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HEREIN: for European heritage policies

“Crowdfunding” (participative surveys)

Draft Terms of Reference



The HEREIN System is proposing a new procedure called “crowdfunding” or participative surveys, which is designed both to enhance the capacity of the Network to pool and process thematic or specific information, in response, for example, to requests from institutions or to specific problems. The aim of the procedure is to provide material for exchanges between Correspondents and for the database itself.

This document establishes some basic rules to rationalise the procedure and hence facilitate the dissemination of requests prepared by Co-ordinators. Documents to be presented to the Secretariat for publication on the HEREIN System website must contain the following elements (in the two official languages of the Council of Europe):

A. The request

1. A short introductory text describing the context of the request for information, the subject of the request, the areas of expertise involved, the level of detail expected in the information to be provided and the aims of the procedure (expected results);
2. A simple, precise questionnaire;
3. Details of a contact person (for further information);
4. The timetable.

The Secretariat will set a time limit to gather all the replies and contributions on a dedicated platform and will pass on all of the contributions to the contact person.

B. The result

Once the data have been processed by the body which made the request, the latter undertakes to prepare and submit a report on the contributions received and/or a summary table of the key information. These documents will be posted on line in the HEREIN System and hence made available to the entire network for the benefit of the System's users (possibly with restricted access where appropriate depending on the nature of the information).

C. The impact

At a later stage, the result obtained on the basis of this information should also be passed on by the Co-ordinator from whom the request came. The documents produced, accompanied by an explanatory note about the methods of adoption, the procedures applied or the overall impact could be posted on line.

Appended hereto, as an example, is the typical crowdfunding file reconstituted by French HEREIN Correspondent, Ms Orane Proisy, following a request for information sent out in June 2012.

Appendix 1: Example of the application of the terms of reference to a survey launched by the French Co-ordinator for the HEREIN Network in 2012 on the use of cameras and video cameras in European countries.

A. The request

A.1 The purpose

La Direction générale des patrimoines du Ministère de la culture et de la communication a mis en place un groupe de travail sur la question des nouvelles pratiques photographiques et filmiques des visiteurs dans les musées et les monuments. L'objectif est d'élaborer une charte de bonne conduite et des règles de civilité dans les musées et monuments, compte tenu des contraintes d'aménagement des sites, du confort des visiteurs, du respect des œuvres, etc.

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The Directorate for Heritage of the Ministry of Culture and Communication has set up a working group on the use of cameras and video cameras by visitors in museums and monuments. One of the objectives is to draw up a charter of good behaviour and rules on civility in public spaces, museums and monuments, taking account of each site's constraints, the well-being of visitors, respect for works of art, etc.

A.2 Questions

- a. *Existe-t-il une législation spécifique concernant cette question de l'utilisation d'appareils photo ou de caméras dans les musées et monuments dans votre pays au niveau national ou local ?*
- b. *Existe-t-il une législation spécifique concernant la réutilisation à des fins commerciales des œuvres filmées ou photographiées ?*
- c. *Avez-vous des exemples emblématiques de musées ou monuments ayant interdit / autorisé / prévu des modalités particulières d'utilisation de ces nouveaux outils ?*
- d. *Pourriez-vous nous donner le nom d'une personne contact sur ces questions ?*

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- a. *Is there any specific legislation concerning the use of cameras and video cameras in museums and monuments in your country at national or local level?*
- b. *Is there any specific legislation concerning the use of any photos taken or film shot for commercial purposes?*
- c. *Can you give us some emblematic examples of museums or monuments which forbid / authorise or plan to make any special arrangements for the use of these new tools?*
- d. *Can you give us the name of a contact person who deals with these issues?*

A.3 Contact

Orane Proisy
Manager of the networks and museums office
Department of European and International Affairs
Directorate General for Heritage

Appendix 2: Result of the survey launched by the French Co-ordinator for the HEREIN Network in 2012 on the use of cameras and video cameras in European countries

B. Result

Report on the contributions / replies to the questionnaire (per country)

Also contains information collected by NEMO (the Network of European Museums Organisations), which conducted a similar study in 2010

Austria

NEMO: Procedures exist (for photos and video), but they differ according to institutions. Generally, a sign at the entrance states that is prohibited to take photos (which means in practice that it is prohibited to take photos with flash).

For some temporary exhibitions, stricter rules are applied than for permanent collections.

Austria is not a centralised country so there are different regulations and sometimes none at all in the country's various states or *Bundesländer*.

There does not appear to be any specific legislation on the subject.

Two legal principles are recognised: copyright and ownership of the work of art.

In practice, many museums prohibit photography (or filming), justifying the ban by the damage that flash may do to the works.

According to the Austrian Federal Monuments Office, it is uncertain whether there is a policy on this issue. For example, most Austrian churches allow visitors to take photos.

Belgium

There is no specific legislation on the use of cameras or video cameras in museums and monuments.

Besides the general laws on royalties and protection of privacy, there is no specific legislation on use of photos or film for commercial purposes.

The example of the Horta Museum (set up in a house built by the architect, Victor Horta) is given because of the rights conserved by the right holders up to 2019, meaning that the publication of an illustrated leaflet was halted so as not to have to pay these rights.

Bulgaria

Under the Law on Cultural Heritage, authorisation is given for the creation, use and dissemination of images of movable and immovable cultural property for private, scientific or educational purposes.

The Order of the Minister of Culture on the terms and conditions for the reproduction of cultural assets as copies, replicas and commercial articles also establishes the conditions for the creation, dissemination and use of images of cultural assets in photography, computing, video making and other forms of processing for commercial purposes including the use of images in the manufacturing of products, labels, designs or advertising.

For the creation, dissemination and use of images of a cultural asset, an agreement including the following information must be signed between the user and the owner of the cultural asset or the director of the museum where the item is kept:

- justification for and aims and objectives of creating the image; activities and arrangements involved in creating the image; description of the technologies to be used and the method of distribution and use of the image;
- number of images to be taken (or reproduced) during the contract;
- undertaking that reproductions will be made in accordance with the aims of the Law on Cultural Heritage and Ethics.

When the cultural asset is held by the state, a local or regional authority or a museum, any payments provided for in the contract must be used for the preservation of the cultural asset. Entitlement to create, disseminate or use the image of the cultural asset or parts thereof in photographic, computer-generated, video or other images for commercial purposes may not be transferred to a third party. Activities must be carried out in conditions guaranteeing that cultural assets are physically preserved and protecting them from damage.

The use of specialised photographic equipment must be subject to the rules on the protection of immovable cultural assets with regard to matters such as the length of time for which the team may be present, the number of people who may be present within the edifice at the same time and the strength of any lighting used.

These restrictions apply in particular to Thracian or Roman tombs, cave paintings and murals in temples.

Croatia

NEMO: Museums are free to decide for themselves whether or not to allow visitors to take photos. Some museums allow photography without flash, some with flash. Some ask visitors to pay to take photos of objects, collections or documents when doing so for commercial purposes. In general, there is no charge for photos for educational or non-commercial purposes.

Museums prohibit the use of tripods.

There are no official statistics on the number of museums which authorise photos.

According to our sources, there is no legislation which allows photography or filming in museums or monuments to be prohibited. It would seem that the decision to authorise or prohibit depends on each individual institution.

The Law on Copyrights and Similar Rights applies to the use for commercial purposes of photos taken or films made.

In a survey conducted by one of the HEREIN Network correspondents, Igor Maroević, in 281 museums and galleries, which were questioned about their approach to photography and filming, the results were as follows:

- 32 failed to reply
- 24 have a total ban on cameras and filming
- 225 authorise photos and videos
- 86 have no restrictions
- 15 authorise photography and filming without flash or any other type of artificial light
- seven charge a fee
- 117 grant permission to photograph or film once a written or verbal agreement has been requested and issued.

Spain

NEMO: In Spain, it is not prohibited to take photos in museums unless the artwork, object or collection is protected under copyright law (modern and contemporary art for example). The use of flash is systematically prohibited for reasons of protection.

In Spain, there is no specific legislation on photography and video filming. As a rule, photography and filming for private use are tolerated in national museums on the sole condition that they are carried out without flash or a tripod.

Examples:

- under the regulations at the Museo del Prado in Madrid, photography and filming are prohibited in the exhibition rooms. However, a commercial “reproductions and posters on demand” service is available to visitors, through which it is possible to order works from the museum collections on line. This on-line service offers a broad selection of works and, having chosen certain criteria (dimensions, paper type, frame), visitors can acquire a souvenir for a price ranging from €16 to €255 (the larger the print, the higher the price).
- the Queen Sofia Museum allows non-flash photography without a tripod unless otherwise indicated by means of a pictogram. The exceptions are section 206 (where Guernica and other works from the 1930s are exhibited) and Room 001.11, where all photography is prohibited.
- the Museum of Costume in Madrid has special rules because of its particular conservation and lighting requirements: http://museodeltraje.mcu.es/downloads/Protocolo_medios_2010.pdf
- visitors to the Thyssen-Bornemisza Museum are informed not only that it is prohibited to photograph or film in the museum building but that they are not allowed to use their mobile phones. There is no specific legislation on this point, unlike the ban on smoking, which is laid down in Article 7.j. of Law 28/2005 of 26 December 2005.

For professional photography or film-making there would appear to be a fee for all museum spaces: http://www.mcu.es/museos/docs/orden_2000_utilizacion_espacios.pdf

According to Article 52 of Law 25/1998 of 13 July, there would appear to be a fee for the use of filming equipment.

However, attention is drawn to the considerable length of time that this law has been in existence. It dates from the year 2000 and all the amounts indicated are given in pesetas.

Rates varied according to the category of museum concerned.

For example:

- museums in Group 1 such as the Prado, the Queen Sofia, the National Archaeological Museum, the National Museum of Anthropology and the National Library charged 100 000 pesetas for every hour of filming (or part hour);
- museums in Group 2 such as the National Museum of Underwater Archaeology and National Centre for Underwater Research, the National Museum of Artistic Reproductions, the National Museum of Decorative Arts and the National Theatre Museum charged 70 000 pesetas per hour of filming (or part hour).

Finland

There is no specific legislation. However, a study was conducted last year by the Ministry of Education and Culture to see whether legislation was necessary following a complaint to the ombudsman of the Finnish Parliament about the ban on photography in the Finnish National Gallery. According to the ombudsman, this restriction might be a violation of constitutional rights and therefore legislation is required.

Practices in Finnish museums vary. Some museums allow photography under all circumstances, some ban the use of flash, while others have a total ban.

The NEMO study was conducted by the Association of Finnish Museums in the light of this.

Various legal aspects were investigated in the study (constitutional rules on freedom of expression, the right of access to information, intellectual property rights and the right to education) to determine whether museums may prohibit photography. The conclusions of this study show (in contrast to the ombudsman's opinion) that no legislation is currently necessary as visitors to museums accept the rules and restrictions imposed on them as soon as they enter the museum building. However, it is planned to prepare a recommendation for museums stating that taking photos for private use should be authorised save in exceptional circumstances. If photography is prohibited or restricted, reasons should be given (for example, safety reasons or the lender's wishes) and the restrictions should be clearly outlined to visitors before they enter the museum.

There is no specific legislation on the use of images. However, commercial use or publication of photos is not permitted if it breaches copyright.

Photographing or filming monuments or buildings from a public space may not be prohibited, save in exceptional circumstances.

For example, in **Suomenlinna**, filming may be prohibited in certain areas of the world heritage site (residential areas or workplaces) or for safety or conservation reasons. If a work of art is installed permanently in a public place, it is permitted to film or photograph it without restriction. However, if the work of art is the main subject, it is prohibited to photograph or film it for commercial purposes.

Hungary

NEMO: There is no national legislation on the right to take photos in Hungarian museums. Many museums allow photography without flash at exhibitions, though sometimes they charge a small fee for this at the entrance. Some prohibit it whereas others allow it for free.

Most museums allow photography at permanent exhibitions, but it is often forbidden at temporary ones (often this is in order to respect the lender's wishes).

For example, in the Museum of Ethnography, visitors must buy a ticket to take photos or another to be able to film on the understanding that they will use neither flash nor tripods. Photos may only be taken for private use unless a request for permission has been made. For example, an admission ticket may cost 800 forints and then the right to take photos may cost a further 300.

Where, for certain exhibitions, photography is prohibited, a notice is posted to this effect at the museum entrance.

The rules on photos taken for non-private purposes are set out in the Hungarian Copyright Act (Law No. LXXXVI of 1999).

In the context of publications (exhibition catalogues, books, periodicals, etc.), users must contact the relevant service and sign an order which is sent by e-mail or fax. The museum then sends a bill and the customer must pay for the service before the picture is taken and processed and the negative is sent.

For simple research projects, if there is no agreement on the use of images, the museum may provide a low-resolution image.

Greece

There is national legislation on the subject (see a Greek text containing a series of ministerial decisions). There is a Secretariat General of Culture and Archaeological Revenue Fund, which is a kind of equivalent of the French National Museums Association, the *Réunion des musées nationaux*, but unfortunately it is somewhat incomplete and relatively powerless when it comes to dealing with technological progress.

The key points are as follows:

- use of cameras and video cameras for private purposes is authorised and free of charge;

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- use for professional or commercial purposes (including arrangements for use and re-use and technical equipment) must be paid for and is subject to authorisation by the Museums Directorate (which is very difficult to obtain in practice). Income is managed by the Archaeological Revenue Fund.

Examples:

- for a range of major monuments including the Acropolis, Delphi and Olympia, photography fees can be up to €1 000 per day; there may even be a charge for simply removing an object from a showcase;
- the rules on the use of images or other material for professional purposes linked to education or research are much more flexible;
- there is also a charge for e-books but the problem is that there is no suitable implementation scheme once the photos or film have been produced.

Ireland

NEMO: There is no national legislation on photos. Rules are set out in each museum's regulations but most museums prohibit photography.

For example, the National Gallery of Ireland does not permit photos or video. Visitors can purchase high-quality reproductions in various formats in the gallery shop or on its website. On the other hand, press and publicity professionals may photograph and film the gallery's permanent collections or temporary exhibitions if their aim is to promote the national collections in a cultural, educational, academic or tourist context. All requests by professionals for authorisation must be made to the Rights & Reproductions Department.

Italy

It is prohibited to photograph or film collections or works belonging to state museums or archaeological sites (Galleria Borghese, National Roman Museum, Colosseum, Baths of Caracalla, the Palatine, etc.):

- Cultural Property and Landscape Code, [Law of](#) 6 July 2002, Articles 106 and 109.

Luxembourg

There is no information on the existence of any legislation on the use of cameras and video cameras in museums and monuments.

However, according to the staff responsible for such matters at the National Museum of History and Art and the Luxembourg City History Museum, for example, it is prohibited to photograph or film the works on display.

Malta

NEMO: Maltese museums allow photographs to be taken ONLY without flash and without tripods and strictly for private use. For some exhibitions, photography may be restricted, in line with the conditions set by the lender in the loan agreement.

The Netherlands

NEMO: There is no general policy, just separate rules for each museum, which depend on the nature of the collection and on the artist's copyright situation. Unfortunately, there is a lack of clarity about the rules on photography and filming in the Netherlands.

Each museum has its own rules concerning the use of cameras and video cameras (many museums use a system called Spectrum to manage their collections. This is a tool which is used to document the procedures relating to the management and use of collections: <http://www.collectionslink.org.uk/programmes/spectrum>)

There is also an accreditation system, under which museums must satisfy certain standards to obtain accreditation.

This makes no mention of the right of visitors to take photos.

If a visitor asks to consult a museum's regulations, the museum is required to provide all the documentation necessary to understand the rules.

For a long time, museum professionals thought that the use of flash could damage works but this is no longer the case.

However, most museums continue to prohibit the use of cameras. The main reason is tied up with reproduction rights. Museums wish to remain the sole owners of these rights for obvious commercial reasons.

Information on a project organised in 2009 by Creative Commons, the Dutch heritage office and others to take photos of works in museums by way of a protest can be consulted on <http://www.wikilovesart.nl/> As far as commercial use is concerned, the Netherlands has a non-profit-making association managing this named Pictoright, which is supervised by the Government through the College of Copyright Supervision. See <http://www.pictoright.nl/english/index.php>.

Poland

The Museums Act of 21 November 1996 includes specific provisions on photography in collections. It is stated that museums must ask for a fee if photos are taken for a purpose other than private use (copies, reproductions, etc.). The amount of these fees should be set by the museum director. In some cases, directors can set a reduced fee or no charge at all (*Article 25, item 2 of the Museums Act*). The law also contains provisions relating to images of exhibits which may be stored on electronic media (*Act of 17 February 2005 on the introduction of IT technology into the operation of museums carrying out public tasks; Article 25 a, item 1 of the Museums Act*).

Databases can be accessed free of charge.

Commercial use of photos and films is protected by copyright law (*Act of 4 February 1994 on copyright and related rights*).

Examples: the Lotz **Central Museum of the Textile Industry** authorises photography and filming while the **Fryderyk Chopin Museum** in Warsaw prohibits photography with flash in accordance with copyright law.

The Czech Republic

There is no specific legislation; each museum has its own regulations.

For example, at the **National Gallery of Prague**, visitors may take photos without flash or tripods for their private use (but not for publication or commercial use). For practical reasons, only the use of flash and tripods can be properly supervised by museum attendants.

Loreta, the most important Marian pilgrimage site in Bohemia, houses many significant cultural riches including the Church of the Nativity of Our Lord, the treasury and the famous carillon. On this site, it is permitted to take photos for non-commercial purposes for a fee of CZK 100 (€4). Neither flash nor tripods are permitted inside the buildings.

Romania

There is no specific legislation.

Besides a fee for the use of cameras or video cameras, special rates are charged for visitors wishing to take photographs or film (five to ten times the usual entrance fee).

For example, at the Romanian National Art Gallery, the use of cameras (without flash or tripods) or video cameras is only permitted for private use. The fee for amateurs is 50 lei (about €11) whereas professionals are expected to pay 2000 lei (about €442).

United Kingdom

NEMO: There is no common policy in the UK. Photography is often banned but less so now than it used to be as it is so hard to prevent/police use of mobile phone cameras. There might be commercial reasons - perhaps copyright issues - but more likely the museum would prefer you to buy a glossy, expensive print in the shop. In some cases, the ban is imposed in order to protect works (particularly textiles, water colours and paper). In addition, photography is often banned by lenders with the result that photography is often completely prohibited in special exhibitions.

Examples:

- at the **National Roman Legion Museum**, in Caerleon, photography is authorised for private use but at the Imperial War Museum in London it is prohibited to photograph the exhibition on the Holocaust;
- at **Edinburgh Castle**, visitors are authorised to take photos outside and in some of the castle's interior rooms but signs inform them that it is strictly prohibited to use a camera or video camera in the Honours of Scotland room, where the crown jewels and regalia are displayed.

Russia

NEMO: There is no national legislation; each museum has its own regulations. However, most museums allow visitors to take photos without flash for a small fee. This is the case in most museums in Moscow and St Petersburg.

In some museums, photos are authorised in permanent collections and prohibited in temporary exhibitions. Lastly, there are some museums which have a total ban on photography.

For example, at the **Tolstoy House**, visitors may take photos in the grounds outside but may not do so inside the buildings.

Slovenia

NEMO: There is no national legislation on the use of cameras in Slovenian museums. The decision on this matter is left to each individual museum.

For example, it is prohibited to take photos at the Plečnik Collection in Ljubljana (with or without flash). However, it is possible to obtain special derogations from this rule (for studies, doctoral theses, some types of film production and special publications).

There is no specific legislation prohibiting photography in museums or sites and monuments.

When documentary material (photos, film and other material) is being used, museums must apply the Copyright and Related Rights Act. Access to this material may give rise to financial compensation, the amount of which is determined internally and will vary according to the type of use and the aims. The fee charged will be higher if the material is to be used for a commercial purpose.

Spontaneous photography in exhibitions, permanent collections and museum spaces for non-commercial purposes and strictly private use is subject to a prior agreement with the manager or owner, specifying the aim, the financial compensation to be paid and the number of copies to be made.

As to cultural monuments, the current Cultural Heritage Protection Act prohibits the use of the name and

the image of a monument without the prior authorisation of the owner. Through such arrangements, owners can determine the amount they will charge for use of the monument (for photography or filming). Fees are common practice and there is no legal obstacle to amateur experts, photographers or film directors.

In France

Throughout France, internal regulations governing the use of cameras by visitors in the permanent or temporary exhibition rooms of heritage buildings whether in Ile-de-France or the regions vary according to the measures adopted by the director of the facility and the nature of the use and the destination of the reproductions.

Therefore, depending on the specific features of each museum, monument or site, policies on the authorisation or prohibition of photography or filming vary significantly and the reasons are not always known (or explained) to the public.

When we look at cultural sites on the Internet, there are clear differences (and little or no information, instructions or notices on the rules for visitors). Museums do not systematically place (much) emphasis on conduct which is accepted or tolerated during visits.

Examples :

- the visitors' regulations for the Louvre state that visitors are authorised to photograph and film the permanent collections for strictly private use (although flash and other lighting equipment are not authorised). By contrast, photos and filming are prohibited in temporary exhibition rooms, as are all other technical installations and equipment. To clarify matters and guide visitors, pictograms are posted throughout the museum representing each of the six main rules to respect during any visit to the museum. Article 37 of the Louvre museum visitors' regulations states as follows: "visitors are expected to obey the orders given to them, pursuant to the visitors' regulations, by the reception and security staff of the Louvre Museum". Exceptional derogations for the purposes of educational or research activities may be granted on written request.
- The **Musée d'Orsay** strictly prohibits photography and filming inside the building except for professional reasons, justifying its firm decision by a desire to manage flows, ensure that the collections are safe and ensure the comfort of visitors.
- The **Guimet Museum** authorises the use of cameras or video cameras in its permanent collections but strictly prohibits it in its temporary exhibitions because of issues of lenders' wishes and/or copyright problems. All requests for reproduction for commercial purposes must be addressed to the National Museums Association.
- The **Caen Fine Arts Museum** has posted on its website a copy of the regulations for visitors, in which it states that the works displayed in the permanent exhibition rooms may be photographed (without flash or tripod) or filmed solely for private use. The rules state that: "The museum declines any responsibility for any undeclared public use". Journalists may also be granted special permission by the director of the establishment. For any use other than private use, visitors are expected to address the museum director.
- The **Dauphinois Museum** and the **Fine Arts Museum of Grenoble** authorise photography without flash or tripods but prohibit filming. For any request for reproduction, an application has to be made to the museum authorities, which will decide on the sum to be charged (based on a scale of tariffs set either by the museum itself or by the Regional Council).
- The **Lille Fine Arts Museum** allows both photography (without flash or tripods) and filming in both its permanent collections and temporary exhibitions. However, persons wishing to make reproductions are asked to contact the National Museums Association, bearing in mind that not all works are accessible. For more information it is possible to talk to an assistant curator.
- The **Hospice Comtesse Museum** in Lille tolerates the use of cameras but prohibits video cameras. For professionals wishing to use a photo for commercial purposes, a scale of fees validated by the municipality is available (see document attached), whereas for strictly private use, the museum provides a digital image free of charge.
- The **Magnin Museum** in Dijon allows the use of cameras (without flash or tripods) but prohibits filming. As their website has not been updated for several years, visitors cannot read the museum regulations.

For any other form of reproduction (commercial or high-quality), users are invited to contact the communications department or the curator of the museum and the National Museums Association.

Summary table of rules on the use of cameras and video cameras in museums and monuments in European countries

Specific national legislation on photography and filming	A system of signs is used	Regulations drawn up by each museum (on the basis of their own policy)
Italy: Cultural Property and Landscape Code, Law of 6 July 2002, Articles 106 and 109 Bulgaria: Law on cultural heritage Greece: Series of decisions included in a Greek legal text Poland: Museums Act of 21 November 1996 (specific provisions on photography in collections).	Austria; Spain; France	England; Austria; Belgium; Croatia; Spain; Finland; France ; Hungary; Luxembourg; the Netherlands; the Czech Republic; Slovenia
Use of cameras and video cameras banned in museums	Copyright or property rights	Commercial use or re-use of photos (for a fee)
Austria; Croatia; Finland; France; Italy (state-owned collections, works or archaeological sites); Luxembourg; the Netherlands (in most cases)	England; Austria (both are recognised); Belgium; Croatia (Law on Copyright and Similar Rights); Finland; France; Hungary (Hungarian Copyright Act (Law No. LXXXVI of 1999)); the Netherlands (Copyright); Poland (Copyright); Slovenia	Belgium; Bulgaria; Croatia; France; Greece; Poland; Slovenia
Ban on use of flash and/or tripods	Authorisation required and granted only for private, scientific or educational purposes	Photography is authorised without written permission
Austria; Croatia; Spain; Finland; France; Hungary; the Netherlands; Poland; Czech Republic; Romania	Bulgaria; Croatia; Slovenia	England; Austria; Croatia; Spain; Finland; France; Greece; Hungary; Poland; the Czech Republic.

Appendix 3: Impact of the survey launched by the French Co-ordinator for the HEREIN Network in 2012 on the use of cameras and video cameras in European countries

C. Impact

Following action by a collective to draw the attention of the Ministry of Culture and Education to the new photographic and filming practices of visitors to museums and monuments, Mr Belaval, the former Director General of Heritage, set up a working group comprising representatives of all the departments concerned at the Ministry, together with heritage establishments, representatives of the public, associations of friends of museums, professionals, lawyers and university academics.

New forms of social conduct, enhanced by technological progress, are now observed at cultural sites and this has prompted many heritage establishments to review (or redefine) the rules on behaviour within their facilities or to set up new arrangements to improve visitor flows and visitor comfort and protect the collections and the staff's working conditions. These new practices also raise questions about the dissemination and use of images on the Internet.

The goal pursued by the discussion group was to draw up a charter of good conduct and rules on civility in the public areas of museums or heritage sites.

At the first meeting of the working group on the subject "Visits to heritage sites and camera use", on 4 May 2012, the Department of European and International Affairs proposed to carry out a study on the legislation in force in Europe, and camera and video camera use at European museums and monuments.

The information collected stems primarily from two networks, the Network of European Museums Organisations (NEMO) and the European Heritage Network (HEREIN), which is a network of the authorities responsible for heritage issues in 40 European countries, managed by the Council of Europe.

In July 2011, in response to a request by the Finnish authorities, NEMO had conducted and posted on line a brief study describing the regulations on the use of cameras in the following eleven countries: Austria, Croatia, Hungary, Ireland, Malta, Romania, Russia, Slovenia, Spain, the Netherlands and the United Kingdom.

Thanks to HEREIN's responsive network, European correspondents provided more detailed information on the practices observed in heritage institutions in their own countries, namely Austria, Belgium (Walloon Region, Flemish Region), Bulgaria, Croatia, Spain, Finland, Greece, Hungary, Italy, Luxembourg, the Netherlands, Poland, the Czech Republic, Romania, the United Kingdom and Slovenia. Most of the information collected related to museums, with few countries describing what happened at historical monuments apart from Austria, which focused on religious sites (Austrian churches do not prohibit photography and filming except during services). Furthermore, there were also few replies on the use of video cameras. The extremely incomplete answers or complete lack of any information on this subject could be interpreted to mean that there is no legislation on the subject.

While it is difficult to identify any real trends in the practices described, what does emerge from this survey is that there is no specific legislation at European level. Only countries such as Bulgaria, Greece, Italy and Poland have national legislation containing rules on photography and filming. Like France, each country builds its own procedures around the regulations applied at its museums and monuments.

On the whole, there appears to be a distinction between temporary exhibitions, in which it is prohibited to photograph and film, and permanent collections, in which it is authorised.

Many museums allow photography without flash whereas others prohibit the use of cameras completely, as is the case in most Irish and Dutch museums. It is worth pointing out that in most cases this ban on flash photography is based on the theory that this practice damages art works.

Many institutions also ban the use of tripods, equating it with use for professional purposes.

However, it is becoming increasingly difficult to prevent and supervise the use of devices such as digital cameras, mobile phones and tablets.

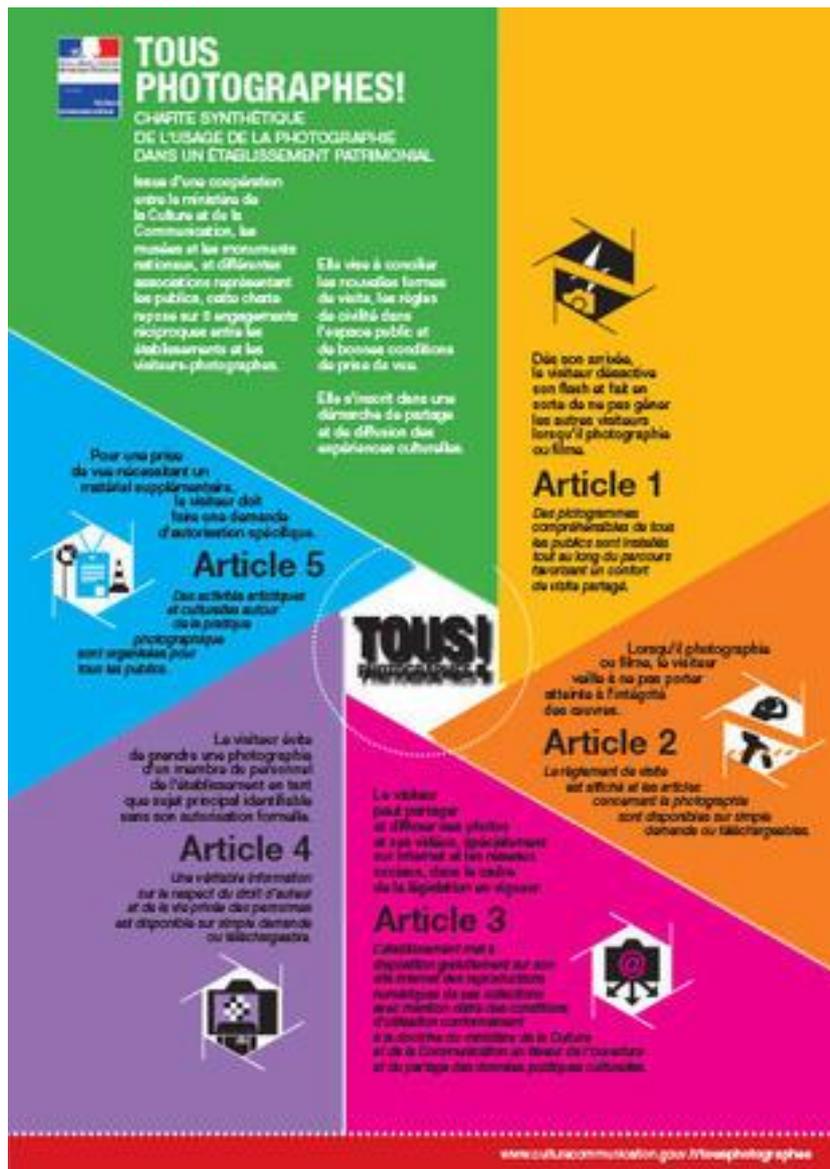
For example, although it is not generally prohibited to take photos in Spanish museums, visitors are prohibited from taking any kind of picture of the works in the Thyssen-Bornemisza Museum, which has banned the use of mobile phones in any of its exhibition rooms.

In some central and eastern European countries, visitors are authorised to take pictures if they pay a supplement – often presented as a fee to cover “administrative costs” – on top of their admission ticket. For example, in Hungary, 300 forints are added to the admission cost of 800 forints for anyone who wishes to photograph the works on display while in Romania, the special fees for authorisation are much higher than admission prices.

Lastly, some museums allow photography and filming for visitors who have received prior permission. Examples of contracts, permits and licences have been sent to us.

Appendix 4: Result

In recent years, photography and filming at museums and monuments has become a common phenomenon, the results of which are often seen on the social networks. It was the aim of the Ministry of Culture and Communication to help establishments and visitors' associations to draw up a charter of understanding, setting out the main rules for responsible visiting and sharing culture in the digital age. This charter is likely to provide inspiration for other ministries, local and regional authorities and the entire network of cultural institutions in the heritage field:



PHOTOGRAPHY FOR ALL

SHORT CHARTER ON THE USE OF CAMERAS AT HERITAGE SITES

This charter is the outcome of a collaborative project involving the Ministry of Culture and Communication, museums and national monuments and various associations representing the public.

It is based on five reciprocal undertakings by establishments and visitors with cameras.

Its aim is to reconcile new ways of visiting, rules on proper conduct in public areas and good conditions for photography.

It forms part of a process of sharing and disseminating cultural experiences.

Article 1

Visitors must turn off their flashes as soon as they arrive and ensure that they do not disturb other visitors when they are taking photos or filming.

Pictograms that everyone can understand will be posted throughout the exhibition with the aim of making everyone's visit a pleasant experience.

Article 2

When they are taking photos or filming, visitors must ensure that they are not causing any harm to the works on show.

Visitor regulations will be posted and articles on the use of cameras will be available on request or for download.

Article 3

Visitors may share and disseminate their photos and videos, especially on the Internet and social networks, subject to the relevant legislation.

Establishments will provide free digital reproductions of their collections on their websites together with a clear outline of the conditions of use, in accordance with the Ministry of Culture and Communication's policy of opening up and sharing public cultural data.

Article 4

Visitors must avoid taking photos of members of the establishment's staff as an identifiable main subject without their formal permission.

Full information on respect for copyright and individual privacy will be available on request or for download.

Article 5

For photography or filming requiring extra equipment, visitors must make a special request.

Artistic and cultural activities centring on photography will be organised for every target audience.

For more information (in French), see the site:

<http://www.culturecommunication.gouv.fr/Ressources/Documentation-administrative/Tous-photographes-!-La-charte-des-bonnes-pratiques-dans-les-etablissements-patrimoniaux>