



## EUROPEAN COMMISSION

Directorate-General for Communications Networks, Content and Technology

Media and Data  
Converging Media and Content

### **Questionnaire on the implementation of the Recommendation<sup>1</sup> 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:

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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?

**Swedish Film Institute (SFI) and the National Library of Sweden (Kungl. biblioteket, KB)**

- 1.2 What is their budget for 2013?

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

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l\\_323/l\\_32320051209en00570061.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_323/l_32320051209en00570061.pdf)

**The budgets of the relevant activities at the two institutions are: Swedish Film Institute: SEK 35M (32M 2011) and National Library of Sweden SEK 9M (same as 2011).**

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

**Swedish Film Institute: 39, National Library: same as 2011 (11)**

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

[www.sfi.se](http://www.sfi.se) , [www.kb.se](http://www.kb.se)

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

**See above.**

**(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

**Any producer receiving production subsidy and/or box-office related support from SFI is contractually obliged to deposit certain elements with the Archival Film Collections of the Swedish Film Institute in order to receive the full subsidy amount, and in order to be eligible for further funding in the future.**

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

**Definition by the SFI: a) any film released in cinemas, b) any film submitted to the Swedish censorship authorities 1911-2011 with the intention of theatrical release, and c) any film receiving production subsidy or box-office related support from the SFI, disregarding of what production or distribution format.**

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

**No.**

**(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) **Any producer receiving production subsidy and/or box-office related support from SFI is contractually obliged to deposit certain elements with the Archival Film Collections of SFI in order to receive the full subsidy amount, and in order to be eligible for further funding in the future.**

c) Voluntary deposit **SFI also accepts voluntary deposits of films and elements falling under the definition of heritage as given above.**

- 3.2 Are film on digital support covered by the obligations of deposit? **Yes.**
- 3.3 What material has to be deposited? **A digital master and an un-encrypted digital distribution copy.**
- 3.4 What is the deadline for deposit? **Contractual deposit shall occur no later than six months after the film's initial Swedish release.**
- 3.5 Is there a compliance checking of the obligation of deposit? **Yes, the last 5% of the production subsidy and none of the box-office related support are paid until the required elements have been deposited with the archive.**
- 3.6 Is there a check of the quality of the deposited material? **Yes, all contractually deposited elements are checked and quality controlled at the time of the deposit.**
- 3.7 Do you have any problem or best practice to report in relation to collection of cinematographic works? **Best practice: the detailed specifications for the deposit of D-cinema elements.**
- 3.8 Is there any change to report in relation to 2011? **Yes, in 2011 the specifications for deposit of D-cinema were still under construction. Since January 2013, there is no longer any contractual deposit of 35mm elements.**

**(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? **Besides contractual deposits, films included in the definition of heritage (see 2.2) arrive into the archive as voluntary deposits. Films not released in cinemas and not subsidized by SFI are collected by the National Library of Sweden (including amateur films and various forms of commissioned films on small gauges and video).**
- 4.2 And about moving-image material other than cinematographic works? **SFI: Yes, the contractual deposit also covers non-film material, such as stills, posters, manuscripts, music sheets, etc. (National Library: same answer as 2011)**
- 4.3 Is there any change to report in relation to 2011? **SFI: Since the transition to digital theatrical distribution in commercial cinemas in 2012, the voluntary deposit of sub-titled copies of non-national films, still considered to be part of our heritage, has ceased to exist. (National Library: no change)**

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

- 5.1 Can you describe your cataloguing practices? **In compliance with FIAF standards.**
- 5.2 Can you describe your filmographic databases? **The external interface of the database, available at <http://www.svenskfilmdatabas.se/>, contains filmographic information on 72,000 films (searchable by year, person, studio, etc) and 4**

**310,000 individuals. The internal interface, available from public computers in the SFI Library, also contains information on the actual holdings.**

- 5.3 How do you ensure the interoperability of your databases with other databases in your Member State or with other Member States? **SFI participates in the 'Metadata Standards for Cinematographic Works' project.**
- 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"? **The present structure of the SFI database includes fields for all data elements stated as minimum set of metadata for cinematographic works. The CEN-standard 15907 is not yet implemented; however first steps towards a future implementation have been taken.**
- 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 report in relation to 2011? **Some digital objects have been published on the external web interface of the SFI database. This material will also be made available on EFG/Europeana (see 8.3).**

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

- 6.1 What measures/programmes have been taken in order to ensure preservation of deposited cinematographic works? **Analogue film elements are stored in optimal, climate-controlled facilities. Digital born works are stored in robotized tape libraries, to ensure long-term digital preservation (LTDP).**
- 6.2 List the measures or programmes in place for restoration. **Analogue restoration and duplication are made according to an annual Restoration & duplication plan. High-end digitization of analogue films is done according to an annual Digitization plan, which also involves aspects of restoration.**
- 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 society<sup>2</sup>? 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?

**No, but provisions already existed in the Swedish Copyright Act enabling certain libraries and archives to copy material for specific purposes, such as preservation, completion or research. Those libraries and archives that are entitled to use the provisions are a) governmental and municipal authorities, b)**

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

such scientific and research libraries that are operated by public authorities, and c) public libraries. Furthermore, the Government may in specific cases decide that also certain archives and libraries other than those mentioned above, shall have a right to make copies for the same purposes. The provisions are technique-neutral.

6.4 Do you have any problem or best practice to report in relation to preservation and restoration? **Best practice: A) SFI has state of the art analogue climate-controlled vaults. B) When the last commercial full-scale photochemical laboratory folded in 2011, SFI set up its own laboratory facility, up-and running since August 2012. C) SFI has a functioning LTDP in place since August 2012.**

6.5 Is there any change to report in relation to 2011? **See B) and C) in 6.4.**

**(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"?

**In Sweden, there are no exceptions that allow researchers to access works from a distance, regardless if the network is closed or open. On the other hand, there are provisions that allow access to material for researchers and others on the premises of certain libraries and archives.**

**All contractually deposited films can be consulted by researchers and the general public on-site in the SFI Library. All films subject to high-end digitization can be consulted by researchers and the general public on-site in the SFI Library. After agreements with rights holders, any film from SFI can be copied and be made available for research at the premises of the National Library. More than 750 short films from the collections of SFI and the National Library are available for free from any computer in the world at the website [www.filmarkivet.se](http://www.filmarkivet.se).**

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?

**No.**

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

**The Orphan Works directive will be implemented into Swedish Legislation in 2014.**

- 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.

**Since November 2013, new legislation is in force, aiming at facilitating collective agreements on the use of copyright protected material in situation where regular licensing is not possible. The legislation introduces an extended collective licensing scheme that could be used in all above-mentioned situations.**

- 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.

**According to the Swedish Copyright Act, libraries and organizations as decided by the Government in specific cases may make such copies of cinematographic works, that deaf or hearing-impaired persons need in order to be able to enjoy the works, and to distribute and communicate copies of the works to those persons.**

- 7.6 What steps have been taken to promote professional training in all fields related to film heritage? **SFI has started an internship program in relation to its photochemical laboratory, as well as the funding of an apprenticeship.**

- 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? **Information material has been produced for teachers on how to use the Swedish Film Institute/National Library of Sweden joint website [www.filmarkivet.se](http://www.filmarkivet.se) (see 7.1.) for educational purposes.**

- 7.8 Do you have any problem or best practice to report in relation to accessibility, professional training or education? **Best practice: [www.filmarkivet.se](http://www.filmarkivet.se)**

- 7.9 Is there any change to report in relation to 2011? **The laboratory internship program started in September 2013.**

#### **(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? **The Swedish Film Institute and the National Library of Sweden collaborate in order to make films available on the website [www.filmarkivet.se](http://www.filmarkivet.se). (National Library: no change)**

- 8.2 Have you established bi-lateral cooperation with Film Heritage Institutions in other Member States? **Individual restoration projects are sometimes done on a bilateral basis, when original elements are either borrowed from, or lent to, a Film Heritage Institution (FHI) in another member state. Bilateral study trips with individual FHIs are made and received.**

- 8.3 Do you participate in European projects? If so, please list them. **SFI is a member of the Association des Cinémathèques Européennes (ACE). SFI intends to make digitized non-film collections available on the European Film Gateway (EFG) in 2014.**

- 8.4 Are you active in international activities? **Apart from the ones mentioned above, SFI is also a member of the international federation of film archives (FIAF), and collaborates on a bilateral basis on restoration projects carried out by other FIAF members, or by non-European studio archives. SFI is also a participant in the annual Nordic Film Archive meetings. SFI regularly presents new restorations and curated programs at archives and festivals around the world.**

**(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? **Yes.**
- 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? **Yes, contractually deposited elements are quality checked at the time of the deposit.**
- 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, SFI encourages the voluntary deposit of films covered by the definition of heritage (see 2.2). The ACE-FIAPF model contract has not been used so far.**

**Cataloguing and creation of databases**

- 9.4 Are your databases completely available and searchable on the Internet? **SFI: Filmographic information on 60,000 films and 250,000 individuals is freely available at <http://www.svenskfilmdatabas.se/> contains filmographic information on 72,000 films (searchable by year, person, studio, etc) and 310,000 individuals. The internal interface of the database also contains information on the actual holdings, which is available on public computers in the SFI Library. Films, and the metadata related to them, made available online is available for free from any computer in the world at [www.filmarkivet.se](http://www.filmarkivet.se) (National Library: 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? **No. The present structure of the SFI database includes fields for all data elements stated as minimum set of metadata for cinematographic works. Genre descriptors are only used for purposes of statistics. The CEN-standard 15907 is not implemented; however first steps towards a future implementation has been taken.**

## Preservation

- 9.6 Have you established a long-term strategy for your national film heritage, as well as "national preservation plans"? **SFI has strategies to implement the Government directive on "a living film heritage, to be preserved, developed and made available", including a Collection Policy, which is updated at regular intervals (latest revised in December, 2012).**

## Restoration

- 9.7 Have you created restoration plans, including prioritization systems in line with budget available? **SFI has an annual Restoration & duplication plan, and an annual Digitization plan.**
- 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? **Any screening of a film at the SFI cinematheque or any film lent to external theatres for screening has to be authorized with the rights holder. General agreements with rights holders exist for digitized films, which include screenings at the SFI's own premises without obtaining rights clearance. SFI has an agreement with major rights holder AB Svensk Filmindustri, where a large number of films can be lent to external theatres and where the SFI charges the license fee on behalf of AB Svensk Filmindustri.**

## 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? **Any contractually deposited film and any digitized film can be made available for the general public and researchers at the premises of the SFI. Agreements with rights holders allow films to be made available for free at [www.filmarkivet.se](http://www.filmarkivet.se)**

## 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? **Any film used for educational screenings has to be cleared with the rights holder on a case-by-case basis. SFI has an agreement with major rights holder AB Svensk Filmindustri, where a large number of films can be lent to external theatres where no separate rights clearance needs to be obtained and where SFI charges the license fee on behalf of AB Svensk Filmindustri. Some heritage films are available for dvd-screenings and/or streaming in classrooms thanks to collective licensing agreements.**
- 9.13 Have you developed national strategies for film and young people? **SFI has established an action plan for Children & Youth Issues which includes aspects of film education and film heritage that correlates to the Swedish curriculum**



in which is stated that pupils in secondary and upper secondary schools shall learn to analyze historic and modern images and obtain knowledge of genre, motifs and narrative in film from different time periods. SFI also has a school cinema grant available for schools in which projects that explore film heritage is one area of priority.

### **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? **No, but SFI is considering it and would welcome such initiatives from other FHI.**

### **(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? **Yes, the specifications of what elements are to be contractually deposited with the archive has been revised to accommodate also for the deposit of D-cinema elements. Latest revision was done in September 2012. The specifications include which limited number of digital masters and un-encrypted digital copies are accepted.**

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? **Yes, since August 2012 the SFI has LTDP in place. Archival file formats have been determined, and robotized tape libraries using different tape technologies have been set-up, where files are constantly monitored. Migration plan is included in the LTDP. No joint efforts have been done with other Swedish cultural heritage institutions, since SFI's needs were more urgent and on a different scale from other institutions.**

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? **Low-resolution digitization for publication on-line has been carried out since 2010, and the site**

[www.filmarkivet.se](http://www.filmarkivet.se) was launched in February 2011, where more than 750 films from the collections of SFI and the National Library of Sweden were available in October 2013. In 2013, a high-end digitization project was launched, with the aim of creating digital masters and DCP's from the analogue collections. Hard-ware, soft-ware and new skills have been acquired, and in 2013 18 films will have been the subject of 2K-scanning, grading, synched and available in DCP format. In September 2013 the Government proposed to the Parliament that an additional SEK 40M should be allocated to SFI to digitize 500 films during 2014-2018. SFI holds approximately 2,500 feature-length Swedish films and 6,000 Swedish short films in its collections. (National Library: 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...)? Can you provide the percentage of your film and non-film collections that are freely available for citizens online? **Of the 750 films available on [www.filmarkivet.se](http://www.filmarkivet.se) 450 are from SFI collections and 300 from the collections of the National Library. Thumbnails of posters for Swedish feature films and a lesser amount (due to copyright issues) of other digital objects have been published on the external web interface of the SFI database. Material will also be made available on EFG/Europeana (see 8.3). (National Library: 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 seek agreements with film distributors or cinema theatres in order to foster digital projection of heritage films? **One of the purposes of the proposed additional funding of SEK 40M for high-end digitization 2014-2018 is to create DCP's of classic films which can then be screened at any external cinema having digital projection. In 2014 SFI will adopt a strategy which will include the issue of distribution in relation to archival loans.**

#### **(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? **Yes, the contractual deposit is linked to the production subsidy system (see 3.5)**

Is there any change to report in relation to 2011? **No.**

#### **(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? **No specific problems were identified in the 2011 report.**

#### **(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? **A) SFI's specifications for the contractual deposit of D-cinema**

elements. B) The establishing of Long-Term Digital Preservation. C) The establishing of a photochemical laboratory. D) The in-house digitization of 500 films in high resolution 2014-18.

**(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 Swedish Film Institute is in favour of an steering committee as proposed in the framework of the study *Challenges in the Digital Era for Film Heritage Institutions*. The Swedish Film Institute also favours continued revision of copyright legislation, in order to further facilitate cultural use of copyright-protected works. The Swedish Film Institute would also like to raise the issue that voluntary deposits of non-national films has ceased to exist in most Member States, as a result in the shift from 35mm to digital distribution in commercial cinemas. This will have severe repercussions for collection building and cinemathèque programming in the future.**

**(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 2010<sup>3</sup>?

**Many of the challenges outlined in the Council Conclusions on European Film Heritage has been responded to, since**

- **The Swedish Film Institute has adapted existing instruments on contractual deposit, taking into account the transition to digital**
- **Film heritage preservation is fully part of national film policy**
- **The Swedish Film Institute has a long-term strategy for the national film heritage, both for analogue and digital media**
- **Public funded films are contractually deposited with the Swedish Film Institute archive**
- **The Swedish Film Institute is making publicly funded films available for research and the general public**
- **The Swedish Film Institute is allowed to reproduce film on any media for preservation purposes**
- **The Swedish Film Institute is allowed to restore the material**
- **The Swedish Film Institute exchanges material with other film heritage institutions**

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<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)

- **Efforts to digitize film heritage will be intensified if the Parliament passes the Government proposal of additional funding**
- **The Swedish Film Institute endeavors to develop vocational training in the area of film archives**
- **The Swedish Film Institute has established policies for long-term digital preservation of digitized films and digital-born works**
- **The Swedish Film Institute continues co-operation and exchange of good practice in this area**

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