



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:

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 bodies designated to carry out the tasks described in point 2 of the Film Heritage Recommendation are:

Ministry of Culture – the main administrative body responsible for drawing up draft national legislation governing audiovisual policies.

Croatian Audiovisual Centre (HAVC) – a public institution promoting the protection, showing and research of the audiovisual heritage under the Audiovisual Activities Act.

¹ OJ L 323, 9.12.2005

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

Croatian Film Archive of the Croatian State Archives, Zagreb – keeps, protects, restores and reconstructs national audiovisual heritage.

1.2. What is their budget for 2013?

Ministry of Culture – total budget: HRK 825 000 000.

Croatian State Archives (Croatian Film Archive) – HRK 2 500 000 for protection and restoration programmes (HAVC+MK).

Croatian Audiovisual Centre – HRK 2 750 000 of which HRK 2 400 000 are earmarked for the Croatian Film Archive and included in the above sum, and HRK 350 000 for other audiovisual heritage protection programmes and day-to-day operations

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

Split State Archives – 1 employee with a university degree

Rijeka State Archives – 1 employee with secondary education

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

Split State Archives www.das.hr

Rijeka State Archives www.riarhiv.hr

1.5. Is there any change to report in relation to 2011? Croatian State Archives (Croatian Film Archive) – 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.

- Legal deposits are governed by the Archival Material and Archives Act and the European Convention for the Protection of the Audiovisual Heritage (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) – International Treaties No 5/07).
- Collection, cataloguing, protection and restoration of cinematographic works and national heritage works is subject to the Protection and Preservation of Cultural Assets Act and the Archival Material and Archives Act.
- The Programme for the Protection of the National Film Collection applies to and is implemented by the Croatian Film Archive and the Croatian State Archives in Zagreb.

- Promoting the protection, showing and research of the audiovisual heritage falls within the remit of the Croatian Audiovisual Centre under the Audiovisual Activities Act, and is included in the National Programme for the Promotion of Audiovisual Creation.

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

The definition of cinematographic works in Croatia is taken from the European Convention for the Protection of the Audiovisual Heritage. Cinematographic work means moving image material of any length, in particular cinematographic works of fiction, cartoons and documentaries, which is intended to be shown in cinemas. A cinematographic work which is part of the national film heritage must have particular cultural, historical and scientific relevance and is protected under the Protection and Preservation of Cultural Assets Act.

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

Under the Archival Material and Archives Act (NN Nos 105/97, 64/00, 65/09), the makers of films intended for public showing must submit, irrespective of the film technique used and within the first year of the film's showing, a single unused copy of the product to the Croatian State Archives along with applicable documentation (screenplay, shooting script, dialogue list, poster and a selection of photographs).

One year after the film has been shot, the film maker must hand in the original film material (original camera and sound negatives) for permanent keeping.

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

In accordance with the Rules on the procedure, criteria and due dates for the implementation of the National Programme for the Promotion of Audiovisual Creation (NN No 118/12), the producer must submit to the Croatian Film Archive, free of charge and within the first year of showing, one unused copy of the film along with applicable documentation. One year after the film has been shot, the film maker must hand in the original film material (original camera and sound negatives) for permanent keeping in accordance with the Archival Material and Archives Act.

After the first year of showing, the producer must deliver to the Croatian Audiovisual Centre, free of charge, one copy of the film with subtitles in one foreign language for the purpose of non-commercial showing at the Croatian Culture Days or for presenting and promoting Croatian cinematography abroad. This copy is kept on the premises of the Croatian Film Archive because of the suitable storage conditions.

c) Voluntary deposit

The option of voluntary deposit is open to national film production by independent producers, authors and owners of cinematographic material.

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – YES

3.3. What material has to be deposited?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

3.4. What is the deadline for deposit?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

3.8. Is there any change to report in relation to 2011?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(5) TABLE 5 – CATALOGUING AND DATABASES

5.1. Can you describe your cataloguing practices?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

5.2. Can you describe your filmographic databases?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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"?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

5.5. Do you have any problem or best practice to report in relation to cataloguing and databases?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

5.6. Is there any change to report in relation to 2011?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(6) TABLE 6 – PRESERVATION AND RESTORATION

6.1. What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works? Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – Continuous protection and restoration of film heritage through photochemical and digital processes.

6.3. Does the national copy-right 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 allows format-shifting for digital material?

² OJ L 167, 22.6.2001, p. 10. 10.

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

- 6.5. Is there any change to report in relation to 2011?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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"?

Researchers may consult audiovisual material on the premises of the Croatian Film Archive for the purpose of scientific research, which is the usual practice.

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

The conditions for using copyright works in instruction are set out in the Copyright and Related Rights Act, which permits public performance or display of copyright works in direct school instruction or at events connected with instruction, within the extent that is justified by the desired teaching objectives, provided that the copyright work is not used with the purpose of direct or indirect financial or commercial gain for the educational institution, the organiser or a third party, that the performers are not reimbursed and that admission is free.

This exception does not apply to cinematographic works.

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

The regulatory plan of the State Intellectual Property Office for 2014 envisages amendments to the Copyright and Related Rights Act in order to align it with the Directive on certain permitted uses of orphan works.

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.

Author's approval must be obtained for any use of a cinematographic work.

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.

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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?

Film literacy is promoted through programmes on film culture which take place in Tuškanac cinema in Zagreb, through specialised workshops, by the Croatian Film Association, also through its Ante Peterlić School of Media Culture, the Croatian State Archives and through publishing (newspapers and monographs). We have not planned to make available online footage which would allow the public to learn to manipulate images through mash up.

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

7.9. Is there any change to report in relation to 2011?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

8.4. Are you active in international activities?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

Cataloguing and creation of databases

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

Preservation

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

The National Programme for the Promotion of Audiovisual Creation was adopted on 25 October 2010.

Croatian State Archives (Croatian Film Archive) – NO CHANGE

Restoration

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

- 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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

- 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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

- 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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

- 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, etc.)? Can you provide the percentage of your film and non-film collections that are freely available for citizens online?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

- 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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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?

Croatian Film Archive – NO CHANGE

(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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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 13? Which of those would you be willing to support? Do you have other suggestions for further EU action?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

(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?

Croatian State Archives (Croatian Film Archive) – NO CHANGE

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³ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/117799.pdf