

European Commission: Progress Report on Film Heritage Digitisation

IRIS 2015-1:1/5

*Svetlana Yakovleva
Institute for Information Law (IViR), University of Amsterdam & De Brauw,
Blackstone, Westbroek*

On 7 October 2014, the European Commission published its report entitled “Film Heritage in the EU”. This is the fourth progress report on the implementation of the 2005 Recommendation on Film Heritage of the European Parliament and Council (see IRIS 2005-6/9 and IRIS 2006-1/4). The first report on the same topic was published in August 2008, the second in July 2010 (see IRIS 2010-9/4) and the third in December 2012 (see IRIS 2013-2/6).

The report is based on the answers of the Member States to a Commission’s questionnaire circulated in September 2013. This provides an overview of the Member States’ progress in 2012-2013 in implementing the Recommendation, as well as the main challenges and risks faced by the Member States along the way to digitising film heritage.

The Commission’s findings largely repeat those of the previous report. This supports the Commission’s overall conclusion that not much progress has been made during the reporting period. Similar to the 2012 Report, the European digital film heritage is still “at risk of being lost” and the opportunities offered by the digital revolution “are largely being missed”. Rare examples of the opposite are the projects funded with EU structural funds, through EFG1914 or through a national policy of digitisation of film heritage, such as the Dutch “Images of the Future” or the British “Film Forever”.

The Commission acknowledged that the main obstacles to the digitisation of European film collections and the provision of online access to digitised collections, even for educational purposes, are still in place. During the reference period, the legal framework within which film heritage institutions (FHI) operate has not changed and clearing copyright and related rights to audiovisual material remains complex and costly. In this respect the publishing by “Licences for Europe” (a stakeholder dialogue on copyright and digital content facilitated by the European Commission) of its “Statement of Principle and Procedures for facilitating the digitisation of, access to and increased interest of European citizens in European cinematographic heritage works” is an important step forward. However, its effectiveness is yet “to be assessed over time”.

As compared to the findings of the previous report, budget and human resources allocations have remained stable or even reduced. Resources devoted to film heritage continue to represent a very small fraction of the resources allocated to the funding of new film productions by all Member States. New exploitation opportunities for heritage films, such as “long-tail” revenues or mash-ups of film heritage, remain largely unexploited. Although in several countries film heritage material is made available online for mash-up, overall online footage available for mash-up is still very limited.

On a more positive note, the Commission pointed out the increase in the number of film databases accessible and searchable online or which give the possibility to stream the works. FHI became more aware of the need for long-term digital preservation systems that take care of both analogue and digital collections. However, this awareness is not backed by necessary funding and specialised professional training in both digital and analogue competences. The Commission also noted some progress in the field of education, namely an increase in film literacy activities and the development of cooperation between FHI and universities. However, obstacles posed by rights-clearance procedures still hugely restrain the availability of online material for film literacy.

In conclusion, the Commission does not give Member States any clear recommendations and limits itself to sporadic advice on further desirable action throughout the report. This advice amounts to an encouragement to extend certain good practices (such as making film databases accessible and searchable online or updating archival policies, in order to include digital preservation), recommendations to further explore existing possibilities (such as re-use of catalogue sources for new creation) and develop new mechanisms (for example, facilitating the educational use of films from a rights-clearance perspective), as well as to continue cooperation between different stakeholders (such as FHI and European Film Agency Directors).

The Commission plans to continue to monitor the application of the Recommendation. Member States are asked to submit their fifth implementation reports by November 2015 in response to the Commission’s questionnaire to be circulated mid-2015.

European Commission, Report on the Implementation of the European Parliament and Council Recommendation on Film Heritage 2012-2013, Working document, 1 October 2014

http://ec.europa.eu/information_society/newsroom/image/4th_film%20heritage%20report%20final%20for%20transmission_6962.pdf

