Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2001 (2012)[1]
Final version

Protection of and access to the audiovisual cultural heritage

Parliamentary Assembly

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

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

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

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

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

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

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

8. Public service broadcasters and production companies have generated large quantities of audiovisual material and hold a vast collection of archives of the audiovisual heritage. This material is of considerable value to the public. Every effort should be made to overcome outstanding copyright issues and to ensure that authors, performers and other rights holders receive fair and proper reward for their work while ensuring that such material is also, wherever possible, both preserved and made publicly available through archives. The

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

Assembly urges that consideration be given to arrangements which ensure that the audiovisual heritage is not permanently hidden from public view, but is properly recorded and preserved with a view to professional preservation and possible public display.

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

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

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

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

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

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

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

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