



The EU and European Film Heritage

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The EU and European Film Heritage

- 1. Legal and policy perspectives*
- 2. Film Heritage and copyright*
- 3. Film Heritage and EU funding*





The EU and European Film Heritage

Legal and policy perspectives

Legal EU Framework

Lisbon Treaty (2009):

- Article 3: *The EU shall ensure that Europe's cultural heritage is safeguarded and enhanced.*
- Article 167.2: *Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in conservation and safeguarding of cultural heritage of European significance.*
- Article 167.4: *The EU shall take cultural aspects into account in its action under other policies.*

Film Heritage Recommendation and application reports

- *2005 Recommendation of the European Parliament and of the Council on film heritage and the competitiveness of related industrial activities*
- *Application reports: 2008, 2010, 2012...*
- *Based on Member States reports – online*
- *2014 report in preparation – 25 replies received*

Other key documents

- *Commission Recommendation on the digitisation and online accessibility of cultural material and digital preservation - October 2011 + Council Conclusions May 2012*
- *Council Conclusions on European Film Heritage, including the challenges of the digital era*
November 2010
- *Council Resolution on the deposit of cinematographic works in the European Union*
November 2003 – Italian Presidency
- *Study on a Digital Agenda for European Film Heritage (DAEFH) - January 2012*

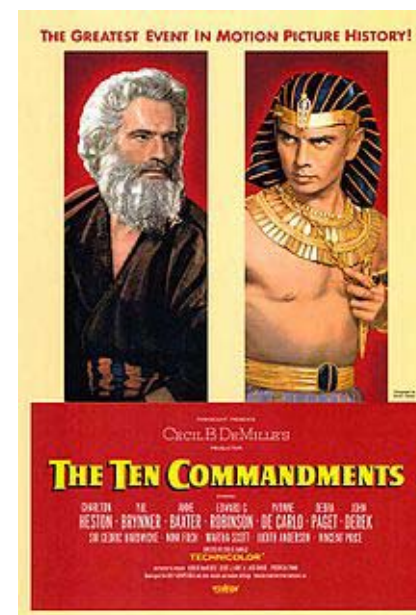
CINEMA EXPERT GROUP / SUBGROUP FILM HERITAGE

- **Participants: Member State experts + industry representatives**
- **Objectives:**
 - Exchange of best practices among Member States
 - Inform the sector about EU policy developments
 - Consult the sector on policy options
- **Meets once per year in Brussels**
- **Regular circulation of information by e-mail**
- **Twitter @EUfilmheritage**

<http://ec.europa.eu/digital-agenda/en/protection-film-heritage>

FILM HERITAGE DECALOGUE

- 1. Film Heritage Institutions (FHI)*
- 2. Collection*
- 3. Preservation*
- 4. Digitisation*
- 5. Digital cinema projection*
- 6. Access*
- 7. Interoperability of film databases*
- 8. Professional training*
- 9. Film literacy*
- 10. Film funding and film heritage*



1. Film Heritage Institutions - FHI

- *Around 100 national and regional FHI*
- *Great diversity*
- *Budgets remained stable*

- *"Active film archives will have to go digital" ACE*
 - **But only a minority are introducing changes**

- *Best practices: British Film Institute Film For Ever, French CNC Digitisation plan (€400 m. in 6 years)*

2. Collection

- *Legal deposit: 10 MS*
- *Contractual deposit: 17 MS*

- *Problem: enforcement*
- *Best practice: State aid conditional to deposit*

- *Voluntary deposit: essential for enriching the collections*

2. Collection in the digital era

- *BFI definition of film: "a moving image crafted to express an idea or tell a story regardless of production process, recording medium or distribution channel"*
- *Not all MS have updated deposit laws to collect digital film*
- *Some MS have adapted to new distribution channels*

2. Collection in the digital era

Problems:

- Diverging polices for collection of digital material*
 - Too long deadlines for deposit*
 - Only unencrypted digital files are suitable for preservation*
-
- Best practice: Updated collection policies (Sweden, UK)*

3. Preservation of analogue and digital film

"If preservation is not performed properly, there will be no heritage to show and give access to" - ACE

- *Hybrid archives:*
 - **Need to keep and improve physical depositories**
 - **Need to put in place long-term preservation systems**
- *Funding? Strategies, planning and policies? Skills?*
- *EDCine, DAEFH study recommendations.*

4. Digitisation of collections

- *About 1,5 % of film collections have been digitised (ACE estimate). Why?*
 - **Lack of funding**
 - **High cost of clearing rights**
- *Digitisation is a pre-condition for ACCESS*
- *Always keep the original film*

4. Digitisation of collections

- *Best practices:*
 - [EFG1914](#)
 - [Images for the future – The Netherlands](#)
 - Integration of film heritage in national digitisation programmes
 - Use of structural funds: Lithuania, Poland.

<http://vimeo.com/21965366>

5. Digital cinema projection and film heritage

- *Opportunity: projecting film heritage beyond the cinematheques.*
- *Efforts have to be made:*
 - *digitised heritage films in a sufficient resolution for projection (at least 2K);*
 - *Best practice: [Norway](#)*

6. Access to collections

- *"Preservation and access have equal priority as objectives" – BFI*
- FHI should continue to explore and expand online cultural access to collections
- BP: [British Film Institute YouTube](#) channel – 12.5 million videos views + 23.000 subscribers
- BP: [Istituto Luce](#) YouTube: 6 million views + 16.000 subscribers; Free App: 50.000 downloads; Italian cinema "room" in iTunes.
- Role of Film Festivals – BP: Il Cinema Ritrovato
- Partnerships needed!

7. Interoperability of film databases

- *European standards on interoperability of film databases:*
 - EN 15744:2009 and EN 15907:2010
 - 2012 Implementation Guidelines
- *Best practice: Many FHI have implemented the ENs (partners of EFG, UK, Lithuania) – Application should be extended*
- *Preservation of metadata is key in a digital environment*

8. Professional training

- **Difficult situation:**
 - Lack of specialised training
 - New digital competences to be developed
 - Photochemical competences to be maintained
- **Best practice:** bi-annual FIAF summer school in Bologna
- **Temporary exchange of staff among FHI?**
 - OK in principle
 - Not possible in practice due to lack of staff

9. Film heritage and film literacy

"The level of understanding of a film, the ability to be conscious and curious in the choice of films; the competence to critically watch a film and to analyse its content, cinematography and technical aspects; and the ability to manipulate its language and technical resources in creative moving image production"

9. Film heritage and film literacy

- **Study on film literacy in the EU (2012) - Italian partners:** Università degli Studi, Roma Tre and Centro Sperimentale di Cinematografia.
- **On going study on the use of films in schools**
(FILMED)
- **Best practices:**
 - Poland: "School Film Archive"
 - BFI: "5-19 Education scheme" (2013-2017)
 - SFI: "Film i skolan"
- **More film literacy projects needed!**



10. Film funding and film heritage

- **EUR 2 billion for film funding in the EU in 2009**
- **Some MS have linked film funding policy and film heritage, with a double purpose:**
 - Enforce contractual deposit
 - Facilitate cultural and educational use of funded films (Denmark, Spain, Sweden, Latvia)
- **Good practice to be extended.**

10. Film funding and film heritage

Cinema Communication of November 2013

52.6) Member States should encourage and support producers to deposit a copy of the aided film in the film heritage institution designated by the funding body for preservation, as well as for specified non-commercial use agreed with the right holder(s) in compliance with intellectual property rights and without prejudice to fair remuneration for the right holder(s) after an agreed period of time set in the grant agreement and such that this does not interfere with the normal use of the film.

WHAT'S NEXT?

- **Commission proposal on digital film to foster Member States action**
 - planned first half 2014
 - Discussion and adoption under Italian Presidency?
- **The Cinema Expert Group / Subgroup Film Heritage meeting 3Q 2014**
- **Italian Presidency Conferences?**
- **EU Futurium: The Future of the Past [Video](#)**



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Film Heritage and Copyright

Film Heritage and copyright

- Directive copyright (2001/29/EC) + ongoing review (studies + survey) - 5 February
- Directive on orphan works
 - Adopted on 4 October 2012
 - Includes FHI – 20% of their works
 - 2 years for MS to transpose
- **Public domain**
- **Contractual and voluntary approaches: Licences for Europe**

Film Heritage and 2001 Directive on copyright

Voluntary exceptions:

- **Reproduction for preservation - Art. 5(2)(c)**

All MS except UK and Bulgaria have transposed it. But in some MS cinematographic works are not covered.

- **In situ consultation for researchers – Art. 5(3)(n)**

12 MS report that it is transposed. Transposed in IT.

- **Illustration for teaching or scientific research – Art. 5(3)(a)**

Transposed in 11 MS in different ways

Review of EU copyright - Questionnaire

5 FEBRUARY

Relevant questions:

- **20: Term of protection**
- **21-27: Limitation and exceptions (in general)**
- **28-31: Preservation and archiving**
- **32-35: Off-premises access to library collections**
- **36-39: E – lending**
- **40-41: Mass digitisation**
- **42-46: Teaching**
- **47-49: Research**

Civil societies websites:

<http://youcan.fixcopyright.eu/>

<http://copywrongs.eu/>



Film Heritage and Orphan works Directive

- **New exception to copyright**
- **Diligent search by FHI**
- **If right-holders are not found, the work is declared "orphan"**
- **EU-wide recognition of the "orphan" status**
- **Possible uses: making available**
- **Case-by-case exercise**

- **EU FORWARD project (6/2013-6/2016) – Bologna is a partner – inspired by ARROW (books)**

LICENCES FOR EUROPE

- "Licenses for Europe" is a stakeholder dialogue in the area of copyright and digital content -
- From February to 13 November 2013 (Final Plenary)
- Deliverables for Audiovisual Heritage:
 - Statement of Principles and Procedures for facilitating the digitisation of, access to and increased interest of European citizens in European cinematographic heritage works – signed by film heritage institutions, film producers and audiovisual authors – SIGNED TEXT
 - Declaration on audiovisual work standard identifiers for new works. It recommends that all new audiovisual works be systematically registered with an international standard identifier such as ISAN or EIDR to facilitate licensing.

LICENCES FOR EUROPE

Principle and procedures for digitisation:

- **Pre-agreed procedures: reduces transational cost**
- **Mutually satisfactory for FHI, producers and authors: more access, more benefits**
- **Principle: payments if benefits are made**





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Film Heritage and EU funding

Film Heritage and EU funding

Creative Europe (2014-2020)

- Only in relation to film literacy
- [Call](#) open until 28/03/2014

Structural funds

-Examples of use:

- Lithuanian Documentary Cinema on the Internet – Total budget of € 2.7 million.
- Polish Nitrofilm project - Total cost of € 4.8 million, of which € 3.5 million is EU funding.

-Toolbox to guide Regions in achieving "Digital agenda" targets – including digitisation of cultural material – [Apendix 3.1](#)

Film Heritage and related EU funding

Horizon 2020 – Research

- Open **Call** in Support the Growth of ICT innovative Creative Industries SMEs– Film Heritage can be an application field (deadline 23/4/2014)

Connecting Europe Facility - CEF

- Funding reduced from 9.2 to 1 billion in negotiations with Member States
- Some financing available for European infrastructure
- Work Programme to be published in March 2014



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Conclusion

Irish Film Institute promotional video

<http://www.youtube.com/watch?v=EarCLUQJbTQ>





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