QUESTIONNAIRE FOR THE PREPARATION OF REPORTS BY MEMBER STATES ON THE APPLICATION OF THE RECOMMENDATION CONCERNING THE PRESERVATION OF, AND ACCESS TO, DOCUMENTARY HERITAGE

INCLUDING IN DIGITAL FORM (2015)

Preliminary remarks

Member States are invited to consult the Implementation Guidelines that have been prepared to assist them with the practical application of the various provisions of the Recommendation. The proposed questionnaire has been established based on the topics set out in the Implementation Guidelines, which can be found on the Memory of the World (MoW) website at:

https://en.unesco.org/sites/default/files/2015 mow recommendation implementation guidelines en.pdf

Pursuant to Articles 15 and 16.1 of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the UNESCO Constitution, the Director-General of UNESCO has invited Member States by the Circular Letter 4155 dated 28 April 2016 to submit the Recommendation to their competent authorities within a period of one year from the close of the session of the General Conference.

Furthermore, under Article VIII of UNESCO's Constitution, Member States are required to submit a report on the legislative and administrative provisions and any other measures they have taken to implement the conventions and recommendations adopted by the Organization.

Submission and dissemination of reports

Please designate a contact person responsible for the information sharing and cooperation with UNESCO in relation to this Recommendation.

The report should not exceed 15 pages, excluding annexes and is to be submitted to UNESCO in electronic form only (standard .pdf or .rtf or .doc format) in English or French, to the extent possible.

The report will be made available on UNESCO's website in order to facilitate the exchange of information relating to the promotion and implementation of this Recommendation.

QUESTIONNAIRE

GENERAL INFORMATION:

Country:

Federal Republic of Germany

Organization(s) or entity (s) responsible for the preparation of the report:

Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK)

German Commission for UNESCO

Officially designated contact person/institution:

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Brief description of the consultation process established for the preparation of the report:

The Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK) and the German Commission for UNESCO co-ordinated the process and consulted with the Office of the Federal Government Commissioner for Culture and the Media (BKM) and the Conference of the Heads of the Archive Administrations of the Federation and the Länder (KLA).

REPORTING ON THE SPECIFIC PROVISIONS OF THE RECOMMENDATION:

General support:

1. Has the Recommendation been promulgated to appropriate ministries and institutions? (Section 1)

Yes, the Recommendation has been promulgated to the appropriate ministries and institutions (Federal Foreign Office, Office of the Federal Government Commissioner for Culture and the Media (BKM), Standing Conference of the Ministers of Education and Cultural Affairs in the Länder in the Federal Republic of Germany (KMK), Conference of the Heads of the Archive Administrations of the Federation and the Länder (KLA)).

2. Has the Recommendation been translated into the national language(s) (if applicable)?

The Recommendation has not been translated into German.

3. Has your country created a supportive, participatory, enabling and stable environment for all parties? (1.1, 1.2, 3.1, 4.5, 5.1, 5.2)

Since 1999 the German National Memory of the World Committee is functioning as the focal point in Germany for all parties regarding the Memory of the World program. Members of the National Committee represent all relevant parties within Germany (archives, museums, academia, federal government, state government).

The secretariat of the German Commission for UNESCO supports the National Committee and organises the annual meetings as well as the outreach activities of the Committee Chair, Vice-Chair and Members.

4. How, if at all, has your country applied international standards and curatorial best practice (2. 4, 2. 7, 2.8, 2.9, 4.2, 5.1, 5.2, 5.5)?

German law on Federal and State level is oriented towards European and International standards. Curatorial best practices are imparted especially by the professional bodies of archivists and librarians.

5. What consultation mechanisms does the government maintain with stakeholders in the documentary heritage sector (national and private memory institutions, professional associations, relevant NGOs)? (1.2)

The National Memory of the World Committee consists of members from diverse professional backgrounds and memory institutions (museums, archives, libraries and academia) together with representatives of the federal level and Länder (federal state) governments, to guarantee a broad participation of relevant stakeholders. When designing relevant policies, measures and legislation in the field of documentary heritage, it is common practice in Germany that the authorities in charge consult widely with all relevant stakeholders and professional communities, as is generally the case in cultural policy making.

6. What actions has your country taken in order to support memory institutions in establishing policies and standards by research and consultation, guided by internationally established norms?(1.1, 1.2, 2.2, 2.3, 3.2)

Länder governments and the federal government have implemented various measures in order to support memory institutions in establishing policies and standards.

Following two major catastrophes of recent years (the devastating fire at the Duchess Anna Amalia Library in Weimar in 2004, the collapse of the Historical Archive of the city of Cologne in 2009) the last three coalition agreements at federal level (2009, 2013 and 2018) acknowledge a national responsibility for the preservation of the written cultural heritage. Thus in August 2011, the Federal Government Commissioner for Culture and the Media (Beauftragte der Bundesregierung für Kultur und Medien, BKM) and the Cultural Foundations of the Federal States (Kulturstiftung der Länder, KSL) established the Coordination Office for the Preservation of the Written Cultural Heritage (Koordinierungsstelle für die Erhaltung des schriftlichen Kulturguts, KEK) under the auspices of the Prussian Cultural Heritage Foundation (Stiftung Preußischer Kulturbesitz, SPK). It is located at the Berlin State Library (Staatsbibliothek zu Berlin, SBB). The KEK is working towards one main goal, namely the permanent preservation of the written cultural heritage in Germany. To that purpose the KEK conducted a nationwide study and published the results along with recommendations in 2015. Up to now the KEK has supported 275 model projects in archives and libraries throughout Germany; the overall volume of financing amounts to 3,5 million euro. Following the nationwide recommendations for action the Federal Government Commissioner for Culture and the Media set up a large funding program supporting mass procedures (cleaning, boxing, mass deacidification) in 2017. Since then 142 projects have been funded with 3,4 million euro. For 2019 the Federal Government Commissioner for Culture and the Media increased the funding amount up to 5 million euro.

Likewise, the German Länder (federal states) have increased their efforts to preserve the written cultural heritage and the audiovisual heritage. At Länder level, capacities for advising memory institutions, research and central workshops have been expanded in recent years, and new coordinating bodies have been created.

In 2018 the Länder and the German Federal Film Board (Filmförderungsanstalt) have furthermore concluded an administrative agreement to digitize the national film heritage.

7. What major capacity-building measures and policies have taken place within the sector? Is research and training for documentary heritage professionals organized in your country? How often? (2.4, 2.7, 2.8, 2.9, 5.1, 5.2)

In 2013 the Coordination Office for the Preservation of the Written Cultural Heritage (KEK) initiated a nationwide and government-approved network of conservation experts in archives and archives. The KEK invites this network at least once a year for nationwide expert discussions to support the implementation of the nationwide recommendations for action.

At the federal level, professionally organized committees deal with the questions of conservation in archives and libraries for a long time. These include the Conference of the Heads of Archive Administrations of the Federation and the Länder (KLA), the Conservation Committee of the German Library Association (dbv), and the Federal Conference of Municipal Archives at the Association of German Cities (BKK). In the permanent technical committee "Conservation" of the KLA, the members decide on technical issues of overarching interest. Accordingly, the KLA Conservation Committee has drawn up position papers and recommendations. The dbv's Conservation Commission established in 2015 supports the development and implementation of conservation strategies. It is also concerned with the evaluation and development of conservation methods. The dbv commission is in close contact with conservation networks and keeps in touch with current research through training sessions. The BKK advises, among other things, the head offices of the municipal umbrella organizations on questions relating to the municipal archives.

In addition, there are several Länder initiatives to preserve original documents in order to promote cross-sectoral knowledge-building in memory institutions, as well as the implementation of conservation programs.

Comprehensive conservation management is an integral part of the professional and scientific training of archivists, librarians and conservators/restorers at the relevant vocational education institutions, universities and universities of applied science.

Legislation and mandates:

- 8. What legislation does your country have in place to:
 - define the authority, mandate, independence and governance structure of your national memory institutions? (3.1, 4.5)

In the German federal system, the cultural sovereignty of the Länder is derived from the Basic Law (Article 30): the Länder are responsible for competence areas that are not explicitly assigned to the federal government. According to the case law of the Federal Constitutional Court, the cultural sovereignty is the "core of the statehood of the Länder".

The cultural sovereignty of the Länder is the primary competence of the German Länder with regard to legislation and administration in the field of education and culture, in particular the responsibility for language, education and higher education, broadcasting, television and art.

On the basis of cultural sovereignty, the Länder have adopted archive laws. For the Federal archives, the federal government has also passed an archive law.

There are only a few corresponding laws for museums and libraries.

• guarantee the ability of memory institutions to take unhindered presentation action on documents in their collections? (3.5 to 3.7)

The Basic Law of the Federal Republic of Germany guarantees in Article 5 (3) that the arts and science, research and teaching are free.

• promote and facilitate maximum inclusive access by empowering memory institutions? (3.2)

Memory institutions in Germany are enabled to promote and facilitate inclusive access to and use of documentary heritage. They are empowered to provide accurate and up-to-date catalogues and finding aids, equitable person-to-person access services to the original documents, if necessary for research, as well as to internet and web-based publications and portals, electronic and digitized content, using international best-practice standards. In Germany, memory institutions are further supported in the development of international standards for access and use, using recognized standards that support interoperability. The content is structured, machine-readable and linkable. Digitization is underway at all levels and in all types of memory institutions.

The archive laws of the Federation and the Länder codify and guarantee the right of the users to access archive material. At the same time, these laws oblige public archives to develop and make their holdings available.

• support memory institutions providing access to material whose copyright status cannot be clarified? (3.5 to 3.7)

In Germany and the European Union, there are copyrights and performance protection rights in place with regard to image and sound recordings of works of art. Since 2014 there has also been a provision in German copyright law that allows for certain uses of so-called "orphaned works". This term refers to published works whose copyright holders are not all known or found. Under this new provision, based on an EU directive, museums, archives and libraries may make such works accessible online if they conducted a so-called "careful search" for the rights holders without result, documented this search, and subsequently reported the respective work as orphaned.

• ensure statutory deposit of documents in memory institutions? (4.6)

In Germany, statutory regulations governing deposit copies exist both at federal (Law on the German National Library and Ordinance on the Compulsory Delivery of Media Works to the German National Library) and state level. The German National Library is responsible for the right to a deposit copy at the federal level, while the state libraries of the individual federal states generally handle the right to a deposit copy, although state regulations differ from one another.

9. Has government net funding of national memory institutions (in recent years) increased or decreased? By how much? (4.1)

In Germany, public cultural expenditure is shared by the federal government, the Länder, the municipalities and special purpose associations. The Federal Statistical Office regularly publishes information on the level and development of expenditure.

Important parts of the cultural heritage in Germany are collected, preserved and made accessible to the public in the 6.710 museums, the 9.117 main and branch offices of the Public Libraries and the 83 Federal and State Archives.

German Federal Government net funding of national memory institutions has increased in recent years (2014-2016) by over 20 million euro for libraries (from 303,5 million euro in 2014 to 324,6 million euro in 2016). Museums, Collections and Exhibitions received additional 81,3 million euro (from 291,0

million euro in 2014 to 372,3 million euro in 2016). (Source: Federal and State Statistical Offices, Cultural Finance Report 2016, p. 74). However, the net funding of memory institutions of the Länder (states) are not included in these figures.

According to the Culture Finance Report, in 2013, the public sector in Germany – meaning municipalities, federal states and the Federal government combined – spent an overall 1.9 billion euro for museums, collections and exhibition houses. The greatest burden of expenditure lay with the Municipalities and special purpose associations, which have contributed half of the expenditure (54 %). The federal states participated with about 30 % of the expenditures, the federal government with 16 %."

According to the 2017 Culture Finance Report, the Federal Government, the federal states and the municipalities spend 1.4 billion euro for libraries. This was mainly provided by the municipalities and special-purpose associations, which at 49 % took the largest burden of expenditure. The federal states contributed 29 % to these expenditures; the federal government 21 %. The cultural financial report shows for 2013 Government expenditure separately for Academic libraries in the amount of 660 million euro. It should be noted that the underlying budget delimitation of this also includes governmental archives (Source: Federal Statistical Office, Divisional Report Museums, Libraries and Archives, 2017).

10. What long term investment in analogue and digital documentary presentation has been made? (4.1)

The documentary heritage plays a prominent role in politics in Germany at all levels of administration, namely the federal government, the Länder and the municipalities.

Today, digitization is considered the biggest challenge for documentary heritage. It provides an opportunity to make documents even more accessible to the public. At the same time, digitization serves to conserve documents as the individual documents do not have to be retrieved from the archives and no longer have to be viewed by the users on location.

Examples in this regard include the German Digital Library, the Europeana, German participation in the European Archive Portal, the "Archivportal D" which is open to every kind of archive (federal and Länder archives, cities, churches etc.), individual Länder initiatives (for example "Bavaricon"), the digitization of orphaned (§§ 61 et seq. UrhG) and out-of-print works (§§ 13d and 13eUrhWG) as from 2015, and the campaign of the library associations for the availability of e-books in public libraries ("The Right to E-Read").

With nestor (Network of Expertise in long-term Storage and availability of digital Resources in Germany) a German network for the long-term archiving and availability of digital resources exists. It unites experts with cooperation partners, namely libraries, museums and archives. After two project phases, in which nestor was supported by the Federal Ministry of Education and Research, the cooperation network is since July 2009 supported by the cooperation partners.

11. What encouragement has been given in the development of open source software and access to proprietary codes by memory institutions? (4.7, 4.8)

The coalition agreement between the political parties CDU, CSU and SPD at federal level states that "We stand by our obligations from international open government partnership. In the area of open data we want to make the federal government an international forerunner. The corresponding publication of data should follow the principle of "open by default", becoming part of daily administrative practice. The digital transformation of public administration is also reflected in education and training, and the organizational development.

The Competence Center Open Source Software (CC OSS) in the Information Technology Center Bund (ITZBund) aims to promote the use of open source software (OSS) in the federal administration.

CC OSS continues to act as a central point of contact in the public agency network so that open source experiences from authorities are also made accessible to others."

Identification and preservation status of documentary heritage

12. Do all national memory institutions have published collection development, preservation and access policies? Are there in your country established policies, mechanisms and criteria for selecting, acquiring and de-selecting documentary heritage? What policies have been developed recently? (1.1)

The federal structure of Germany implies that both federal and Länder regulations are to be considered here.

Most important for archiving are the archive laws of the Länder and the federal archive law from 2017. The archive laws of the federal and Länder governments regulate the archiving of documents of the federal and Länder departments, as well as the organization of the respective archives.

The prerequisite for the inclusion of documents (files, written documents, maps, plans and carriers of data, images, film, audio and other recordings) in an archive is that the documents are of lasting value, i.e. that they have lasting value for the research on or understanding of German history, the protection of legitimate concerns of citizens, or the provision of information for legislation, administration or jurisdiction, and that their publication would not violate the secrecy of correspondence, mail or telecommunications. Only the competent archives may decide on documents' so-called "archival worthiness". On principle, no public authority or body is authorized to carry out the deletion or destruction of their documents on their own initiative; on the contrary, they are obliged to offer them to the relevant archive.

Records declared public are inalienable and must be kept permanently. The archives of the federal and Länder governments also endeavor, beyond their legal mandate to preserve the archival public property, to secure and preserve archival material from private sources, for example the records of individuals, families, associations, foundations and economic institutions.

Unlike in other countries, such as Switzerland, there are no museum laws in Germany. However, the Code of Ethics for Museums, developed by the International Council of Museums (ICOM) and accepted worldwide, is the basis for the professional work of museums and museum experts.

In Germany, the legislative authority for library laws lies primarily with the Länder. In 2006, the federal government passed an amendment to the law of 1969 on the German National Library. So far, only a few Länder have made use of the possibility of enacting a library law.

13. What documentary heritage has been identified as at potential or imminent risk (if any)? What action has been taken? Was it brought to the attention of competent bodies? (1.3, 2.7, 5.5)

Due to the acidity in old paper, archive and library holdings as from about 1850 are to be treated most urgently, as the damage is progressing rapidly. The paper's disintegration in the course of the 19th century is caused by the fundamental change in paper production from textile fibers (alkaline) to mass production made from wood pulp (acid). By sizing the paper with aluminum sulfate and using lignin-containing wood pulp acid got into the paper. The acid-catalyzed processes therefore start immediately after the production of the paper, continually reducing the pH of the paper. The degradation of cellulose as a raw material of paper can only be done early, neutralizing measures slowed down, however not be stopped.

The extent of the current threats to the written heritage calls for innovative approaches for joint action by federal, Länder and local governments, as the responsible archives and libraries as well as their sponsoring institutions are overwhelmed by this task. At the initiative of the then Federal Commissioner for Culture and Media Bernd Neumann, the Coordination Office for the Preservation of the Written Cultural Heritage (KEK) was founded jointly by the federal government and the Länder, and affiliated to the State Library to Berlin (SBB) at the Prussian Cultural Heritage Foundation (SPK).

14. What arrangements are in place to protect the documentary heritage from danger? (5.4)

Investing in improving storage conditions is undoubtedly one of the most important sustainability factors with regard to the conservation of written material, as standard-compliant storage conditions prevent damage effectively and in the long term, and slow down progressive damage. The recommended framework for magazine rooms is laid down in the norm A4 ISO 11799 "Information and documentation – requirements for the storage of archive and library holdings". The requirements for new buildings with regard to building physics and planning are described in DIN standard 677700 "Construction of libraries and archives. Requirements and recommendations for planning".

A light-protected, climatically appropriate storage facility as well as proper protective packaging also allow for the storage of damaged objects until they can be restored. Damage caused by the production process through acid in paper or ink erosion, however, will still continue even under optimal storage conditions, albeit slowed down somewhat. Preventive measures such as appropriate storage conditions and packaging are the most economical method of original preservation, and help ensure that cost-intensive preservation and restoration measures are not thwarted by inadequate storage facilities.

This includes measures such as the establishment of an integrated pest management (IPM).

Competence centers assume cross-institutional tasks for conservation and risk management (see Safety Guide Kulturgut, SILK) in the Länder and at the municipal level. They promote both access to qualified expertise in conservation as well as the implementation of conservation measures. Different specific and cross-sectoral networks are already active across the Länder, even if the network of competence centers has not yet been expanded nation-wide.

In recent years, a large number of emergency organizations at local and regional level have been founded in Germany, whose network will be further expanded in the coming years (see www.notfallverbund.de). Regular emergency exercises must be carried out alongside the expansion of the infrastructure. Facilities must be equipped with emergency materials. As a legal basis, a sample emergency agreement establishing clear legal rules for liability settlement must be provided.

15. What practical support has been given to private, local and individual collections of documentary heritage? Are they visible in national directories? (1.3, 4.3)

In principle, all private, local, ecclesiastical or individual collections have the same funding opportunities with regard to conservation and digitization as public collections.

Capacity-building

16. What specific steps have been taken to encourage consistency of best practice, coordination and sharing of tasks among memory institutions? (2.1, 2.7)

Reference is made to the answer to question 17.

17. What training schemes have been developed? (1.5)

At the federal level, the committees of the central trade associations and boards of the archives and library sector assume the tasks related to the development and exchange of expertise and consulting. These include the Alliance for the Conservation of Written Cultural Property, the Conservation Committee of the Conference of the Heads of Archive Administrations of the Federation and the Länder (KLA), the Sub-Committee for Conservation of the Federal Conference of Municipal Archives affiliated with the Association of German Cities (BKK), the Working Group on Conservation of the German Library Association (dbv), the Standards Committee on Library and Documentation (NABD 14) in the German Institute for Standardization, the Coordination Office for the Preservation of the Written Cultural Heritage (KEK), and initiatives by conservators/restorers.

Activities include sector-specific strategy development on individual topics, the development of recommendations related to norms and standards or practical instructions, and the representation in relevant bodies at regional, national and international level. Furthermore, nationwide training events

are offered regularly, for example during the German Archive Congress or the German Librarians' Congress. As a specialist and management task, the conservation of archive holdings includes complex requirements and diverse content – expertise in this regard should and must be reliable in the long term.

18. What is the level of involvement of national memory institutions in international professional associations and networks? (2.8, 2.9)

The German archives are involved in the International Council on Archives (ICA/CIA) through representatives of the archives of the Federation and the Länder, and take part in the international professional exchange. International exchange and cooperation are also part of the work of the Association of German Archivists e. V. (VdA), of the program of the German Archive Congress, and of the curriculum of the Archives School Marburg.

The German libraries are involved in the International Federation of Library Associations and Institutions (IFLA) via the IFLA National Committee Germany through representatives of the libraries of the Federation and the Länder, five IFLA-World Congresses took place in Germany over the last decades, the last time in 2003 in Berlin.

The German museums are involved in the International Council of Museums (ICOM) via the ICOM German National Committee founded in 1953. ICOM Germany has more than 5.000 members.

19. Are there partnerships, including public-private ones, established allowing sharing of costs, facilities and services? (2.2, 3.4, 4.2)

The costs of conservation are mainly borne by the public sector, for example the federal government, the Länder and the municipalities. However, there are examples of co-financing, such as of the Länder and the Coordination Office for the Preservation of the Written Cultural Heritage. An involvement of individuals or private partners is rather rare.

Nonetheless, in recent years cooperative private ownership of conservation measures has proved useful in raising public attention and awareness of threatened cultural heritage. Suitable measures include book and archival sponsorships, earmarked donations from sponsors and relevant foundations, etc.

Memory of the World programme

20. Is there in your country a national Memory of the World committee? If not, what plans exist to establish one? (4.10, 5.6)

The National Memory of the World Committee in Germany was established in 1999. The main task of this expert panel is to prepare, review and evaluate German proposals for inclusion in the World Register. In addition, the panel promotes the visibility of this UNESCO program within the German society. In 2019 it will celebrate its 20th anniversary.

The expert panel includes: Chairperson: Prof. Dr Joachim-Felix Leonhard, former State Secretary. Other members: Prof. Dr. Kirsten Baumann, Director State Museum of Art and Cultural History Schleswig Holstein, Dr. Gundula Bavendamm, Director Federal Foundation Flight, Expulsion, Reconciliation, Prof. Dr. Irene Dingel, Director Leibniz Institute of European History, Dr. Marianne Dörr, Director University Library of the Eberhard Karls-University Tübingen. Prof. Dr. Konrad Elmshäuser, Director State Archive Bremen (deputy Chair of the German Memory of the World committee), Prof. Dr. Hartwig Lüdtke, Director TECHNOSEUM - State Museum for Technology and Work Mannheim, Prof. Dr. Dr. h. c. Volker Josef Mosbrugger, Director General Senckenberg Nature Research Society, Dr. Rainer Rother, Artistic Director Deutsche Kinemathek Berlin, Prof. Dr. Joachim Scholtyseck, University of Bonn, Department of History, Bernhard Abels, Representative of the Federal Foreign Office, Dr. Christian Groni, Representative of the Federal Government Commissioner for Culture and the Media, Dr. Kristina Süße, Representative of the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany.

21. What recent nominations have been made to Memory of the World registers (international, regional, national)? (1.4)

The following documents have recently been nominated to the international Memory of the World register (German and transnational with German participation):

- Early Scriptures of the Reformation Movement (2015),
- Autograph of the B minor Mass by Johann Sebastian Bach (2015),
- Golden Letter from Burmese King Alaungphaya to Britain's King George II (2015),
- Manuscripts of the book "Al-Masaalik Wa Al-Mamaalik" (2015).
- Constitutio Antoniniana (2017),
- Frankfurt Auschwitz Trial (2017).
- 22. Are there any Memory of the World outreach and visibility activities organized in your country enhancing accessibility of documentary heritage? Please give examples. (3.7)

The following (selected) activities are carried out in Germany in connection with the Memory of the World programme:

- Ceremonial acts, certificate handover to the nominator/owner/custodian,
- Public lectures and talks by the Chair of the National Memory of the World Committee,
- Exhibition of items to be proposed for future nomination at the annual general assembly of the German Commission for UNESCO in 2018,
- Multimedia storytelling format accompanying the inscription of the Frankfurt Auschwitz Trial into the international register: https://stories.unesco.de/erster-frankfurter-auschwitz-prozess,
- Online list of all inscriptions with description and link to the documents inscribed in digital format: http://www.weltdokumentenerbe.de,
- Articles in scientific literature about the Memory of the World Programme and the National Memory of the World Committee in Germany,
- Promotion material by the German Commission for UNESCO.