



**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"<sup>1</sup> (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 who can provide further information:

Estonian Ministry of Culture – Indrek Ibrus, +372 56 97 8885, [indrek.ibrus@kul.ee](mailto:indrek.ibrus@kul.ee)

Estonian Film Institute - Anu Krabo, +372 627 6060, [anu.krabo@efsa.ee](mailto:anu.krabo@efsa.ee)

Director of Estonian Film Archive (currently in the process of being elected), +372 693 8612

**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?

**Estonian National Archives – Film Archive, a structural unit of the Estonian National Archives**

**Estonian Film Institute**

**Estonian Public Broadcasting Corporation**

- 1.2 What is their budget for 2013?

**Estonian National Archives - Film Archive                      340 000€**

---

<sup>1</sup> OJ L 323, 09.12.2005

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:323:0057:0061:EN:PDF>

**Estonian Film Institute 2013 total budget**            **4 043 190 € (2013 budget of the film heritage department    128 000 €)**

1.3        What is their workforce for 2013 (staff directly related to film heritage)?

**Estonian National Archives - Filmarchive: 17**

**Estonian Film Institute: 1**

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

**Estonian National Archives - Filmarchive: [www.filmi.arhiiv.ee](http://www.filmi.arhiiv.ee)**

**Estonian Film Institute [www.efsa.ee](http://www.efsa.ee)**

**Estonian Public Broadcasting [www.err.ee](http://www.err.ee)**

**Estonian National Museum [www.erm.ee](http://www.erm.ee)**

**National Library of Estonia [www.nlib.ee](http://www.nlib.ee)**

1.5        Is there any change to the report in relation to 2011?

**The Estonian Film Institute is now also involved with film heritage.**

## **(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.

**The Estonian Film Archive operates in accordance with the Archives Act, which empowers it to perform all of the public interest functions described in point 2 of the Recommendation.**

**The new Archives Act was passed in 2011 and entered into force in 2012. The National Archive became the responsibility of the Ministry of Education and Research.**

**In addition to other activities, the Estonian Film Institute is also responsible for preserving and making available Estonia's film heritage.**

**In 2011 an area development plan entitled 'Developments in Estonian Film 2012-2020', which also covers collecting, preserving and making available Estonia's film heritage, was approved.**

**The Estonian Parliament is presently examining one of the main documents in the area of cultural policy, entitled 'Developments in Cultural Policy up to 2020', which sets the objective of digitising a significant part of Estonia's audio-visual heritage by 2018.**

2.2        What is the definition of cinematographic works forming part of your national film heritage?

**There are no changes in comparison with 2011.**

2.3        Is there any change to the report in comparison to 2011?

**Yes.**

**(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 the Republic of Estonia?

a) Legal deposit

**No.**

b) Compulsory deposit of cinematographic works that have received public funding (contractual deposit)

**Yes.**

c) Voluntary deposit

**Yes.**

3.2 Are film on digital support covered by the obligations of deposit?

**The Estonian Film Institute 'Guidelines for the Allocation of Support' are in the process of being amended. From 2014, the obligation of depositing digital materials in the Estonian Film Archive will apply to films that have received public funding.**

3.3 What material has to be deposited?

**There are no changes in comparison with 2011 in connection with the Film Archive.**

**The Estonian Film Institute is guided by the archival formats specified by the Estonian Film Archive. The updated 'Archival Formats' annex to the Archive Rules will enter into force from 2014, and contains requirements for deposited digital materials. When the amendment enters into force, it will be as follows:**

**1. Film's source materials (digital master; uncompressed video and audio)**

**2. Format used (DCP etc.)**

**3. Subtitles**

**4. For the depositing of film materials digitised from an analogue format, a digital record or report describing the work performed during the digitisation procedure is appended.**

**The remaining materials are indicative, and the depositing of those materials will be agreed upon with the Film Archive.**

3.4 What is the deadline for deposit?

**The EFI Guidelines for the Allocation of Support require that materials be deposited within one year from the film's domestic premiere.**

3.5 Is there a compliance checking of the obligation of deposit?

**The EFI will begin checking from 2014. If a producer has not placed a film in storage within 1 years, no new applications for funding will be accepted.**

3.6 Is there a check of the quality of the deposited material?

**The quality of the materials of films that have received public funding is checked by the Estonian Film Archive upon their receipt.**

3.7 Do you have any problem or best practice to report in relation to collection of cinematographic works?

**Probably not.**

3.8 Is there any change to the report in comparison to 2011?

**Yes.**

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

4.1 Are there any provisions / practices in the Republic of Estonia concerning the collection of cinematographic works not forming part of the Estonian audiovisual heritage?

**Such works are collected in accordance with the National Archives' collection policy, the Archival Rules and the collection policy of the Estonian National Museum.**

4.2 Are there provisions / practices in the Republic of Estonia concerning the collection of moving image material other than cinematographic works?

**See 4.1.**

4.3 Is there any change to the report in comparison to 2011?

**No.**

**(5) TABLE 5 - CATALOGUING AND DATABASES**

5.1 Can you describe your cataloguing practices?

**The Film Archive catalogues in accordance with the FIAF cataloguing rules.**

5.2 Can you describe your filmographic databases?

**A very extensive Estonian Movie Database has been created in Estonia. This gathers all manner of information about films: [www.efis.ee](http://www.efis.ee). In addition, the Film Archive has its own database: <http://www.filmi.arhiiv.ee/fis/>**

5.3 How do you ensure the interoperability of your databases with other databases in Estonia or with databases in other Member States?

**The above-mentioned databases are not at present interoperable with the European Film Gateway. There is the will to create this, but there are insufficient funds for that purpose. Within Estonia, a new solution to be implemented from December 2013 will make it possible to add metadata created by the Estonian Movie Database to pay VOD services.**

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"?

**We plan to implement it.**

- 5.5 Do you have any problem or best practice to report in relation to cataloguing and databases?  
**No.**
- 5.6 Is there any change to the report in comparison to 2011?  
**Yes.**

**(6) TABLE 6 – PRESERVATION AND RESTORATION**

- 6.1 What measures/programmes have been taken in order to ensure the preservation of deposited cinematographic works?

**National Archives preservation policy and development plan.**

- 6.2 List the measures or programmes in place for restoration.

**In accordance with its preservation policy, the Film Archive regularly digitises films damaged by vinegar syndrome. Restoration is funded from the budgets of the Estonian Film Institute, the Government Office (2013) and the Cultural Endowment of Estonia.**

- 6.3 Does the Copyright Act of the Republic of Estonia implement the exception 5(2)(c) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001<sup>2</sup> 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. 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?

**In Estonian law, there is an exemption based on the said Directive - Section 20 of the Copyright Act regulates the free use of works by public archives, museums or libraries. Section 20(1) refers specifically to restrictions on the right to reproduce a work. All public (but not private) libraries, archives and museums whose collections also contain audiovisual heritage benefit from this exemption. The change in format is not mentioned expressly, but the phrases permitting those institutions to 'make a copy to ensure the preservation of the work' and to 'digitise a collection for the purposes of preservation' may imply the change in format.**

- 6.4 Do you have any problem or best practice to report in relation to preservation and restoration?

**No.**

- 6.5 Is there any change to the report in comparison to 2011?

**No.**

---

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

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

7.1 Does the Copyright Act of the Republic of Estonia 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. Does the implementation of this exception permit the consultation of works in a 'closed network'?

**Yes.**

7.2 Does the Copyright Act of the Republic of Estonia 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 information society? This is an exception that allows illustration for teaching or scientific research. If so, are cinematographic works also covered by the exception?

**Yes.**

7.3 Has the Directive on certain permitted uses of orphan works been implemented in the Republic of Estonia?

**The Directive on orphan works is presently being transposed into Estonian law. We expect this to be completed next spring.**

7.4 Is there any licensing practice in the Republic of Estonia that facilitates access to cinematographic works for educational, cultural, research or other non-commercial uses of a similar nature? Please give details of the measures taken.

**There is no separate licensing practice.**

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.

**There is a ramp for access to the reading room at the Film Archive, and web-based access can also be provided as and when possible (the necessary material is placed on a server for a few days, and the disabled person is given a password to access it). From 2014, film producers that have received public funding are required to make subtitles in Estonian for persons with impaired hearing and audio descriptions for persons with impaired vision.**

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

**None.**

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?

**Not at the moment. In cooperation with the Baltic Film and Media School at Tallinn University, the Estonian Movie Database has begun work on developing materials to promote the creative use of heritage in schools. The Centre for Innovation in Education at Tallinn University has begun research on developing new 'digital textbook formats' also containing audio-visual heritage as a resource that students could re-mix into new stories or formats.**

- 7.8 Do you have any problem or best practice to report in relation to accessibility, professional training or education?

**The National Archive is taking part in an e-learning lecture series on audio-visual archiving organised by the University of Tartu.**

**Groups of students from universities and schools visit the Film Archive, roughly 20 per year.**

- 7.9 Are there any changes in the report in relation to 2011?  
**Yes.**

**(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?

**In Estonia, the Film Archive, the Estonian Broadcasting Corporation, the Estonian Film Institute, the Film Museum, the Estonian Movie Database and the Baltic Film and Media School at Tallinn University all work together.**

- 8.2 Have you established bilateral cooperation with Film Heritage Institutions in other Member States?

**The Estonian Film Archive cooperates with the National Audiovisual Archive of Finland and the archives of the other Baltic States.**

- 8.3 Do you participate in European projects? If so, please list them.

**The Film Archive is participating in European Film Gateway project EFG1914.**

- 8.4 Are you active in international activities?

**The Film Archive participates in the following organisations: the FIAF, the IASA and the BAAC (Baltic Audiovisual Archival Council).**

**(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 2012/2013.

**Collection**

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

**The Estonian Film Institute's updated 'Guidelines for the Granting of Support', under which the EFI will begin to check the depositing of films in the Estonian Film Archive when**

**processing funding applications, will enter into force from 2014. This will be the first implementation of such a control mechanism.**

9.2 Have you introduced systematic quality checks on deposited material? Has the concept of 'good quality' been defined in the legal instruments which create the legal or compulsory deposit, if this is not yet the case?

**'Good quality' is not defined in the legislation.**

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?

**In the case of voluntary deposit, a contract (drawn up by the National Archives) or an act of transfer will be signed. We have not used the ACE template.**

#### **Cataloguing and creation of databases**

9.4 Are your databases completely available and searchable on the Internet?

**Yes. The Film Archive's databases are available at the addresses [www.filmi.arhiiv.ee/fis/](http://www.filmi.arhiiv.ee/fis/) and [www.ra.ee/fotis/](http://www.ra.ee/fotis/). The Estonian Movie Database administers a meta-description database, which can be found at: <https://www.efis.ee/>**

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?

**Yes, EN 15907 in Rome in 2010.**

#### **Preservation**

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

**Film heritage forms part of the National Archives' preservation strategy. In 2011 an area development plan entitled 'Developments in Estonian Film 2012-2020', which also includes collecting, preserving and making available Estonia's film heritage, was approved.**

#### **Restoration**

9.7 Have you created restoration plans, including prioritization systems in line with the available budget?

**The Film Archive and the Estonian Film Institute have such plans and systems. Under the document 'Developments in cultural policy to 2020', Estonia is undertaking the obligations to digitise a significant part of the country's audio-visual heritage by 2018. The term 'a significant part' must be defined more precisely, and priorities should be set. The audio-visual sector will begin doing this in cooperation with the Council for Digital Cultural Heritage, which was created in November 2013 under the Ministry of Culture.**



- 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?

**Yes, rather diverse resources have been involved in restoration projects.**

- 9.9 Have you established partnerships with other film heritage institutions for European restoration projects?

**No, we have not.**

- 9.10 Have you pursued agreements with right-holders for the non-commercial exploitation of restored works?

**The Film Archive has primarily been involved with the older part of Estonia's film heritage, in which over 70 years have passed since the author's death (J. Pääsuke, for instance). The proprietary rights of the films made by the Tallinnfilm studio during the Soviet period are owned by the Estonian Film Institute or the Estonian Broadcasting Corporation (for the rights of the Soviet-era producer Eesti Telefilm), and they have acted in good faith in this regard. Right-holders (authors) have not set out a clear position.**

#### **Accessibility**

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

**Yes.**

#### **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 the educational use of films?

**The prevailing attitude in this sector is to allow the showing and use of films for educational purposes. Since the right-holders (authors) have not expressed a clear position, institutions and schools have mainly acted in good faith, without written agreements.**

- 9.13 Have you developed national strategies for film and young people?

**No. Work has, however, begun in this area. The Baltic Film and Media School at Tallinn University and the Estonian Film Database have begun cooperation to develop courses to train teachers at general education schools to include film heritage in the teaching process. The Centre for Innovation in Education at Tallinn University is developing solutions to bring film heritage into contemporary 'digital textbooks'.**

#### **Professional training**

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

No, none.

**(10) TABLE 10 – MEASURES TO HELP FILM HERITAGE INSTITUTIONS FACE 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?

**We believe that corresponding European standards would be useful, as the relevant conditions are now being developed independently. The updated 'Archival Formats' annex to the Archive Rules, which contains requirements for deposited digital materials, will enter into force from 2014.**

- 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?

**The National Archives have a separate unit dealing with digital preservation, including films. There is a policy on digital preservation. Other memory institutions and academic institutions are involved with issues connected with digital preservation, and they all cooperate.**

- 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?

**At present, most of the digitised material has been newsreels, documentary films and dramas, for a total of 20% of the film collection. This also includes the 170 titles digitised by the Estonian Film Institute (the Tallinnfilm heritage). The Film Archive has made its plans for the digitisation of film heritage on the basis of preservation and copyright. Structural funds were used in 2010 and 2011. The Film Archive does not possess a separate budget for the digitisation of film heritage. Since 2012, the Estonian Film Institute has a separate budget for the digitisation of films. Roughly 20% of the Tallinnfilm collection has now been digitised. Estonia also plans to use financial resources from structural funds for digitisation during the new European**

**Union budget period. The Ministry Economic Affairs and Communications, which directs information society measures, will determine the extent and accompanying conditions of that budget.**

- 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?

**By agreement with the Authors' Society, newsreels from 1920 to 1998 are viewable in the Film Archive's FIS database. It is free of charge to view these over the Internet. The digitised films belonging to the Estonian Film Institute (the legacy of Tallinnfilm) are available for viewing through several pay VoD services.**

- 10.6 Digital projection and film heritage. Have you included cinematheques 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?

**No.**

**(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 (compulsory) contractual deposit or for allowing cultural and educational uses of funded films?

**Yes. The Estonian Film Institute's updated 'Guidelines for the Granting of Support', under which the EFI will begin to check the depositing of films in the Estonian Film Archive when processing funding applications, will enter into force from 2014. Based on the new guidelines, the EFI is entitled 'to use films that have obtained funding from the EFI for the non-commercial promotion of Estonian culture in Estonia and abroad, in agreement with the films' responsible producers and in accordance with the films' distribution plans and global premieres'.**

Is there any change to report in relation to 2011?

**Yes.**

**(12) TABLE 12 - 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 table 12?

**Funding for digitisation remains very limited. The Estonian Film Institute does, however, now have a small budget for the restoration and digitisation of film heritage. The Estonian government also plans to carry out mass digitisation, namely to digitise a significant part of the national film heritage by 2018.**

**(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?

**The thoroughness of the Estonian Movie Database is an exemplary instance of the gathering of film information, thorough meta-description, bringing this information into the public domain and finding new uses for it, for instance in the educational sector, and also in the private sector (in cooperation with providers of VoD services). <https://www.efis.ee/>**

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

Could you please comment 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?

**Many of the suggestions pertain to the need to harmonise different territorial copyrights and to expand the exemptions necessary for the effective digitisation of film heritage and its re-utilisation for educational purposes in copyright law. Estonia supports these objectives. It is also important to raise awareness. The European Union should systematically emphasise the importance of digitising film heritage and the benefits that stem from digitisation. Opportunities should be sought to directly support research in this area, for instance in the framework of Horizon 2020. The existing format of meetings of experts should be promoted. The interoperability of databases should also be further developed.**

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

Have you introduced any policy changes 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 2010?<sup>3</sup>

**Estonia has reacted to the Council's conclusions. Film heritage has clearly become part of overall cultural policy – it is emphasised in both the Estonian Film Development Plan, and the document 'Developments in Cultural Policy to 2020', a mass film heritage digitisation project is planned, along with the objective of effectively bringing about the re-use of heritage in education and in other areas. All film producers that receive funding are also required to deposit their films in the National Archives' Film Archive.**

Contact details: Mari Sol Pérez Guevara, Telephone: +32 229-54381 e-mail: <a href="mailto:marisol.perez-guevara@ec.europa.eu">marisol.perez-guevara@ec.europa.eu</a>
---

<sup>3</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/educ/117799.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/117799.pdf)