



EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media and Data
Converging Media and Content

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, (hereafter referred to as 'The Recommendation')

Comments:

- 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. If the situation has not changed since your 2011 report, please indicate 'NO CHANGE'.

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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?

The National Audiovisual Archive (KAVA): www.kava.fi, whose name will change on 1.1.2014 to: National Audiovisual Institute.

¹ OJ L 323, 9.12.2005.
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:323:0057:0061:EN:PDF>

1.2 What is their budget for 2013?

The total budget of the archive is EUR 6 844 000 , of which approximately EUR 2 million goes directly to film heritage.

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

The total workforce of the archive is 74 members of staff, of whom 39 work on tasks directly related to film heritage.

1.4 Please list all of 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?

NO CHANGE.

(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?

NO CHANGE.

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

3.1 Would you describe the type of deposit in your Member State as

a) Legal deposit

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

c) Voluntary deposit

The deposit of foreign films that have been subtitled or dubbed into Finnish has been voluntary. With the changeover to digital distribution, this material is no longer deposited. It is highly likely that the long-term archiving of national versions of films will stop in Europe as a whole.

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

Yes.

3.3 What material has to be deposited?

The original or comparable material and a release print.

3.4 What is the deadline for deposit?

The original material must be deposited within five years and a release print within three years of the film's production.

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

KAVA checks compliance with the legal deposit.

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

Owing to a lack of resources, it is not possible to check everything. Practices for checking digital material are only now being established.

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

See point 3.1 c.

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?

In Finland all cinematographic works form part of the national audiovisual heritage.

4.2 And about moving-image material other than cinematographic works?

In Finland, all moving-image material subject to legal deposit is considered a cinematographic work.

4.3 Is there any change to report in relation to 2011?

NO CHANGE

(5) TABLE 5 – CATALOGUING AND DATABASES

5.1 Can you describe your cataloguing practices?

Films are catalogued at KAVA.

5.2 Can you describe your filmographic databases?

The database is a LAMP-based SQL database created for KAVA.

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

In Finland the KAVA database is generally taken into account by other operators. The Finnish Centre for Media Education and Audiovisual Media, which will merge with KAVA at the beginning of 2014, is renewing its IT systems and will take into account KAVA's existing databases.

- 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'?

See point 9.5.

- 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?

The permanent film archives built by KAVA in the 1980s were renovated in 2012 and some of them were turned into cold storage warehouses.

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

The question is unclear. KAVA digitises and restores films continuously.

- 6.3 Does the national copyright law implement the exception 5(3)(c) of Directive 2001/29/EC² 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 or commercial advantage. If the exception is implemented, are all the film heritage institutions in your Member State authorised to make use of this exception? Is the exception implemented in a way that allows format-shifting for digital material?

Yes, see the following sections of the Finnish Copyright Act: Section 16 (Reproduction in archives, libraries and museums), Section 16(a)(1) (Reproduction of works for the public and communication of works to the public), Section 16(b) (Use of works in libraries preserving cultural material, legal deposit), Section 16(c) (Use of works in the National Audiovisual Archive). Section 16(d) (Use of works in archives, libraries and museums by virtue of extended collective licence).

This covers 1) archives pursuant to the Archives Act and public archives, 2) scientific and university libraries, libraries for the visually handicapped, 3) state-owned museums and museums receiving state aid, 4) The National Audiovisual Archive, 5) The National Library of Finland and other legal deposit libraries.

It covers the making of copies (and necessary technical changes) of a work in the institution's own collection: 1) for the purpose of preserving material and safeguarding its preservation, 2) for the purpose of technically restoring and repairing material, 3) for the purpose of administering and organising collections and for other internal purposes

² OJ L 167, 22.6.2001, p.10.

required for the maintenance of the collection, 4) for the purpose of supplementing a deficient item or completing a work published in several parts, if the necessary complement is not available through commercial distribution or communication.

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 copyright 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 this exception implemented to cover consultation in a 'closed network'?

Yes, see Section 16(a)(2) of the Copyright Act.

An archive, a library or a museum may communicate a work made public that it has in its collections to a member of the public for purposes of research or private study on a device reserved for this purpose on the premises of the institution, in accordance with the conditions set out in the Section in question. Pursuant to the grounds of the provision, an institution refers to a body that has a shared organisation, administration and/or ownership structure and that may operate in several different locations. Pursuant to this provision, the different locations communicate with each other through the institute's secure communications network. (Government bill HE 28/2004 vp, p. 90)

7.2 Does the national copyright 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 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. The provision on extended collective licences in Section 14 of the Copyright Act (reproduction, communication to the public) can also be applied to cinematographic works.

Section 21 of the Act contains a copyright restriction relating to the public performance of a work in connection with education. Under the restriction that provision does not apply to cinematographic works.

Pursuant to Section 16(c)(3), a work in the collections of the National Audiovisual Archive, with the exception of a cinematographic work deposited by a foreign producer, may be used for purposes of research and higher education in cinematography.

7.3 Has the Directive on certain permitted uses of orphan works been implemented in your Member State?

The Act on the use of orphan works (764/2013), which implements the Directive on orphan works, was issued on 8 November 2013. The Act will enter into force on 29 October 2014.

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

Pursuant to the extended collective licence provision in Section 14 of the Copyright Act, an agreement has been made on depositing certain TV programmes and using them for educational purposes. This agreement does not cover series with continuous plots or films intended to be distributed as films or as recordings. In practice, films are licensed for educational purposes directly through the producer or an organisation representing the producer.

- 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.

KAVA has not taken any special measures aimed at disabled people.

- 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?

KAVA shows films six days a week in Helsinki and has less frequent projection activities in nine different localities throughout Finland. KAVA organises events where it shows films for free to schoolchildren and cooperates with other operators in the sector. KAVA has a new film studies site intended for schools at <http://elokuvapolku.kava.fi>.

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

No

- 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 another cultural institution in your Member State?

KAVA cooperates with other cultural institutions and with television broadcasting operators.

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

KAVA cooperates with other European archives in the Association of European Cinémathèques (ACE) and particularly with Nordic film archives.

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

KAVA is presently participating in the Forward project.

8.4 Are you active in international activities?

KAVA is a member of the FIAF and participates in international activities through it.

(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 made provision for enforcement mechanisms for legal or contractual deposit?

KAVA monitors compliance with legislation.

9.2 Is there a check on the quality of the 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?

Since 1984 in Finland there has been a requirement that the film deposited must be of original quality.

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?

Yes, but see point 3.1 c. So far it has not been possible to conclude bilateral agreements pursuant to the model contract, because studios have been unwilling to do so in spite of the model contract. Negotiations are about to start with 20th Century Fox.

Cataloguing and creation of databases

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

KAVA's filmographic database is freely accessible at elonet.fi. It does not include information on collections.

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 do you plan to implement those standards?

Yes. KAVA abides by the main principles of the standards.

Preservation

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

The aim of legal deposit is to preserve our entire national film heritage.

Restoration

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

Digitisation and the related restoration work is carried out according to a plan and in the order agreed on with experts on KAVA's collection and with film researchers from KAVA and other organisations.

- 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?

No.

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

No.

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

KAVA has acquired the rights to a great number of Finnish feature films, so the exploitation of these works is straightforward.

Availability

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

A few film makers have authorised KAVA to show their films for free. See also point 9.10.

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?

No. It is still difficult to obtain authorisation to use any kind of moving image material for educational purposes in Finland.

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

Yes. See

media literacy guidelines

<http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2013/liitteet/OKM13.pdf>

Audiovisual culture in a digital environment – policy guidelines:

<http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2012/liitteet/okm31.pdf>

Vocational 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?

The matter has been discussed occasionally but no exchanges have taken place.

(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? 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?

Finnish legislation covers all films regardless of the support used.

- 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 pool expertise and reduce scale costs?

KAVA has actively developed the archiving of its digital material with the funding granted for that purpose. A system is used that secures the long-term preservation of the digital films that have been deposited and also of the digital material produced in connection with archiving.

The objective of the National Digital Library -is the long-term preservation of digital material in the entire museum, library and archiving sector.

- 10.4 Digitisation / Integration in Europeana (the European Digital Library): 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?

KAVA digitises films actively and systematically. In some cases, KAVA may decide to make some material available to the public.

Compiling statistics on digitisation is very complicated, because there are several types of collections and digitisation practices. 'The definition of digitisation' sounds interesting – it can of course be defined in many ways. Is there a specific definition for the purposes of this questionnaire? In any case, KAVA digitises every year 30–40 Finnish heritage features films in 2K or 4K quality. A total of over 1 000 films must be digitised, and this will take a long time. In addition, other material is being digitised constantly, for example news reports, short films and trailers.

KAVA has been allocated EUR 1 million a year for digitisation and related work.

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?

KAVA is planning to make the films to which it has the rights available more and more widely to the public. It is already possible to view over 1 000 news reports and a few silent films via the new online service. The selection is being expanded continuously, but the archives cannot offer for free material that is being sold by the commercial sector. At the moment the material can be found on KAVA's elonet.fi service and some of it on the europeanfilmgateway.eu portal.

10.6 Digital projection and film heritage: Have you included cinematheques in your strategy for equipping European cinemas with digital projectors? Have you sought agreements with film distributors or cinema theatres in order to foster digital projection of heritage films? **The Finnish Ministry of Education and Culture provided nearly EUR 7 million for cinemas' digitisation projects between 2008 and 2013. In practice nearly 100% of Finland's cinemas have been digitised. This will promote the digital sharing of heritage films in the future.**

(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 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?

NO CHANGE.

(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?

(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 text in the table, 'In November 2011, KAVA acquired the rights of 150 feature films from the golden age of Finnish silent film era. They will be digitised.' could be amended to read 'Finland recommends that archives be encouraged and given funding to acquire exploitation rights to films to simplify their digitisation and making them available to the public. In Finland, the rights to ca. 450 feature films are now held by KAVA.'

(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?

The use of orphan works in film archives should be extended to photos and posters and other ancillary materials. They are needed to contextualise the films online.

(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 invitations³ made by the Council Conclusions on European Film Heritage, including the challenges of the digital era of 18-19 November 2010?

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³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:324:0001:0004:EN:PDF>.