland in production costs is at least 20% with a film in bilateral co-production or at least 10% with a film in a multilateral co-production, and these resources are expended, up to the amount of 80% of film production costs, in the Republic of Poland, and the main language version is made in the Polish language.

3. Film Heritage Institutions

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 are their human resources for 2009?

Pursuant to the act on cinematography quoted in item 2:

1) activity in protection of the national cultural heritage in the area of cinematography has been entrusted to a national cultural institution - the Polish Film Institute (www.fn.org.pl) whose tasks include in particular the following:

- collection and preservation of negative materials, release copies, other archival film copies of Polish films and archival film copies of films other than Polish if they are important for Polish culture, learning or social life,
- development of a methodology for archiving Polish films and Polish historical and film documentation,
- collection and archiving of documentation on film production and distribution,
- propagation of film culture, including sharing film resources,
- compiling library collections and exhibits on the history of film and cinematography,
- maintenance of a film works catalogue,
- co-operation with domestic and foreign entities
- cultural and educational, and publishing activities.

The total planned budget of the National Film Archive for 2009 is a total amount of PLN 17,887,000, including subsidies from the state budget given by the competent minister for culture and cultural heritage using funds from the budget share he has at his disposal, with a specific-user subsidy of PLN 6,519,000 and a specific-property subsidy of PLN 479,000.

Total human resources for 2009 is 105 people.

2) delivery of tasks related to the state policy on cinematography, including support of film archives maintenance has been entrusted to the Polish Film Institute (www.pisf.pl). This task is delivered by the Institute under the Programme of "Film culture propagation" aimed at, among other things, the protection and preservation of archival film collections and their digitalisation. A type of task eligible for co-financing is that consisting of "digitalisation and

conservation of archival film collections and film documentation for general sharing”, and the programme’s beneficiaries are bodies designated to deliver, in the public interest, the tasks of collecting, cataloguing and preservation of film heritage.

The total planned budget of the Polish Film Institute for 2009 is a total amount of PLN 126,966,000 including PLN 10,458,000 from the state budget (specific-user subsidy of PLN 9,458,000 and specific-property subsidy of PLN 1,000,000), and it has 59 people at its disposal,

3) local governments were given powers to create regional film archives as local government cultural institutions as defined in the Act of 25 October 1991 on organizing and conducting of cultural activities (Polish Journal of Laws of 2001, no. 13, item 123 as amended). On this legal basis, the first regional film archive in Poland was created – the Silesian Film Archive (www.csf.katowice.pl) dealing with the acquisition, collection and sharing of films and film materials in all forms, their digitalisation and preservation, as well as the collection and sharing of books, magazines, leaflets and other film-related publications. In April 2008 the Silesian Film Archive became a member of the International Federation of Film Archives (FIAF). The total planned budget of the Silesian Film Archive for 2009 is PLN 298,000, and it has 9.32 full-time employees.

As of 1 April 2009, the National Audiovisual Institute (www.nina.gov.pl) was established whose area of activity consists in the propagation and promotion of culture, science and education in audiovisual media, with particular consideration of audiovisual works. To this end, the Institute shall in particular: collect, archive and document audiovisual works, perform digitalisation and reconstruction of audiovisual works, take actions to create an environment for widespread access to audiovisual works. The total planned budget of the National Audiovisual Institute for 2009 is PLN 13,643,978 including a specific-user subsidy PLN 12,516,978 from the state budget, and it has 21 full-time employees.

4. Collection

4.1. Deposit of cinematographic works forming part of the national audiovisual heritage:

1 and 2/ What steps have been taken to systematically collect cinematographic works forming part of your audiovisual heritage? Deposit type.

To ensure the systematic collection of cinematographic works forming part of our audiovisual heritage by way of legislation, the Act of 30 June 2005 on cinematography (Polish Journal of Laws no. 132, item 1111 as amended) and the Act of 7 November 1996 on obligatory copies for libraries (Polish Journal of Laws No. 152, item 722 as amended) and the regulation of the Minister of Culture and Art issued pursuant to the delegation therein stipulated on 6 March 1997 on the list of libraries authorised to obtain obligatory copies of specific types of publications and on the principles and manner of their submission (Journal of Laws no. 29, item 161 as amended) imposed an obligation on the film producer to provide the National Film Archive as part of its duty to protect the cultural heritage in the field of cinematography with one free copy of each film produced, along with supporting documents related to the film’s production, in particular the script, credits of the cutting and dialogue scripts, photos, posters, credits list and advertising materials. Film negative materials which constitute the basis of the obligatory deposit are left at the film producer’s disposal.

3/ What material has to be deposited?

According to the legislative provisions, a legal obligation has been imposed on the film producer to deposit an unused copy of each film produced, including films without public co-financing, along with supporting documents related to the film's production, in particular the script, credits of the cutting and dialogue scripts, photos, posters, credits list and advertising materials.

4/ What is the deadline for deposit?

Pursuant to legislative provisions – the deposit is submitted within 14 days of the completion of the film production process at the earliest, however no later than on the date of commencing film distribution.

5/ Are checks made on the obligatory deposit's compliance with the procedure and on the quality of the material? What measures have been taken in order to ensure the good technical quality of deposited cinematographic works?

There are no checks for compliance of the deposit obligation as the act does not stipulate any enforcement authorisations. As for the quality of deposited works - the act provides for an obligation to provide the National Film Archive with an unused copy of each film, and in the case of documentaries and short films of BETA tapes.

In order to ensure the good technical quality of deposited cinematographic works the following measures have been taken: a film tape demoulding and chemical cleaning lab has been commissioned along with a state-of-the-art air-conditioning system in the nitrocellulose and acetocellulose tape warehouse. Adequate conditions (appropriate temperature and humidity) in warehouse rooms are the key prerequisites for the collection and storage of film materials. Also the quality of preserved film tapes is being continuously improved. The National Film Archive employs high-class specialists in film tape preservation (with appropriate vocational training and longstanding practical experience). In addition, all the work is carried out using increasingly modern equipment and materials.

4.2 and 4.3/ Collection of cinematographic works not forming part of national audiovisual heritage. Collection of non-film material.

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

2/ Or about moving-image material other than cinematographic works?

Is there any provision / practice in your Member State concerning the collection of non-film material?

In general, in Poland there is a practice of collecting material related to films, such as: posters, film programmes, scripts, screen plays, photos and musical scores, press notes, memorabilia. Specialised teams at the National Film Archive: the Film Documentation Team and Library and Reading-Room Team take care of these collections.

The act on providing obligatory library copies also imposed an obligation on TV film producers to provide the National Film Archive with copies of TV films.

5. Cataloguing and databases

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?

All items in the collection are described in two systems of a traditional hard copy catalogue according to the production country and according to Polish and original titles. This basic cataloguing method is, unfortunately, inadequate nowadays and it makes it difficult, and sometimes even impossible to access full information on the collections. It is only since 2005 that the data from these catalogues has been systematically transferred to an electronic database, "SI Filmoteka", where they are cross-referenced using keywords with other subcollections (photos, posters, books etc.).

The National Film Archive is a member of the International Federation of Film Archives (FIAF) and has for many years been using collection cataloguing and description methods compliant with the standards developed by the Federation. The Film Archive shares historical film materials with archives of FIAF country-members for the purposes of restoration of works produced in their countries and receives such materials itself.

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?

In summer 2009, the CEN – European Committee for Standardization – with a mandate from the European Commission, adopted a new European Standard EN 15744:2009 Film identification – A minimum set of metadata for cinematographic works. At the request of the Polish Standardization Committee this standard has the status of Polish Standard. The Committee is authorised to draw up official translations of the adopted standards and then submit them to institutions and bodies using these standards, including the National Film Archive.

Once the Polish version of the document is made available to the National Film Archive by the Polish Standardization Committee, works will commence to implement these standards and the document will be made available on the Film Archive's websites.

Other measures in the field described in the question have been presented in answers to question 5.

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

We have not contributed due to a lack of co-operation on setting-up of databases from Eurimages or the European Audiovisual Observatory. Other databases containing European audiovisual heritage in Europe have been set up mainly based on projects generated by the Association des Cinematheques Europeennes, such as the EFG, Archive online, Lost Films. The National Film Archive became a member of ACE in 2009, and is also a partner of the Lost Films portal (see the detailed answer in point 14 of the Questionnaire), plans to co-operate with Archive-online and Europeana in future.

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?

Due to the poor informational level of the designated body, which requires transformation of its internal functioning and remains relatively difficult to achieve - adding value to stocks by organizing them in collections at EU level is very limited. However, it is planned that in November this year some of the collections will be made available on the Europeana portal, allowing integrated access to digital collections, including films. This will be possible as the test work on the commissioning of the FOTOTEKA FN website planned for mid-November, presenting the photographic stocks of the National Film Archive (photos, negative materials, diapositives) using 2 search engines (simple and advanced), are coming to an end. Please find more in the answer to the question below.

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

Regarding databases set up at the National Film Archive and made available on the Internet, in 2003-2004 design and implementation work has been undertaken and completed on a state-of-the-art, comprehensive information system – SI FILMOTEKA, used by the Archive’s staff. In future, the system will also contain comprehensive information on all stocks of the National Film Archive and will become an indispensable tool (internal application) as well as a source of extensive filmographic information for external users (web application). The system describes the following stocks: film copies, scripts and literary materials, books, magazines, photos (including negatives and diapositives), posters, awards and diplomas, film programmes, scenography designs. In 2007 and 2009 the necessary software modifications were made, and now preparatory work is under way to use this system to improve the service of trade and lending of film material collected in the National Film Archive. From the collections of the National Film Archive described in the system, since 2005 information on books entered from 1986 to the present date (current and previous items) can be searched online.

Moreover, the test work on the commissioning of the FOTOTEKA FN website planned for mid-November, presenting the photographic stocks of the National Film Archive (photos, negative materials, diapositives) using 2 search engines (simple and advanced), are coming to an end. Materials for this service are being routinely prepared and developed, the detailed description of each photo contains such information as: title, country, production year, director, names, functions and roles of people in the photo, keywords, places, type and nature of the photo, technical information etc. For this project we have also managed to gain the support and consent of some of the commercial copyright owners of the films to present film photos in the developed service. In the first stage, around 30,000 photos will be made available.

6. Preservation

1) What measures/programmes have been taken in order to ensure the 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 legacy storage media.**

In 2008, the National Film Archive received co-financing under the Operating Programme of the Polish Film Institute "*Propagation of film culture*" for the following task: "*Digital preservation of documentary film material of the Polish Film Chronicle from the years 1945-1956 recorded on flammable nitro tape*".

The aim of this task was to share Polish documentary material recorded by the operators of the Polish Film Chronicle from the years 1945-1956 which to date have only been recorded on flammable nitro tapes. Therefore they could not be used in film productions or TV broadcasts. Reviewing and preparation of film material on flammable tapes was performed in the preservation labs of the National Film Archive. Then all selected material was transcribed in High Definition with a remote radio controller. Film material covered by the project show different aspects of life in the People's Republic of Poland in the years 1945-1956 recorded by operators of the Polish Film Chronicle. For various reasons they were never used in News Chronicle broadcasts. Neither were they included in the production materials of historical TV programmes. These materials were not generally available and their technical condition would have deteriorated with every year. Transferred onto digital media they have become a major contribution to the digital collections of the National Film Archive. Once they are included in thematic catalogues, they will be made available to producers of audiovisual programmes as well as film researchers and fans. In 2010 it is planned to start delivery of the programme "Unused Positives" which is to digitalise, prepare filmographic description and share these collections.

To preserve, digitalise and reconstruct the oldest collection of feature films from the pre-War period, the National Film Archive started delivery of the project "Preservation and digitalisation of pre-War feature films", aimed at the permanent preservation of the most valuable archival films of Polish cinematography from the pre-War period and reproducing them on new media. Works planned under this project will limit the ongoing degradation of the film collection which will allow the preservation of important cultural heritage of supraregional importance. The project will result in the improved condition of feature films of major importance for European culture. The purchase of equipment and fixtures for the National Film Archive's laboratory will allow further digitalisation and reconstruction work in future on a collection of 158 films from the pre-War period. The project will contribute to the creation of new jobs.

Under this project:

- 3 films on nitrocellulose tape, from the pre-War collection, will be repaired, digitally scanned and fully reconstructed (with a new 35mm copy and a 4K digital version);
- 40 films from the above-mentioned collection of feature films from the pre-War period will be repaired, preserved digitally and prepared for reconstruction.

The films will undergo careful restoration work and be prepared for digitalisation. With 4K high resolution scanning technology, information on the picture will be preserved and recorded on digital media. This process (Digital Intermediate) will yield a copy of the original nitro material on a non-flammable 35mm polyester material and a 4K format digital version.

2/ Does 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? 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.

This exception is implemented in Polish legislation by Article 28 of the Act of 4 February 1994 on copyright and related rights. This article stipulates that "Libraries, archives and schools may:

- 1) share free of charge, under its statutory tasks, copies of distributed works;

- 2) prepare or order preparation of copies of distributed works to supplement, preserve or protect their own collections;
- 3) make the collections available for research or educational purposes via information system terminals at these facilities.”

7. Restoration

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 work resulting from that restoration on the basis of an agreement between all interested parties?

The designated body does not perform restoration work on the deposited materials on their own. At the owner's request they are issued for the purpose of restoration work in specialised companies. The National Film Archive on the other hand participates in the restoration of the older relics of Polish cinematography and in a project of editing restored works (see question 6, answer 2)

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

By financial support from the state budget funds at the disposal of the minister for culture and heritage protection, and thus: for the 70th anniversary of the outbreak of World War II a DVD - "It started in Poland" - was published, containing unique documentary films from the years 1938-1946. These materials, forming a poignant testimony of the first events in the war, have been carefully restored.

The project of "Restoration and digitalisation of pre-war feature films" under Priority 11 "Culture and cultural heritage" of the "Infrastructure and Environment" Operating Programme, consisting in the preservation of 43 pre-war period feature films selected for digitalisation of media, has also received support. A restoration programme has been developed to perform an expert analysis of the technical condition of 35mm nitrocellulose film tape, with a programme for its physical restoration.

8. Accessibility

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 materials deposited in the National Film Archive, upon their owners' consent, are shared with film societies, higher education and research institutions. Moreover, the National Film Archive is a member of the worldwide organisation associating film archives – the FIAF. Pursuant to the statutes binding FIAF members, the Film Archive is obliged to conduct educational activities and activities propagating film culture, i.e. non-commercial activities. As a part of these activities, Iluzjon – the Film Museum Cinema belonging to the National Film Archive – presents thematic cycles (overviews of the work of directors, actors, operators, composers, and the maincurrents and directions delineating stages in the development of cinema) with films from both the Film Archive's collections as well as those borrowed from Polish distributors of foreign films or other European archives. Moreover, cinematographic works are made available to Polish cultural institutes, foreign cultural centres and at festival shows to promote Polish

cinematography as forming a part of European film heritage. These activities are non-profit-making. The National Film Archive also makes its collections available for the purposes of higher education, e.g. by holding classes for film school students on their premises.

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.

Iluzjon – Film Museum Cinema is currently being renovated, and the extent of renovation includes providing good access to people with disabilities (during the renovation, Iluzjon is holding its shows in replacement rooms). Regarding access to collections held at the National Film Archive’s library, people with disabilities are offered access to fragments of publications or articles as scans sent in an electronic version, in compliance with copyrights and related rights.

9. Professional training

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

As part of the Operating Programmes of the Polish Film Institute, a “Professional Training” Programme is being delivered with the aim of improving the qualifications and skills of professional groups in the Polish film industry which have a decisive effect on the artistic and technical quality of films and the economic potential of the film market.

Types of eligible projects include:

- a) organisation of courses, training, workshops and other projects of long-term programmes of innovative nature, aimed at improving professional skills of individuals for the needs of Polish cinematography and at raising the qualifications of Polish creative staff, as needed and required by the film market,
- b) keeping systematic, institutionalised information on the possibilities of obtaining international funds for delivery of film projects,
- c) implementation of programmes improving skills prior to professional debut.

10. Education and media literacy

1 and 2// 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? 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?

There is a Film Academy in Poland, which is the country’s only regular course of film history on an academic level. The classes comprise a 1-hour lecture and a film projection illustrating the lecture. The Film Academy teaches students on the development of film genres, film language, evolution of film dramaturgy, narration and aesthetics, with new styles, directions and film schools. Lectures at the Film Academy are given by eminent experts on the subject. In addition to this, there is the Polish Film Academy – a 2-year course of Polish feature film history. The curriculum of the Academy, comprising 96 titles and distributed over four semesters, presents the output of Polish feature films covering a wide range of famous names, genres and themes. The chronological structure of the curriculum

facilitates learning about the trends dominant in a given period and directions of development. The Polish Film Academy is supplementary to arts courses of higher education institutions also operating as a free university. It is open to anyone wishing to consolidate or extend their historical knowledge of domestic cinema. Lectures of the Film Academy and Polish Film Academy are recognized as an optional subject by many Warsaw universities.

The purposes described in both questions are also served by the operations of the Iluzjon - Film Museum cinema (see item 8), in particular by holding reviews of the output of directors, actors, operators and composers also of European cinema, and reviews of the main currents and directions delineating particular stages in the development of European cinema.

Other example of actions delivering the above objectives include:

- operations of the Arthouse Cinemas Network, forming an integral part of the National Film Archive, which disseminates film culture, in particular through the distribution of films from around the world, including European films of high artistic value, in the network's cinemas and providing educational activities addressed at a young cinema audience,
- The Silent Movie Festival, a cyclical event held by the National Film Archive, which in 2009 was organised for the seventh time, presenting films of the silent era with accompaniment of a specially composed music score performed in front of the screen. The festival is addressed at fans of good cinema and music. All the films shown at the festival come from the unique collections of the National Film Archive and other European archives. Owing to this, the audience can see unique pictures, rarely or never seen in Poland. The films are presented in thematic cycles, showing the origins of cinema all over the world. The shows are accompanied by presentations of pre-War commercials and trailers from the collection of the National Film Archive. Each festival show is accompanied by a concert,
- educational and exhibition activities of the Cinematography Museum whose goals include: collection, storage, restoration, development and sharing of cultural works from the field of film arts and technology, in particular of archival film equipment, including those inventions which directly preceded the invention of cinema, documents from cinematic history, materials, objects related to the creation and functioning of feature, documentary, educational, animated, avantgarde, video and TV films, film broadcasts, posters, screenplays, photos and memorabilia related to the cinema community,
- Operating Programme of the Polish Film Institute "Education and film culture propagation" aimed at, among other things, film education, in particular of a young audience.
- Operating Programme of the Polish Film Institute "Cultural education" which may co-finance tasks involving film education.

To foster and promote film studies and media literacy in education at all levels, web portals are being established, the most popular of them being:

- Online Polish Film Database (www.filmpolski.pl). The portal has been created to archive information on films and all their creators from 1902 until today. One of the portal's sections is the "Calendarium" containing information on important events in the film world over more than 100 years, dates of premieres, births and deaths of people related to Polish film. The section "Film in the Polish press" contains film references from Polish magazines starting from 1945,

- The www.bazafilmowa.pl portal reporting on current film production includes a browser of film companies and institutions, a portal on Regional Film Funds, data, summaries, analyses, information on planned and current feature, documentary and animated film projects.
- The portal of the Polish Film Institute (www.pisf.pl) contains information on the methods, opportunities and results of financing for Polish cinematography, the Institute's own operations, educational initiatives and initiatives disseminating film art. It gives up-to-date reports on film events, informs of upcoming premieres, contains online help for people applying for subsidies for film projects, an address and location browser of film schools, subscription of newsletters, interviews with artists, film trailers, database of Polish, international and world film festivals and film awards as well as descriptions of projects promoting Polish film domestically and abroad. The portal is a source of information on Polish cinema since the new act on cinematography was adopted.

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

Co-operation of all the above-mentioned institutions resulted in the educational programme of the "School Film Archive" aimed at including film studies in the process of school education. Secondary and other schools countrywide have been sent DVD packages containing over 50 feature, documentary and animated films. The films have been selected to match 26 curricular and optional class subjects suggested by the specialists in a given area (Polish language and literature, art education, civic education).

Regular operations in this field are also conducted by Media Desk – Polska, an office co-operating with the National Film Archive, in particular in organising conferences and seminars which disseminate co-operation between film producers, distributors, broadcasters and institutes.

11. Follow-up of priorities identified in the first implementation report

What has been done in your Member State, in order to address the following priorities, identified in the first implementation report:

1/ establishing a long-term strategy for national film heritage and annual plans for specific issues (digitisation, restoration, education)?

In April this year, the National Audiovisual Institute was established as the central body specialising in digitalisation and coordinating the programme of preservation, extension and sharing of digital cultural heritage, which shall in particular:

- collect, archive and document audiovisual works,
- digitalise and reconstruct audiovisual works,
- take actions to create an environment for widespread access to audiovisual works,
- co-author, produce and promote cultural works of high artistic level to be broadcast in public and private media,
- use new technologies (including the Internet) in activities in the area of the promotion of culture, science and education,
- seek new forms of language and communication.

In addition to this:

- the National Film Archive, delivering the action plan resulting from its competences has taken actions which resulted in the establishment of two new teams: Team for Digitalisation of Iconographic Collections and Online Information and the Tape Restoration Team;
- the “School Film Archive” will be continued.

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

See explanation provided in 4.1 item 5.

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;

The National Film Archive, as a member of the Association des Cinematheques Europeennes (ACE) has taken actions to implement the agreement negotiated and signed by ACE with the International Federation of Film Producers Associations (FIAPF) (in May and July 2009) in the Polish context. The DG Information Society of the European Commission supported these negotiations between the above organisations. The agreement was intended to supersede the one of 1991 and be adapted to both the new digital context and EU enlargement. The agreement concluded is to constitute a basis for EU Member States to operate on, its annex also contains a template agreement between archives and producers. The agreement stipulates the following issues: terms of depositing, initiatives for preservation and restoration, access to and use of the archives by producers.

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

The National Film Archive is carrying out work to improve the database and plans to share part of the collection on the Europeana portal in November this year. The databases and metadata contained therein are basically compliant with the designed EN 15744 standard (see the answers in 4.2 and 4.3).

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 available resources;

The designated body regularly co-operates with all film institutions and companies in Poland, and on the European level – with all archives associated in the International Federation of Film Archives (FIAF). This year, the National Film Archive initiated contact with German and Swedish archives in relation to a German film (of 1925) and a Swedish film (of 1913) from the silent era, deemed lost to this date and found in Polish collections. Both films require major preservation and restoration works. These works are planned to be conducted in collaboration with the German and Swedish archives.

Moreover, the National Film Archive started delivery of a project coordinated by an Austrian company, obtaining access to the RestorNet application – Project for digital collaborative restoration – owing to which works in the field of digital restoration will be possible and the industry will be able to extend its knowledge about this. This application will allow the National Film Archive more extensive co-operation on digital restoration with other entities interested in the cinema and film culture, eg. the arthouse cinemas network.

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 National Film Archive co-operates with the Ministry of Culture and National Heritage pointing to the need of solving the issue of "orphaned" works. The National Film Archive has presented an official stand aimed at regulating the issue of orphaned works in Polish copyright legislation in a manner similar to the solutions already adopted in other European countries.

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

See description in point 10

8/ giving higher priority and visibility to educational programmes and activities.

Actions taken in this area have been described in point 10 items 1 & 2.

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 digital technology:

1/ collection / acquisition of digital material (distributed in cinemas or via new channels);

Acquisition lies outside the competence of the National Film Archive, but DVDs or other digital media (disc matrices) submitted or gifted to the National Film Archive are collected there.

2/ Storage / conservation of digital material, which could require regular migration to new formats or supports:

See detailed description provided in 4.1 item 1 & 2.

3/ applying digital technologies for restoration

In November 2008, the Tape Restoration Team was established. The Team handles in particular the oldest collection of Polish archival film materials and any film materials recorded on flammable nitro tape. The Team undertakes the tasks of digital restoration of vision and sound in close co-operation with the Film Collections Team and Film Tape Maintenance Team. The Team's responsibilities include in particular: developing the principles and methods for digitalisation of the oldest resources of Polish cinematography and digital preservation of material recorded on flammable nitro tape. The Team, operating state-of-the-art equipment, this year started to reconstruct the documentary materials later published on the "It started in Poland" DVD on the outbreak of World War II and containing restored digital material. Moreover, the Team worked on "Prussian Culture" - the oldest relic of Polish cinematography from 1907-08. The Team is working on the digital reconstruction of other cinematographic works.

4/ giving access via the Internet to the collections, while ensuring respect of copyright laws;

see answer in point 5.5.

5/ integration with the European digital library

see answer in point 11.4.

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 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 in Europeana.

The Polish Film Institute operates a coherent policy for co-financing all projects in the field of cinematography, from: works on development of a film project, film production, film education and film culture dissemination, promotion of Polish films abroad, through to development of cinemas and the domestic promotion and distribution of films. As a part of film distribution, the Institute co-finances production of film copies on condition that at least 15% of all co-financed copies will be deposited by the distributor in the National Film Archive for distribution solely in the Arthouse Cinemas Network and Film Societies. For the programme's purposes, these copies are referred to as "dedicated copies". Dedicated copies, once the distributor's licence expires, become the property of the National Film Archive. Measures relevant to the three bulleted items have been described above in answers to the questions concerning them (questions: 8, 10.)

14. European and international activities

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 on the international level?

- the National Film Archive is active at the European and international levels. It is a member of the FIAF, an organisation comprising most of the world's film archives. Since March 2009, the National Film Archive has been a member of Association des Cinémathèques Européennes – ACE, a European organisation integrating film archives, whose objective is to take actions to protect European cinematography and preserve European film collections.

- In April 2009, the National Film Archive became a partner of an international Web portal – LOST FILMS (www.lost-films.eu) founded on the initiative of the Deutsche Kinemathek in Berlin. The portal is a platform for international co-operation of the world's film archives in order to search for films that are considered lost. Each national film archive has information on films produced in that country, copies of which failed to survive (usually being lost in World War II). Some films produced in each country were distributed abroad, it is thus possible that copies survived in foreign archives. Film archives publish information on lost titles on this portal. Mutual verification of the information allows them to identify specific titles in the foreign archives' collections. On the portal, the National Film Archive keeps publishing materials on Polish films that are considered lost and, as far as possible, helps in identifying materials published on the portal by other film archives. This May, the National Film Archive uploaded the list of the first 20 lost Polish films on the portal's website. Owing to this project, the 1925 film "...und es lockt ein Ruf aus sündiger Welt" sought by the German archive – Bundesarchiv-Filmarchiv – has been found in the collections of the National Film Archive. Also a 1913 Swedish film „Gränsfolken” directed by Mauritz Stiller has been found.

The LOST FILMS portal is a valuable initiative, as it makes the procedure of seeking lost films significantly easier. This is particularly important for the National Film Archive's collections where 90% of silent and 25% of sound films from the pre-War period are considered lost. To date, the only way to identify a domestic production film in a foreign archive was a personal request, which – due to the large number of materials requiring verification – would frequently yield no results. However, in the history of the National Film Archive several lost films managed to be found that way. In 2003, the collections were enriched with “People with no tomorrow” (1918), a film found in the Bundesarchiv in Berlin and the oldest surviving Polish film – “The mystery of Room 100” (1914) found in the Filmmuseum in Amsterdam. In 2005, the National Film Archive received a copy of Michał Waszyński's film – “Loves, Likes, Respects” (1934) found in a French archive in Bois d'Arcy.

- Moreover, the National Film Archive co-operates, on various levels, with European film archives, e.g. from France, Germany or Sweden.

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 designated body, as a part of its assigned responsibilities, regularly co-operates with all film institutions and companies both domestically and on the European level – with all the archives participating in FIAF. The collection cataloguing and

describing standards adopted by the Federation ensure coherence of collections and thus allow both information exchange and the possibility of giving access to and receiving film materials for purposes of restoration of domestic production works.

- b) release, for example on DVD, of archival material with subtitles in as many European Union languages as possible, in compliance with copyright and related rights;

As it is one of the most important forms of Polish cinema's existence in Europe and worldwide, a collection of copies with foreign subtitles is compiled as required on an ongoing basis, and regularly updated, and digitalised on DVD and in HD in European languages.

- c) compile a European filmography;
none

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

Only when the strategy for digitalisation of cultural heritage and collection, storage and sharing of digital objects in Poland 2009-2013 – the first stage of which in the field of audiovisual material is the establishment of the National Audiovisual Institute as the central body specialising in digitalisation and coordinating digitalisation activities on analogue audiovisual collections – will create the conditions for the establishment of a European information exchange system.

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

none

15. Progress in relation to problems encountered in the first implementation report.

What has been done to address the problems encountered or weak areas identified in the First Implementation report, in relation to your country?

Digitalisation and reconstruction are very costly projects, usually exceeding the financial capabilities of the body designated to systematically collect, catalogue, preserve and restore cinematographic works. Therefore, it is necessary to finance the works *ad hoc* from structural funds, specific-purpose subsidies or international projects – which, unfortunately, does not ensure continuity or stability to the digitalisation work. Moreover, the global crisis in 2009 made the basic funding of digital deposits, i.e. the budgets of institutions or the Operating Programme of the Ministry of Culture and National Heritage, lower or not increased which in fact prevented any extension of activities related to digitalisation of collections.

However, as early as in 2010:

- the Polish Film Institute is planning to earmark a separate priority within Operating Programmes, under the name of “Digitalisation and preservation of film archives”,
- The Ministry of Culture and National Heritage has announced the Programme of “Digital resources” Priority 4 “Digitalisation of audiovisual materials”. The expected budget of the programme is PLN 7m. The programme’s objectives include:
 - 1) extension of digitalisation infrastructure used to digitalise audiovisual materials,
 - 2) digitalisation of audiovisual materials,
 - 3) safe and long-term storage of audiovisual material in digital format,
 - 4) dissemination of digitalised audiovisual materials,education on digitalisation of audiovisual materials and long-term storage of digital resources.

Types of eligible tasks include:

- a) creating the technical infrastructure for digital resources used to digitalise audiovisual materials (e.g. creating digitalisation labs – purchase of scanners, computer equipment, equipment for mass storage and sharing of data, information systems and software etc.),
- b) digitalisation of audiovisual materials,
- c) sharing and storage of digital resources by establishing and running media archives,
- d) organisation of training and workshops to educate on digitalisation of audiovisual materials.

16. Best practices

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

The process of digitalisation and reconstruction provides an opportunity to display film materials combined with special comments (in the form of speeches by experts, accompanied by film and photographic documentation of the restoration process). This gives an opportunity to explain the importance of the restoration activities undertaken to the audience. It will introduce the viewer into a world of new methods of recovering lost works of art. It explains many imprecisely used terms. It will allow to differentiate between the opportunities offered by modern technology as standard actions (remastering) and restorative actions (digital reconstruction) which save works of art from being lost. We should properly interpret the value of archival materials, to contribute to the understanding of the role of such institutions as film archives.

Such practice takes place during showings of films restored at the National Film Archive. The most recent example of such a project was the recently published DVD – “It started in Poland 1939” containing materials illustrating the outbreak of World War II in Poland and the fate of Warsaw population and their city. The premiere showing of the DVD which attracted great interest in the media and audience was

preceded by a short lecture explaining the meaning and course of the film reconstruction process.

Another particularly good practice is the educational programme „SCHOOL FILM ARCHIVE” initiated in 2009 in order to introduce film education in secondary and other schools using the outstanding works of Polish cinematography. Polish secondary schools received film packages containing over 55 selected feature, documentary and animated films along with overviews and scripts for film analysis. The programme’s formula is open, which allows conducting classes in diverse ways, both during regular classes and outside. It can be used by teachers of many subjects – Polish, arts, history or civic education.

The programme includes an interactive website at www.filmotekaszkolna.pl. This is a source of additional materials such as: examples of scripts, reviews and articles on films in the package, suggestions for films to watch, and supplementary reading. There are free online and stationary courses for both teachers and young people, held countrywide. The aim of these workshops is to prepare teachers to conduct classes, and to initiate and promote good practices among students. Training activities are delivered under the slogans: **School Film Archive. Action! and School Film Archive. Academy.**

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?

The primary challenge for a digitally stored film is to find a safe format. Mostly because of the market, with rapidly changing formats and increasingly more innovative improvements, it is difficult to say what standards will be used in the future. The main aim certainly is to limit compression to loss-free methods, obtaining the best possible quality while extending availability of the collections and creating safe possibilities of transferring files to new archive systems in future. The archiving format currently available is DPX and JPEG 2000. Quality of the image is determined in a test of subjective human eye perception and objective computer analysis. Apart from creating a digital master copy, which should be stored in a safe digital matrix, the material may be transferred onto a polyester film tape. This has been to date the most effective archiving practice.

It is clear that the new possibilities offered nowadays by digital technology are a real chance for saving films on nitrocellulose tapes. A digitalised film may be an object of further research and image reconstruction without the need to touch the original, and may be transferred again onto polyester negative tape. These two parallel solutions will ensure the maximum currently available protection to film material which recorded on a nitro tape would rather not stand a chance of survival or being shared. It is essential to support programmes of “perpetual copy” which along with the typically digital form will also contain its material form by being recorded on a safe, modern polyester tape (with a guarantee for 300 to 500 years).