

H. Eckert

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GENERAL REPORT

ON

THE DISTRIBUTION OF CULTURAL FILMS IN CINEMAS

OPEN TO THE GENERAL PUBLIC

(Short films, full-length documentaries and  
films for children and young people)

FOR THE

BERNE INTERNATIONAL CONFERENCE

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organised by the Swiss Government  
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by Paul LEGLISE



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## INTRODUCTION

In deciding to convene at Berne an International Conference on "the distribution of certain types of cultural films in public cinemas to a paying audience", the Council of Europe intends to follow up an initiative taken in 1961, when a first conference was held on the distribution of cultural films, but which, however, only studied non-commercial (non-theatrical) distribution. It therefore shows its desire, under the impetus of the European Cultural Convention, to tackle, on a larger scale, problems concerning cultural films.

In order that the debates of the Berne Conference may be properly directed, it is desirable, in this introduction, to look very briefly into the background of the problem, to recall the recommendations of the London Conference within the context of the present one, and finally to lay down the general lines of the report.

### 1. The notion of cultural films

The Conference has been instructed to examine only the three following categories of "cultural films": short films, full-length documentaries and films for children and young people. This very narrow limitation of the aims of the Conference was from the beginning the cause of some rather animated discussions. It is therefore desirable, at the very start of this general report, to examine this problem carefully in order to remove any possible doubts or objections.

The main theme of these objections is that the cinema is in itself cultural, and that to speak of cultural films is mere tautology.

It is true that the cinema, taken as a whole, is an essential element in the culture of the modern world, but if culture can be called an appreciation of the value of something created by the hands of men, which appreciation enriches the soul, can one really say that each film, taken individually, falls within such a notion of culture? The question might be dealt with on a philosophic level. But it must never be forgotten that the cinema is also a great industry and that it sets extremely delicate problems both to the lawyer and to the economist. Cultural law and cultural economy being, unfortunately, still at the embryonic stage in this world, it has proved necessary to find factors characteristic of films

of an essentially cultural nature, distributed outside the usual cinema circuits - and therefore outside the economic and legal regulations normally applicable to commercial cinema - in order to ensure, nevertheless, their distribution under suitable conditions. Special rules and circuits, based on derogations to traditional laws, have therefore been laid down for them, more or less empirically.

Before the 1939 war, only educational films were spoken of - that is to say, films reserved exclusively for teaching purposes. But even at this time inroads began to be made on this limitation to teaching needs only, to the benefit of an extra-educational sector. With the creation of UNESCO, the notion of objects or material of an educational, scientific or cultural nature was spread by the effect of international agreements which provided for freer international exchange of such objects and material. From this came the expression "cultural films", which was soon internationally adopted.

By "cultural film" is meant one which imparts fresh knowledge or which makes a valuable contribution to the intellectual heritage of mankind. It is distinguished from an educational film by the fact that it is shown outside educational institutions (though this by no means excludes its being shown also within such institutions). It goes without saying that such a definition is far from satisfying the customary exactitude demanded by a legislator. The practice has therefore grown up of surrounding the notion of a cultural film by a certain number of well-defined conditions, which limit, more or less arbitrarily, its field of application. Thus, still thinking in terms of UNESCO, the Beirut Agreement, to all intents and purposes applies only to documentary films, while the Florence Agreement demands that the films are certified as "cultural" by certain national authorities and that they are imported, usually for non-commercial purposes, by approved cultural organisations.

The day will undoubtedly arrive when any film will be considered "ipso facto" as a cultural object, in the same way as books and newspapers have been for many years.

In order that practical and efficacious results may be achieved, and in order to bring out from their hiding-places those high-quality films which are too infrequently exhibited to the general public because of conditions reigning in the film market (or even to promote the production of certain types of films which cannot be at present undertaken because

of the unimportance of the commercial circuits which would exhibit them) the Council of Europe felt it necessary, in its instructions to the Conference, to lay down conditions limiting the types of cultural films to be discussed. Have these limitations been laid down with excessive caution?

This can easily be explained by the fact that the Technical Committee for Film Activities of the Council of Europe has, until now, carried out important work regarding the exchange of educational films in Europe (and the experiments made in this field have been so conclusive that they serve today as models for similar action being undertaken in other parts of the world). On the other hand, since the holding of the London Conference, a system of exchanges between governments of cultural films for non-commercial distribution is being put into service. Wishing now to interest commercial film exhibitors in the distribution of cultural films, it is natural that such a step should be taken, like those preceding it, with great prudence and at first in a very limited field, in order to assure the greatest possible chance of its effectiveness. Council of Europe action in the field of the cinema should continue to be efficacious. That is the reason why it is undertaken by slow stages, carefully deliberated and tested. Such action does not have the spectacular nature of a rapid and brilliant achievement, of which the future often keeps only the remembrance of a nine-days wonder. On the contrary, however, it must endure. And the results so far attained have shown its solid worth. To begin voluntarily in a limited field so as to interest commercial exhibitors in the distribution of certain types of cultural films, is thus perfectly justified, provided lasting results can be obtained.

This limitation of its mandate should not, however, prevent the Conference from accepting certain suggestions concerning the commercial distribution of other types of cultural films. The Council of Europe may afterwards examine them and consider whether they can be included in the action to be undertaken at the end of the Conference or can be made the object of later work within its field of competence.

## 2. The notion of the theatrical sector

This idea stands out clearly in the instructions given to the Conference "films shown in public cinemas to a paying audience".

It is therefore, without any doubt, a question of all cinemas situated in countries which have accepted the European Cultural Convention. The object is to interest film exhibitors as a whole in showing programmes of cultural films judiciously chosen for the general public (and therefore really interesting and attractive) in conditions which will be advocated by the Conference. It may thus be hoped that these films will become known to larger audiences and no longer restricted to a too limited public. The welcome of these audiences might even provoke an upswing in the production of this kind of film, which responds - more than we might suppose - to the aspirations of the new civilisation of images. This new audience, wishing to enlarge its knowledge of our world, should not be obliged to stay at home for the purpose, at the mercy of timetables, of the pictures on the little screen of their television set which bring to them a reflection of the outside world, or even of the fully illustrated weekly magazines so widely circulated by the Press, which at least devote a great deal of space to articles and reports of an essentially cultural nature. This should not, nevertheless, prevent attempts at collaboration between the cinema and these other channels of information. The success of such broadcasts and printed articles is surely a sufficient guide to the predilection of the general public for this kind of thing.

Profiting by this experience, in any case, the cinemas could become more active as cultural centres, thus attracting spectators who have so far shown themselves reluctant.

### 3. Background

The distribution of cultural films through the network of public cinemas is a problem which has been with us for a long time. It can be traced in the work of numerous professional international conferences held before the 1939 war. It was first looked at from the competitive angle. The International Film Congress held at Paris in 1929 advocated, for example, that all films less than 18 months old should be barred from exhibition in municipal cinemas, club premises, fairs and travelling circuses. We have here a heterolytic list, where the ideas of profit and education as applied to traditional cinema exploitation, strangely rub shoulders. It is certain that the cinema business is a profession which obeys certain regulations, customary, contractual or statutory. In these circumstances, it is natural that it should react vigorously against other promoters of similar entertainments who are using the same films without being subject to the habitual rules of the profession.

This presents an obvious example of direct concurrence, clearly prejudicial, against which the profession has the right to protest.

The following year, at the Brussels International Congress (1930) the attack of the professional bodies was more direct, and aimed particularly at certain educational cinemas which were showing recreational films, thus avoiding the dues and taxes which applied to normal exhibitors: "that clubs and guilds should limit themselves to their true role, that of educating children, and not enter into competition with licenced film exhibitors". In so far as these "educational cinemas" showed the same films as were exhibited in public cinemas to paying audiences, it is quite obvious that they offered dangerous competition to a professional sector bound by obligations to which they did not conform. We can see here that the arguments put forward by the professionals were well-founded.

During this period, however, the professional exhibitors did not limit themselves to merely negative statements. They formulated propositions, with a view to showing, in their own cinemas, a greater number of educational films. At this same Brussels Congress, for instance, they proposed that the presentation of educational films to the general public should be restricted to regular film performances; they recommended cinema managers to encourage free showing of educational films on their screens, in return for complete or partial remission of taxes; they also invited cinema managers to put themselves at the disposal of competent authorities or organisations for the screening of special films outside their habitual programmes.

At the Rome Congress in 1932, they advocated the creation of distribution centres for educational films to be shown free of charge by cinema managers and the limitation of the activities of scholastic and educational bodies to the screening of short instructional or recreational films only. This was perhaps going rather far, but seems to have been justified by the absence of that indispensable frontier which should define the field of action of the non-commercial cinema.

In 1935, at the Berlin Congress which included all branches of the film industry, the participants expressed their desire for free distribution, free exchange and complete abolition of taxes for all cultural films, assimilating also industrial films into this category. They even advocated the creation,

in each country, of a film record office, with a special department for scientific films. Producers would be invited to supply this record office with copies of their films free of charge.

Finally, in Paris in 1937, at the last international congress of this kind held before the war, the idea of film record offices was again brought up, with the hope that a central card index might be established to facilitate film exchanges.

If this action unfortunately never went beyond the stage of hoping, at least it showed the natural bent of the commercial film exhibitors to show cultural films to the general public.

Parallel with this trend, an international diplomatic conference adopted in October 1933 a draft Agreement to facilitate the international circulation of films of an educational nature. This Agreement had been drafted by the International Institute of Educational Films. By the terms of this Agreement, which was signed at Geneva on 20th January 1934, educational films benefited by freedom from customs dues and all subsidiary taxes except statistical and stamp duties. Only the importing country was authorised to decide the pedagogic or educational character of the film in question. Nevertheless, each country had the right to take prohibitory or quota measures for reasons of security or public welfare, or if it felt the need to defend its own market against foreign competition. In October 1937, this Convention had already been ratified by 24 States.

With regard to the period after the 1939 war, let us recall the background elements with particular reference to items corresponding to those embodied in this report. It is advisable, however, to point out at once that the cultural action of films has been essentially on a non-commercial level, and more particularly in the field of teaching films. In this context, let us recall the extreme importance of the 1961 London Conference. At this time, commercial film exhibitors, and in fact the whole of the film industry, was in a very difficult situation, owing to the direct and ever-growing competition of television. The problem of clubs and guilds was relegated to the level of very minor matters!

But from this time onwards, the film exhibitors have sought new formulae which might stop the draining away of spectators. Some of these do not directly concern us here - parks or other attractions (such as bowling alleys, etc.) which are more or less integrated with the cinemas and retain the clientele in its



environs. These efforts are in some sense to be praised, in that they manage to win back, little by little, ground lost to the cinema, but we are not called upon to appreciate their value in the context of this report. Our attention should rather be directed towards the search, sporadic or sustained, of commercial film performances addressed to a new public, sometimes even to the general public as a whole, which present marked cultural characteristics. We must therefore look back at the history, the evolution and the present situation in Europe of cinema for children and young people, and the cinemas of art and essay.

Before touching upon those points which will be the subject of the Berne Conference, it is necessary to recall the conclusions of the Conference organised in London in 1961, by the Government of the United Kingdom and Northern Ireland, under the auspices of the Council of Europe. This Conference dealt with the non-theatrical distribution of cultural films, and the results achieved in London will help us to define more clearly the field of this second Council of Europe Conference.

#### 4. London Conference (1961)

This Conference formulated a series of 8 Recommendations, which may be summarised as follows:

No. 1. The need for compiling minimum identifying data on the films produced within each of the countries concerned, in the form of cards of the internationally accepted dimensions and under the control of a national co-ordinating centre.

The United Kingdom and Belgium have already established such centres, and it is to be hoped that other countries will follow suit. This Recommendation should be expanded to cover those films which interest the Berne Conference; no limitation, in any case, was foreseen for films distributed outside the non-commercial sector.

No. 2. Support by the Council of Europe of all steps taken by competent international organisations to remove barriers to the free interchange of films, the need for simplifying and speeding up procedures for applying them and more effective publicity for such measures.

This Recommendation also will concern us. It is desirable to note that it was requested in London that "films for viewing purposes facilitating the wider use of such films", should be specifically mentioned in the agreements concerning free temporary admission of audio-visual material. The Berne Conference should reiterate this wish if no solution has been found in the meantime (see Part IV of this report).

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No. 3. Establishment of accepted definitions for the expressions "non-theatrical" and "non-commercial". This difficult problem of terminology has not yet, unfortunately, been satisfactorily resolved at the international level, and it is certain that it will be brought up again at Berne, so that exhibitors may be assured that cultural films shown in their cinemas will not, at the same time, be distributed in the "non-commercial" or "non-theatrical" sector - at least, not without very strict safeguards.

No. 4. Consideration of suitable ways of facilitating the distribution of selected films of recognised quality (dubbing into other language versions, providing adequate distribution materials, etc.

This wish is in a fair way towards realisation thanks to financial and technical aid contributed by the Council of Europe to the annual selection and dubbing of European cultural films. This measure, however, does not concern only the non-commercial sector. It is worth bringing up again at Berne, taking into account those factors inherent in the commercial sector.

No. 5. The organisation, in each country, of periodical viewing sessions, at which could be shown cultural films from other countries, in order to facilitate the exchange of such films for non-commercial purposes.

A similar Recommendation will be necessary, this time for commercial purposes. The draft might, furthermore, deal with the two sectors simultaneously. It is worthy of careful deliberation, in order that we may reach here more efficacious results. (We might, for instance, take our inspiration, with the addition of new provisions appropriate to our needs, from the formula adopted by the International Council of teaching films with regard to the exchange of educational films.)

No. 6. Publication of the full documentation of the Conference

The Central Office of Information in London has, in fact, on behalf of the Council of Europe, published the documentation of the London Conference in an excellent brochure.

No. 7. Effective participation, by each country signatory to the European Cultural Convention, in the work of the specialised film committee of the Council of Europe

We must congratulate ourselves on the truly effective participation of all the countries concerned, which has permitted wide European co-operation in the field of cultural films.

No. 8. Encouragement of the production, distribution and utilisation of a larger number of films of real educational, scientific, social and cultural worth

The decision of the Council of Europe to hold at Berne an International Conference on the distribution of cultural films in the commercial sector of the cinema, is the fruit of this Recommendation.

5. Overall plan

These general points having been clearly set forth, we may now come to the heart of the matter. This will be carried out in the following manner:

- I. Definitions
- II. Experiments and projects
- III. National legislations
- IV. Application of the main international agreements
- V. Information
- VI. Possible field of Council of Europe action.

On the other hand, certain problems coming within the competence of the Conference will be dealt with in specialised reports prepared by various experts. Consequently, these problems will be merely touched upon in this general report.

They are as follows:

- problems concerning the film profession with particular regard to the distribution of short films (Mr. Friedewald);
- problems concerning the film profession, and in particular the distribution and exhibition of cultural films (Mr. Villa);
- films for children and young people (Rev. Father Lunders);
- relations between the commercial cinema and television with regard to cultural films (Mr. Louyet);
- relations between the commercial distribution of cultural films and film clubs (Mr. Dickinson).

PART I

DEFINITIONS

This part of the report will be devoted to the definition of the three categories of films with which the Berne Conference is concerned:

1. Short films;
2. Full-length documentaries;
3. Films for children and young people.

CHAPTER 1SHORT FILMS

We shall consider successively:

- general characteristics;
- exploitation methods.

I. GENERAL CHARACTERISTICSA. Legal definition

The short film is defined by its length, which must be less than a certain number of metres. From this definition, a difficulty immediately arises at the international level; the maximum length determined by law varies from one country to another, even in Europe. How can we proceed to create measures favourable to this kind of film on the European level, when there is no uniformity even in its most basic characteristic?

A first international step has been taken in this direction by the EEC. By a directive of 15th October 1963, short films are defined as having a maximum length of 1,600 metres in 35 mm format (that is to say, a projection time of less than one hour). The member countries of the EEC may thus adopt regulations favourable to the production and exchange of these films within this European zone.

The problem still remains unsolved however in that territory which lies within the competence of the Council of Europe. In the United Kingdom, for example, the maximum length of the short film is fixed at 33 minutes running time (912 metres). In Norway and Greece, it is fixed at 2,000 metres (all these measurements are given for 35 mm format). We must achieve a standardisation of this maximum length, the action of the EEC having already set a successful example.

Certain national legislations also fix a minimum length. This problem is less important in the context of international exchanges than the previous one, because there is no need to exclude three minute films, for instance, if they correspond

to a certain conception of the subject. The question obviously merits further deliberation when it is a question of awarding national prizes or allowing the films to benefit by tax reductions. That is why Italy and the Federal Republic of Germany impose a minimum length of 250 metres. In Belgium, this minimum is 300 metres, reduced to 150 metres for animated cartoons.

Generally speaking, the average running-time of a short film, intended as fill-up to a programme, is from 15 to 20 minutes.

The length is therefore the basic factor in defining a short film. It implies that the film in question is suitable for a special form of exhibition. Its rules of production and distribution differ from those applicable to feature films and this definition permits the establishment of a clear-cut line separating the two kinds of film, with a view to applying to each the legal and professional regime which is suitable to it.

#### B. Aspects of the short film

In films corresponding to this definition, exhibited in public cinemas, the short film is normally distinguished from two other categories of film which fulfil very precise conditions and obey special rules of production and distribution; these are the newsreel and the publicity film, categories which do not come within the terms of reference of the Conference. Nevertheless, it is desirable to define these films, so that they may be distinguished from the traditional short film, which is the subject of our deliberations.

The newsreel (cf. Florence agreement) "shows events which have actually taken place". The "subjects" of these newsreels are exchanged between different countries in order that they may be included in the national newsreel. These last are characterised by their periodic nature and by the fact that they are regularly issued to those exhibitors who subscribe to them.

The publicity film (apart from those distributed in the non-commercial or non-theatrical sector) is one which is shown in cinemas open to the public, usually during the interval, in return for a remuneration made to the exhibitor.

The short film with which we are concerned, as defined in the foregoing paragraphs, presents various aspects corresponding to its main function (cf. my report on "Methods of encouraging the production and distribution of short films for theatrical use" in the brochure "Reports and papers on Mass Communication" No. 36, UNESCO, 1962).

1. To provide information on national and international problems (tourist attractions, technical and industrial achievements, scientific research, etc.).
2. To disseminate culture (giving the general public a better knowledge of art, literature and science).
3. To encourage quality, whether technical or artistic, thus contributing to the recognition of talent among young people (documentary, fiction, cartoon, etc.).
4. To inculcate moral and social values by encouraging films for children and young people, bringing the major social and international problems before the general public, and contributing to mutual understanding among the nations.

All types are represented, from the educational film to the film of light entertainment. We do not intend to catalogue the types, or to indicate which of them is most worthy of our attention. We must consider these films as a whole, without making distinctions, leaving to the distributing bodies the task of selection imposed as a function of use which will be made of it.

## II. METHODS OF EXHIBITION

This question will be dealt with more thoroughly in Mr. Friedewald's report. Let us here attempt only to lay down general criteria which are applicable to certain of these methods of exhibition.

### A. Programme fill-up

This is the usual method of exhibiting short films in cinemas. If we wish to encourage this formula as much as possible, we shall find it desirable to recommend strongly that short films should be selected which, without detriment to the cultural nature of their subject, are presented in an

attractive manner. In this context, we must find inspiration in the different ways of treating the same subject met with in the field of literature, as for instance, the variations of presentation which exist between the drafting of an informative note or a report; of a preface to the catalogue of an exhibition or a chapter from a school text-book; of an article published in a scientific or specialised review, or a study in a popular magazine. The layout of the page is also adapted to the public for whom the text is intended. Why should the short film be exempt from these rules, which have been laid down by experience? An excellent short film destined for a specialised audience is only too often a bad short film when it is shown to the general public, and vice-versa. This important point must be kept in mind, so that this type of production may be cleared of the criticisms so often laid at its door, when it is described as being boring, grim, too didactic or beyond the scope of the general public.

Short films which are full of life and of poetry, which bring new knowledge in an attractive form, and which are often of an extremely high artistic standard, are not lacking in the present-day world. The general public never goes wrong here, for such films always call forth spontaneous applause in the cinemas where they are presented.

These are the short films - dealing with all subjects, artistic as well as scientific - which must be sought, and then the cause will be won. It would be wrong to force cinema managers, by means of more or less severe regulations, to show any and all kinds of short film. Such an expedient might protect the production of short films during a certain period, but the time would come when it proved worn out and old-fashioned. Then, as has already happened in certain European countries, the short film would soon find itself on the way to disappearing, as the result of a generally-adopted double-feature programme (two feature films, one of which is usually of mediocre quality).

Certain special short films, of a more difficult approach, may also however, be shown before the general public. In the interest of the films themselves, however, they must be distributed with other equally difficult films, or in specialised theatres, such as the cinemas of art and essay.



## B. Programmes consisting entirely of short films

More flexibility might be brought to the choice of films, but this choice must first and foremost be determined by the public for whom the programmes are intended.

These programmes may be composed in many ways, difficult to catalogue: central theme (school of painters, aspects of one branch of science, industrial productions in a particular field, the films of one director) or of varied interest (a mixture of documentaries, fiction films, cartoons, etc). It is a matter of judicious selection of films able to hold the spectators' attention throughout the performance.

### (a) Attempt at classification of these programmes

Very approximately, four types of programmes of this kind should be envisaged, with reference to their probable public:

1. General public: The observations made concerning fill-ups shown with feature films apply here even more strongly, if the formula is to be successful.
2. Public in cinemas of art and essay: The films will be chosen with regard to their high aesthetic quality, their more intellectual nature, and to the more profound and more carefully studied approach made to a general or specialised cultural subject.
3. Performances of general information: These may be organised in all cinemas, using films perhaps less attractive than in case 1, but with the reservation that they will provide the spectator with new and interesting knowledge in an easily assimilated form. The public must be warned beforehand of the true nature of the performance, and given at the door a small leaflet in which are explained the basic elements of the subjects treated in the films. It might even be desirable to have them presented by a commentator.

4. Specialised performances: The remarks given with respect to case 3 are even more appropriate here. The films will be of a technical nature, previously reserved for private viewings, and, while for the performances mentioned above, the price of entry would be more or less comparable to that normally charged, for specialised performances it should be calculated as the minimum compatible with outlay. Only technicians, interested by the theme of the performance, may be expected to attend, their attention having been drawn to its specialised nature. As films of this last category are usually made to order, they are frequently available to exhibitors free of charge.

(b) Elementary conditions to be complied with

Attempts at such performances have already been tried and the difficulties met with have frequently put an end to further experiment.

It is regrettable that, the causes of these difficulties never having been analysed, we are not in a position to estimate the elementary factors necessary for success. In my opinion, these difficulties stem from three main causes:

- programme badly adapted to the public reached
- limitation in the choice of short films available
- insufficient publicity appropriate to the chosen programme

The above must be borne in mind when seeking the basic elements for the organisation of such programmes.

1. Adaptation of the programme to the appropriate public

This is the "sine qua non" of success. The programme must be composed with regard to its public and we have already seen, under the previous heading, that four entirely different types of public may be concerned. This angle must be considered when the programme is conceived. To mix films appropriate to different categories in the same programme - save in very exceptional circumstances - merely disturbs the spectators and increases the drift towards other types of entertainment.

## 2. Consideration of the availability of short films on a given market

The big difficulty in composing such programmes - apart from those countries where the "double-feature programme" is general - lies in the fact that recently produced short films are usually contracted for distribution as complementary to a main feature. There remain on the market only those films which fulfil, more or less adequately, the first condition of adaptation of the programme to the appropriate public, particularly for the first category intended for general exhibition.

Consequently, it would be desirable to re-examine the exploitation possibilities of short films, and to envisage for them a commercial career of longer duration. One may thus lay down, as a general rule, three successive stages in the career of a short film:

- exhibition as complement to a main feature
- showing on television
- inclusion in programmes composed entirely of short films

The immediate objection to be met with is that the spectator risks having seen the film at one of the earlier stages. In theory, the objection is valid. In practice, however, it is relatively unimportant (no one person sees all cinema programmes, nor does he spend all his time in front of the television set, particularly at those times when short films are normally shown). Nevertheless, one must pay particular attention to the necessity of choosing, for programmes composed entirely of short films, those which are of real value in the category concerned, so that the spectator, even if he has already seen some of the films, may still enjoy seeing them again. The choice of good films, free of contractual obligations, may in this way be facilitated.

## 3. Appropriate publicity for these programmes

Unless great efforts are made to reach directly the public who might be interested in these films, by using publicity methods very different from those traditionally employed, the success of these programmes risks being seriously compromised. We shall have occasion to come back to this point again, under the heading of information problems.

CHAPTER 2.

FULL-LENGTH DOCUMENTARIES

(Grandes documentaires)

The notion of a documentary is considered as being completely unconnected with its length. In English speaking countries, this notion is expressed by the term "non-feature film".

As far as its creation is concerned, however, the idea of the short or full-length film is even more arbitrary than that of the fiction films and the conditions of exhibition make it necessary to distinguish long films from shorts. We therefore apply the term "grandes documentaires" (non-feature film) to documentaries legally considered as full-length films.

In contrast to those studied in the previous chapter, these films may constitute the foundation of a cinema programme, with all the traditional publicity centred upon them. They are conceived with an eye to the general public, and the commercial success of some films of this kind shows clearly that this viewpoint need not, in itself, be the cause of perversion or lowering of cultural and artistic values.

They do not bring up any problems other than those equally applicable to full-length films in general, unless it be that, because of their use in the development of culture and their more specialised nature, great attention should be paid to ensuring their wide distribution.

CHAPTER 3FILMS FOR CHILDREN AND YOUNG PEOPLE

There was a time when the problem of the cinema and young people was dealt with by the erection of a veritable arsenal of laws and regulations, giving official and unofficial bodies the power to ban films or to cut them. The cinema was held responsible for all the failings of children and young people, thus relegating to the background the factors really unfavourable to youth, and in particular, the social conditions of their lives. Happily this period is over, though the censorship of films has not come to an end, and the conditions applying to minors with respect to certain cinema programmes remain one of the fundamental pillars of this institution. But cinema today is considered as an important element in the maturing of youthful intelligences, less by the direct knowledge imparted by the screen than by the refinements of taste and feeling resulting from an introduction to film material of real value.

Thus was born the idea of films for children and young people. Its foundations were laid by unanimous accord. It manifested itself notably in the creation of an International Centre of Films for Youth, which united bodies working towards a common end. This was a delicate and complicated task. Though the will to undertake such efforts was there, the obstacles nevertheless remained, and they had to be surmounted one after the other. This task is even more difficult in that it concerns a marginal sector of the cinema, and to the traditional problems are added the more insidious questions posed by the economic conditions applying to this kind of film. However, the perseverance and ability of those working for this Centre will certainly triumph over all obstacles, and certain of their efforts have already been crowned by success. For this reason, as in the case of short films and full-length documentaries, the support of the Council of Europe would permit the rapid and efficacious development within member countries of different projects at present only envisaged.

The problem of films for children and young people is the subject of a special report by Father Lunders, and therefore it will only be touched upon here.

It is, however, desirable to insist upon the necessity of finding an exact definition of films for children and young people. For constructive ends, may I here be permitted to express my disagreement with the definition at present used by the International Council, which is quoted also in Father Lunder's report. This definition is, in fact, insufficiently precise for use in legal texts of international scope, because the limitations of this type of film are not clearly specified. From this, we may deduce that the desired measures might be extremely difficult to obtain or granted under such rigorous conditions that their effect would be extremely restricted.

For a start, therefore, it will be necessary to revise this definition, and to know exactly what is wanted from it.

It seems that general opinion, discussed more fully in Father Lunders report, has crystallised around the idea of two categories of films, the definitions of which call for the adoption of entirely different measures:

1. Films for children

That is to say, films produced especially for children under the age of thirteen (two subsidiary age-groups have even sometimes been contemplated). As far as we are concerned, this carries the implication that they are intended exclusively for children, that they may be of any length, but that they may not, by their very nature, be shown during normal viewing hours in public cinemas. It is certain that a more exact definition of this category of film may bring with it the adoption of measures extremely favourable to their distribution (and even to their production) on the national and international levels.

2. Films for young people

By this is meant films of any length produced for the general public, normally distributed on the usual cinema circuits, and which, moreover, by their subject or the originality of their conception, are perfectly suitable for youthful audiences (over the age of 13). These films certainly cannot benefit by all the advantages granted to the previous category, because they have a normal commercial career. However, because they are so suitable for children and young people, they may nevertheless benefit from certain measures, of a type which we shall remark when we examine national legislations (e.g. the Scandinavian countries, the Federal Republic of Germany, France). Moreover, their international exchange could be made easier.

By these observations may be measured the extreme importance which is attached to a very accurate definition of films for children and young people.

PART II

EXPERIMENTS AND PROJECTS

To assure a better distribution of certain types of cultural films to the general public; such is the wish of the Council of Europe and the object of this international conference at Berne.

Before formulating projects and analysing actual legislations working in this direction, it is desirable to examine European experiments already carried out in this field and to enumerate proposals and projects which, in principle, have been discussed or adopted elsewhere.

This will be the object of this part of the report.

We will thus examine successively:

- national experiments in this field which directly concern the Conference;
- experiments concerning the international exchange of educational, cultural or scientific films;
- conclusions to be drawn from international action of a doctrinal nature.

CHAPTER 4NATIONAL EXPERIMENTS

Here it is necessary to recall, one by one in an order of increasing difficulties, the three kinds of cultural films contained in the mandate given to the Council, setting aside those legislative problems which will be examined in the next part of the report.

I. GENERAL EXHIBITION OF CULTURAL FILMSA. Full-length documentaries

When they are clearly of an attractive nature, these are distributed normally in commercial cinemas, according to the rules applicable to all feature films. Their success depends on their commercial value. It is therefore unnecessary to lay stress on them under this heading, particularly as in the following pages we shall see how they may be integrated into certain more original actions regarding the distribution of cultural films, how certain legislations favour them, and how they may be included in new schemes for bringing knowledge to the general public.

B. Films for children and young people

This is dealt with in Father Lunder's special report. It shows the efforts at present being made in Europe to increase the number of performances for children and the improvements being made in the distribution of such films. On the other hand, if there is one field in which close relations, both as regards production and distribution, must be established between the cinema and television, it is certainly that of films for children and young people.

C. Short films The commercial problems of the distribution of short films will be examined in Mr. Friedewald's report. Here we shall underline the difficulties of such distribution and certain novel aspects of the presentation of these films.

(a) Complementary to a feature film

This is the usual method of distributing short films in commercial cinemas, at least when the practice of the double programme (two feature films at each performance) has not decreased the possibilities for such distribution, as has happened in the United Kingdom, for example.



The procedure generally adopted is that one (or sometimes several) short films are coupled with a feature film, the programme thus composed having a given duration and being rented out as a whole. It is completed by a weekly newsreel of uniform length. Publicity films, not included in the above, are shown during the intervals, the exhibitor being remunerated for this by outside agencies.

The short film is thus, in the majority of cases, supplied to the exhibitor without his being able to exercise any choice in the matter, though this would, in any event, be very difficult for him, owing to the large number of such films and the absence of sufficient information permitting him to make such a choice. In Belgium, however, this inconvenience is obviated by exhibitors in big towns being able to choose one short film from among three which are put at their disposal with each feature film. For performances of longer duration, the manager of a cinema may opt for a "B" film shortened to 1800 metres or for several short films, in order to complete his programme.

We may here point out, with some bitterness, that cinema critics seem to be completely unaware of these fill-ups.

(b) Programmes composed entirely of short films

This kind of programme is less common. It is sometimes found in specialised cinemas, which are often situated near railway stations (its duration is then about one hour and it is composed of short films and newsreels). The normal two-hour programmes shown in certain cinemas enjoy only a relative success, in consequence of a publicity quite inappropriate to their needs. However, the formula becomes more satisfactory when it reaches a public already accustomed to this type of programme.

(c) Television distribution

Moreover, distribution by means of television must not be neglected. Here it would also be necessary to undertake a study of the market (which is sadly lacking) because such distribution, if it accepted a certain amount of restraint so as not to impede the exploitation of films in cinemas, would help the amortisation of short films, provided that prices were calculated on a suitable scale.

(d) Non-commercial distribution

This distribution also should not be neglected, but the problem is outside the limit of the Council's mandate.

(e) Sale or hire to individuals

The considerable progress which has been made by the 8 mm sound format permits us today to look forward to an important market for the professional short film. Without entering the realms of "science-fiction" it may be predicted that in the near future individuals will dispose of projection equipment at reasonable prices, which will enable them to use copies of films in the same way as they now possess a record-player with the appropriate stock of records.

One certainly finds in the commercial world films of this kind edited in 8 mm, thus following in the footsteps of the 28 mm "Pathé Kok" in 1913 and the 9.5 mm "Pathé Baby" in 1922. But the revolution in this field brought by the sound super-8 is certainly going to lead to a tremendous upswing in the market, analogous to that of the record, with the appearance of the micro-groove. With the increase in the number of buyers, the number of copies made increases and the cost price of each copy drops.

It is therefore necessary to make preparations for this new and important stage in the film-trade and to ask oneself if the cinema manager, in permanent contact with film enthusiasts, could here play the role of promoter and counsellor for professional films thus made available, or if he will leave this task to other business-men. It would however be necessary for the exploiter to look into this problem fairly rapidly, because, in order to sell or hire copies to individuals, it would be necessary to show the films in the best projection conditions and the cinema would then find new opportunities to reduce the grave situation which, in the present state of the market, menaces and harasses it every day.

Collectors of this kind are already beginning to form themselves into clubs in the USA, the United Kingdom and France, bringing out internal bulletins and organising numerous activities. Belgium and Federal Germany will soon follow suit.

Screen classics will then obtain an immense new distribution. Nevertheless the short film will also find a well-merited place. Firstly, because it will be cheaper and, going from fiction to technical information, it will appeal to a very variegated public. By this means, after normal exhibition in the usual cinema circuits, it would afterwards have an 8 mm distribution which would assure the desired profit-earning capacity and it would at last meet the standards of a really economic market.

## II. SPECIALISED CIRCUITS

The formula of specialised circuits permits programmes of cultural films to be more satisfactorily adapted to the tastes of a regular public. The most searching and certainly the most meritorious example in Europe is that of the "Union suisse du film documentaire". Certain other attempts or projects also merit some attention.

### A. "Union suisse du film documentaire"

It is only necessary to have been present once in one's life at the General Assembly of this Association (which is held every year on 15th August, at Berne) to despair no longer of the future for cultural films. How many cinema people, sceptical of the chances of attaining wider distribution for cultural films, have found in this journey their road to Damascus? 800 delegates, from every canton of Switzerland and from the principality of Lichtenstein, assemble here in order to prepare the programmes and to organise the next season's performances. This represents 2500 annual performances with average audiences of 200 people, that is to say, 500,000 spectators in a total Swiss population of 6 million.

Because of its great value as an experiment, it will be helpful to describe the organisation and functioning of such a diffusion of culture, dealing first with general organisation and afterwards with characteristics of programmes and performances.

#### (a) General organisation

Two essential mechanisms must be distinguished, each of which is complementary to the other:

- a motivating element: "L'union suisse du film documentaire"
- a practical element for distribution: "Le cinéma scolaire et populaire suisse".

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1. "L'Union suisse du film documentaire"

This is an association based on local sections or "cinédocs", actually numbering 212 and having more than 150,000 members in all. It dates from 1928.

The local "cinédocs" are composed either of individual members, or of associations (societies, public bodies, etc.) or both. Their activities are generally supported by local intellectual circles, and by public and religious authorities.

These local sections are encouraged by voluntary collaborators. The central Secretariat at Berne can call upon the services of 8 collaborators. Half its expenses, more or less, are met by members' subscriptions, the remainder being assured by a grant from the Swiss Federation and other voluntary contributions.

Each year, the Union chooses a certain number of new programmes of documentary films, which are viewed by delegates from local sections during the General Assembly, which is held during a weekend round about 15th August (in Switzerland this is the day before the beginning of the school year). Certain of the delegates attend the viewings, while others participate in the debates of the General Assembly. The main lines of action for the coming year are laid down at this time.

2. "Le cinéma scolaire et populaire suisse"

This is an organisation which originally was only concerned with the distribution of films for schools. A documentary film section is associated with it, whose task is to ensure practical distribution of the documentary films requested by the above-mentioned Union. It also undertakes the printing, etc. of all necessary publicity material. This establishment is extremely well-equipped for stocking, checking and despatching films (16 and 35 mm). It is helped in its work by contributions from the State, the cantons, the communities, industry and private bodies. These are used, in particular, to cover the cost of buying films.

The "cinédocs" nevertheless reserve the right to procure films from other sources.

B. Characteristics of programmes and performances

The originality of this movement lies in the choice of programmes and the organisation of performances.

1. Programmes

These are composed of either a full-length documentary, plus some short films, or of short films only. In the latter case, the films are grouped together under a generic heading and are connected by sequences shot by the "Cinéma scolaire et populaire suisse", thus giving the illusion of a full-length film.

The programmes can be hired for an extremely modest sum.

2. Performances

According to local sections, these are of two kinds:

- either the exhibitor organises the show himself using films chosen by the local section
- or the section hires the cinema at a fixed price or in return for a percentage of the receipts.

They are organised on week-days when trade is normally slack, and on Sunday mornings. In any case, the performance is public and an entrance fee is charged. Members pay half-price, while non-members pay the usual rates. Municipalities and industrial companies may also assist financially.

The number of performances given varies according to the sections, often from one a month in small communities to several each week in Berne or Lucerne. Last year, the total number of performances given was 2242, from which it may be deduced that each section organised an average of two per month, spread out over the winter months, i.e. September to May.

Unhappily, these performances are taxed at the same rate as normal performances (20% as a rule) which must certainly be detrimental to their profit-earning capacity.

### 3. Publicity

Much effort goes into this:

- by bringing out of posters for each performance
- by the publication of brochures containing all elements relevant to the films, including detailed reviews
- by the appearance, since last year, of a special "cinédoc" magazine. Next year this will be brought up-to-date by illustrations. At present 140,000 copies are printed!
- by the distribution of still photographs to the national and local press (in this context, several delegates have commented on the regrettable absence of photographic documentation, as far as short films are concerned. This should be supplied by the producers.)

### C. Other national formulas

At present there are in existence other schemes or projects with the object of achieving a better distribution of cultural films in cinemas open to the general public. The notion of cultural films, however, here goes rather beyond the limited terms of the Berne Conference.

#### (a) In France

In France, for example, the cinemas of art and essay are well-established, while other projects are also getting under way.

#### (1) Cinemas of art and essay

85 French cinemas, 42 of which are in Paris, are at present classified as such by administrative decisions. French cinema exhibitors here carry out a most interesting cultural initiative, which regularly brings in a new public. The framework of this initiative is today inscribed in legislative texts, and we will therefore reserve our comments for the section dealing with national legislations. We will also deal with the promotion of this formula in Europe in our next chapter.

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(2) Cinemas and universities

"L'Association française des professeurs pour la promotion du cinéma dans l'Université", being interested in the inclusion of cinema teaching in programmes and time-tables of secondary school education, consider that film culture, in order to be really efficacious with young people, must include equally the development of contemporary cinema. The Association expressed the wish, at present being examined by the Ministry of National Education, "that a certain freedom might be allowed to teachers interested in this question, for the purpose of accompanying their pupils to cinema performances. These might take place in commercial cinemas when, not being otherwise in use, they could be specially reserved, in agreement with the administration, for such performances".

The proposal would be akin to that already adopted which allows pupils to be accompanied to theatres and museums.

(3) Wishes of the French film exhibitors

In an article published in the professional review "Cinéma-Spectacle", of 30th May 1959, an exhibitor, Mr. Manuel VERRANDO wrote "Either we must found a wide cultural union of film professions and lay claim, as so many others have done, to our cultural vocation, or we must remain that which we are disdainfully regarded as: common pedlars of entertainment".

Since the publication of this article, in which the author set forth the wish of the French exhibitors to participate in more dynamic cultural activities, studies have been undertaken between the film profession and the administration. The "Fédération des cinémas français", in particular, would be ready to propose a standard contract with respect to cinemas being utilised in this manner.

(b) In the United Kingdom

Novel experiments in the distribution of cultural films have also been made in the United Kingdom, despite the complaint frequently voiced in that country "There is no money in shorts", these are sometimes directed particularly towards short films, sometimes towards a wider cultural concept:

(1) Short film service

This service seeks to make the best of foreign and home produced films known to possible buyers for both cinemas and television ("introduce the pick of foreign and independent British shorts to potential cinema and television buyers"). Since 1964, it organises each month special viewings lasting about 90 minutes, (previews), open to distributors and television producers, together with journalists and certain individuals who possess season tickets. A monthly bulletin gives information concerning these same films. This experiment would be very profitable if, unfortunately, the market for short films in the United Kingdom were not extremely restricted owing to the prevalence of the "double-feature programme". On the other hand, the high price of copies in colour, of which no-one can be found to bear the cost, still remains an almost insurmountable obstacle.

(2) Specialist houses

These cinemas, which are, in certain respects, comparable to the cinemas of art and essay, number about 60 (30,060 seats). 25 of them are in London. They ensure the release of short films as fill-ups in feature programmes. Besides two cinemas which habitually show cartoons and news-reels, it does occasionally happen that one or two programmes composed entirely of short films are shown in these cinemas.

(3) Projects of the British Film Institute

In order to find new outlets for high quality films, the Institute is at present carrying out an enquiry among local authorities and personalities of the cultural world. It appears that in the big towns of the United Kingdom (Manchester, Newcastle, Birmingham) the municipality may include in its town-planning schemes the creation of a cinema of from 300 to 500 seats, comparable to the National Film Theatre in London. Moreover, even in the smallest towns, an existing cinema of from 200 to 500 seats may be easily adapted, by the addition of a club and other facilities. The Institute helps with advice and contributes financially to the preliminary organisation of such an operation. Programmes of films for children and of cultural films may both be screened there, thus achieving the aims of the Berne Conference.

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CHAPTER 5

EXPERIMENTS AND PROJECTS CONCERNING INTERNATIONAL  
EXCHANGE OF CULTURAL FILMS

Apart from experiments quoted in the special reports, and the international agreements which will be dealt with later, we wish to set out here examples of international exchanges relevant to non-governmental international organisations. None of the examples quoted lie directly within the field of the Conference; they concern either a much wider notion of the cultural film (CICAE) or a category of films intended especially for a fraction of the non-commercial section (FIFA and CIFE). But the formulas used may, nevertheless, be profitable to us by reason of their efficiency or the importance of the projects submitted.

I. CICAE (INTERNATIONAL CONFEDERATION OF CINEMAS OF ART  
AND ESSAY)

The notion of a film of art and essay still remains very vague at the international level. At present, only the French legislation contains definite provisions for it.

Despite this, thanks to the action of CICAE, the network of cinemas of art and essay is spreading throughout the world, and particularly in Europe, where its adherents may be found in the Federal Republic of Germany, Austria, Belgium, France, Italy, the United Kingdom and Switzerland.

Thus cinema culture is further impregnating the general public.

The action of CICAE today is concentrated on bringing new cinemas corresponding to this idea into being, and furnishing members with all the documentation required. A new market is imperceptibly being created, and works of value may this hope to come before a wider international audience.

In "film of art and essay" on the international level, the CICAE proposes to include the following: "films of high quality without a large audience, research films, documentaries, screen classics".

In order to bring about a better distribution of these films, the CICAÉ suggests that a certain annual or biannual quota of feature films might be designated by CICT and admitted to the free exchange prescribed by the UNESCO agreements.

During its last General Assembly held at Mayence in October 1965, CICAÉ expressed the hope that "films of recognised high artistic quality" might benefit from the following measures:

- 1 - be admitted, like a book, to a system of free international exchange;
- 2 - be exempt from all taxes and duties hampering its production;
- 3 - that cinemas regularly showing such films might be officially classed as "cinemas of art and essay" and be granted exemption from taxation;
- 4 - that competent bodies, at both the national and international level, might be approved as competent to judge the value of such films and such cinemas.

All these propositions of CICAÉ certainly merit profound deliberation by the Conference, in order to discover if action in this direction might fall within the limits of the competence of the Council of Europe.

On the other hand, the CICAÉ hopes that the Berne Conference may pronounce upon the use by television of films of art and essay which are being shown at more or less the same time in cinemas. However, this last is beyond the terms of reference of the Berne Conference.

## II. FIFA (INTERNATIONAL FEDERATION OF ART FILMS)

This Federation underlines the pronounced taste of a specialised public for art films, but brings up the preference of exhibitors for fiction films. The FIFA is interested in the reporting and distributing of art films and is disturbed because the public cannot easily become acquainted with them.

Its activities therefore tend to include arranging for these films to be shown in museums, with a view to widening public understanding of the arts.

A round table for curators of museums was convened at the end of 1965 for this purpose.

This action within museums is indispensable. The enquiry scientifically undertaken by Mr. Jacques DURAND in 1963 on behalf of the International Council of Museums (ICOM), on the use of cultural and scientific films in museums, has moreover shown to what extent suitable film equipment remains insufficiently employed.

Here close co-operation between the cinema and the museum curator must be established. The showing of art films easily assimilated by the general public at a commercial cinema performance can only encourage the recruitment of new spectators for the educational or specialised programmes which will be shown in the museum. On the other hand, the museum public will be persuaded to go regularly to see art films of a more general character shown at the cinema. Here the competitive spirit must be eliminated, in order that profit may be gained from a collaboration closer and more remunerative in both the commercial and the cultural sense.

### III. CIFE (INTERNATIONAL COUNCIL OF TEACHING FILMS)

Let us recall briefly an agreement drawn up by this Council, which evidently will not directly concern our study, as it is devoted to teaching films, but the principles of which may nevertheless serve as a very useful model.

The International Council of Teaching Films adopted an agreement on free exchange of educational films between its members (17th June 1960, Berne). Each year, a list of films available for free exchange is prepared and members of the Council may receive these films for viewing purposes and retain them if so desired. During a period of six months, members have an option on the films listed. After this period, they may be distributed in the countries concerned through other channels.

If the film is retained, the owner of the copyright provides, at laboratory prices, prints or negatives (dupes) as required, together with the necessary material for presentation of the film (commentaries, explanatory notes, etc.). Copies or basic material of other language versions produced by the buyer may be supplied to the owner of the copyright at laboratory price, so that he can, if he so wish, make further copies for use in other territories.

CHAPTER 6CONCLUSIONS OF INTERNATIONAL ACTIVITIES

Apart from the work of the London Conference (1961) which we have already discussed in the introduction to this report, we may here recall the following international meetings during which conclusions of a doctrinal nature have been adopted, with a view to promoting a better distribution of cultural films in cinemas:

- The Venice Round Table on short films (July, 1960)
- The report of the Italian delegation to the Technical Committee for Film Activities of the Council of Europe (April 1962).
- The Paris meeting on the international exchange of audio-visual material (April 1965).

We should also add here the work undertaken by the International Council of Films for Youth, but this will be brought up by Father Lunders in his special report.

I. VENICE ROUND TABLE ON SHORT FILMS (26th - 31st JULY 1960)

During the Venice film festivals in 1959 and 1960, UNESCO organised two Round Tables on short films. The first (1959) dealt with informational problems, which brought forth a project of national cataloging centres using an internationally standardised card index system. The report had been presented by the Chairman, Mr. John MADDISON, and the CICT had focussed the main lines of its application in a report by Mr. Jacques LEDOUX. This was the project which was adopted, with certain amendments, by the London Conference organised in 1961 by the Council of Europe (cf. introduction).

The object of the second Venice Round Table (1960) was to study "methods of encouraging the production and distribution of short films intended for exhibition in cinemas" (see my report published by UNESCO in the series "Reports and papers on Mass Communication No. 36). The participants in this Round Table, after having discussed the various methods being used throughout the world, adopted a certain number of conclusions. The subject dealt with being closely related to that of our Conference, it is advisable here to recall those of its main points which directly concern us.

A. Nature of films to be encouraged

After having brought out the main aims of short films, which we have already evoked in our introduction, aims, moreover which merit the encouragement of public authorities, the Round Table had preferred to refrain from pronouncing on the different criteria of encouragement. It simply took note of two divergent formulae (sometimes, it must be pointed out, combined) which are found in numerous countries.

1. Appreciative criteria: Based on the artistic and technical quality of the production, or on its educational scientific or cultural content.
2. Objective criteria: based on the box-office receipts of the film either at home or abroad, or on the number of times it was shown in commercial cinemas.

B. Production and information

The recommendations formulated concern the following points:

(a) Young directors of short films

In methods of encouragement, it is desirable that closer attention should be paid to young directors of short films.

(b) Information

National encouragement should equally be given to the production of publicity material for such films.

(c) Systems of aid

The Round Table examined the different systems without making a choice, feeling that it was the responsibility of each Government to form its own opinion with reference to the national situation.

C. International distribution

The recommendations touched on the following questions:

(a) Freedom of choice for the exhibitor regarding short films

The Round Table was of the opinion that the regimes and quotas imposed on short films were based on economic considerations rather than cultural aims. If it regretted the abuse of suppressing some short films during the showing of programmes, it noted, with no less regret, the practice of exhibitors of permanently coupling the same two films, one short and one full-length, in a single programme.

It expressed the hope that the exhibitor might participate fully in the choice of the short film, and that he might be urged in this direction

- by financial benefits granted to exhibitors showing short films
- by a remission of taxes for short films of high quality, at least in those countries where unhappily there still exists an entertainment tax affecting cinemas.

(b) Promotion of publicity for short films

Short films suffer from an absence of publicity. It was absolutely imperative that efforts should be made to ameliorate this situation.

(c) Copyright

The Round Table hoped that national measures might be taken concerning copyright of the short films which were to be encouraged.

D. International Exchanges

Apart from the problems of cataloging films, the following points were the subject of recommendations:

- (a) short films which had received an award in one or more of the principal international festivals.

It appeared desirable that such films should be shown in the distribution centres of various countries, so that they might be assured the widest possible distribution and that the international exchange of programmes composed of such films should be facilitated as far as possible.

- (b) International co-operation.

Collaboration between film-makers from different nations, with a view to the production of films on their reciprocal countries, was envisaged.

(c) UNESCO agreements

The Round Table hoped that a large number of countries would ratify these agreements, and particularly the Beirut Agreement which favoured documentaries intended for commercial distribution.

(d) National promotion measures and foreign films

It was recommended that national measures should not lead to foreign films being excluded from programmes.

(e) Films for children and young people and of art and essay.

It was hoped that competent international bodies would inform UNESCO of difficulties encountered by these types of films, with a view to organising meetings between Government experts for the discussion of agreements made under UNESCO auspices.

II. REPORT OF THE ITALIAN DELEGATION TO THE TECHNICAL COMMITTEE FOR FILM ACTIVITIES OF THE COUNCIL OF EUROPE (APRIL 1962)

The Italian delegation, in April 1962, submitted to the Ad Hoc Committee of Film Experts of the Council of Europe (a committee which has now become the permanent Technical Committee for Film Activities) a report concerning the "Study of legal and fiscal regulations hampering the production and distribution of high-quality cultural films". This report was prepared by Mr. GIANELLI.

Its general conclusion was that no legal or fiscal provisions exist which limit the national production and distribution of cultural films, but that such obstacles exist primarily at the level of international exchange; either in the administrative regulations governing such exchanges or in the customs duties which are applied to cultural films.

His conclusions contained also the following observations:

1. It would be necessary to create an information centre to deal with the legal, fiscal, administrative, economic and statistical situation existing in national film industries according to its different branches (fiction films, documentaries, films for children and young people, etc.)

2. The production and distribution of high-quality cultural films are not subject to natural economic laws, whence comes the opportunity to encourage, by means of legal and fiscal measures, conditions for their production and distribution.

3. It would be necessary to define exactly what is meant by "educational, scientific or cultural films" (term used in international agreements) and to entrust the certifying of films of this nature to an administrative authority of the exporting country, an international body being instructed to arbitrate on any differences of interpretation.

4. The production and distribution methods used for cultural films are still insufficient, whence the crying need for action in this field.

5. National measures have certainly been taken to encourage national films, but they do not have much effect.

### III. PARIS MEETING ON THE INTERNATIONAL EXCHANGE OF AUDIO-VISUAL MATERIAL (25th APRIL 1965)

The French Committee for UNESCO had been charged with the preparation of a report on the international exchange of audio and visual material (film and television). This report was submitted for examination by an international meeting of film and television experts, organised by the French Committee in collaboration with the International Film and Television Council. A general summing up of conclusions was drawn up at this meeting held in Paris on 29th April 1965. It is advisable to recall here those propositions which might come within our field.

#### A. General principles for free exchange of educational, scientific and cultural films

These principles are based on the liberation from all restrictive measures:

- of films of an educational, scientific or cultural character intended for a specialised sector.
- or of films which are themselves of this same specialised character.



To this end, the films must be arranged in two categories, having either total freedom for exchange purposes or simply more favourable conditions:

1. Films clearly specialised, not distributed on the usual commercial film circuits: total freedom for exchange purposes with, for example, a system of official labels.

2. Educational, scientific or cultural films which may be distributed on the usual commercial film circuits: when these films are intended entirely for educational or cultural purposes, a system of exchange as liberal as possible.

B. Particular applications of these general principles

(a) Films intended exclusively for viewing sessions

Benefit of the agreements concerning temporary import or of the system of free exchange with official labels.

(b) The necessity of exact definitions

1. Establishment of a nomenclature for different catalogues of educational, scientific or cultural films: newsreels, short films, documentaries, animated cartoons, children and young people, art and essay, etc.

2. International definition of the notion of non-theatrical cinema ("non-commercial").

(c) Procedure for putting these proposals into action.

By a working group to be set up within the CICT.

C. Other approved measures

(a) Author's rights

Study of standard international contracts, in order to resolve certain problems of distribution rights concerning the use of films in specialised sectors of a cultural nature; the setting up of national film registers in order that information concerning the multiple rights of a film and the owners of these rights may be made more easily available.

(b) Technical standards

Standardisation of copies for exhibition or of technical equipment; standardisation of those elements necessary for exchange.

(c) International co-operation.

Collaboration of an economic nature with the big international and regional organisations to be sought by UNESCO, with a view to promoting the ideas of education and culture as applied to films; organisation of specialised courses for young directors (on the lines of those organised by EBU for educational radio broadcasts); systematic studies on co-production and exchange formulae (the example of the work of the Council of Europe in this field has already been mentioned); study of the new outlets for cultural films in suitably equipped universities, museums and libraries.

D. Other propositions

Other propositions have been made, too numerous to be reported at length here. They mostly deal with documentation activities.

PART III

NATIONAL LEGISLATIONS

National legislations already contain numerous provisions favourable to the wider distribution of cultural films. It has been found desirable to list them here in order that we may later on be permitted to see if a certain amount of European co-ordination might be desirable and also to draw from it inspiration for our draft plan of action. Such will be the object of this part of the report.

It contains three chapters:

1. General picture of legislative measures.
2. Legislative system applicable to the three types of films to be examined by the Conference.
3. Special legislative systems.

CHAPTER 7GENERAL TABLE OF EXCHANGE LEGISLATION

It would have been useful to draw up a general outline of national legislations regarding international exchange. But here we risk touching upon general economic problems of the film world which no longer come within the competence of the Conference. Moreover, the Council of Europe, after having advised OECD, invited national delegations to its Technical Committee for Film Activities to request competent national experts of OECD to complete or bring up to date a table of legislations drawn up in 1959 by its predecessor OECE. This table would have remained for us a simple reference document and would not have in itself been a subject for debate.

However, as all the replies are not available at the date of publication of this report, it is considered inadvisable to include an incomplete table. Nevertheless, it might be recommended that OECD publish, from time to time, up-to-date information on this subject, in order that complete data obtained from the most reliable sources may always be at the service of experts specialising in these problems.

CHAPTER 8

LEGISLATIVE SYSTEMS APPLICABLE TO

THE THREE TYPES OF FILMS EXAMINED BY THE CONFERENCE

The general table of national legislations, listing provisions influencing international exchanges, which we discussed in the preceding chapter, would have given us a birds-eye view of the legislative groundwork of cultural films. We must, nevertheless now open a debate and go deeply into these points of such legislations which particularly concern the three types of films retained in the mandate given to our Conference.

1. Full-length documentaries.

To consider national legislations relevant to such films brings us back to dealing with these legislations as a whole, because full-length documentaries are subject to the legislative provisions for all feature films. Sometimes, however, the tax regulations applicable to them are made more flexible, as is the case in the system of "prädikat" in the Federal Republic of Germany. We must therefore hope that the full-length documentary may be provided for in national legislations and be given the benefit of as liberal a regime as possible.

2. Films for children and young people.

National legislations are tending more and more to take this kind of film into consideration and to promote its production as well as its distribution. Measures for financial assistance, or for the remission of taxes or customs duties, are adopted, new institutions are created, and the organisation of special performances for children is facilitated. These different points are analysed in the special report made by Father Lunders.

3. Short films

The standards of production and distribution of these films being most distinctive, legislators have found themselves obliged to make special provisions for them. We thus find regulations appropriate to their case both as regards quotas and aid given. Certain remission of customs duties or taxes are also provided for in some countries. As regards

the obligation to screen a short film in the usual film programme, one finds such a provision in Turkey, in a law dating from 1938. In case of infringement of this law, the exhibitor is liable to a fine of 25 Turkish pounds. But the exhibitor usually prefers to pay this fine and to show, instead of the short film, a series of commercial publicity films, for the screening of which he receives between 1,000 and 1,500 Turkish pounds.

We must therefore reconsider the main problems of national cinema legislation which concern, more or less, international exchanges, in order to find what solutions have already been adopted in favour of these films.

We shall deal successively with:

- traditional restrictive measures;
- national financial measures.

#### I. TRADITIONAL RESTRICTIVE MEASURES

These measures are of three kinds:

1. Global quota ("contingentement")
2. Screen quota
3. Censorship

Other elements of a restrictive nature will also be quoted.

##### A. Global import quota

The general tendency is the progressive abolition of this system. (We shall see in Part IV of this report the measures already undertaken in this direction within the framework of the big international organisations with economic bases). This still exists, however, particularly for feature films dubbed in the language of the importing country, in order to avoid overloading the national market, which would be detrimental to the profit-earning capacity of films during their distribution. Full-length documentaries and feature films for children certainly follow the general rule and without doubt, for this kind of film a more rapid freedom from control may intervene. For short films, there is greater freedom.

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B. Screen quota

This is also called "contingentement à l'écran". Its object is the protection of national films, in reserving a certain number of performances or weeks in the year when they must be shown.

This is often a necessary measure, in order to ensure the profit-earning capacity of a national production, even within its country of origin. For this reason, it seems that, to some extent, it will be retained for some time to come. The General Agreement on Tariffs and Taxes (GATT) which in principle wishes to abolish quantitative restrictions thus found itself obliged to include an Article 4, devoted particularly to films, which authorises, under certain conditions, the establishment of film quotas.

This quota takes different forms.

In the United Kingdom, the number of days which are reserved for the screening of national feature films is set at a minimum of 30%; as far as the fill-ups or the first part of the programme are concerned the quota is 30%.

In France, 5 weeks each quarter are reserved for the showing of recent French films.

In Greece, the "protected films" (Greek films containing artistic or intellectual elements and of excellent technical quality) have one week each quarter reserved for them in the première cinemas. For other cinemas, the number of "protected films" which must be shown each quarter is fixed in accordance with the number of times the programme is changed. Moreover, all Greek cinemas must show four "protected" short films each quarter.

In Italy (legislation still applying in 1965) feature films which benefit from financial assistance and so-called "obligatory screening" are assured of at least 25 days of screening each quarter (including 3 Sundays) in all cinemas; this figure is reduced for cinemas which do not open every day, in proportion to the length of time during which they are not in operation.

The EEC (see Part IV) has made special provision for the quota applicable to films originating in its member countries.

For the national short film accompanying the feature film, similar measures are frequently adopted, but on a different scale. We have already seen this in the United Kingdom (at least when it is not a question of a second feature) and in Greece.

There is today a tendency to grant benefit of quota only to those national short films which have been selected during the first stage of the awarding of prizes for high-quality films. This is the case in France (short films having a visa of less than five years have a quota analogous to that of feature films) and in Italy (180 days per year). In France and Italy, short films which have gained awards originating from other countries of the European Economic Community may also benefit from these measures.

Derogations to these rules - or at least a good deal of relaxation - may without doubt be achieved in favour of performances for children and young people and for programmes composed entirely of short films.

#### C. Censorship

Censorship problems are very slight, and in fact usually non-existent, in the field of cultural films with which we are concerned. Let us merely keep this point in mind, requesting our readers to refer to the excellent work of Father Lunders "La censure des films et l'admission des enfants au cinéma à travers le monde", CEP, Brussels, 1961.

#### D. Other elements of a restrictive nature

Other disquieting problems which frequently slow down the exchange of films should also be considered.

##### (a) Overloading of the market

The number of films - and above all of those which interest us here - is enormous, at least as far as short films are concerned (the position is reversed for films for children and young people). This renders choice difficult and profit-earning capacity diminishes. On the national level, therefore, certain Governments have adopted a selective policy which permits a stable market for the best of these films and facilitates their distribution. Certain legislations also provide for exploitation visas of a limited duration, in order to prevent



overloading of the market. The duration of copyright is, moreover, in itself limited, though it may be renewed. By these methods, the dangers are avoided.

Nevertheless, it is necessary to take care - apart from problems of legal deposit or of the conservation of films, which do not fall within our competence - to assure that old films, which retain great value both on the general level of the cinema and on the cultural level, may always be available for distribution. This question is particularly relevant to films for children and young people, which face grave production difficulties but for which the audience is constantly renewed.

(b) Linguistic problems

These problems may occasionally arise in legislation, in the sense that restrictive measures are sometimes adopted, and more strictly applied to films dubbed into the language of the importing country. It would be desirable if such measures were not extended to the types of cultural films dealt with by our Conference.

In this connection, it is equally necessary to stress the desirability of a general adoption of the international sound-track, and of suitable measures to facilitate the dubbing or at least the sub-titling of these films.

II. NATIONAL FINANCIAL MEASURES

These measures are of two kinds. One concerns the encouragement of national production:

- national aid;

the other is relative to the particular application of general financial legislation and concerns

- internal taxation;

- customs.

A. National aid

National aid is essentially concerned with production, and therefore does not interest us directly as we are dealing with film distribution. However, certain aspects of this aid may influence distribution. We will therefore glance at the very general principles of this question, emphasising particularly those aspects which relate to distribution.

National aid may be divided into three main categories:

(a) Pre-production aid

This appears in two forms:

1. Financial participation in the production

The State, or a public body, may finance, entirely or partially, the production of a cultural film, either by means of a grant or of a loan to be eventually repaid. This is the case in the Netherlands (grant given by the Ministry of Education, Arts and Science (?) on the advice of the Arts Council; the contract passes to the Government Information Service which controls the carrying-out of the work), in Denmark (annual loans originating from a special fund "Films fonden", which is provided by a tax on the price of tickets), in Austria (a subsidy which may or may not be repayable often, moreover, combined with an actual loan). In Norway, producers and other people interested in short films each year submit projects for possible films, which are judged by a committee. Aid is granted on condition that the State is authorised to make 16 mm copies at laboratory price for use by "Statens Filmcentral" in the non-commercial sector. Because this aid exists, it is possible to promote the production of a larger number of short films freely inspired, and of an artistic character. In Spain, subsidies to the production of short films may be as high as 50% of the cost. In Switzerland, likewise, contributions to the production costs of documentary films, both educational and cultural, are made available.

2. Loan to the producer

This is the classic formula used in all countries, particularly for feature films (Banca nazionale del lavoro in Italy, for example). In Greece (law of 19th September 1961) loans granted for the production of films are guaranteed by a special cinema security fund. In the United Kingdom, the National Film Finance Corporation, set up under a law of 1949, lends money to producers without security.

(b) Assistance proportional to box-office receipts

The typical example of this is the British supporting fund, the British Film Fund Agency. This is a body financed by a tax added to the price of tickets (levy) at a rate of one ninth of the excess over lld of payments for admission. The producers of licensed films (quota films) receive:

- 40% of distribution earnings: for films longer than 3,000 feet and of which the production cost is more than £20,000, and for newsreels;
- 40% of distribution earnings multiplied by two: for films longer than 3,000 feet but costing less than £20,000 to produce;
- 40% of distribution earnings multiplied by 2.5: for films less than 3,000 feet in length.

The Children's Film Foundation receives from these funds a grant of £137,500 per year.

In Norway, sufficient financial aid is granted to cover production expenses. The amount payable is arrived at by subtracting the earnings of the film from the total cost of production.

(c) Awards for quality

The law tends to promote the production of high quality films and often guarantees the distribution of such films under the best conditions.

This formula applies in various countries, including the Federal Republic of Germany, Belgium, France, Greece, Italy, Sweden and Switzerland. Let us quote certain particular cases:

In Belgium, the award given to short films is calculated at a rate varying in proportion to its quality: 18, 21 or 25% of the entertainment tax levied and at least 100 days of performance each year. This award is continued for three years, counted from the release of the film.

In Sweden, the Film Institute is financed by a tax of 10% on the price of seats. This replaces the entertainment tax, which was abolished from 1st July 1963. Of the money thus received by the Institute, 20% is allocated to awards for quality (18% for feature films and 2% for shorts).

In Greece, a competition is organised each year between the "protected" films, in order to award money prizes to producers, directors, scriptwriters, actors, composers of music, directors of photography, cameramen and those responsible for the sound-track. In addition to these prizes, "honourable mentions" are awarded which carry no monetary recompense.

In France a new legislation is at present being examined. The new system is original in that it is composed of two elements: labels which ensure the gaining of an award; prizes for quality which are competed for by films which have already obtained a label. The French system makes provision, moreover, for the admission of short films originating in other countries of the European Economic Community.

The new Italian law provides, for short, nationally-produced, films, the awarding of 120 prizes ranging from 5,500,000 lives to 10 million lives, plus 20 prizes for films originating in other member countries of the European Economic Community.

## B. International taxation

This report is not the place in which to call up the acute problem of taxation on a cinema faced with the draining away of spectators caused by television and with many other factors detrimental to the seventh art. The general tendency is to lower the rates of taxation, or even to eliminate entertainment tax completely, as has happened in the United Kingdom and Sweden.

Let us simply take note of taxation systems which take into consideration worthwhile aspects of the programmes screened.

In Greece, the producer of a Greek feature film benefits from the refund of 6% of the entertainment tax levied.

In Italy, the exhibitor who shows a national feature film included in the "obligatory" category is granted a tax refund of 20%. Under the previous law, if it were a feature film "suitable for children and young people", the refund was 30%. For feature films "produced especially for children and young people" the refund was increased to 40%. The new law does not make any distinction and the refund has been increased to 50% for "films for children and young people". If, besides one of these feature films, a short film which has obtained a prize and a national newsreel is shown, a complementary refund of 3% is granted to the exhibitor. For a programme composed entirely of short films, the refund is 20%. Short films, and feature films for children and young people, originating in OECD countries are also entitled to the tax refunds of 3% and 50%.

In France, films of any kind classed as suitable for families and young people (jeunesse et famille) benefit from a certain remission of taxes.

The Nordic Council has proposed that the exhibition of films for children should be exempt from taxation. Following this recommendation, the Scandinavian Governments (Denmark, Norway, Finland, Sweden) have adopted measures in this direction.

In Austria a system of labels or "Prädikat" awarded to high quality films has been set up: sehenswert (recommended), wertvoll (outstanding) and besonders wertvoll (very outstanding). Complete or partial exemption from entertainment taxes may be granted for the screening of films which have received such labels. The exemption must, however, be sought from the municipality, which takes the final decision.

Because of their originality on the cultural level, we shall examine the special systems of "prädikat" in Germany and the French cinemas of art and essay in a later chapter.

### C. Customs

We shall not attempt to go into details regarding the problems of customs regulations, which we had hoped to explain by means of an up-to-date table based on that drawn up by the former OECE. Moreover, it is not only customs duties which are open to criticism, but all the control formalities which arise during the crossing of frontiers. We shall see, when studying international agreements, the various solutions which have already been found to encourage the reduction or abolition of customs and duties (and formalities) as far as educational, scientific and cultural films are concerned.

Nevertheless, it must here be strongly recommended that information on legislation applicable to international film exchanges should be published periodically, particularly by OECD and by UNESCO - whose booklet "Cultural exchanges and commercial barriers" dates back to 1956. These questions are evolving too rapidly today for us to be satisfied with easily handled documentation which is almost ten years out of date.

## CHAPTER 9

### SPECIAL LEGISLATIVE SYSTEMS

In the preceding chapter we merely glanced at the taxation systems of "prädikat" in the Federal Republic of Germany and at the cinemas of art and essay in France.

It is, in fact, preferable to examine each one as a whole, for they show two different approaches to promoting the distribution of high quality films without any distinction regarding their country of origin; one is based on the intrinsic value of a film, no matter where it is shown, the other is founded on the worthwhile efforts of a cinema which regularly shows films of real cultural value.

Certainly, in the two systems, the notion of cultural films is broader than that laid down for the Conference. Nevertheless, our three categories of films are included in their field of action and it is therefore important to see how certain national legislations have tried to favour the distribution of these films in a wider cultural formula.

#### I. THE GERMAN "PRÄDIKAT"

Under the German "Prädikat" system, a tax remission is granted for programmes composed of pre-selected films. The main purpose of this system is to establish a uniform basis for the taxes to be paid on films of high quality, throughout the Federal Republic of Germany.

To achieve this end, the States of the Republic agreed in 1951 to set up a "Film Selection Board", commonly known by its initials FBW (Filmbewertungstelle). Its headquarters are at Weisbaden and it comes under the authority of the Hessian Minister for Education and Popular Culture. An advisory board consisting of representatives of the ministries concerned has been set up to co-operate in the administration of the FBS. Operational costs are covered by the proceeds of the fee for the viewing of films.

Lists of films selected by the FBS are communicated to other Länder to serve as a basis for granting tax remissions, without their needing to set up other similar boards.

##### A. Selection procedure

Any films for distribution in the Federal Republic, whether shorts or feature films, of German or of foreign

origin, may be submitted to the FBS for selection. As a general rule, application must be made within six months of their first world release.

The FBS receives the application from the producer or distributor of the film, together with a fee for its viewing. Producers or distributors may then have recourse to an Appeals Committee against the decision of the Selection Committee, and the same viewing fee is paid for the appeal.

(a) Committees

The FBW consists of two committees:

1. The Selection Committee consists of a chairman and four assessors. The chairman is appointed by the permanent board of Ministers of Education of the various Länder, in consultation with the joint working committees of Ministers of the interior and of finance. The four assessors, or experts, are appointed by the Governments of the Länder, each Land Government being entitled to nominate as many experts as it has votes on the Federal Council. The experts attend meetings in the order of a list drawn up by the chairman. When an expert is unable to attend, his place is taken by the next person on the list, provided that there is not more than one representative from the same Land at any Committee meeting.
2. The Appeals Committee consists of a chairman of the FBW and six experts.

(b) Assessment of films

The FBW communicates to Länder Governments a recommendation - usually followed - that a particular film be classed as "wertvoll" or "besonders wertvoll".

The labels awarded by the FBW "wertvoll" or "besonders wertvoll" (outstanding and particularly outstanding) are granted to three categories of films (useful information on this matter may be found in an excellent article by Dr. Siegfried Dörffelt. Definition of film categories by the Film Assessment Centre (Filmbewertungstelle: FBW) in the review Film und Recht, No. 7, 1965, Munich:



1. Documentaries, cultural and educational films.
2. Films for children and young people and fairy stories.
3. Fiction films.

The classifying by the FBW of films into one of these three categories is already extremely important because, according to the category.

- Tax reductions differ (see the table of reductions annexed to Mr. Friedewald's report). This reduction also distinguishes between long and short films;
- The duration of the validity of the "prädikat" differs (cultural feature films, documentaries, films for children and young people - 5 years; other films - unlimited duration);
- Fees for the viewing of the films differ in the same way (scale based on a length of more or less than 1,600 m in 35 mm and on its fictional or non-fictional nature).

What conditions, according to the rules applied by the FBW, must be fulfilled by these three categories of films?

1. Fiction films

Films in which "the dramatic structure and direction of the film are necessarily determined by the plot".

2. Cultural films

"These films present situations, events or circumstances in the life of man. They may deal with aspects of civilisation (films devoted to the countryside or the town, scientific, technical or historical films, films on art, biographies, etc.). They may have nature as their theme (geography, biology, etc.) - any natural phenomena may serve them as a subject. They may also be an original creation and not tied to a specific theme. If they have a plot, this must be determined by the purpose for which the film is made."

### 3. Documentaries

The 1958 statute no longer makes any distinction between cultural films and documentaries. (A statutory provision of 1954, now repealed, defined it as "a film presenting facts and incidents pertinent to a specific moment, and by its nature, having no definite plot".

### 4. Educational films

Films which serve to disseminate "knowledge or techniques. The dramatic structure and direction must fulfil pedagogic requirements. They may have a plot, but it must nevertheless be determined by the purpose for which the film is made".

### 5. Films for children and young people

The subject, the dramatic structure and the direction of these films must be adapted to the lives of young people, their interests and their capabilities.

### 6. Films based on fairy stories (Märchenfilm)

Their subject is borrowed from the tales or legends of nations, or if it is new, is nevertheless governed by the same rules.

What criteria are used for the selection of films?

Article 10 of the administrative agreement between the Länder of the Federal Republic of Germany stipulates that: "members of the committees enjoy independence for the assessment of films and shall not be required to abide by directives".

As regards the procedure adopted by the FBW in making its choice, the following comments by Dr. Hermann Krings, Professor of Philosophy at Munich University and former Chairman of the FBW, are worth quoting. "The committees have adopted the principle of not taking any decision until they have thoroughly discussed and reviewed in detail all the merits and demerits of the films. Their

deliberations are centred first on an analysis of the subject of the films, followed by a keen exchange of views during which divergent opinions are thoroughly discussed and put to the test. The findings of these discussions, which may often be very lengthy, are summarised in a statement accompanying each assessment of a film, and which is communicated to the applicant."

This information is taken from the preface to Besonders Wertvoll, an excellent booklet, published in three languages (German, English and French) by the Filmbewertungstelle, Wiesbaden". This explains the criteria for awarding a certificate "very exceptional" to 20 feature films between May 1957 and April 1958. Similar booklets providing the same information have since then been published annually. These booklets are illustrated by a still from each film and the comments and observations they contain are so illuminating as to make them very valuable reference works for all interested in the development of film as an art. The FBW also publishes other booklets of the same type for cultural films, documentaries, films for children and young people and short films to which the "besonders wertvoll" certificate has been awarded since its inception. These booklets provide most valuable information on the styles adopted in the best films from all over the world.

The following table, taken from the 1965 handbook, shows the activities of the FBW from 20th August 1951 to 31st December 1964:


1. Feature films, documentaries, films for children and young people, educational and cultural films and fairy stories

	Films submitted to the FBW	Besonders wertvoll	Wertvoll	Rejected
Number of films	404	93	195	116
Percentages	100	23.0	48.3	28.7
Films of Federal Germany included in the total	185	40	86	59
Films from other member countries of the Council of Europe	120	36	51	33

2. Short films (documentaries, films for children and young people, educational and cultural films and fairy stories)

	Films submitted to the FBW	Besonders wertvoll	Wertvoll	Rejected
Number of films	8,004	619	4,734	2,651
Percentages	100	7.7	59.2	33.1
Films of Federal Germany included in the total	4,509	336	2,719	1,454
Films from other member countries of the Council of Europe	2,131	176	1,248	707

These tables include about thirty countries, of which a dozen belong to the Council of Europe, showing that about half the films presented and awarded certificates are foreign films. This shows how greatly this system, although contributing aid to the national production of high quality films, is of a truly international character and encourages the development of a European market for the cultural film.

In order to stress the annual number of new films admitted to the "prädikat", let us quote the global statistics resulting from the years 1963 and 1964.

	Films viewed	Besonders wertvoll	Wertvoll	Rejected
1. Feature fiction films:				
1963	135	22	52	61
1964	160	20	65	75
2. Full-length documentaries, films for children and young people, educational films and fairy tales:				
1963	30	9	10	11
1964	28	6	11	11
3. Short films				
1963	528	51	290	187
1964	559	52	314	193

B. Effects of selection

The list of films selected is communicated to the Länder Governments which allow a reduction in the entertainment tax on the films.

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Reference may usefully be made to the table of tax reductions annexed to Mr. Friedewald's report.

It should be pointed out here that a programme composed of a feature film and a short film, both of which have been granted "prädikat" certificates, permits the whole programme to be exempted from taxation in all Länder except Bavaria.

## II. THE FRENCH CINEMA OF ART AND ESSAY

A cinema of art and essay is a kind of commercial cinema which specialises in showing films of artistic or cultural value which do not always obtain that commercial audience which would be desirable.

In order to encourage and to recompense the efforts of this type of undertaking, the law has made certain provisions which provide a sort of statute for this sector. Its basic texts are found in the "Code général des impôts".

### A. Characteristics of cinemas of art and essay

In order to be classed as such, a cinema must have shown during one year a certain proportion of films satisfying criteria which have been laid down for a period of twelve months.

- (a) Minimum percentage of programmes of art and essay (Code général des impôts, Annex III, Article 326, octies, 10)

The code does not demand a fixed minimum of films to be shown for each French cinema claiming the title, because account must be taken of the fact that, in large towns, it is relatively easier to organise performances of art and essay than in small communities. The minimum percentage required for this classification therefore varies with the number of inhabitants:

- 80% for Paris
- 50% for communities of more than 200,000 inhabitants
- 40% for communities of more than 60,000 inhabitants
- 30% for communities of more than 20,000 inhabitants
- 20% for communities of less than 20,000 inhabitants.

Taking these proportions into account, cinemas are classified in two categories:

- A. minimum of 50% of programmes of art and essay;
- B. less than 50% of such programmes.

The object of these categories A and B is due simply to the fact that the remission of taxes on that part of weekly receipts between 1,500 and 5,000 FF is only applicable to cinemas showing more than 50% of programmes of art and essay each year, that is to say, category A.

(b) Criteria for programmes of art and essay (Code général des impôts, Annex III, Article 326 septies)

During the preparation of this statute, there was a long discussion on the choice to be made: classification of films, which would ensure advantages for whichever cinema showed them (German system of "prädikat"), or classification of the cinema attempting to organise homogeneous programmes of this type. It was the principle of specialised cinemas which prevailed. For this reason, no official classification of films of art and essay exists. Judgment is based rather on an appraisal of criteria laid down by competent organs during the passage of the same film in an exclusive Paris cinema, in a university town or in a small community, or on a series of programmes shown over an extended period: works of the same director series of films of a particular kind, etc.

This judgment is, however, subject to certain criteria which allow for rational classification. Four groups of films may thus be distinguished.

1. Films of art and essay as such

Programmes composed of films satisfying at least one of the following criteria, are considered as programmes of art and essay, without any limitation:

- 1. Films of incontestable quality, which have nevertheless been unable to obtain the audiences they merited among the general public (example): "LE PROCES").

the audiences they merited among the general public (example: "Le Proces").

2. Films of a novel or unusual character in the field of creative cinema (example: "L'ANNEE DERNIERE A MARIENBAD").
3. Films reflecting life in countries whose national productions are little known in France (example: films from Greece, Sweden, India, Finland, Brazil, etc.).
4. Short films tending, by their quality and their choice of subject, to bring new life to the cinema.

2. Repeats

These films must be of artistic or historic interest, and concern, in particular, "screen classics".

They may be included in programmes of films of art and essay, but only up to a maximum of 50%.

3. Recent films of high quality, commercially successful

According to the code, these are "recent films which have satisfied both the demands of the critics and the tastes of the public, and may therefore be considered as making a notable contribution to the art of the cinema".

These films are usually shown in the commercial sector and earn a considerable revenue. The exhibitor who shows them, therefore, does not take any particular pains and it would be illogical for such exhibitors, by fulfilling only the basic conditions and showing only these easily exploited films, to benefit from the same advantages as those showing more difficult films. On the other hand, it would be ridiculous not to take account of these films in the classification "art and essay". For the purpose of classification, therefore, these films are accepted only within the limitation of 25% of the programmes of art and essay, during the 12 months period under consideration.



#### 4. Amateur films

Films made by amateurs cannot be shown commercially. It is, however, occasionally interesting to show to the general public films presenting an exceptional subject, and thus offering a quality of artistic originality or of appreciably unusual elements, which has not been produced in the normal way.

Evidently this can only be an exception, which is why the code only authorises the showing of such films in cinemas classed as "art and essay" up to an annual limit of 10% of all the programmes fulfilling the conditions of art and essay. These amateur films, up to the above-mentioned limit are taken into account when calculating the required percentage.

#### (c) Special conditions of exhibition (Code général des impôts, Annex III)

The "Code général des impôts" lays down particular conditions for exhibition. They are of two kinds, and if they are not complied with the candidature of a cinema may be rejected, or its classification as "art and essay" may be repealed.

##### 1. Projection of original versions

A dubbed version usually involves artistic depreciation of the original work and therefore may not be shown in cinemas under the aegis of quality. Consequently, foreign films must be shown in their original version, with sub-titles.

The "Directeur général du Centre National de la Cinématographie" reserves the right to permit derogations to this rule, upon the advice of the classification commission and taking into account the extremely high quality of the dubbing (as, for example, in André Maurois' French version of "NOBLESSE OBLIGE").

##### 2. Publicity and posters

These must stress above all the cultural and artistic aspects of the programme.

B. Classification procedure (Code général des impôts, Article 326 octies, 10, 326 nonies and 326 decies)

The classification of the cinema is decided by the "Directeur général du Centre National de la Cinématographie" after a proposal made by a commission consisting of representatives of interested ministries, the film profession and cultural film organisations. This commission ensures that classification criteria are complied with and checks each year that the conditions laid down are being respected. If this is not the case, the cinema in question is struck off the list.

Classified cinemas benefit by the legal title of "art and essay", by reduction of taxes, by freedom to decide seat prices and by technical advice, assured by the regular control of the installations provided by the "Commission supérieure technique du cinéma".

C. Fiscal system (Code général des impôts, Article 1562 A and Annex III, Articles 326 sexies to 326 decies)

Cinemas classified in the category "art and essay" may benefit from reduction of entertainment tax after consultations with the local municipal council. This reduction, graduated in accordance with weekly receipts, is:

- 100% up to 500 FF
- 50% from 500 FF to 1,500 FF
- 25% from 1,500 FF to 5,000 FF.

The reduction of 25% is, however, granted only to cinemas in category "A" (that is to say, cinemas at which at least half the programmes shown during the year satisfy the criteria of "art and essay").

The receipts taken into consideration are those of the whole week's performances, no distinction being made between programmes, during the entire period of valid classification.

PART IV

APPLICATION OF THE MAIN INTERNATIONAL AGREEMENTS

We will here study only the main international agreements which concern the distribution of cultural films in Europe, or which exercise a determining influence on this distribution. We shall not consider, principally because sufficient documentation is not available, bilateral agreements on exchanges and co-production. Our attention will be concentrated solely on an effort to bring out the general principles governing the European distribution of cultural films according to the main lines of the agreements mentioned here, on existing difficulties and finally on the possibilities of action by the Council of Europe in this field, in order to encourage interchange of films and to set up regular distribution networks.

CHAPTER 10MAIN INTERNATIONAL AGREEMENTS

The object of this chapter will be to define, as briefly as possible, the essential points of the main international agreements which apply to cultural films, by examining the work done in this field by the big international organisations. It will not, however, be necessary to define the nature, methods of work and general activities of these different organisations as far as the cinema is concerned (although a list of European countries which belong to each of these organisations and have ratified the international agreements quoted here is given in Appendix 2).

I. COUNCIL OF EUROPE

Eighteen European countries are members of this Council, while two more countries have signed its European Cultural Conventions.

The European Cultural Convention (19th December 1954) encourages mutual understanding between the peoples of Europe and the adoption of a common policy of action aimed at safeguarding European culture. To this end, the contracting parties pledge themselves to consult together, with a view to taking concerted action for the development of cultural activities of European interest and to facilitating the free circulation and exchange of persons as well as objects of cultural value. The application of this convention devolves on a Council for Cultural Co-operation.

A Technical Committee for Film Activities is attached to this Council, which today carries out important work concerning cultural cinema: co-production, or production in series, of educational and cultural films (all member countries may acquire these films for the cost of making the copies only); re-publishing of a glossary of film terminology in seven languages; publication of catalogues of available educational and cultural films for purposes of exchange; regular exchanges between the member countries of educational and cultural films; and of information concerning national film productions, etc.

Following the London Conference, organised by the Council of Europe and the recommendations of which have already been quoted in our introduction, a new experiment in the exchange of educational and cultural films has since 1964 been set in motion between the Governments of the member States. Films of which the non-commercial distribution rights belong to the State are selected annually and benefit from certain advantages; non-commercial distribution in member countries at laboratory prices, financial contribution of the Council of Europe to the costs of organising viewing sessions and help towards the cost of producing versions in the languages of the other member countries.

Purely for information, we may also describe briefly two European arrangements concerning television which have been concluded under the auspices of the Council of Europe.

1. European agreement concerning programme exchanges by means of television films (15th December 1958). Owing to the different provisions contained in the national legislations with reference to the owner of the copyright for television films, this agreement should permit easier exchange of these films between those countries which have ratified it.

This text concedes to the broadcasting organisation under the jurisdiction of a country which is a party to this agreement, the exploitation for television of television films of which it is the maker, in the absence obviously of restrictive conditions agreed between the maker and persons contributing to the making of the film.

2. European agreement on the protection of television broadcasts (22nd June 1960). If the exchange of television broadcasts are easy from the technical point of view, the organisers of musical or dramatic performances or the like, or of sports meetings, sometimes make their consent to broadcasting to other countries conditional upon an undertaking that the relays will not be used for purposes other than private viewing. Now television bodies cannot offer this guarantee. The object of the agreement is therefore to grant these bodies the right to authorise or forbid re-broadcasting, wire diffusion or public performance by means of any transmission of signs, sounds or images, and all fixation of such broadcasts in still photographs thereof. Normal exchanges should thus be facilitated.

## II. UNESCO

With regard to educational, scientific and cultural films, UNESCO pursues the double objective which can be found in its general activities in support of education, science and culture:

1. To organise a movement of international exchange;
2. To bring to less-favoured nations the help of those who are better provided and better equipped.

On the other hand, contacts are established between UNESCO and international organisations interested in the cinema, thanks to the creation of an International Council of Cinema and Television (CICT). This Council is a non-governmental organisation which plays the role of catalyst in order to synthesise the problems studied elsewhere by professional organisations from their own view-point.

Within UNESCO itself, certain administrative structures of the secretariat permit the careful examination and follow-up of these questions.

UNESCO's efforts have already achieved important results in the field of international agreements for the free circulation of materials of an educational, scientific or cultural character. Films thus benefit from numerous advantages.

### A. Beirut agreement

(Agreement for facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character", adopted in 1958 and came into force in 1954).

#### (a) Material concerned

The film is evidently concerned when it is of an educational, scientific or cultural character. This character is however subject to three conditions:

1. to have as its primary purpose to instruct or to inform, or to encourage knowledge and augment international understanding;
2. to be "representative, authentic and accurate";
3. to be of good technical quality

In practice, therefore, only documentary films are designated.

(b) Conditions for the use of the films

No condition of use are imposed. The film may be imported equally well by an institution or by a private individual.

(c) General procedure

The educative, scientific or cultural character must be certified by a governmental agency of the exporting country, although the importing country reserves the right of appraisal.

(d) Privileges granted

These privileges are:

1. Exemption from all customs duties;
2. Exemption from all quantitative restrictions;
3. Waiver of import licenses;
4. Exemption from all internal taxes, fees or other charges (except to the extent that these are imposed on like products of the importing country);
5. Treatment no less favourable than that accorded to like products of importing country.

B. Florence agreement

(Agreement on the Importation of Educational, Scientific and Cultural material", adopted in 1950, came into force in 1952).

(a) Material concerned

Films of an educational, scientific or cultural character in general, without being subjected to the three-fold restriction of the Beirut agreement.

(b) Conditions of use of films

On the contrary, the conditions of use are more limited. These films must be destined exclusively for approved institutions or organisations of a cultural, educational or scientific character. It is desirable to note here that the agreements envisages the possibility of its extension to broadcasting or television bodies which is betrayed by a system of inequality - no doubt justifiable in 1950 but which is so no longer today - between cinema and television.

Films produced by the United Nations Organisations or its specialised institutions benefit by the agreement, no matter who may be the importing bodies.

(c) General procedure

It is the importing countries which have the right to approve the institutions or organisations of an educational, scientific or cultural character which alone have the right to free importation of the films in question.

(d) Privileges granted

These privileges are:

1. customs duties: exemption
2. charges upon (or on the occasion of) importation: exemption (except for internal taxes applicable to national films and fees (handling charges, for instance) which must not be in excess of the "approximate" cost of the services rendered);
3. Exchange facilities and import permits granted as far as possible.

C. Customs convention regarding the temporary importation of professional equipment (signed at Brussels on 8th June 1961)

The three conventions which are now to be examined have been laid down by the Customs Co-operation Council with the help of GATT and UNESCO.



(a) Material concerned

Appendix B of this convention concerns "cinematographic equipment", that is to say "equipment necessary for a person visiting a country in order to make a specified film or films". An explanatory list (unlimited) completes this definition (for example: cameras, testing and measuring instruments and apparatus, lighting equipment, sound recording or reproducing apparatus, blank film, "film rushes", musical instruments, costumes, scenery, vehicles designed or specially adapted for the purposes of this production, etc. ..).

Spare parts required for repair of the imported material and auxiliary apparatus or accessories belonging to it benefit equally from the advantages of this agreement.

(b) Conditions of use of material

The temporarily-admitted material must necessarily be re-exported within a period of six months, apart from derogations which may be granted within the limits possibly permitted by the legislation of the importing country.

This material, on the other hand, must fulfil the following conditions in order to be admitted for temporary importation:

1. It shall be owned by a person resident or established abroad.
2. It shall be imported by a person resident or established abroad.
3. It shall be capable of identification on re-exportation (the measures taken to identify film-bases and sound tracks are as flexible as possible).
4. It shall be used solely by or under the personal supervision of the visiting person (in the absence of any co-production contract to which a person resident or established in the importing country is a party, and approved by the competent authorities of that country).
5. It must not be part of a hire contract or similar arrangement to which a person resident or established in the importing country is a party.

(c) General procedure

This procedure is laid down in the third convention examined below and contained in the ATA carnet.

Special provisions are laid down in this first convention in the cases of accident or of seizure which might affect the imported material.

(d) Privileges granted

These privileges concern temporary importation free of import duties, and free of import prohibitions or restrictions.

When one of the contracting parties requires security this shall not exceed the amount of import duties chargeable by more than 10%.

D. Customs convention concerning facilities for the importation of goods for display or use at exhibitions, fairs, meetings or similar events (signed at Brussels on 8th June 1961)

(a) Material concerned

Goods intended for display or use for the duration and at the place of the event. Among these goods are included films of an educational, scientific or cultural character.

(b) Conditions for the use of the material

This material must be re-exported within a period of six months. However, if it is to be used at a subsequent event, the period may be extended to one year. Longer periods may be granted within the limits of national legislations.

The material must be used exclusively at an event of the given nature (the agreements lists various kinds of events).

The goods benefiting from the above may not be loaned or used in any way for hire or reward and may not be removed from the place of the event without the agreement of the Customs authorities.

(c) General procedure

This is laid down in the ATA carnet agreement.

(d) Privileges granted

They are the same as those laid down in the convention on professional material (free temporary importation, limitation of the security which might be demanded).

E. Customs convention on the ATA carnet, for the temporary admission of material (signed at Brussels on 6th December 1961)

The object of this convention is to harmonise the customs systems of the contracting parties as far as procedures relating to the free temporary importation of goods are concerned. A single document, (the ATA carnet (Admission Temporaire - Temporary admission)) is hereby substituted for the former, numerous customs documents which varied according to the different countries.

This agreement is applied to the cases laid down in the two agreements on temporary importation which have just been examined. The ATA carnet may also be accepted for goods temporarily imported under other international conventions relative to temporary admission, or to operations of temporary admission effectuated in application of national laws and regulations. Goods which must be the subject of an opening or of a repair may however not use the ATA carnet.

The practical operation of the ATA scheme is assured by associations approved by the customs authorities, who may charge a price corresponding to the cost of services rendered.

The ATA carnet is valid for one year. It states the countries in which it is valid and contains a list of admissible goods.

Also shown on the carnet are the corresponding "guarantee associations", that is to say, the associations approved by the contracting parties, in order to assure, on the territory of the contracting party, a guarantee of payment of import duties and other sums payable in the event of non-compliance with the

conditions of temporary admission or of transit under cover of ATA carnets. The guaranteeing association becomes liable jointly and severally with the persons from whom the sums mentioned above are due, for repayment of such sums. Nevertheless, it is not held responsible for the payment of a sum exceeding the amounts of the import duties by more than ten per cent.

The institution of the ATA carnet brings a certain harmonisation into the presentation of customs documents for temporary importation and thus facilitates the carrying out of the extremely complex administrative formalities which were previously demanded.

### III. OTHER INTERCONTINENTAL AGREEMENTS

Certain international agreements, emanating mainly from organisations of a principally economic character, concern more or less directly the cultural cinema. We shall try to bring out at least the main lines which interest us.

#### A. GATT (General agreement on tariffs and trade: Accord général sur les tarifs douaniers et le commerce)

This is an intergovernmental body known under its English initials, and as a result of the above-mentioned agreement, it is actually applied by countries whose combined commerce represents more than 80% of total world trade. It aims:

1. At the abolition of quantitative restrictions on imports (as far as cinema films are concerned, however, the agreement contains a special derogation permitting the maintenance of a screen quota, under the reserve that it shall be established for a period of at least one year and shall not discriminate between different foreign productions, to the profit of the countries setting up or maintaining such a regulation);
2. At the abolition of all unfavourable discrimination to foreign products as compared to national products;
3. At the reduction of customs duties.

This body has participated, together with UNESCO and the Customs Co-operation Council, the drawing up of the three conventions on temporary imports analysed in the preceding chapter.

B. OECD (Organisation for Economic Co-operation and Development)

This is an institution to which belong most European countries, the United States, Canada and Japan.

Its information service is at the origin of international co-production of scientific and educational films.

On the other hand, OECD has laid down a code of current invisible operations, which aims at the abolition between its members of restrictions on current invisible operations and transfers.

An appendix to this Code contains a list of current invisible operations and in particular those concerning films: printed films, commercial, documentary, educational, etc. ... (rentals, dues, subscriptions, reproduction and synchronisation fees, etc.). Four types of films are given which might benefit to different degrees by the adoption of more liberal measures:

1. Feature films in the language of the importing country

Abolition of quantitative regulations (apart from certain conditions for screen quotas), of levies or taxes which discriminate against imported films, and of subsidies to the production or other aid distorting international competition.

2. Feature films in a foreign language benefit from one of the three following measures:

- exclusion from the calculations of the screen quota for domestic films
- admission to specialised cinemas which are not obliged to observe screen quotas
- admission to other cinemas under a global screen quota instead of a screen quota applying to individual cinemas.

3. Short information on documentary films: benefit from one of the two following measures:

- progressive exclusion from the screen quota calculations
- admission for annual import in proportion to the size of the production of the exporting country, and certain of the benefits granted to domestic films (prize awards on tax relief).

4. Films intended for non-commercial exhibition

Abolition of import restrictions and freedom from import duties and import taxes on the following films (provided that they are intended solely for non-commercial exhibition and are imported by organisations approved by the competent authorities of the country concerned):

- educational films recognised as such by the importing and exporting country or by the Fédération Internationale des Archives du Film;
- tourist publicity films.

#### IV. EUROPEAN REGIONAL AGREEMENTS

The creation of a common market or of a zone of free exchange, or the unity of interests resulting from historic links between certain countries, have brought about in Europe the institutions of groups of States. It is advisable here to quote the main lines and the points which touch the field in which we are concerned, in order that they may be taken into account when we start laying down plans for the action on cultural films to be taken with the help of the Council of Europe.

A. EEC (European Economic Community, often also known under the title of "Common Market")

This common market between six European countries aims at the free exchange of goods, persons and capital, at the establishment of a common customs tariff, at a common commercial policy towards other countries, and at a progressive harmonisation of the economic policies of the member States.

Some general provisions have been made on the subject of the cinema considered as a commercial activity. Let us proceed to a brief analysis of the two directives laid down by the EEC in this matter, underlining the elements having cultural significance.

1. Directive of 15th October 1963 on the free exchange of films

This lays down:

(a) basic definitions

- three categories of films: feature films, short films (less than 1,600m in 35mm format), newsreels (at least 200m in length, apart from colour films, and "having as their primary purpose the regular dissemination and chronicling by means of films of day-to-day facts and events");
- nationality (six conditions must be fulfilled for a film to be entitled to the nationality of a member State. However, certain specific cases of derogation concerning technical personnel are permitted);
- Films produced in common: co-production or co-participation;

(b) Rules for the admission of films

- no limit: short films, newsreels, feature films (documentaries, for children and young people or the dissemination of a communal idea) feature films of a member State in its original version in the language, or one of the languages, of the importing country;
- under global quota: films dubbed in countries which have global quota system (70 films at least from other member countries to be admitted annually) possible understandings outside the quotas for the exhibition of re-issued films.

2. Directive of 13th May 1965 for the purpose of implementing the provisions of general programmes for the abolition of restrictions on the freedom of establishment and the free providing of services in the field of the cinema

This directive abolishes by 31st December 1966 at the latest, three kinds of restrictions.

- (a) The opening of cinemas specialising in the exclusive showing of foreign films in the language of the country of origin, with or without sub-titles (apart from those member States where, as a general rule, the films are shown in the language of the country of origin). The opening of such cinemas may not give rise to the bestowing of aid by another member State, which may have the effect of departing from the conditions of establishment. But assistance granted in the member country concerned, in favour of the opening of a specialised cinema, must be bestowed without any discrimination to exhibitors from other member States.
- (b) Global import quotas (contingements) and screen quotas (quotà), films originating in the States of the EEC are given the same benefits of quota applied to national films of a member State, with the possibility of augmenting in consequence the scale of this quota. The quota is not, however, applicable in specialised cinemas. Nevertheless, a member State may be authorised to limit the projection, even in specialised cinemas, of foreign films in the original version when this language is that of the region where the cinema is situated.

Similarly, the import quota for films from member countries is lifted, with a reserve concerning Federal Germany during the period of transition, as regards the importation of films for which the censors' visa had been given at a date four years earlier. This applies from the date at which the importation request is presented to the competent authorities.

(c) Dubbing of films

The obligation to carry out the dubbing of films from other member States within the importing country is abolished.



B. EFTA (European Free Trade Association)

The Stockholm Agreement (3rd January 1960), setting up this Association between seven European countries, aims at the progressive abolition of customs duties and quantitative restrictions affecting the exchange of industrial products originating from those territories constituting the zone. EFTA attaches equal importance to the abolition of other obstacles to trade such as governmental assistance, restrictive commercial practices, restrictions of rights of establishment, etc. However, the member States of this association do not intend to adopt a common economic policy or to harmonise their legislations.

C. Nordic Council

Formed by similar resolutions taken by the different Parliaments of northern Europe (Denmark, Finland, Iceland, Norway and Sweden), this Council has achieved close co-operation between the Scandinavian countries in matters of film distribution. Its action may be seen in the points set out below:

(a) Scandinavian film production

If, in Norway, it was possible to envisage co-operation with other Scandinavian countries for the production of films, and to permit them to benefit from State assistance, the Swedish and Danish legislations did not permit such co-production. In 1961, therefore, the Nordic Council proposed the setting-up of a working group for the purpose of solving this question. Studies are now being made, in the fields of commercial films, documentaries, films for children and teaching films.

(b) Exemption from duties for educational, cultural and scientific films

The Council has invited the member States to make provisions permitting the free admission of films of this character, when they are exchanged between officially approved institutions or organisations of the Scandinavian countries, thus conforming to the Florence Agreement.

This recommendation is fully applied by all the member States.

(c) Freedom from customs formalities

A recommendation to this effect has been formulated in favour of films of the above-mentioned character. The competent national authorities are, however, unwilling to abandon their rights of inspection of imported films. It was nevertheless agreed that these authorities would do all in their power, within the existing legislation, to facilitate the importation of such films and to reduce delays as much as possible.

(d) Scandinavian Committee of Films for Children

This Committee, set up at the instance of the Nordic Council, recommended that the production of films for children (that is to say, films specially designed for children below the age of 12 years) might be subsidised and that national committees might be set up in the Nordic countries. Their wishes have been granted. Moreover, questions concerning censorship, and television with regard to children, have been examined. An international conference has also been organised by the efforts of this Committee on the subject of cinema teaching in schools. Finally, the Committee has recommended that films for children might be exempted from entertainment tax and customs duties. These two points have been examined, with the customs and taxation questions, in Chapter 8 of the present report.

D. Benelux

Set up between three European States by the London Customs Convention (5th September 1944), Benelux is an economic union which operates progressively by the harmonisation of tariffs, customs and taxation plus the development of a common commercial policy towards other States. It is an institution of international co-operation based on the principle of mutual agreement.

CHAPTER 11

APPLICATION OF THE MAIN INTERNATIONAL AGREEMENTS TO  
CULTURAL FILMS INTENDED FOR COMMERCIAL EXHIBITION

After this account of the general economy of the main international agreements, it would be advisable to examine how their provisions apply to the films with which our Conference is concerned and if there do not remain certain dark areas in the application of these agreements to the films which interest us. On the other hand, the table appended to the present report, which gives the present situation of ratifications of these agreements, permits us to say that European co-ordination is necessary here if we wish to facilitate the distribution of cultural films in Europe.

Let us remark, in the first place, the major importance of the European Cultural Convention to the work of our Conference. It was been ratified by all the member countries of the Council of Europe, it is formulated in a very general fashion and it thus offers us a wide field of action. In particular, it permits us to envisage the re-inforcing, with the help of the Council of Europe, of certain provisions of international agreements. This might be carried out either, by recommending to the international organisations concerned (or to the contracting European parties) certain amendments or certain interpretations which might be brought to these agreements, or, by proposing that the Council of Europe itself might draft a new legal instrument in order to resolve those difficulties at present left in abeyance.

It is therefore necessary, in this chapter, to show clearly, what are the points, in our particular field, already dealt with on the international level and what questions are still at issue or remain unanswered.

This examination will be carried out according to the following plan:

- films concerned
- conditions of use of films
- procedures
- privileges granted

## I. FILMS CONCERNED

Films affected by the main international agreements which interest our Conference may be classed in two main categories.

### A. Educational, scientific and cultural films

This term is used in the UNESCO agreements. By the term "cultural" it enters our field of action. But by the characteristics required (Beirut Agreement) or by the use imposed (Florence Agreement) or again by the import conditions laid down (temporary importation agreements), this conception of the cultural film cannot be fully adapted to the generality of our projects. In particular, short fiction films, animated cartoons and films for children and young people, intended for public commercial exhibition, are excluded. Full-length documentaries, it is true, may benefit from the Beirut Agreement - but the number of European countries who have ratified this agreement is still very small!

### B. Definition of categories of films

Agreements entered into under the auspices of international organisations of an economic character apply preferably to those categories of films which are easily distinguished by their physical characteristics: full-length films, short films, newsreels; full-length films generally, in the original version or dubbed (the expression "dubbed version" used in this report is employed in the sense of a version in the language of the importing country, when this is different from that used in the original version of the film).

These nuances interest us more directly than might at first appear. Let us not dwell upon the notion of educational films or tourist publicity in the strictest sense of these terms, as contained in the Code of Current Invisible Operations of OECD, because the use of these films is strictly limited to non-commercial exhibition only. The same code does, however, consider the case of "short information and documentary films", which may be granted less important benefits, but once again this excludes short fiction films and animated cartoons.

The categories of films with which we are concerned are regarded in a wider sense by the European Economic Community: short films in general (of which we will retain the upper limit of 1600 metres in 35 mm format) and, within the category of feature films, documentaries and films for children and young people. The field of our conference would be fully covered here, by the fact that these films enjoy unlimited admission, were it not that the EEC covers only six of the eighteen Council of Europe countries or of the twenty who are members of the European Cultural Convention.

C. Observations

Those dark areas which merit particular attention by the Conference seem therefore to be the following:

1. To widen the notion of cultural films contained in the international agreements in such a fashion that it may cover the three categories of films examined by the Conference, which implies:

- (a) a uniform definition of short films by their maximum length, with no other discrimination;
- (b) a definition of films for children and young people, which will permit them to benefit from the more or less liberal distribution systems, according to its more or less wide utilisation.

2. To study the conditions which might be imposed on a definition of the "film of art and essay" which would permit it to be included in the notion of the cultural film.

II. CONDITIONS OF USE

The system which already benefits certain films depends very often solely on the use which will be made of them. One may thus distinguish four kinds of use mentioned in the international agreements.

A. : Non-theatrical destination (non-commerciale)

We will merely mention this in passing because it lies outside our field of action. It is one of the examples, for instance, cited by the Code of Current Invisible Operations of the OECD. Although not expressly laid down by the Florence Agreement, it seems to have become the rule in the application of the national texts, that only films destined to the non-commercial sector should benefit from these advantages. This is extremely disquieting in our case, because this agreement has been ratified more frequently than the Beirut Agreement.

B. : Destination: approved cultural organisations

This is the case of the Florence Convention. The approved organisation is responsible for the choice of the imported films and must itself, under the control of the competent national authorities, ensure that the characteristics demanded of these films is fulfilled. (Such national authorities have the power to withdraw their approval in the case of grave infraction of regulations). The films may only be exhibited within the limits of the approved organisation.

C. : Destination: specialised cinemas

This case is only cited in the second directive on the cinema, formulated by the European Economic Community with a view to the abolition of restrictions on the liberty of establishment, and once more it is a question of cinemas specialising in the projection of films in the original version only. This example has for us therefore merely a subsidiary interest. But the notion of the specialised cinema may be retained with reference to the measures which must be taken for the distribution of cultural films, on condition that the specialisation is incontestable or that it results from a definite decision of administrative or professional character. In certain cases, the notion of specialisation may concern certain given types of performances (programmes composed entirely of short films, programmes for children) in the same way as certain kinds of events are laid down in the temporary admission agreements.

D. Temporary admission

The three Customs Conventions on temporary importation lay down conditions of admission with a view to ensuring a more favourable system. However, there remains the case of films temporarily imported in order to be viewed by possible buyers. Now, the Customs Co-operation Council, when consulted with a view to collecting the necessary documentation for the Conference, called our attention to a provision of the Convention of the ATA carnet. Article 3 lays down, in effect, that the contracting parties may agree to use ATA carnets for cases of temporary admission laid down in other international conventions or in the national laws or regulations. These provisions might be applied, for instance, to the temporary importation of films presenting the character of "commercial samples", in the terms of the Geneva International Convention of 7th November 1952 which aims at facilitating the import of "commercial samples" and publicity material. Such films would be destined for viewing in the light of possible sale.

It therefore seems that the problem of temporary admission, as far as we are concerned, is resolved.

E. Observations

This examination calls for the following remarks:

1. If the Beirut Agreement is satisfactory, at least on the level of the destination of the films, it is nevertheless necessary to envisage a better interpretation of the Florence Agreement, in order that the destination of the films benefiting from it shall not be directed solely towards the non-commercial sector (newsreels, for instance, are not subject to the condition of destination, and this applies even less to books).

2. It is undoubtedly regrettable that the OECD Code of Current Invisible Operations permits the system of free circulation to be applied only to a very restricted group of cultural films intended, moreover, solely for the non-commercial sector.

3. It is advisable to underline with what mistrust the cultural film intended for exhibition in public cinemas has, up to the present time, been regarded on the international plane. It is therefore necessary to proclaim that the cultural film should not be reserved only to limited circles, but that it must try more and more to reach the masses, just like a book. It is in order to fulfil this mission, thus conforming to the contemporary civilisation of sound and images, that the cultural film must benefit from a system approaching as closely as possible that applied to books.

4. If the film, in its most general sense, may not benefit from such a system, a statement which needs to be justified by economic experts, we may however, hope that at least cultural films intended for the general public and defined perhaps by certain conditions (to be laid down by our conference) may benefit from such a system.

5. It should be noted with satisfaction that the EEC has abolished all restrictive measures hampering short films, full-length documentaries and films for children and young people, no matter for what public they are intended.

6. The excellent solutions found to the problems of the temporary importation of cultural films should also be noted.

### III. PROCEDURES

When the measures of liberation have been taken, by what procedure can their application be assured?

#### A. Attestations

The procedure of attestation is laid down in the UNESCO Agreements in order to certify an educational scientific or cultural character. It simplifies the customs verification of character which is required later. But it poses certain problems to the authorities giving such certificates. In fact, the attestation depends upon a public body:



- either that of the importing country in certain national applications of the Agreement (Florence), in which case it is practically impossible to recognise the required character because the film is actually en route to the importing country;
- or to the exporting country (Beirut) in which case there is the risk that she will prove too generous.

There is also the danger that this procedure will incite a spirit of distrust. This is shown by the small number of countries which have so far ratified the corresponding agreement, despite its provisions concerning the subsequent control allocated to the authorities to the importing country.

Seemingly very simply, the procedure of attestation by a national authority nevertheless presents real difficulties in its practical application.

#### B. Approval

The competent national authority, permits, under certain conditions, a national organisation to import films having the required characteristics. The approved organisation is therefore responsible for the strict observation of the regulations laid down. If it fails to observe these regulations, one of the sanctions immediately applicable is that of withdrawal of the approval.

Thus, by means of periodical control of the operations carried out by the organisation in question, all the security is provided by a simplified procedure.

For its passage through customs, the film must however be accompanied by a voucher proving that it may benefit from a special system. We now find the procedure of attestation has lost all its difficulties of judgment because the approved organisation is naturally called upon, by the very fact of its own activities, to assure that the required characteristics have been fulfilled in anticipation of all import requirements. Other systems are also possible: levels or carnets.

C. Special labels

The formula of a special label is generally reserved for objects exported by a big international organisation (films produced by UNO or its specialised agencies, works of art exchanged under the auspices of the International Council of Museums).

This would be, if combined with that of approval, certainly the simplest and most satisfactory method for the setting up of a system of free exchange of cultural films.

D. ATA Carnet

This carnet simplifies all temporary import formalities. It would be necessary, after the trial period, to make an enquiry among its users to ensure that all difficulties have now been solved.

E. Verification of a material element

For the exchange of short films, without other discrimination, the problem has been simplified within the European economic community. The simple verification of length ensures the application of the system of free exchange and does not unduly complicate customs operations.

F. Observations

1. If the temporary importation procedure seems today to have been satisfactorily settled, the choice of a procedure of definitive importation, as regards the cultural films with which we are concerned, appears still to vacillate between the several formulae which are at present in force.

2. It would seem that, for these cultural films, the best procedure to follow would be that specialised organisations would be approved by competent national authorities, under certain conditions, regarding the nature of the institution, and the use of the films in the theatrical sector (commercial). The organisations officially approved at the national level would be able to put special labels on the films before despatch; or to receive such films similarly identified. These labels

would be furnished by the International Council of Film and Television according to certain general regulations. Periodical control of operations carried out in this way would be exercised over the approved organisations by the competent authorities. In the case of grave breach of faith this control would, apart from the normal sanctions, withdraw its approval, either provisionally or permanently. The formalities demanded today would thus be extremely simplified, to the advantage of users as well as customs authorities.

3. In so far as economic problems do not hamper this procedure, and as far as the system of free exchange applying to them is analogous to that applied to books, short films and full-length documentaries should upon a simple declaration of their nature, be freed from all procedure.

4. There remain without doubt certain cultural films (films "suitable for children and young people", films of "art and essay") which, for evident commercial reasons, cannot straight away be admitted to the benefit of one of these procedures. It might be possible to envisage for them the institution of a limited periodical quota, by which such films might be admitted to the privileged system and then follow one of the above procedures.

#### IV. PRIVILEGES GRANTED

These privileges, in a very general sense, based on the principles of GATT, are of three kinds:

A. Abolition of quantitative restrictions on importation  
(quotas, import and export licences and all other formalities)

The films which concern us would benefit generally in Europe by this abolition. Nevertheless, full-length documentaries and films for young people and children (together with films of art and essay and even repertory films) risk being engulfed in the restrictive measures always applicable to full-length commercial films. This brings up the necessity of defining clearly these types of films, in the hope that they may eventually be integrated with films entitled to this first important privilege.

B. Abolition of all measures discriminating against foreign films (internal taxation and regulations)

This abolition is becoming more or less general throughout Europe, except perhaps for the screen quota which is permitted by GATT under certain conditions. It is nevertheless necessary to ensure that this privilege is applied to the cultural films with which we are concerned, though within the limits laid down by national economic requirements.

C. Exemption from customs duties (or their suspension for temporary importation)

The principle of this exemption in favour of cultural films seems to be accorded today on the international level and it is generally applied. We have, however, seen that its field of application often remains very narrow as a result of the numerous conditions laid down when determining a cultural film. For this reason, the cultural film destined for public cinemas rarely benefits from this privilege.

Exemption from customs duties could also be improved by the application of a simplified procedure. Non-exempted films are still subject to numerous customs formalities, which may well be criticised: the variety of forms to be completed, the time taken to prepare a file, the delays caused by necessary verifications. Let us however point out that the customs authorities themselves are making efforts to simplify all these formalities. The example of the recent temporary importation agreements, in this sense, already promises well for the future.

D. Observations.

1. It is consoling to observe throughout the world and particularly in Europe, a tendency to abolish progressively the barriers which still impede the free exchange of films in general.

2. If it appears quite normal that cultural films in the non-commercial section should triumph freely over all these obstacles by reason of their very nature, and if it is comforting to see certain of these films benefiting from numerous privileges, one cannot help regretting how many cultural films for commercial (theatrical) exhibition are overlooked by the international agreements, and totally fail to benefit from the overall advantages available, simply because of the absence of any strict definition of their characteristics.

This is all the more regrettable because, by means of the Florence Agreement, these same films when imported by a television organ are granted much wider privileges while they are at the same time exhibited to a much larger public. This extraordinary system of discrimination with regard to the cinema is quite incompatible with its possibilities of cultural influence and is seriously prejudicial.

PART V

INFORMATION ON CULTURAL FILMS

How should information on cultural films be conceived and organised?

We will not come back to the problem of cataloging films, which was widely discussed at the first London Conference on the distribution of cultural films, the hopes of which are today partly on the way to realisation (cf. introduction to this Report). The solutions adopted then are valid for the present conference. I would however like to take advantage of this moment to express appreciation for the work of Mr. John MADDISON (particularly for his report on this subject presented at the Venice round table organised in 1959 by UNESCO) and for the extreme accuracy of the report of Mr. Jacques LEDOUX, presented within the CICT. These excellent documents have enabled us to follow a way now cleared of obstacles, a way which was before tortuous and without any long-range objectives.

In the new orientation given to this problem by the subject of the Berne Conference, we must examine especially the characteristics of traditional information and the new forms which this information might take as far as cultural films are concerned.

CHAPTER 12TRADITIONAL INFORMATION

We shall not analyse the different methods of presenting information on films. We will only take note of each element which might bring about a better distribution of cultural films, if certain improvements were made. These elements are:

- Publicity
- Festivals
- Trade and assimilated performances

I - PUBLICITY

Is the publicity for the normal cinema programme suitable for the distribution of cultural films? This point must be considered at two different levels.

A. Publicity of a trade nature

This publicity is generally carried out by means of trade journals and is also distributed by means of publicity leaflets to professional men. It remains valid and appropriate for full-length documentaries and for full-length films suitable for children and young people which are widely distributed. But its systematic utilisation for other kinds of films dealt with by the conference seems more hazardous, because it would be lost in the mass of other publicity material. Nevertheless a producer with a large number of cultural films might use this means for the whole of his available production.

The programmes of cultural films must, however, not be neglected at this level, provided that simpler and less expensive methods can be found, such as those of small leaflets printed on one side only, with perhaps one or two stills, which would permit the exhibitor to take note more easily of offers which are made to him. These leaflets might with advantage be presented as small posters, which could later be used to catch the attention of the public itself. This is more or less the method used by the "cinédocs" in Switzerland, and it is undoubtedly an example worth following.

## B. General publicity

Apart from the full-length documentaries and films for children and young people - which follow the usual ways of cinema publicity - other programmes of cultural films must adopt methods more subtle and more appropriate to their case, and which will not entail an outlay disproportionate to the public concerned.

In this case publicity, particularly for the programmes composed entirely of short films, must make great efforts to reach the public which seems to have been the most receptive to this kind of performance. Leaflets should therefore be posted in the locality of, or close to, those buildings which are the headquarters of cultural organisations, and also in the vestibules of public bodies and business firms, in collaboration with their social clubs. This action must be complemented by the despatch of leaflets to those persons who might be interested themselves in these programmes. Publicity notices in the specialised press (with regard to the nature of the programme) and the local press might also be envisaged, the notice being carefully edited in order to suit each particular case. All this must not be carried out in a haphazard fashion: the cinema manager would be advised to gather round him a small group of people qualified to lay down a plan of campaign for local publicity. But this point should be reserved for the second part of this chapter.

Another point worthy of attention is that of the short film complementary to a main feature. Publicity for this film is often neglected. This is regrettable. The public, uninformed of what it is going to see, has the habit of giving insufficient interest to this kind of film. This problem is sometimes solved by law. In France, for instance, distributors are obliged to inform the exhibitors of the titles and names of the directors of the short films which figure in the programme, and the exhibitors are obliged to bring this information to the knowledge of the public. The law is categorical, but it is rarely applied, because it poses the crucial question "Who pays the publicity expenses?" to which there is no reply. However, we may sketch a possible reply. Either the short film is linked to a feature film throughout the whole of its commercial career: the title of the short film and the name of its director might easily be mentioned in the publicity material of the feature film without bringing up problems of supplementary finance. Or the short film is hired apart from the feature film: it is then necessary that the price of renting a short film is calculated in such a manner that it permits the payment of supplementary publicity expenses.



Let us conclude by saying that all this publicity for short films will not be truly worthwhile unless, side-by-side with it, there exists a campaign of general information on cultural films. In default of this, the publicity efforts made for this kind of film will remain a matter of chance and cultural films will continue to live from hand to mouth in the commercial sector.

## II - FESTIVALS

This is not the place to discuss the soundness of views on the dangers of proliferation, or the merits of the different festivals existing in Europe, but rather their interest as regards the better distribution of cultural films.

The festival provides a way of selecting the best films among recent productions, whether general or specialised. Here we must thank the International Council of Cinema and Television for publishing the prize-lists of the main international festivals in its review "Ecrans du Monde". This already permits a very large choice of pre-selected cultural films. If therefore national cataloging centres - of which one can never stress too heavily the obvious need - were set up in all the European countries in deference to the wishes of the 1961 London Conference, supplementary information for the disposal of these films would already be in the hands of possible buyers. We would then be able to dispose, by means of a combination of prize-lists and standardised card indexes of these cataloging centres, of an ideal instrument of information for guiding the choice of cultural films programmes.

Another use of festivals is to present large national selections to possible users, but these events are nowadays becoming so numerous that it is practically impossible, not merely for one individual, but often for an entire organisation, to participate in all the relevant festivals. On the other hand, as this proliferation no longer permits us to view the best films of one country at a single festival, as these must be spread out over all the events so that the same films are not shown on each and every occasion. For this reason, only a sample of the best films of one country may be seen at any one time. Only festivals specialising in one well-defined field may assure that a true selection has been made in the specialised sector concerned. Furthermore, this specialisation - if it is desirable for a specialised distribution - restricts the wider distribution of many films in cinemas open to the general public.

A festival has therefore its uses. Such a formula is, nevertheless, insufficient to keep informed all those who might be anxious to show programmes of cultural films. It must therefore be complemented by trade shows or similar performances.

### III - TRADE OR ASSIMILATED PERFORMANCES

Here we may quote the fifth wish of the London Conference: the periodical organisation in each country of performances during the course of which cultural films from other countries might be shown. The destination of these films to the two sectors, commercial and non-commercial (non-theatrical and theatrical) would be of no account because the representatives of each sector might be invited together to these performances.

Why, therefore, has this wish not yet been put into practice? The basic reason appears to be that it would be necessary to keep the copies out of circulation for a certain period, with all the expense and formalities entailed by despatches whose efficacy remains uncertain.

The field of use will be widened from now on, but it may nevertheless be insufficient to ensure the success of this formula. It would therefore first be desirable for all the possible users in one given country to be in possession of complete documentation concerning the films proposed by other countries. A first choice would then be made, based on written information alone, and the films despatched would already benefit from a stronger possibility of sale. The procedure of lists, options and experimental showings tried out by the International Council of Teaching Films (see Chapter 5) might be adopted as far as we are concerned, in reserving the choice to organisations accepting this formula as to whether it should be included in the field of competence of the Council of Europe. As for the establishment of the lists, these might result from an extension to the commercial (theatrical) sector of the Council of Europe Film Week organised for the selection of the best cultural films, plus a recapitulation of the prize-lists of international films.

Finally, account must be taken of the existence of International Film Markets, such as that of Milan, where the showing of cultural films may be organised with profit in conditions particularly suitable to this type of film.

CHAPTER 13NEW METHODS OF INFORMATION

The traditional methods of information, even with the appropriate variations, would undoubtedly lead to some successes as far as a better distribution of cultural films is concerned. But disappointments would still be many, because, in order to be really efficacious, these methods must be carried out against the general background of a public opinion much more receptive to cultural films than it is at present.

We must not fear present reality, and attempt to hide the truth from ourselves by drawing a veil over it. No one in the general public knows exactly what is meant by the cultural film. Films for children? A nice little story, preferably funny, is neither difficult to produce nor to find. Short films? One may sometimes see good documentaries, but how many times must we see filmed lessons with a pedantic commentary before finding a good one? Those are more or less the ideas of the general public regarding the films with which we are concerned!

All the projects drawn up at the end of this conference will be doomed to complete failure - or at most to a half-success over a certain period: which to me comes to the same thing - if we cannot envisage suitable methods for provoking a complete volte-face of public opinion so far as this kind of film is concerned. This is the "sine qua non" of our success. We must never forget, in fact, that at Berne in 1966 we are no longer dealing with already convinced spectators who are regularly present at private performances, but with a very wide public who must be convinced of the importance and attractiveness of cultural cinema and not disappointed.

How may we prepare such a public to be more receptive?

1. By fundamental "laboratory" research

By this I mean the organisation of programmes of cultural films in film clubs - that is to say, in film clubs set up with this end in view. The artistic development of feature films has grown largely from the debates of film clubs, in which famous directors and critics have deigned to join and to present their conception of films to people who are foreigners to the cinema business. Such performances have thus progressively brought forth not only a sense of historic evolution for this kind of cinema but also the spirit of a new style for such films, more in

conformation with contemporary mentality. The spectators have also gained a better knowledge of these films and one commences to hear them talked of not merely at the film club but outside it. The advantage of these screenings of films, old and new, and of the discussions that follow, is that they would also contribute to the training of enthusiasts for public performances entirely different from those which we desire to bring about, enthusiasts whose roles will be defined below.

2. By rational organisation of information on these films

It has already been mentioned in the preceding chapter how traditional methods might suitably be adapted to the publicity for cultural films. Here we must stress how undesirable a lack of forethought might be.

It is necessary to form a small information committee around the manager of any cinema who regularly organises performances of cultural films, particularly those composed entirely of short films. This committee would include local personalities and representatives of the main cultural and social associations of the town. Its object would be to prepare the local publicity campaign, particularly as regards sites for posters and to whom leaflets should be delivered, account always being taken of the nature of the programme in question.

A national information committee would permit the co-ordination and counselling of such local activities. It could, if necessary, ensure, or provide itself, with the necessary publicity material.

On the European scale, a certain role of general co-ordination might devolve upon the Technical Committee for Film Activities of the Council of Europe, or perhaps upon an international association which will come into being after several national circuits have already been set up.

It might perhaps appear difficult to find sufficient good will for the setting up of such committees. However, it seems that the active principle might be found within the local film clubs, which would easily find qualified personnel within the locality. The Swiss example of "cinédocs" is sufficient evidence to justify our hopes in this matter.

3. By joint action of cultural and social organisations

Within the national information committees we would, as a matter of course, find representatives of the large cultural organisations (artistic, scientific, educational ...) and the social bodies (family association, parents and teachers associations...). These different associations might often be useful by their constant attendance at our performances through their local sections. Their direct participation in the work would, on the other hand, assure the security of a growing and regular audience.

4. By more active collaboration with the press

One of the worst handicaps to cultural films is that the press hardly ever mentions it, apart from the full-length documentaries which are treated as are all feature films. However, we must not harbour resentment against the journalists, who often devote long articles to films for children or to short films shown during the course of specialised festivals. For the rest, it must be said that there is an almost total lack of professional documentation concerning this kind of film and it is difficult for the press to talk of a subject on which it has been given no useful information.

One of the aims of the national information committees would therefore be to prepare studies which might be submitted to film critics during press conferences. These studies might be devoted to general questions concerning cultural films, or to the films composing a new programme, as soon as it was launched (with notes on the directors and their previous works) together with notes of the subjects dealt with in the films, not forgetting a series of photographs.

Another aspect of this collaboration might concern the actual subjects of the films. As is normal practice for feature films in the national press, children's magazines might contain the scenarios of films for children when they are first shown to the public, which would naturally incite the readers to go and see the films. In the same way, co-operation might be arranged with the popular illustrated magazines, in order that they should publish articles and photographs on the material contained in a programme of cultural films when it is first screened in public. For performances during the following weeks, an agreement might undoubtedly be reached by which the management of the magazines in question would put a certain number of unsold copies at the disposal of local information committees, thus reinforcing publicity for the performances and at the same time providing extra publicity for the magazine concerned.

Finally, it sometimes happens that the subject of a short film or of a film for children is also the theme of a book illustrated by stills from the film in question. The cinema manager should then show these books in the entrance hall and be authorised to sell copies of them to the audience. Or, by agreement with a book-seller, his shop-window might be devoted to these books, plus an exhibition of stills from the films, when the corresponding programme is shown at the local cinema.

5. By assured collaboration with television

The launching of these film programmes might be made the subject of television broadcasts including interviews with the director, etc. and short extracts from the films in the programme.

PART VI

POSSIBLE FIELD OF COUNCIL OF EUROPE ACTION

The object of this report has been to carry out a thorough examination of the situation, to search for encouraging initiatives, both national and international, to expose those obstacles which still block the way, and finally to make certain suggestions.

The time has now come to close this analysis and to attempt a summing-up of the broad outlines of possible Council of Europe action, in order to achieve wider distribution to the general public of signatory countries of the European Cultural Convention, of the three types of films which concern the Berne Conference.

This section will not attempt to lay down a rigid and well-defined plan, but merely to present the Conference with material for debate and working hypotheses. The Conference will then be called upon to discuss and assess the analyses made by the rapporteurs, to formulate opinions and to state exactly what action it wishes the Council of Europe to undertake in order to solve the problems.

A group of legal experts of the Council of Europe, in collaboration with representatives of the Berne Conference, will probably be convened later to draw up the legal document most suitable for attaining the objectives sought.

Having laid down these basic procedures, what form should Council of Europe action take?

It appears that the guiding themes of the conclusions to be drawn from this report should be based on the following general principles:

1. The film is in itself cultural, and therefore deserves to be considered on a world-wide scale, on the same level as the book, with the object of removing all obstacles to its free international circulation.
2. In the light of this statement, and if this aim were really achieved, the types of cultural films treated by the Conference would certainly benefit from a system of free exchange. Nevertheless, problems concerning them, arising from marginal or specialised exploitation, would not be completely resolved.

3. In the first place, therefore, it is necessary to seek a solution for the special problems facing these types of cultural films: to ensure their amortization and profit-earning capacity, to organise publicity and propaganda for them, to create new exhibition circuits without impeding the normal exploitation of feature films, to encourage their dubbing into all European languages and to create on their behalf a new and enlarged European market.
4. Such measures, however, can only be fully effective if the exchange system for this type of film is completely unrestrained. Therefore, while wishing to see the film in its most general sense freed from all international restrictions - as is at present the case for books and newspapers - in the case of difficulty or delay in the fulfilment of this wish, all possible efforts should be made, a priori, to free certain clearly defined types of cultural films.

In the light of these guiding principles, the action which might be undertaken under the auspices of the Council of Europe to encourage wider dissemination of the three types of films examined by the Berne Conference, should be orientated towards the following four points:

#### I - Definitions

Extremely precise definitions of the types of films concerned would, for practical purposes, eliminate all ambiguity. These definitions should be inspired by the following principles:

1. Short films: laying down of a uniform maximum length, following the example of the directive issued by the European Economic Community;
2. Films for children and young people: A distinction should be made between the film for children, screened only at special children's performances and the film suitable for children and young people, shown during normal performances and the exploitation of which is therefore of a less marginal character.
3. Full-length documentaries: definition based on the nature of the subject itself (non feature film), as opposed to the fiction film.



## II - Re-stabilisation of the European market

If full-length documentaries and films for children and young people, in the widest sense of this term, are normally shown on regular distribution circuits, it is incontestably true that the European market for short films and films for children is marginal, insufficient and badly organised. That is why determinant action must be aimed at the re-stabilisation of this market, following the lines shown in points 1, 2 and 3 below:

### 1. Economic study of the present market

This study should be directed at:

- a) the production of basic economic documentation, periodically brought up to date (production and exhibition statistics; determination of average foreign exchange possibilities, of financing and of conditions of amortization; tables assessing average distribution costs and usual conditions of remuneration; determination of critical points in the economy of these types of films);
- b) the preparation of a gallup-poll, in three or four countries chosen for their special characteristics, to find the relative interest of the public in the types of film with which the Conference is concerned and the particular kinds of these types which would be most appreciated.

### 2. Measures of a professional nature

These recommendations might be submitted to professional film bodies and would aim

- at assuring better remuneration for short films used as programme fill-ups (with perhaps the right of the exhibitor to have a say in the choice of this fill-up at a stage in the distribution process to be determined at national level). This applies particularly to the freely inspired short film, which does not benefit from the financial support given to sponsored films;
- at assuring that the titles of short films used as fill-ups, together with the names of the directors, are invariably advertised during the normal programmes;

- at creating an international professional body composed of specialised producers (short films, films for children) the present absence of which is prejudicial to any efficacious action which might be taken in favour of such films at international level;
- at restricting the practice of the "double-feature" programme, which eliminates the opportunities for commercial distribution of short films (or at least to provide for a certain number of compensatory programmes, composed entirely of short films chosen for their appeal to a very wide public);
- to assuring that the public are better informed regarding these types of films, by the provision of publicity material adapted to market needs and by co-ordinating these measures with other forms of mass communication (press, television). This mission might be entrusted to the national body of which mention will be made later on.

### 3. Creation of new exhibition circuits

Apart from the preceding recommendations, which deal with the usual exhibition circuits, it would be opportune to suggest to national authorities (governmental, professional and cultural) the creation or the extension of new exhibition circuits for the exploitation of programmes composed entirely of short films (or including a full-length documentary) or programmes of films for children. Council of Europe initiatives could usefully be taken in this field, either by arranging the necessary international co-ordination or by patronising, for example, certain programmes selected according to a formula similar to that already adopted for the annual selections of the best cultural films.

It would be timely and reasonable to recommend here the Swiss experiment, which has the merit of having existed since 1928 and of having obtained consistent success among a wide public. It should, nevertheless, be adapted to national requirements and should be based on the double principle of organisation:

1. An animating body which would co-ordinate at the national level the activities of local information committees, select programmes and probably undertake the provision of the necessary publicity material;

2. A body for the practical distribution of films which it would be too onerous to create specially for this purpose and which could moreover be a practising distributor. (Programmes could also be dealt with by all distributing agencies under the co-ordination of the animating body).

### III. National measures of encouragement on the legal or statutory level

It may be noted with satisfaction that numerous provisions of film law have already been adopted by European governments in order to promote the production of high quality films and the wider dissemination of cultural values by means of the cinema.

With reference to measures already taken in various countries, to elements contained in this report and to wishes expressed by national delegations or by international bodies which have been consulted, certain recommendations might be formulated on the following points:

1. That legal documentation concerning national provisions applicable to the types of films dealt with by this conference might be kept up to date, so as to be available to specialists interested in these problems for the purpose of reference and with a view to encouraging its welcome emulation on a European scale.
2. That these types of films might be progressively freed from all restrictive measures by reciprocal bilateral or multilateral action.
3. That national aid, insofar as it concerns film distribution, might give more incentive to exhibitors to show short films and films produced specially for children originating in member countries of the Council of Europe.
4. That the types of cultural films examined by the Conference (short films and films produced specially for children, at any rate) should be exempt from all entertainment taxes, insofar as these still exist in certain European countries and without prejudicing developments in certain others. Moreover, increasing flexibility should be brought to taxation applicable to full-length documentaries and films suitable for children and young people.

#### IV - Improvement in the conditions of international exchange

Action should also be taken on the question of international agreements, which have already been drafted under the auspices of the large international organisations and which have permitted a solution to be found for many of the difficulties facing the films with which the Conference is concerned. It is particularly necessary to applaud the three recent agreements concerning temporary importation, drafted by the Customs Co-operation Council with the help of GATT and UNESCO, which provide the hoped-for solutions to the problem of temporary importation of cultural films.

Action which might be undertaken to facilitate these exchanges still further should, in principle, be on the following lines:

##### 1. GENERAL PRINCIPLES

In default of complete freedom for films in their most general sense, action should be directed to achieving:

- a) for short films and films for children screened solely before juvenile audiences: international legal system similar to that applied to books;
- b) for other films suitable for children and young people, and for full-length documentaries: as liberal a system as possible

##### 2. REVISION OF INTERNATIONAL AGREEMENTS GOVERNING CULTURAL FILMS

With reference to the critical analysis of these agreements carried out in Chapter 11, the following two essential points call for proposals regarding revision or a freer interpretation which would favour those films which cannot benefit from the more liberal book system:

- a) A decrease in the mistrust of cultural films intended for commercial exhibition, a mistrust which today tends to grant free admittance only to films destined for non-commercial exhibition, although the same film, imported by a television authority, is assured of a very large public;
- b) A relaxation of permanent importation procedures, by the use of official labels issued by an approved national body, possibly on the responsibility of a competent international body, according to the procedure already in force for artistic objects, under cover of the International Council of Museums.

### 3. OTHER POSSIBLE MEASURES

The following might also be made the subject of recommendations:

- a) the extension of the "Annual selection of educational and cultural films", organised by the Council of Europe, to the three types of films studied by the Conference, with the assurance that the chosen films would be granted free exchange within the member countries of the Council of Europe and that the Council would contribute financially to their dubbing into lesser-known European languages.
- b) the drawing up of an agreement (by public law or by private law) permitting the exchange of films for preliminary viewing before purchase, inspired by the example of the agreement on the free exchange of educational films drafted by the International Council of Teaching Films.

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These are the main guiding lines which should prompt European action towards ensuring a wider distribution of short films, full-length documentaries and films for children and young people. They are merely suggestions, and, as has already been stated at the beginning of this section, these draft conclusions have no definite value. It is merely a question of simple working hypotheses which will have to be more accurately defined and orientated with reference to the debates which will open at Berne in March 1966.

Paul LEGLISE

International organisations and international agreements

DECS/Berne (66) 1

	Council of Europe				U N E S C O					Other organisations						
	Member countries	Cultural Convention	Television Exchanges	Television Protection	Beirut Agreement	Florence Agreement	T.I. Professional equipment	T.I. Exhibitions	ATA Carnet	GATT	OECD	Customs Co-operation Council	EEC	EFTA	Nordic Council	Benelux
Federal Germany	X	X				X				X	X	X	X			
Austria	X	X				X	X	X	X	X	X	X		X		
Belgium	X	X	X			X				X	X	X	X			X
Cyprus	X	X														
Denmark	X	X	X	X	X					X	X	X		X	X	
Spain		X				X	X	X			X					
Finland						X				X		X			X	
France	X	X	X	X		X	X	X	X	X	X	X	X			
Greece	X	X	X		X	X	X	X		X	X					
Ireland	X	X									X	X				
Iceland	X	X									X				X	
Italy	X	X					X	X		X	X	X	X			
Luxembourg	X	X	X			X				X	X	X	X			X
Malta	X	X														
Norway	X	X	X		X	X	X	X		X	X			X	X	
Netherlands	X	X				X	X	X	X	X	X	X	X			X
United Kingdom	X	X	X	X		X	X	X	X	X	X	X		X		
Holy See		X														
Sweden	X	X	X	X		X				X	X	X		X	X	
Switzerland	X	X				X	X	X	X	X	X	X		X		
Turkey	X	X	X							X	X	X				