



STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP)

CDCPP (2013) 14

Strasbourg, 15 May 2013

**2nd meeting
Strasbourg, 27-29 May 2013**

MEETING REPORT AND ACTION PLAN OF THE STANDING COMMITTEE OF THE EUROPEAN CONVENTION FOR THE PROTECTION OF THE AUDIOVISUAL HERITAGE (EAHC)

DOCUMENT FOR INFORMATION

Item 3.5 of the draft agenda

- the Committee is invited to take note of the meeting report and questionnaire replies.

Introduction

Following the third meeting of the Standing Committee of the European Convention for the Protection of the Audiovisual Heritage (EAHC), held in Croatia on 28 September 2012 (see Appendix A) a decision was taken to draw up a questionnaire with the aim of promoting the EAHC. The questionnaire was sent to CDCPP members on 18 March 2013 with a deadline for replies fixed at 15 April (see Appendix B).

Appendix C is a summary of the answers received from the following member States: **Austria, Belgium, Bosnia and Herzegovina, Croatia, Finland, France, Germany, Greece, Hungary, Slovak Republic, Slovenia, Switzerland and the United Kingdom.**

A P P E N D I X A

Directorate General II – Democracy

Democratic Governance Directorate



7 March 2013

**Third meeting of the
Standing Committee of the European Convention for the Protection of the
Audiovisual Heritage**

**Mimara Museum, Zagreb, Croatia
28 September 2012**

Meeting Report and Action Plan

Opening of the meeting

1. The Third Meeting of the Standing Committee on the Protection of the Audiovisual Heritage Convention (EAHC) was opened at the Mimara Museum in Zagreb on 28 September 2012 at 9 am by Ms Doris KURTOV, Head of Service for Bilateral and Multilateral Cultural Cooperation at the Croatian Ministry of Culture. She warmly welcomed the participants on behalf of the Croatian authorities and presented a greeting address on behalf of Ms Tamara PERIŠIĆ, Assistant Minister of Culture. She also thanked the chairman of the Committee, Mr Mladen BURIĆ for the organisation of this meeting. She invited the Committee to use the occasion of this meeting for dialogue and exchange of ideas, thus allowing to set priorities in this important field. Furthermore, the Croatian Ministry of Culture encouraged all member States who have not yet signed or ratified the European Convention on the Protection of Audiovisual Heritage to do so.
2. Ms Sanja RAVLIĆ, Head of Development at the Croatian Audiovisual Centre and National Representative to Eurimages addressed the participants on behalf Mr HRIBAR, Director of the national Croatian Cinematographic Archives.
3. Mr Mladen BURIĆ, chairman of the Standing Committee on the EAHC welcomed the participants and guided through the agenda of the meeting, which was adopted as appended.

Presentation on the European Convention for the Protection of the Audiovisual Heritage (EAHC) from the perspective of the Council of Europe: latest developments

4. Ms Mechthilde FUHRER, from the Directorate of Democratic Governance, Culture and Diversity, thanked the Croatian hosts for their warm welcome. On behalf of the Council of Europe, she welcomed the members of the Standing Committee, in particular the representative from Bosnia and Herzegovina. Bosnia-Herzegovina is the latest member State having ratified the EAHC (12/1/1012). She was pleased to welcome observers, in particular Mr Peter GOETHALS, the representative of the European Broadcasting Union (EBU).
5. She then introduced the work in the audiovisual heritage field within the Council of Europe's programme of activities. The **EAHC Convention is the first binding international instrument** in the field of audiovisual heritage and television production. It schedules the principle of compulsory legal deposit, long-term prevention of deterioration of all moving-image material produced or co-produced and made available to the public in each signatory state. The Convention has been signed by 18 and ratified by 8 countries so far. Beyond that, the Convention is open also to non-member States and the European Union. The EAHC, paving the way for co-operation between film archives in Europe, contributes to establishing a greater unity amongst its members through the safeguarding and protection of our common audiovisual cultural heritage, accessible to all.
6. The Standing Committee is responsible for examining the operation and implementation of the European Convention for the Protection of the Audiovisual Heritage. Ms FUHRER recalled its **functions**, as described in Article 17 of the Convention:
 - make recommendations to the Parties and to the Committee of Ministers;
 - suggest any necessary modifications;
 - examine any question concerning the interpretation of the Convention.

The invitation to formulate an Opinion on the Recommendation of the Parliamentary Assembly Recommendation 2001 (2012) on protection of and access to the audiovisual culture heritage is on the agenda of this meeting.

7. She then reported on the major reform the Council of Europe underwent last year with the aim to refocus its activities around the three core values, Democracy, Human Rights and the Rule of Law. Within Directorate General II, restructuring is still going on following the arrival of a new Director General, Ms Snezana MARKOVIĆ and Ms Claudia LUCIANI, new Director, Directorate of Democratic Governance, Culture and Diversity. The aim is to further streamline its activities and orientate them in order to respond to the challenges democracy is faced with, i.e. citizens' participation, diversity and new technologies. One of the next tasks will be to prepare the work for the new biannual budget and programme of activities, 2014-2015, reflecting the priorities of the organisation.
8. In his proposals for priorities for 2011, the Secretary General of the Council of Europe had put forward the idea of taking stock of the Council of Europe's Conventions through a critical review of the relevance of those Conventions. One of the issues was that the Conventions have to be made more visible. Three categories were identified:

Group 1: Conventions with numerous ratifications and considered as key;

Group 2: Conventions with fewer ratifications but considered as key;

Group 3: Other Active Conventions which are not considered as key.

The European Convention for the Protection of the Audiovisual Heritage, CETS No.: 183, and the Protocol to the European Convention for the Protection of the Audiovisual Heritage, on the Protection of Television Productions, CETS No.: 184, fall under the third category. Ms FUHRER recalled that it will be crucial to promote the EAHC in order to guarantee its future consideration. Therefore the Standing Committee should come up with a monitoring structure and an action plan.

9. Ms FUHRER further mentioned the project **Balkans Memory, preserving and promoting audiovisual heritage in the Western Balkans**, conducted by *INA expert*¹, in cooperation with the Croatian Audiovisual Centre, the National Film Archives of Tirana and Copeam² and supported by the European Commission, launched on 7 February 2012 in Zagreb. Its global objective is to implement the first step of an ambitious policy of preservation and promotion of audiovisual heritage in the Western Balkans. The Inaugural Conference of the Balkans' Memory project (lasting 36 months) was successfully held on 1st June 2012 in the Mimara Museum, Zagreb, Croatia. Ms Sanja RAVLIĆ complemented the presentation by introducing the next steps of the project. The EAHC and regional policies related to its preservation and digitization are at the center of the project. Yet; in this region, only Croatia and recently Bosnia and Herzegovina have ratified the EAHC.
10. Another positive element was that the European Broadcasting Union (EBU) was associated to this meeting of the Standing Committee. The EBU signed a Memorandum of Understanding with the Council of Europe in 2011 and the PACE Recommendation 2001 (2012) specifically invited the EBU and the Standing Committee on EAHC to cooperate.

¹ Higher Education Training Research department of the *Institut National de l'Audiovisuel*, France. Cf. also the projects website: <http://www.ina-sup.com/en/about-ina-sup/balkans-memory-a-new-project-for-the-audiovisual-memory-of-the-balkans>

² Permanent Conference of the Mediterranean Audiovisual Operators.

11. The Council of Europe Secretariat has been invited to attend the Cinema Expert Group/Subgroup Film Heritage, organised by the European Commission at the Cinemathek in Brussels on 16 October 2012. This group is organised by the European Commission to facilitate the exchange of best practices between European Film Heritage Institutions as well as to discuss directly with experts from member States, industry and other stakeholders relevant European Union policies. The Chair of the Standing Committee, as well as other members and observers, will also attend, together with the Secretariat and a colleague from the European Audiovisual Observatory.
12. The aim of **third meeting of the Standing Committee of the European Convention for the Protection of the Audiovisual Heritage** in Zagreb will be to elaborate specific, target-oriented and useful guidelines for the monitoring of the EAHC. For this purpose, the Standing Committee is invited to review the Convention as well as the PACE Recommendation and to develop an Action Plan involving all member States having ratified the Convention as well as the member States having signed the Convention.

Presentation of the European Convention for the Protection of the Audiovisual Heritage (EAHC) from the perspective of the delegates: reports on the Monitoring of the EAHC in the member States and the state of protection of the audiovisual heritage in the respective member States

13. All members of the Standing Committee and the observer Austria reported on the implementation of the EAHC in their respective country. The updated profiles of the respective country profiles will soon be available on the Projects' website. http://www.coe.int/t/dg4/cultureheritage/culture/Audiovisuel/Default_en.asp. The reports revealed that the implementation of the EAHC in the member States is done at very different levels. Some countries have laws in place protecting the national audiovisual heritage, but without having signed or ratified the EAHC. Some member States have ratified the EAHC without having the means to respond to its obligations (e.g. Georgia), whereas other member States fully implement the terms of the EAHC. In order to bring all member States to the same level, a tailor-made monitoring process needs to be installed.
14. Many regional and bilateral projects are going on. The exchange of information revealed that in some countries users of archives have to pay for the copies provided by the archives, although archives are a public service. In some countries access to national audiovisual heritage is difficult, since the archives are not kept in the own country. The members of the Standing Committee further exchanged on the criteria for selecting the materials to be preserved in the archives.
15. The document "Collecting and Preserving Digital-Format Film in the Context of Legal Deposits" by René Broca and Etienne Traisnel (translated and distributed to the Committee by its French member Mme Béatrice DE PASTRE) has been placed on the Project's website. Participants were invited to read it and to exchange on its findings through electronic means.
16. The Standing Committee welcomed the cooperation of the **European Broadcasting Union** and the Council of Europe on the audiovisual heritage held by public service broadcasters in Europe and EBU's participation as an observer to its work. Mr GOETHALS presented the audiovisual heritage in the context of the EBU and explained what the alliance of public service broadcasters undertakes in 56 countries. EBU is a strong advocate for preservation, although access to archives is interpreted in broader terms. Programmes from yesterday are already in the archives. Efficient rights clearance systems are key to EBU's work. Extended collective licensing systems should be available across the borders. EBU is willing to develop, in partnership with the Council of Europe joint strategies and concrete action.

Exchange on the PACE report/ Recommendation 2001 (2012)

17. The Standing Committee welcomed the Recommendation 2001(2012) on the protection and access to the audiovisual cultural heritage of the Parliamentary Assembly. It drafted an Opinion, which was adopted at the end of the meeting. On the basis of this document, the CDCPP has drafted its own Opinion, sent to the Committee of Ministers on 22 October 2012 (cf. Appendix II).

Discussion on further promoting the EAHC: Possibilities and Challenges of European projects

18. The meeting did not allow for an extended exchange on relevant European projects, due to a lack of time. Following this meeting, the members of the Standing Committee will look into bilateral, regional and European cooperation projects and communicate through electronic means on further action. The Standing Committee will be represented at the Cinema Expert Group/Subgroup Film Heritage meeting, organised by the European Commission at the Cinemathek in Brussels on 16 October 2012.

Date and venue of the Fourth Meeting of the Standing Committee of the European Convention for the Protection of the Audiovisual Heritage

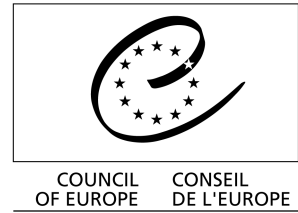
19. The Standing Committee expressed the wish to meet on an annual basis. One of the next meetings should be organised in Strasbourg, at the Council of Europe headquarters. In order to be both recognized in its statute and to secure its meetings, the Standing Committee wishes to see its work included in the Programme of Activities and Budget as from 2014-2015.
20. A first exchange took place on the 2013 agenda of the meeting and its possible venue. The wish is to have the Fourth Meeting of the Standing Committee in autumn 2013. A host country has yet to be found.

Towards Monitoring of the EAHC: ACTION PLAN

21. In order to allow for monitoring principles of the EAHC to be implemented, the Standing Committee exchanged on a communication strategy and an Action Plan. Human and financial resources are still necessary to carry out the monitoring of the EAHC.
22. In that context, the following items do require a further exchange through electronic means in order to develop an Action Plan, including in the monitoring principles, to be issued by the Standing Committee by end of November 2012. The Chair and the Secretariat will coordinate the exchanges.

ACTION PLAN

- Contact the European Union with suggestions: promote a research programme on Digital Action (EBU);
- Copyright issues: search for a relevant seminar through the media programme in member States for the organisation of such a seminar;
- Mutual support amongst the members of the Standing Committee, e.g., a delegation could travel to Georgia and assist the national audiovisual archives through their expertise;
- Update profiles of the respective country profiles on the Projects' website: http://www.coe.int/t/dg4/cultureheritage/culture/Audiovisuel/Default_en.asp ;
- Update the state of protection of the audiovisual heritage in the respective member States "Monitoring the CoE European Convention for the Protection of the Audiovisual Heritage (AVHC) and Related Policies in Europe" on the homepage of the Compendium of Cultural Policies and Trends in Europe <http://www.culturalpolicies.net/web/index.php>;
- The Project's website on the Council of Europe homepage (including also a collection of documents) has no window for interactive communication. Therefore the Chair plans to set up a facebook group for the Standing Committee;
- The Chair of the Standing Committee could be featured as "Cultural Policy Actor in Focus" on the Compendium homepage;
- Probable review of the EAHC, as regards preservation and digitization: the EAHC was drafted in an analogue framework. Due to new technological standards in the digital age, guidelines should be drafted to add some amendments to the Convention;
- Set up networks on national audiovisual archives: create an inventory of the directors of the national archives (through FIAF and through CDCPP);
- A questionnaire shall be elaborated with the aim promote the EAHC. This questionnaire shall be sent via the CDCPP to the Directors of the respective archives on moving images. The Chair of the Standing Committee will draft this questionnaire, which will be circulated by the Secretariat on early December 2012 to all members of the CDCPP. The answers will be expected within three months.

Appendix I**Directorate General II – Democracy****Directorate of Democratic Governance, Culture and Diversity**

**Third meeting of the
Standing Committee of the European Convention for the Protection of the Audiovisual
Heritage**

**Mimara Museum, Zagreb, Croatia
28 September 2012**

Draft Agenda

1. Opening of the meeting at 9 am and welcome of the delegates by the host
2. Presentation on the European Convention for the Protection of the Audiovisual Heritage (EAHC) from the perspective of the Council of Europe: latest developments
 2. a Exchange on the PACE report/Recommendation 2001 (2012)
<http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=18725&Language=EN>
3. Presentation on the European Convention for the Protection of the Audiovisual Heritage (EAHC) from the perspective of the delegates: reports on
 3. a the Monitoring of the EAHC in the member States and
 3. b the state of protection of the audiovisual heritage in the respective member State
4. Lunch
5. Discussion on further promoting the EAHC: Possibilities and Challenges in European projects
6. Monitoring of the EAHC: next steps
7. Closing of the conference at 4 pm

Appendix II



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

**STEERING COMMITTEE FOR CULTURE, HERITAGE
AND LANDSCAPE (CDCPP)**

CDCPP (2012) 56

22nd October 2012

**OPINION by the CDCPP on the Recommendation 2001 (2012) of the
Parliamentary Assembly on protection of and access to the audiovisual
cultural heritage**

Based on the Opinion of the Standing Committee on the European Convention for the Protection of the Audiovisual Heritage, the Steering Committee on Culture, Heritage and Landscape (CDCPP) welcomes the PACE Recommendation 2001(2012) on protection of and access to the audiovisual cultural heritage and its recognition of the importance of the European Convention for the Protection of Audiovisual Heritage.

The CDCPP agrees that member States should be reminded to sign and ratify the European Convention for the Protection of Audiovisual Heritage (ETS No. 183) and its Protocol (ETS No. 184). This step is considered necessary before the drafting of a second Protocol should be considered.

The CDCPP understands that it can be helpful to assist member States in making available a selection of materials for educational and research purposes. However, the Committee would like to stress the need to address all rights' issues on the level of all member States. In the context of the Protocol (ETS No. 184) the Steering Committee would like to recall the Council of Europe's *Declaration on the exploitation of protected radio and television productions held in the archives of broadcasting organisations*.³

The CDCPP needs to point out that the examples mentioned in the Recommendation 2001(2012) on protection of and access to the audiovisual cultural heritage are not entirely representative of the archival community and there are many more archival institutions carrying out highly relevant work that can serve as an example to the professional community.

The CDCPP emphasizes the need to ensure that persons with disabilities take part on an equal basis with others in cultural life and therefore welcomes the approach of Recommendation 2001 (2012) on protection of and access to the audiovisual cultural heritage to develop guidelines for ensuring better access to the audiovisual heritage for people with disabilities as long as such guidelines comply with the copyright laws.

The CDCPP welcomes the cooperation of the European Broadcasting Union (EBU) and the Council of Europe in the audiovisual heritage as far as audiovisual materials held by public service broadcasters in Europe are concerned.

Archival institutions have to work in difficult circumstances, increasing collections on different media, collecting more and more samples within limited resources. The Steering Committee points out that the goals set by the European Convention for the Protection of the Audiovisual Heritage and its Protocol are very ambitious. Monitoring shows that member States which have ratified the European Convention for the Audiovisual Heritage are doing their best with very limited resources. If adequate resources are not attributed by governmental and other resources, the highly valuable European audiovisual cultural heritage is under the threat of being lost for future generations.

³ adopted by the Committee of Ministers on 9 September 1999 http://www.ebu.ch/CMSImages/en/leg_ref_coe_decl_archives_090999_tcm6-4469.pdf.

Recommendation 2001 (2012)¹**Final version****Protection of and access to the audiovisual cultural heritage****Parliamentary Assembly**

1. Culture is an element of crucial importance in our societies. Through cultural education, individuals and communities are able to fully comprehend, appreciate, respect and enjoy human rights and democracy.

2. Today, cultural education takes place largely through the media. Audiovisual media provide a good basis for common cultural experiences of the public at large. However, old films and recordings are vanishing due to their material fragility. With the advent of digital media, new means have appeared for preserving and accessing audiovisual material. At the same time, the production of audiovisual material has been increased by user-generated material on the Internet. As the sheer volume of audiovisual material makes it impossible to preserve it all, appraising, selecting and sampling such material will increasingly become a key element for preserving the audiovisual cultural heritage.

3. The copyright of audiovisual material may in some cases restrict its distribution through the Internet. It is important that the interests of authors, performers and other rights holders are recognised when seeking satisfactory solutions to permit wide public access to audiovisual material. Specific attention should be paid to educational and research purposes which are permitted under copyright law.

4. Welcoming such initiatives as the European Commission's "European Film Gateways" and the Internet library project "Europeana", the Parliamentary Assembly recognises the need for establishing networks of public and private institutions active in the audiovisual heritage in Europe. The Assembly also notes commercial projects such as the Google Book Library Project, but emphasises that guaranteeing the diversity of the audiovisual heritage may also require public support, especially where audiovisual material does not appeal to a sufficiently large and commercially important group of viewers.

5. The Assembly supports such national initiatives as the National Audiovisual Institute (Ina) in France, the "Memoriav" association for the preservation of the audiovisual heritage in Switzerland and the German "Kinemathek" museum for film and television. More member States should follow these examples and set up public audiovisual archives, libraries and museums.

6. All Council of Europe member States should make an inventory of their audiovisual cultural heritage and protect it at national and, where appropriate, regional levels, and they must develop strategies for easier and more sustainable access to their audiovisual cultural heritage.

7. As the importance of traditional public libraries with printed books is declining, public authorities should develop and expand audiovisual libraries, which may be accessible to users in library buildings or through the Internet. As is usual for libraries, copyright might be limited to educational and research purposes under national law.

8. Public service broadcasters and production companies have generated large quantities of audiovisual material and hold a vast collection of archives of the audiovisual heritage. This material is of considerable value to the public. Every effort should be made to overcome outstanding copyright issues and to ensure that authors, performers and other rights holders receive fair and proper reward for their work while ensuring that such material is also, wherever possible, both preserved and made publicly available through archives. The Assembly urges that consideration be given to arrangements which ensure that the audiovisual heritage is not permanently hidden from public view, but is properly recorded and preserved with a view to professional preservation and possible public display.

9. Some schools have set up media competency training for pupils. Such training should be enlarged and material which is considered part of the audiovisual cultural heritage should be used for educational and research purposes.

10. The Assembly emphasises the importance accorded by the European Convention for the Protection of the Audiovisual Heritage (ETS No. 183) and its Protocol on the Protection of Television Productions (ETS No. 184) to the protection of audiovisual material for our societies in Europe. The ratification of these instruments by all member States should be sought. However, technological developments may call for new specific rules.

11. The Assembly believes that a second protocol to the European Convention for the Protection of the Audiovisual Heritage would help member States to make the audiovisual cultural heritage accessible through audiovisual archives and libraries. Such a protocol would strengthen the protection of the audiovisual cultural heritage through public audiovisual libraries and help States to understand the possibilities of using copyright-protected audiovisual material for educational and research purposes.

12. The Assembly therefore recommends that the Committee of Ministers:

12.1. call on the member States which have not yet done so to sign and ratify the European Convention for the Protection of the Audiovisual Heritage and its Protocol on the Protection of Television Productions;

12.2. instruct its competent steering committee to study the feasibility of drawing up a second protocol to the European Convention for the Protection of the Audiovisual Heritage, which could help States in setting up public audiovisual libraries by establishing a system of appraising, selecting or sampling audiovisual material to be made accessible for educational and research purposes;

12.3. invite its competent steering committee to develop guidelines for ensuring access to the audiovisual heritage for people with disabilities, for instance by adding subtitles or sign language for the hearing impaired and additional soundtracks for the visually impaired;

12.4. having regard to the memorandum of understanding signed between the Council of Europe and the European Broadcasting Union, invite the latter to develop, in partnership with the Council of Europe, joint strategies and concrete action for the protection of audiovisual material held by public service broadcasters in Europe and to facilitate access to this material.

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 May 2012 (see Doc. 12929 , report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Fiala).

APPENDIX BZagreb, 7th March 2013**QUESTIONNAIRE to the Steering Committee on Culture, Heritage and Landscape (CDCPP)**

Subject: European Convention for the Protection of the Audiovisual Heritage

Dear delegates to the Steering Committee on Culture, Heritage and Landscape,

The Standing Committee of the European Convention for the Protection of the Audiovisual Heritage had its third meeting on 28 September 2012 in Zagreb. We noted that, to date, the European Convention for the Protection of the Audiovisual Heritage has been signed by 18 member States and ratified by 8 member States. This is a step ahead; but we do not consider this as a success. Therefore, a specific effort needs to be made in order to make the European Convention for the Protection of the Audiovisual Heritage more visible.

This is the reason why we took the initiative to draft the attached questionnaire and to ask the Secretariat to distribute it to you. This questionnaire is meant to be passed on to the Directors of your respective national archives on moving images. I would like to use this occasion to make you, as delegate to the CDCPP, aware of this unique tool, the first binding international instrument in the field of audiovisual heritage and television production. It endorses the principle of compulsory legal deposit, long-term prevention of deterioration of all moving-image material produced or co-produced and made available to the public in each signatory state. The Convention is open also to non-member States and the European Union. The European Convention for the Protection of the Audiovisual Heritage, paving the way for co-operation between film archives in Europe, contributes to promoting a greater unity amongst its members through the safeguarding and protection of our common audiovisual cultural heritage.

The Standing Committee would like to see an increase in the number of Council of Europe member States signing and ratifying the European Convention for the Protection of the Audiovisual Heritage at its next meeting.

Please convey the attached questionnaire to the Directors of your respective national archives on moving images, and kindly ask them to complete it and return it to the Secretariat (CDCPP@coe.int) by 15 April 2013.

I wish to thank you and your authorities in advance for your kind cooperation.

Yours sincerely

Mr Mladen BURIĆ
Chair of the Standing Committee on the European Heritage Protection Convention (EAHC)

Questionnaire for the attention of the Directors of your respective national archives on moving images

Object: European Convention for the Protection of the Audiovisual Heritage of the Council of Europe

<http://www.conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=183&CM=8&DF=13/12/2012&CL=ENG>

Please complete this questionnaire and return it to the Council of Europe Secretariat (Ms Alison HELM, alison.helm@coe.int by 15 April 2013).

Questionnaire:

- 1) Are you familiar with the European Convention for the Protection of the Audiovisual Heritage, issued by the Council of Europe in 2001?
- 2) Are there reasons why your country has not yet signed/ratified the European Convention for the Protection of the Audiovisual Heritage?
- 3) What is the state of the Protection of the Audiovisual Heritage in your country (organizational/legislative)?
- 4) Is there a national policy on preserving audiovisual heritage in the digital area? If yes, please give a short outline of the policy. If not, is there some other form of regulation or instrument on the subject?
- 5) Can you specify any problems which you have encountered in preserving and promoting audiovisual heritage in your country?
- 6) Is there any question that you would like to address to the Standing Committee of the European Convention for the Protection of the Audiovisual Heritage or to the Council of Europe Secretariat?

Thank you in advance for your replies.

APPENDIX C

Summary of replies to the EAHC questionnaire

- The EAHC has been signed by 18 member States and ratified by 8 member States
- Scope: audiovisual heritage and television production
- Questionnaire sent out to members of the CDCPP (all CoE member States) with a recommendation to forward it to the directors of national moving images archives
- Replies: 5 out of 8 member States who ratified the Convention, 3 out of 10 who signed but did not ratify, 5 member States who have not signed the Convention.
- **Q. 1**, Knowledge: Almost all those countries who replied are aware of the Convention, with the exception of only one audio-visual museum.
- **Q. 2**, Reasons for not signing/ratifying:
 - o Difficulty in complying with legal deposit provisions, because of legal or financial constraints
 - o In one case: lack of consensus across the different political levels (federal vs regional)
- **Q. 3**, State of protection of audio-visual heritage (organisation, legislation):
 - o Most member States list the norms regulating audio-visual materials. The quoted legislation encompasses audio-visual funding, preservation and promotion, legal deposit, establishment and regulations of national audio-visual archives, policy for cinema.
 - o In some cases, main national projects for preservation and access of audio-visual materials are mentioned.
 - o In some countries where legal deposit for audio-visual material is not in force, the obligation of depositing an archival copy of any publicly funded film covers a substantial part of the national production.
- **Q. 4**, National policy or other measures for preserving audio-visual heritage in the digital era:
 - o In some member States the preservation policy applies both to analogue and born digital audio-visual materials.
 - o Additionally to a policy, or instead of it, some member States make reference to: Extension of legal deposit to born digital media, including web media; Large scale digitisation projects; Inter-institutional dialogue; Technical, preservation and dissemination activities performed by institutions in charge (typically audio-visual archives); Recommendations and standards for digitisation and preservation.
 - o In some cases, preservation and copy of the analogue career is considered a better option than digitisation for long term preservation purposes
- **Q. 5**, Problems faced when preserving and promoting audio-visual heritage:
 - o High costs related to digitisation and preservation
 - o Intellectual property rights issues
 - o Technical challenges and need for guidelines
 - o Need for awareness-raising on audio-visual materials
 - o Lack of funding and/or strategies, or of political support
 - o Lack of consistent and thorough catalogue of audio-visual materials.

- **Q. 6**, Any questions.

Only a few member States made use of this field.

- Of those, some interpreted the question in the technical sense, **challenges linked to the preservation** of audio-visual in all formats (how to operate a selection of the material, is digitisation the only preservation measure or should analogue copies still be in use, how can we get European funding for this)
- Some intended to make **recommendations to the Steering Committee and CoE Secretariat on how to promote the Convention**: (circulation of best practices, promotion of exchanges across professionals, adapt the agreement to the particular situation of broadcasters in charge of the conservation of national audio-visual archives, cooperate with the European Broadcasting Union and FIAT / IFTA (International Federation of Television Archives) for radio and television.
- Some made **proposals for the further enlargement of the Convention framework** to intellectual property rights management on audio-visual materials.
- Finally, one member State suggested keeping **main issues on the agenda**: (digitisation of collections, development of metadata standards, development of acceptable copyright solutions for both rights-holders and users).