

European Parliament: Resolution on Film Heritage and Related Industrial Activities

IRIS 2005-6:1/9

*Sabina Gorini
Institute for Information Law (IViR), University of Amsterdam*

On 10 May 2005, the European Parliament adopted a first reading legislative resolution on the Proposal for a Parliament and Council Recommendation on film heritage and the competitiveness of related industrial activities put forward by the Commission in March 2004 (see IRIS 2004-4: 4 and IRIS plus 2004-8). The proposed Recommendation aims to encourage better preservation and exploitation of the European film heritage and to this end calls on Member States to introduce appropriate measures to ensure the systematic collection, cataloguing, preservation, restoration and making available of cinema works forming part of their national heritage.

In its resolution, Parliament approves the Recommendation subject to a number of amendments to the Commission's text. As regards the collection of films, while the Commission's proposal calls on Member States to undertake the systematic collection of works "through a legal or contractual obligation", Parliament proposes a stronger wording, i.e. that collection be ensured "through a mandatory legal or contractual deposit of at least one high quality copy of cinematographic works in designated bodies" (it should be noted that the draft resolution, as proposed by Parliament's Committee on Culture and Education, was more ambitious, calling for legal deposit of a master copy and an additional copy). Also, while the Commission's text recommends that deposit should cover at least works that have received public funding, Parliament proposes that this should be the case only for a transitional period, after which deposit should cover as far as practicable all productions, including those that did not receive public funding.

Other amendments introduced by Parliament include recommendations to Member States to:

- adopt appropriate measures to increase the use of digital and new technologies in the collection, cataloguing, preservation and restoration of films;
- explore the possibility of establishing a network of databases encompassing the European audiovisual heritage in collaboration with the relevant organizations, in particular the Council of Europe (through Eurimages and the European Audiovisual Observatory);

- take appropriate measures to ensure access for people with disabilities to deposited cinema works;
- promote the use of film heritage in education and generally foster visual education, film studies and media literacy in education and in professional training and European programmes;
- promote cooperation between producers, distributors, broadcasters and film institutes for educational purposes.

As regards the introduction of provisions into national law to permit the reproduction of deposited works for the purposes of restoration (see IRIS plus 2004-08), Parliament specifies that this should be done “while allowing rightsholders to benefit from the improved industrial potential of their works resulting from that restoration on the basis of an agreement between all interested parties”.

European Parliament legislative resolution on the proposal for a recommendation of the European Parliament and of the Council on film heritage and the competitiveness of related industrial activities, adopted on 10 May 2005, provisional version

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005AP0167:EN:HTML>

