

Council of the European Union: Recommendation on Film Heritage and Related Industrial Activities

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On 16 November 2005, the Council of the European Union adopted a recommendation on film heritage and the competitiveness of related industrial activities. This recommendation stems from a proposal put forward by the European Commission in March 2004. Its main purpose is to encourage better preservation and exploitation of the European film heritage as an essential component of European cultural and art heritage as well as an element of competitiveness. It therefore calls on all Member States to introduce appropriate measures to ensure the systematic collection, cataloguing, preservation, restoration and making available to the public of their cinematographic heritage. The latter is to be done for “educational, cultural, research or other non-commercial uses of a similar nature, in all cases in compliance with copyright and related rights”.

The Commission's initial proposal was amended by Parliament to include more ambitious terms (see IRIS 2005-6: 6). With regard to the collection of films, for example, Parliament called on Member States to ensure collection “through a mandatory legal or contractual deposit of at least one high quality copy of cinematographic works in designated bodies” where the Commission suggested this be achieved “through a legal or contractual obligation”. Also, while the Commission's text recommends that deposit should cover at least works which have received public funding, Parliament extended this to those works not having benefited from such support (albeit after a transitional period).

Other amendments introduced by Parliament which have been retained in the final text include, among others, 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; to 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 (Eurimages and the European Audiovisual Observatory); to ensure access for people with disabilities to deposited cinematographic works; to promote the use of film heritage in education and foster visual education, film studies and media literacy in education at all levels and in professional training and European programmes.

The Council found the Parliamentary amendments to be acceptable which eventually led to the final adoption of the recommendation. The procedure, however, could have resulted in a second reading, were it not for the fact Parliament took into consideration a package of compromise amendments which was instrumental in avoiding such an outcome.

The recommendation gives a definition of “cinematographic works”, according to the text this term covers moving-image material of any length, in particular cinematographic works of fiction, cartoons and documentaries, which is intended to be shown in cinemas.

Recommendation of the European Parliament and of the Council on Film Heritage and the Competitiveness of Related Industrial Activities of 16 November 2005

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:323:0057:01:EN:HTML>

