



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" (hereafter referred to as 'The Recommendation')¹

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?

Slovak Film Institute [Slovenský filmový ústav - SFÚ], Grösslingová 32, 811 09 Bratislava

- 1.2. What is their budget for 2013?

EUR 2 495 000

¹

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

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

Slovenský filmový ústav [Slovak Film Institute], Grösslingová 32, 811 09 Bratislava, www.sfu.sk

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

The amount of funds available each year for the renewal of audiovisual heritage has not changed since 2011 and is EUR 493 726

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

NO CHANGE.

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

NO CHANGE.

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. 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)

c) Voluntary deposit

NO CHANGE

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

YES

3.3. What material has to be deposited?

NO CHANGE

3.4. What is the deadline for deposit?

NO CHANGE

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

NO CHANGE

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

NO CHANGE

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

We do not have a depository for the archiving of intermediate positive material (IMP).

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

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?

NO CHANGE

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

NO CHANGE

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?

NO CHANGE

5.2. Can you describe your filmographic databases?

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?

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"?

The SFÚ has produced Slovak translations of the standards on the basis of an agreement with the Slovak Institute of Technical Standardisation and these were published in their Slovak versions as STN EN 15744 in August 2010 and STN EN 15907 in March 2012. The SFÚ is currently preparing the Slovak translation of CEN/TS 16371:2012 Guidelines for implementors of EN 15744 and EN 15907. The SFÚ then plans to implement the relevant European standards in its SK CINEMA information system.

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

NO CHANGE

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

In November 2013 the SFÚ will make the databases created within the SK CINEMA information system project available to the public through the Internet (Slovenská filmová databáza, Katalóg SFÚ and Heslár SFÚ).

6. TABLE 6 – PRESERVATION AND RESTORATION

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

NO CHANGE

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

NO CHANGE

- 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

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authorised to make use of this exception? Is the exception implemented in a way that allows format-shifting for digital material?

Yes. Section 31 of Act No 618/2003 (the Copyright Act), states the following:
'Section 31

The use of a work by a library, archive or museum

(1) A library³⁾, archive⁴⁾ or museum^{4a)} may, without the consent of the author, reproduce the following:

a) a work held in its own stock, if the purpose of the reproduction is to meet the requirements of a natural person who will use it for educational or research purposes exclusively on the premises of the library, archive or museum;
b) any kind of work in its own stock, if the purpose of the reproduction is the replacement, archiving or provision of the original of the work or the reproduction thereof in case of loss, destruction or damage or if a permanent collection is involved.

(2) The use of the work in the manner described in paragraph 1 does not create an obligation to provide compensation to the author.

(3) The provisions of paragraphs 1 and 2 are without prejudice to the provisions of this Act dealing with the protection of measures to prevent unauthorised reproduction of the work or any other unauthorised act activity (Sections 59 to 61).'

Yes, however, Slovakia only has one film heritage institution, the Slovak Film Institute.

Yes, it is implemented in a way which allows this. The format of the reproduction is not the deciding factor.

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

NO CHANGE

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

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. Does this exception is implemented to cover consultation in a "closed network".

It is not implemented.

- 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?

Yes. This exception has been carried into Section 28 of Act No 618/2003 (the Copyright Act):

' Section 28
Use of the work for teaching purposes

(1) The consent of the author is not required for the reproduction of a short part of the published work, for distribution to the public by a different form of copyright transfer than sale or for public broadcast of a short part of a published work, if such use does not exceed what is justified for teaching purposes in schools and is not done for direct or indirect material gain.

(2) The consent of the author is not required for the reproduction of a short part of the published work, published short work or are published creative artwork through transfer to paper or to a similar material by means of reprographic equipment, for distribution to the public by a different form of copyright transfer than sale, if such use does not exceed what is justified for teaching purposes in schools and is not done for direct or indirect material gain.

(3) The third sentence of Section 25 applies as appropriate to the use referred to in paragraphs 1 and 2.

(4) The use of the work in the manner described in paragraphs 1 and 2 does not create an obligation to provide compensation to the author.

Yes, since the exception applies to all works, it also covers cinematographic works.

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

Not yet.

- 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.

Essentially, no. A certain facilitation of the use of a work for non-commercial purposes may be provided by the licensing practice introduced on 1 November 2013 in Section 49a of Act No 618/2003 (the Copyright Act), according to which: 'Section 49a

Special provisions regarding the granting of licences

(1) An author may also offer to grant a licence by means of a legal act directed at undefined persons.

(2) The acceptance of the offer in paragraph 1 constitutes an action from which consent with the conditions of the licence may be inferred.

(3) The licence referred to in paragraphs 1 and 2 may be granted only as non-exclusive and free-of-charge.

(4) The provisions of Sections 40 to 42b shall apply to the licence referred to in paragraphs 1 and two as appropriate.'

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.

NO CHANGE Section 29 of Act No 618/2003 (the Copyright Act) states the following:

Use of a work for the needs of disabled people

(1) (1) The consent of the author is not required for the reproduction of a published work, for distribution to the public by a different form of copyright transfer than sale or distribution to the public through loan or public broadcast, if such use is made exclusively for the needs of disabled persons to an extent justified by their disability and is not done for direct or indirect material gain.

(2) (3) The third sentence of Section 25 applies as appropriate to the use referred to in paragraph 1.

(3) The use of the work in the manner described in paragraph 1 does not create an obligation to provide compensation to the author.

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

NO CHANGE SFÚ staff receive continuous professional training through participation in vocational courses, training sessions, conferences and individual training activities based on providing and sharing expert information.

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 CHANGE No

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

NO CHANGE Our restricted budget for training activities limits the ability to provide a more extensive professional training programme. This situation would be eased by a grant programme which the different national archives could use to create training projects for their own expert staff and the general public.

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

NO CHANGE At its meeting of 9 January 2013 the Government approved by means of Resolution No 16/2013 the draft updated Systematic Renewal of Audiovisual Heritage in Slovakia project for 2013-2015.

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 Slovak Film Institute works closely with Rozhlas a televízia Slovenska (Slovak Radio and Television - RTVS), - a public organisation which is currently a statutory depository. The cooperation involves not only legal deposit, but mainly digital processing of film material and audio and video recordings, since RTVS is a partner of the Slovak Film Institute for the implementation of national project No 5 - Digital Audiovision, for which the Slovak Film Institute is the beneficiary of a grant from the ERDF.

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

Yes, the NFA in Prague

- 8.3. Do you participate in European projects? If so, please list them. NO CHANGE

- 8.4. Are you active in international activities? Yes - FIAF and others

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 and/or 2015.

Priority: digital processing and renewal of audiovisual heritage is carried out under national project No 5 Digital Audiovision, which lasts until 30 June 2015 and will then continue until at least 2020.

Collection

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

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?

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?

NO CHANGE

Cataloguing and creation of databases

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

In November 2013 the SFÚ will make the databases created within the SK CINEMA information system project available to the public through the Internet (Slovenská filmová databáza, Katalóg SFÚ and Heslár SFÚ).

- 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, SFÚ representatives participated in the 2010 workshop in Rome. The SFÚ is planning to implement the standards in its SK CINEMA information system; this is one of the priority tasks for the development of the information system.

Preservation

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

Yes, the Systematic Renewal of Audiovisual Heritage in Slovakia project, whose objective is to save cinematographic and audiovisual works and to gradually make them available to the public, was approved by the Government by means of Resolution No 441 of 17 May 2006. Subsequently, in 2008, on the basis of the Government Work Plan, the Minister of Culture, using SFÚ material, submitted to the Government for approval the draft update to the Systematic Renewal of Audiovisual Heritage in Slovakia project, which the Government approved by means of Resolution No 25 of 14 January 2009. In 2011 the Government approved a further update to the Systematic Renewal of Audiovisual Heritage in Slovakia.

Restoration work

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

Yes, restoration plans have been created for the Systematic Renewal of Audiovisual Heritage in Slovakia project as part of the laboratory processing of film media and for the National Digital Audio vision project as part of the digitisation of cinematographic works.

- 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 CHANGE

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

NO CHANGE

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

NO CHANGE

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?

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?

NO CHANGE

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

NO CHANGE

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 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?

The collection/acquisition of digital material complies with the provisions of Section 34(6) of Act No 343/2007 (the Audiovisual Act). In the near future we

will be updating the specification for format compatibility as regards long-term archiving and migration according to FIAF recommendations. The current practice of submitting digital material on HDD and BD is not viable for long-term archiving.

- 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?

Not at present. This will be dealt with partly through implementation of the Digital Audiovision national project as part of the Information Society Operational Programme (for more see part 10.4).

- 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?

On the basis of a written request for the submission of applications for a grant to implement the national project Digital Audio vision of 16 June 2011 under the Information Society Operational Program Priority Axis 2: development of memory and repository institutions and renewal of their national infrastructure – Measure 2.1: digitisation of content of memory and repository institutions, archiving, making available and improvement of systems for acquiring, processing and protecting such content, the Slovak Film Institute is preparing this project in cooperation with its partner, Slovak Radio and Television. One of the expected outputs of the project will be the digitisation (2K or 4K) of at least 1000 cinematographic works, with digital restoration planned for a selection of these.

The Institute is planning to make available the cinematographic works or extracts of the works digitised in this way at low resolution suitable for the Internet through its SK CINEMA information system, which it plans to integrate indirectly into Europeana by joining national and/or international projects which will mediate provision of content (content aggregators) for Europeana.

A digitisation strategy and plan for the period up to 2015 (and subsequently to 2020) has been established. In the period from 2008 to 2011 around 1.25% of film collections were digitised at a resolution of 2K.

European structural funds will also be used for digitisation. The amount of budgetary funds allocated for digitisation of film collections will be around EUR 15.4 m.

- 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?

The SFÚ is implementing the SK CINEMA information system as a long-term priority project whose outputs will also be available through the Internet.

- 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?

YES Our institution has its own cinema equipped with a digital projector and has signed a cooperation contract and licensing contract with the firm Kinoservis, s.r.o. for the creation of recordings of Slovak cinematographic works on DCP media, and for the distribution of Slovak cinematographic works on DCP media in the Czech Republic.

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?

NO CHANGE

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?

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?

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

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?

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