



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media and Data
Converging Media and Content

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:

- The replies to this questionnaire shall cover all the film heritage institutions in the Member State, including those of local or regional character.
- The structure of the questionnaire follows Annex I of the Third implementation report, in order to facilitate your reporting. In case that the situation has not changed since your 2011 report, please indicate "NO CHANGE".

Name, phone and e-mail of the contact people that can provide further information:

Antonia Kovacheva, tel. 00359 2 989 74 69

Antoniak@bnf.bg

Questions:

(1) TABLE 1 - FILM HERITAGE INSTITUTIONS

- 1.1 What appropriate bodies have you designated to carry out the public interest tasks described in point 2 of the Film Heritage Recommendation, ensuring that they are provided with the best available financial and technical resources?
- 1.2 What is their budget for 2013?
- 1.3 What is their workforce for 2013(staff directly related to film heritage)?
- 1.4 Please list of all the Film Heritage Institutions, including also those of regional or local character, as well as their websites.
- 1.5 Is there any change to report in relation to 2011?

¹ OJ L 323, 09.12.2005

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

(2) TABLE 2 – LEGISLATIVE MEASURES / DEFINITION OF NATIONAL FILM HERITAGE

- 2.1 List the legislative / administrative measures promoting the objectives of the 2005 Film Heritage Recommendation
- 2.2 What is the definition of cinematographic works forming part of your national film heritage?
- 2.3 Is there any change to report in relation to 2011?

(3) TABLE 3 – DEPOSIT OF CINEMATOGRAPHIC WORKS FORMING PART OF YOUR NATIONAL AUDIOVISUAL HERITAGE

- 3.1 How do you define the type of deposit in your Member State?
 - a) Legal deposit
 - b) Compulsory deposit of cinematographic works that have received public funding (contractual deposit)
 - c) Voluntary deposit
- 3.2 Is film on digital support covered by the obligations of deposit?
- 3.3 What material has to be deposited?
- 3.4 What is the deadline for deposit?
- 3.5 Is there a compliance checking of the obligation of deposit?
- 3.6 Is there a check of the quality of the deposited material?
- 3.7 Do you have any problem or best practice to report in relation to collection of cinematographic works?
- 3.8 Is there any change to report in relation to 2011?

(4) TABLE 4 – COLLECTION OF MATERIAL OTHER THAN CINEMATOGRAPHIC WORKS FORMING PART OF YOUR NATIONAL AUDIOVISUAL HERITAGE

- 4.1 Is there any provision / practice in your Member State concerning the collection of cinematographic works not forming part of the national audiovisual heritage?
- 4.2 And about moving-image material other than cinematographic works?
- 4.3 Is there any change to report in relation to 2011?

(5) TABLE 5 - CATALOGUING AND DATABASES

- 5.1 Can you describe your cataloguing practices?

- 5.2 Can you describe your filmographic databases?
- 5.3 How do you ensure the interoperability of your databases with other databases in your Member State or with other Member States?
- 5.4 Have you implemented or do you plan to implement the European Standard EN 15744:2009 "Film Identification – Minimum metadata set for cinematographic works" and/or standard EN 15907:2010 "Film Identification – Enhancing interoperability of metadata – Element sets and structures"?
- 5.5 Do you have any problem or best practice to report in relation to cataloguing and databases?
- 5.6 Is there any change to report in relation to 2011?

(6) TABLE 6 – PRESERVATION AND RESTORATION

- 6.1 What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works?
- 6.2 List the measures or programmes in place for restoration.
- 6.3 Does the national copyright law implement the exception 5(2)(c) 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. If the exception is implemented, are all the film heritage institutions on your Member State authorised to make use of this exception? Is the exception implemented in a way that allow format-shifting for digital material?
- 6.4 Do you have any problem or best practice to report in relation to preservation and restoration?
- 6.5 Is there any change to report in relation to 2011?

(7) TABLE 7 – ACCESSIBILITY, PROFESSIONAL TRAINING AND EDUCATION

- 7.1 Does the national copy-right law implement the exception 5(3)(n) 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 "in situ" consultation for researchers. Is the exception implemented to cover consultation in a "closed network"?
- 7.2 Does the national copy-right law implement the exception 5(3)(a) 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

² OJ L 167, 22.6.2001, p.10.

information society? This is an exception that allows illustration for teaching or scientific research. If so, are cinematographic works also covered by the exception?

- 7.3 Has the Directive on certain permitted uses of orphan works been implemented in your Member State?
- 7.4 Is there any licencing practice that facilitates that cinematographic works are accessible for educational, cultural, research or other non-commercial uses of a similar nature? Please give details of the measures taken.
- 7.5 Have you taken any 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.
- 7.6 What steps have been taken to promote professional training in all fields related to film heritage?
- 7.7 What steps have been taken to foster and promote film literacy? Do Film Heritage Institutions provide free online footage to allow the public to learn to manipulate images through mash up?
- 7.8 Do you have any problem or best practice to report in relation to accessibility, professional training or education?
- 7.9 Is there any change to report in relation to 2011?

(8) TABLE 8 – EUROPEAN AND INTERNATIONAL ACTIVITIES

- 8.1 Do you cooperate with other Film Heritage Institutions, broadcaster archives or other cultural institution in your Member State?
- 8.2 Have you established bi-lateral cooperation with Film Heritage Institutions in other Member States?
- 8.3 Do you participate in European projects? If so, please list them.
- 8.4 Are you active in international activities?

(9) TABLE 9 - FOLLOW-UP OF PRIORITIES

What has been done in your Member State in order to address the following fields of action since 2011? Please mention also if you envisage tackling each field of action in 2014/2015.

Collection

- 9.1 Have you foreseen enforcement mechanisms for the legal or contractual deposit?

- 9.2 Have you introduced systematic quality checks on deposited material? Has the concept of "good quality" be defined in the legal instruments which create the legal or compulsory deposit, if this is not yet the case?
- 9.3 Have you actively promoted voluntary deposit of cinematographic works and related film material? Have you ensured that all deposits are accompanied by contracts? Have you used the model contract for voluntary deposit signed by ACE and FIAPF?

Cataloguing and creation of databases

- 9.4 Are your databases completely available and searchable on the Internet?
- 9.5 Have your institutions participated in the coaching financed by the EU for the implementation of European standards EN 15744:2009 and EN 15907:2010 on interoperability of film databases? Have you implemented or plan to implement those standards?

Preservation

- 9.6 Have you established a long-term strategy for your national film heritage, as well as "national preservation plans"?

Restoration

- 9.7 Have you created restoration plans, including prioritization systems in line with budget available?
- 9.8 Have you intensified your efforts to attract financial resources other than State funds for restoration projects, for instance from right-holders and from philanthropic or cultural institutions?
- 9.9 Have you established partnerships with other film heritage institutions for European restoration projects?
- 9.10 Have you pursued agreements with right-holders for non-commercial exploitation of restored works?

Accessibility

- 9.11 Have you established agreements with right-holders, in order to obtain the rights for cultural use of films and film related material?

Education / Media literacy

- 9.12 Have your Film Heritage Institutions and schools sought to establish agreements with right-holders in order to obtain the rights for educational use of films?
- 9.13 Have you developed national strategies for film and young people?

Professional training

- 9.14 Have you considered or put in place temporary exchange of professionals between European film heritage institutions as a way of improving professional training?

(10) TABLE 10 – MEASURES FACING THE CHALLENGES OF THE DIGITAL ERA

What has been done since 2011 or is planned to be done in order to face the challenges of the digital era:

- 10.1 Collection / acquisition of digital material (distributed in cinemas or via new channels): have you updated the legal instruments establishing legal or compulsory deposit of films, in order to cover films produced in all media and distributed through all channels? Have you established standards specifying the conditions for the submission of digital films to archives and the conditions for their preservation? Would it be useful to develop European standards in these fields?
- 10.2 Storage, preservation and long-term accessibility of digital material, which could require regular migration to new formats or support: Have you established a policy on digital preservation? Are Film Heritage Institutions benchmarking with other sectors which are confronted with same challenges? Are you investing in research on the long-term preservation of digital film? Have you invested in equipment and professional training needed to be put in place in order to ensure the long-term survival of cinema in digital format? Have you established or considered the possibility of common digital archives in order to pull expertise and reduce scale costs?
- 10.4 Digitisation / Integration in Europeana: Have you established strategies and plans for digitisation of film heritage? What efforts have you made to digitise films and make them available to Europeana, in particular through sector or national "aggregators"? Can you provide the percentage of your film and non-film collections that have been digitised, and the definition of the digitisation? Have you used or plan to use structural funds for digitisation projects? What is the budget allocated to digitisation of film heritage since 2010?
- 10.5 Access via internet to the collections: What have you done to exploit all the different ways of providing access to film heritage thanks to new technologies? If so, what kind of channels are you using (website, dedicated YouTube channel, Wikipedia, VoD...)? Can you provide the percentage of your film and non-film collections that are freely available for citizens online?
- 10.6 Digital projection and film heritage: Have you included cinemathèques in your strategy for equipping European cinemas with digital projectors? Have you seek agreements with film distributors or cinema theatres in order to foster digital projection of heritage films?

(11) TABLE 11 - FILM POLICY AND FILM HERITAGE

Is film heritage fully included in the film policy of your Member State? Is there a link between the funding film production and film heritage, for enforcing the contractual deposit or for allowing cultural and educational uses of funded films?

Is there any change to report in relation to 2011?

(12) TABLE 12 - PROGRESS IN RELATION TO PROBLEMS ENCOUNTERED IN THE LAST IMPLEMENTATION REPORT

What has been done to address the problems encountered or weak areas identified in table 12?

A full evaluation of the Bulgarian National Film Archive (BNF) focusing on the preservation, restoration, conservation, circulation and digitisation of films and on non-film materials was agreed by the 13 Centuries Bulgaria National Fund and carried out by INA (France). It is the first comprehensive analysis of its kind of the actual status of the national film heritage (the BNF collection) since the institution came into being. It also provides financial parameters for a future digitisation strategy on the basis of which an overall strategy is currently being devised for developing the Film Archive and for preserving and digitising its film collection.

(13) TABLE 13 - BEST PRACTICES

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

(14) TABLE 14 - NEED FOR FURTHER EU ACTION?

Could you please comment on the suggestions for further action of the EU in any of the areas related to film heritage, proposed by Member States in Table 14? Which of those would you be willing to support? Do you have other suggestions for further EU action?

(15) TABLE 15 - FOLLOW-UP OF COUNCIL CONCLUSIONS ON EUROPEAN FILM HERITAGE, INCLUDING THE CHALLENGES OF THE DIGITAL ERA

Have you introduced any policy change in relation to film heritage following the invitations made by the Council Conclusions on European Film Heritage, including the challenges of the digital era of 18-19 November 2010³?

Contact; Mari Sol Pérez Guevara, Telephone: +32 229-54381, marisol.perez-guevara@ec.europa.eu
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³ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/117799.pdf