

Council of the European Union: Resolution on Deposit of Cinematographic Works

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At its meeting of 24-25 November 2003, the Council of the European Union adopted a Resolution calling for the systematic deposit of cinematographic works in the European Union.

The Resolution refers to the Commission Communication on certain legal aspects relating to cinematographic and other audiovisual works (see IRIS 2001-9: 6), which examined the legal deposit of audiovisual works as a possible way of preserving and safeguarding Europe's audiovisual heritage. The Communication launched a stocktaking exercise of the current situation as regards the deposit of works in the Member States, candidate countries and EFTA countries, to be carried out prior to a possible Commission proposal in this field. The Council now notes that the Commission's stocktaking exercise indicates that at least two thirds of Member States have a system of compulsory deposit either for all cinematographic works or at least those that have received public support.

The Resolution invites Member States to put in place effective systems for the deposit and conservation of cinematographic works in their national archives (or other relevant institutions), where such systems do not yet exist. The deposit systems should cover national cinematographic works as far as practicable, or at least cinematographic works that have received public support at national and/or Community level. They could be based on a legal or contractual obligation "or on other measures having the same effect in terms of preserving the cinematographic heritage". Member States should also provide for the possibility of using deposited works for educational, cultural and research purposes or for similar non-commercial uses (in compliance with copyright and related rights). Finally, Member States should co-operate and exchange good practice in this area.

The Commission is called upon to examine possible ways to further develop co-operation between Member States in this field, as regards for instance the exchange of information on the deposit and preservation of important European films. Furthermore, it is invited to continue the exchange of experiences and best practices from Member States in the context of the cinema experts group it has established and to report to the Council on the progress achieved.

The Resolution also refers to the Council of Europe Convention for the protection of the Audiovisual Heritage (see IRIS 2001-9: 3), which was opened for signature on 8 November 2001 and has been signed by 4 EU Member States (Austria, France, Greece and Portugal).

As regards future initiatives in this field, Commissioner Reding has recently announced that the Commission is currently working on a proposal for a recommendation concerning cinematographic heritage, which it plans to present in the first quarter of 2004.

At the same meeting, the Council also held an exchange of views on the future of audiovisual policies, on the basis of the Commission's mid-term evaluation of the MEDIA Plus and MEDIA Training programmes (20012005) and of a document presented by the Presidency.

Council Resolution of 24 November 2003 on the deposit of cinematographic works in the European Union, Press release of the 2545th Council meeting (Education, Youth and Culture), Brussels, 24-25 November 2003

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