

# **Notice From the Ministry for European Affairs on the Protection of the Film Heritage Regarding the Perspective of the EU and the State Play in Turkey**

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## **WHY PROTECTION?**

The European Union admits that the cultural and linguistic diversity within the Union is more than a present value but an end to achieve.

The audiovisual works, mostly the film productions, are the concrete examples of these diversities.

Preservation of the films and audiovisual productions will enable the citizens of Europe to enjoy the cultural, economic and practical outcomes.

As the cultural outcomes, preservation will;

- enable us to reach the history recorded by the cinema
- enable us to hold a significant component of European past and European identity
- enable us to access the wealth of European cinematographic past

But mostly, future generations will, through the medium of the preserved works, have access to one of the most significant forms of artistic expressions of the last 100 years and a unique record of life, customs, history and geography of Europe and preservation of this kind of cultural heritage will provide us with an important basis for creating new cultural products.

On the other hand, cinema industry plays a crucial role as being part of the media industry.

In Europe, economic size of the Video on Demand (VoD) services is expected to reach 2 billion Euro and %60 percent of this market consists of the movies that are at least older than five years old.

Home video market amounted to 9.5 billion Euro by the year 2009 and significant part of this market goes to the European productions.

Preservation will provide a competitive advantage against other film industries such as US film industry.

And on the practical side, preservation will provide students and researchers with a valuable asset for their education and research.

Having these factors in mind, European Union stimulates the actions aimed at preservation of film heritages by the publication of resolutions and recommendations such as 2000/C193, 2001/C73, 2003/C295, 2005/865 and also by monitoring the current situation and publishing reports.

European Union also encourages MS to take internal actions and become a party to the international conventions such as the Convention for the Protection of the Audiovisual Heritage.

## **EUROPEAN UNION APPROACH TO THE ISSUE**

Union itself, has an internal evaluation of the problems regarding the film heritage and the perspective of the Union is based on 8 dimensions. Moreover, special role has been given to the FHI (Film Heritage Institutions) as these institutions accepted as the most important mean of the preservation of the film heritage.

### **1. Designation of Bodies**

MS should designate at least one FHI that is responsible for the collection and the preservation of the films produced. By the year 2010, all the member states completed this process.

### **2. Collecting and Storage**

Union takes some compulsory measures on the MS to ensure the collection of the new works and MS are expected to establish internal mechanisms to collect new productions.

FHIs may lack the necessary resources to function orderly, that is why MS should support these institutions to collect and preserve European works.

FHIs must be ready to take all needed precautions and technical solutions to make deposits safe and secure.

MS should take the necessary actions to make sure that the works are deposited at FHIs at the first distribution.

MS should take the necessary actions to establish available repositories not later than December 2012.

The Commission, MS and the relative institutions should collaborate on the establishment of the repositories and define the basic criteria.

### **3. Cataloguing and Creation of Databases**

FHIs are obliged to create data bases to enhance the visibility of their holding, especially on the internet. This also may help strengthen the cooperation between FHIs and prevents the creation of overlapping holdings.

With the instructions of the Commission, most of the MS declare to follow the cataloguing rules of the International Federation of Film Archives (FIAF).

### **4. Preservation**

The preservation of the digital and analogue films must be evaluated differently but under the same framework.

Analogue films may be preserved up to 500 years or 2000 years depending on the environment.

Digital films must be preserved digitally. Other alternatives will not be practical.

EU adopts Long-Term Digital Preservation (LTDP) which is a system rather than a storage medium, and LTDP enables FHIs to perform all the processes required such as producing multiple copies, transfer or transmit to remote location (mirroring), format migration etc.

EU encourages the idea of forming a group of experts from FHIs and other technologists to foster collaboration.

## **5. Restoration**

Digital restoration is important in order to keep utilizable copies of the movies and there has been a good progress achieved regarding the technological methods used for this end.

MS are encouraged to conduct research in the area of Digital Restoration and new techniques.

## **6. Accessibility**

MS should provide FHIs with the necessary means to open their archives for the non-commercial public use such as educational and professional ends without prejudice to the intellectual property rights and copyrights.

The very best way to attain this goal depends on the successful digitization of the holdings of the FHIs.

“EUROPEANA” constitutes a great opportunity for this aim and FHIs are able to provide access to their collections.

## **7. Education and Media Literacy**

EU encourages MS and FHIs to make use of the collections for educational ends by agreeing with the right holders.

Many FHIs cooperate with the institutions from the education sector and provide support by letting research through their collections and providing free shows of heritage films.

## **8. Professional Training**

FHIs, to attain above mentioned goals, need highly competent staff educated for archiving and preservation.

The current situation in this area is not good and is lagging behind the the US.

Through the funding opportunities of the Union and the internal mechanism of MS, actions should be taken immediately.

The Turkish Ministry for EU Affairs (MEUA) welcomes the 8 dimensional approach of the Union and actions suggested by the last report called “Challenges of the Digital Era for Film Heritage Institutions”.

## **OPPORTUNITIES PROVIDED THROUGH THE EU MECHANISMS**

The actions taken against the challenges that FHIs face, can be funded through the mechanism of the Union Programmes.

One is the Culture Programme 2007 which aims at celebrating Europe's cultural diversity and enhancing our shared cultural heritage through the development of cross-border co-operation between cultural operators and institutions.

CIP and FP7 Programmes, encouraging technological development and innovation may offer some opportunities such as discovering more advanced techniques for the preservation of the collections, or the restoration of the distorted material.

Media Programme itself as directly aiming at Media affairs may contribute to the efforts of the FHIs to attain their goals.

## **LEGAL FRAMEWORK AND CURRENT SITUATION IN TURKEY**

Responsibility of collecting film material and formulation of repositories, as given by the law, belong to the Ministry of Culture and Tourism (MoCT).

- Constitution (Art.64)
- Law on the evaluation, classification and reinforcements of cinema movies, No. 5224
- Law on the Institutional Structure and Duties of the Ministry of Culture and Tourism, No.4848
- Law on Intellectual and Artistic Works, No. 5846
- Secondary legislations between 2004-2006

In addition to cinema films, it is compulsory to submit to the MoCT all relevant information and documents deemed necessary, for the compilation of an "Inventory of Cinema Films", Law No. 5224

According to the provision of mandatory registration in By-law on Recording and Registration of Intellectual and Artistic Works (Art.5), it is obligatory to submit to the MoCT the following documents and materials:

- One digital copy (DVD, VCD, Audio CD) of the production, which is recorded and registered
- Scenario, text of dialogues, original film score and lyrics, posters and other promotional materials for cinematographic works

When the film is produced in a foreign language, the following documents and materials should be submitted (By-law on Cinematographic Co-productions and National Producers with Intention to Produce Feature Films in Turkey, Art.10):

- A copy of the original film together with a copy of the film with Turkish subtitle in digital betacam format
- A copy of the original film together with a copy of the film with Turkish subtitle in DVD format

## **International Cooperation**

Turkey is a party or signatory of the following institutions and agreements;

- Convention on European Cultural Heritage, 1954
- Eurimages, 1990
- European Audiovisual Observatory, 1992
- European Convention on Cinematographic Co-production, signed in 1997 and ratified in 2005
- European Convention for Protection of Audio-Visual Heritage, signed in 2004

In the light of the information provided above, MEUA, admits that the actions in Turkey are behind the average of the EU countries.

As a negotiating country, Turkey is obliged to take the recommendations and resolutions into consideration.

As a future member of the Union, Turkey must be ready to make her contribution to the European cultural diversity as well as to the film heritage.

MEUA admits that the resources allocated for the cultural projects are not enough to meet the demand, but MEUA invites NGOs to present projects to get the funds in the frame of the Union Programmes. Right now, Turkey is not a party to the MEDIA programme, but hopefully, after 2014 we will gain access to this Programme, too.

MEUA recalls the responsibilities foreseen in the Programme for the Alignment with the Acquis (2007-2013) concerning chapter 10.