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Directorate General for
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Brussels

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The Minister Plenipotentiary Uberto Vanni
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Diplomatic Advisor to the Minister for
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SUBJECT: Questionnaire on the implementation of the Recommendation of the European Parliament and of the Council of 16 November 2005 on 'Film heritage and the competitiveness of related industrial activities' (2012-2013)

In response to letter ref. 9435 of 10 October 2013, please find below answers to the above-mentioned questionnaire. Further to the suggestion in the questionnaire itself, please consider the statement 'NO CHANGE' to have been made implicitly where the situation has not changed since the previous report in 2011. Therefore, the responses below are either answers to new questions on the form, or answers to questions for which the situation has changed since 2011.

It is important to note first of all the recently issued

- Decree-Law No 91 of 8 August 2013 on 'urgent measures for the protection, preservation and promotion of cultural heritage, cultural activities and tourism', which also lays down provisions relating to the film and audiovisual sector.

In particular, Article 8 extends the **tax credits provided for in Law No 244 of 24 December 2007 for film producers only** to independent producers of audiovisual works too.

Certainly, this law will translate into an extension of all forms of existing or potential financial support and into the protection of film and audiovisual heritage.

A sign of this extension of support can be seen in Article 2 of the above-mentioned Decree-Law No 91/2013, which provides for the 'digitisation' of Italian cultural heritage as a whole, which certainly includes film and audiovisual heritage, with possible financial contributions at European level.

TABLE 1 - Film Heritage Institutions

Experimental Cinematography Centre Foundation

(under which the **National Film Archive** operates), the headquarters of which are in Rome

Financial resources allocated for 2013: €9 600 000 and an additional €1 000 000 corresponding to funding resulting from application of the tax credit.

The Foundation relies upon the following human resources: 155 employees, including 153 permanent staff (10 of whom are managers) and 2 fixed-term staff divided as follows:

- Rome head office: 135 employees including 7 managers (of whom 1 is fixed-term and 134 are permanent staff);
- Piedmont regional office: 10 employees (of whom 1 is a manager);
- Lombardy regional office: 1 fixed-term and 5 permanent employees (of whom 1 is a manager);
- Sicily regional office: 1 manager;
- Abruzzo regional office: 3 permanent employees.

The Bologna Film Archive

Financial resources allocated for 2013: **€375 000**

The Milan Italian Film Archive Foundation

Financial resources allocated for 2013: **€160 000**

The Lucana Film Archive in Potenza

Financial resources allocated for 2013: **€35 000**

TABLE 3 – Deposit of Cinematographic works forming part of your national audiovisual heritage

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

Yes

TABLE 6 – Preservation and 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 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 of the film heritage institutions in your Member State authorised to make use of this exception?*

No

Is the exception implemented in a way that allows format-shifting for digital material?

No

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?*

Yes

This exception allows Member States to authorise 'in situ' consultation for researchers.

Yes

Is the exception implemented to cover consultation in a 'closed network'?

Yes

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?*

No

Does this exception allow illustration for teaching or scientific research?

No

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?*

No

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?*

No

Restoration

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

No

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 ... 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?

No

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 the equipment and professional training needed to ensure the long-term survival of cinema in digital format? Have you established or considered the possibility of establishing common digital archives in order to pool expertise and reduce scale costs?*

No

10.4 ... Can you provide the percentage of your film and non-film collections that have been digitised?

Not quantifiable

Have you used or do you plan to use structural funds for digitisation projects?

Yes, this is planned.

What is the budget allocated to digitisation of film heritage since 2010?

Not quantifiable

10.5 *Access to the collections via the Internet: What have you done to exploit all the different ways of providing access to film heritage thanks to new technologies? 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?*

Not quantifiable

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 the digital projection of heritage films?*

No

As already stated, only new questions or questions for which the situation has changed since the 2011 questionnaire have been included.

However, we confirm our intention to thoroughly evaluate the EU directives in the areas covered by the questionnaire, with the aim of finding projects and procedures that will enable these directives to be transposed as quickly as possible.

IL DIRETTORE GENERALE
(Dott. Nicola Borrelli)

