Film heritage: collection and preservation, competitiveness of related industrial activities

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PURPOSE : A recommendation that cinematographic works are systematically deposited in the Member States PROPOSED ACT : Recommendation of the European Parliament and of the Council on film heritage and the competitiveness of related industrial activities. CONTENT : This Recommendation is being presented by the Commission following the publication of its Communication on certain legal aspects relating to cinematographic and other audiovisual works. The Communication itself deals with two aspects of issues vital for the cinematographic industry. Firstly, state aid for the film industry and secondly, the protection of cinematographic works for Europe's common heritage. The Recommendation concerns the latter aspect of this Communication only, and one facet in particular, namely the legal deposit of audiovisual works. Depositing films in national archives is accepted as a vital means for the preservation of films and, in turn, Europe's cultural heritage. In 2002, the Commission sponsored research into how films are currently deposited in the Member States. The results of the research show that four-fifths of the Member States have a system of compulsory deposit for all or publicly financed works. In other words, ten Member States have established a legal obligation for producers to deposit their cinematographic works in national libraries or film institutes; in three of the Member States the legal obligation to deposit films applies exclusively to those that have received public funding. In the remaining two Member States the deposit is done on a voluntary basis. Expert driven research into the depositing of films indicates, however, that neither private initiatives nor voluntary systems can ensure the preservation of all cinematographic works. Preservation can only be realised by systematically depositing all of the European film industry's works. A number of related Recommendations have been adopted by the Council (i.e. co-operation on the restoration and conservation of cinema heritage, exchange of good practice etc/ recognition that European cinematographic works are an essential manifestation of the diversity and richness within European culture.) Similarly, the European Parliament has prepared a number of Reports highlighting the importance of cinematography within the context of European heritage. Further, the Council of Europe has opened the Convention for the protection of the Audiovisual Heritage. It is against such a backdrop that the European Commission is proposing a non-binding Council and European Parliament Recommendation. The Recommendation itself focuses on cinematographic works only. For other audiovisual works e.g. television programmes, the Recommendation suggests a voluntary deposit scheme. Specifically speaking the Recommendation proposes that the Member States adopt legislation or administrative measures to ensure cinematographic works are systematically collected, catalogued, preserved, restored and made accessible for education and cultural purposes - while respecting copyright and related rights. This should be done through designated bodies such as film institutes. The systematic collection of such works should be undertaken on either a legal or contractual basis. Other measures would include the cataloguing and indexing of deposited works based on European norms as well as encouragingthe interoperability of databases and their availability to the public. The Recommendation also suggests the creation of national legislation, which would ensure the preservation of deposited cinematographic works. As well as encouraging the restoration of old films or films of significant cultural /historical interest the Recommendation urges closer co-operation between the designated bodies. It concludes by proposing the Commission be informed every two years on action taken within the Member States in response to this Recommendation.