

# **LIBRARY LEGISLATION AND POLICY IN EUROPE**

## **Results of a Questionnaire Interim Report**

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March 2020

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## ACKNOWLEDGEMENTS

For decades, the reflection on library legislation consisted of creating model legislative bills including elements and law items essential in any Library Act. This approach has inspired the approval of a few Library Acts in European countries. Nevertheless, “hard” legislation at national level is only one of the ways library policy unfolds; some European countries - Germany, France and Italy, for instance - have functioning library systems, but no national Library Act. In this report, EBLIDA wishes to examine library needs within a national library system, at local level and those in regard to policies other from cultural and educational policies.

The EBLIDA Secretariat started a consultation with its Members with the ultimate view of revising the [Council of Europe-EBLIDA Guidelines on Library Legislation and Policy](#) approved in 2000. This objective is one of the Strands of the 2019-2022 EBLIDA Strategic Plan. The Guidelines – a reference document which has exerted long-lasting influence in many European states – needs to be reformed and/or adapted to the evolving needs and activities in European libraries.

The Questionnaire, elaborated by EBLIDA in collaboration with the French Ministry of Culture (an Associated Member of EBLIDA) is divided into three parts:

- 1) Questions on legislation at state, intermediate (Regional, provincial/departmental) and local (municipal/city) level;
- 2) Public policy for libraries;
- 3) Miscellaneous.

EBLIDA wishes to thank Mr Nicolas Georges (Director, French Ministry of Culture) and Ms Valérie Bouissou (Deputy Director, French Ministry of Culture) for having opened their arms wide to collaboration and support. A special thanks to Ms Apolline Sans for having lent her invaluable support in data processing, for also being ready to adapt to changed timelines and new respondents willing to respond to the Questionnaire. Thanks also to Ms Claudia Coletta who provided interesting suggestions on Legislation and Policy. As usual, the EBLIDA Secretariat and the EBLIDA President have quickly provided editorial support and extremely useful suggestions.

Giuseppe Vitiello  
Director, EBLIDA

## INTRODUCTION

Launched on 31st January, the Questionnaire had a response rate which went beyond expectations: not only did all 28 experts designated by EBLIDA Members respond, but four more experts wished to respond at a later stage, thus providing additional perspectives on the library legislation picture. The table below summarises the number of countries which took part in the Questionnaire and the affiliation of respondents.

### Q. 1. EBLIDA MEMBERSHIP INFORMATION

Number of respondents	Countries	Institution
1	Austria	Büchereiverband Österreichs
2	Bulgaria	Bulgarian Library and Information Association (BLIA)
3	Cyprus	Cyprus association of Librarians – Information scientists (CALIS)
4	Czech Republic	Association of Library & Information Professionals of the Czech Republic
5	Denmark	Aalborg Public Libraries The Danish Research Library Association
6	Estonia	Estonian Librarians Association
7	Finland	Finnish Library Association
8	France	Ministry of Culture – SLL ABF (personal response)
9	Germany	Deutscher Bibliotheksverband
10	Hungary	Association of Hungarian Librarians
11	Italy	Associazione Italiana Biblioteche – Osservatorio Biblioteca nazionale centrale di Roma
12	Latvia	National Library of Latvia
13	Lithuania	Martynas Mazvydas National Library of Lithuania
14	Luxembourg	Luxembourg Librarians' Association (ALBAD) Bibliothèque nationale du Luxembourg
15	Netherlands	The Alignment House Koninklijke Bibliotheek, National Library of the Netherlands National Library of the Netherlands
16	Norway	Oslo Metropolitan University Norway National Library
17	Poland	National Library of Poland
18	Portugal	Associação Portuguesa de Bibliotecários, Arquivistas e Documentalistas (BAD)
19	Romania	Ramonai national public libraries and librarians association (ANBPR)
20	Slovak Republic	Slovak Library Association State Scientific Library in Banska Bystrica
21	Spain	Ministry of Culture and Sports FESABID (Federación Española de Sociedades de Archivística, Biblioteconomía)
22	Sweden	Swedish Library Association National Library of Sweden

## Q. 2. 3. 4. NATIONAL LIBRARY ACT

A vast majority of respondents (24 in 16 countries) assert the existence of a National Library Act within the national legislative framework. In 6 countries (of 22) a National Library Act is not enforced.

Respondent	Countries	Library Act
1	Austria	No
2	Bulgaria	Yes
3	Cyprus	Yes
4	Czech Republic	Yes
5	Denmark	Yes
6	Estonia	Yes
7	Finland	Yes
8	France	No
9	Germany	No
10	Hungary	Yes
11	Italy	No
12	Latvia	Yes
13	Lithuania	Yes
14	Luxembourg	No
15	Netherlands	Yes
16	Norway	Yes
17	Poland	Yes
18	Portugal	No
19	Romania	Yes
20	Slovak Republic	Yes
21	Spain	Yes
22	Sweden	Yes

However, it is important to note that 13 respondents (39.39 % of the total) consider that their national legislation should be amended and the Questionnaire listed several options (with multiple answers being possible).

10 respondents (71.43%) think that the NLA “doesn’t reflect the current activities of libraries”. An NLA which does not clarify about resource allocation was the second option; it attracted 7 respondents (53.00%). 6 respondents (42.86%) were adamant in mentioning that NLA doesn’t assign explicit responsibilities at state/intermediate/local level; the same number of respondents consider that NLA doesn’t designate evaluation systems for libraries performances. Implicitly, responses mean that professionals would like to make responsibilities between distinct administrative layers more explicit; secondly, they demonstrate a willingness for evaluation systems of library performance, whatever form it may be.

The link between Question 2 (whether NLA should be amended) and Question 5 - the definition of a library - also shows that professionals have a modern vision of what a library could or should be, and that this vision is not reflected in current European national laws.

## Q. 5 .6. DEFINITION OF LIBRARY

Answers to Question 5 require a fine analysis and their contextualisation in a national context. A cursory reflection may point out that two attitudes, varying from tradition to innovation, and from real to imagined visions, can define libraries from a professional perspective. Attitudes also reflect how, and to what extent, libraries and professionals are in sync with contemporary societal and human trends.

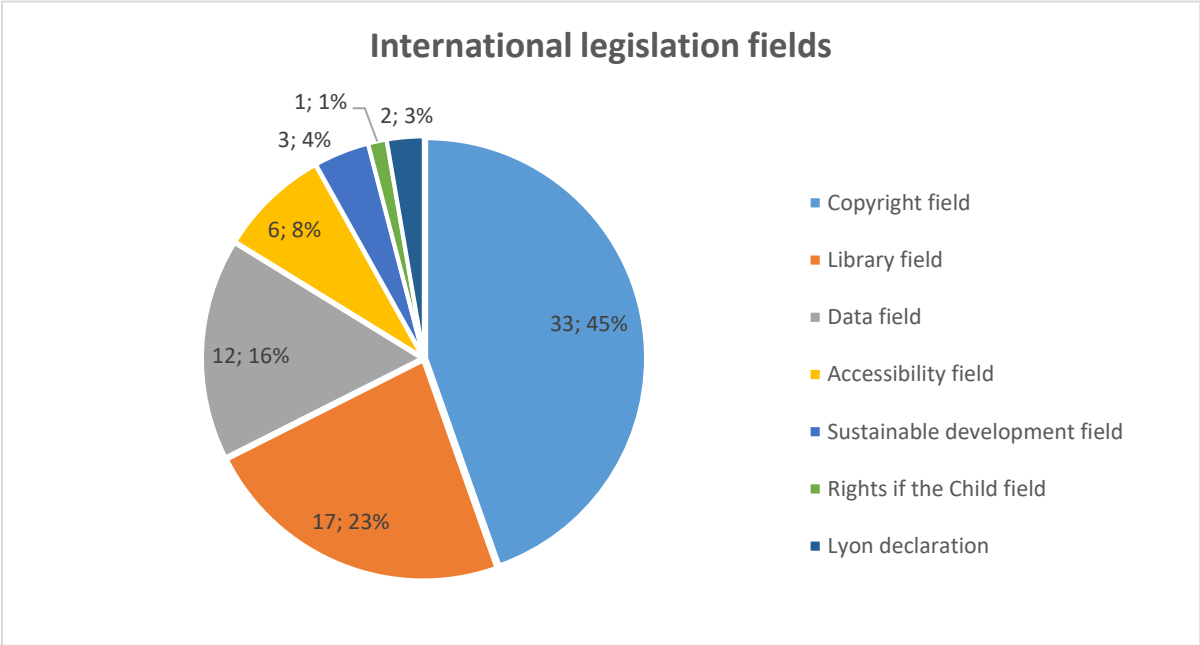
Some traditional definitions picture a public library as an institution hosting a collection made of books, catalogues and other literature. This conventional definition, however, doesn’t exclude more modern notions which take into account notions such as *information*, or *media collections*, and the plurality of formats and media through which content can be published/released. An answer from The Netherlands clearly reflects this evolution, when it says that a library definition goes “*from collection to connection*”.

Responses do not only show a tension between traditional and innovative orientations. Another articulation consists of pointing out the missions ascribed to libraries by professionals. An initial set of responses concern the “protection, preservation and availability of the collections and how they can be made available for research. Another set of responses highlights the importance of libraries in society for education – ( “*servicing further education*”, the development of “*people’s reading habits*”). This confirms how libraries are essential in promoting education in the younger layers and lifelong learning in the older layers of population. Integration is a key mission for a library acting in an evolving environment, promoting an active citizenry and developing a democratic and sustainable society.

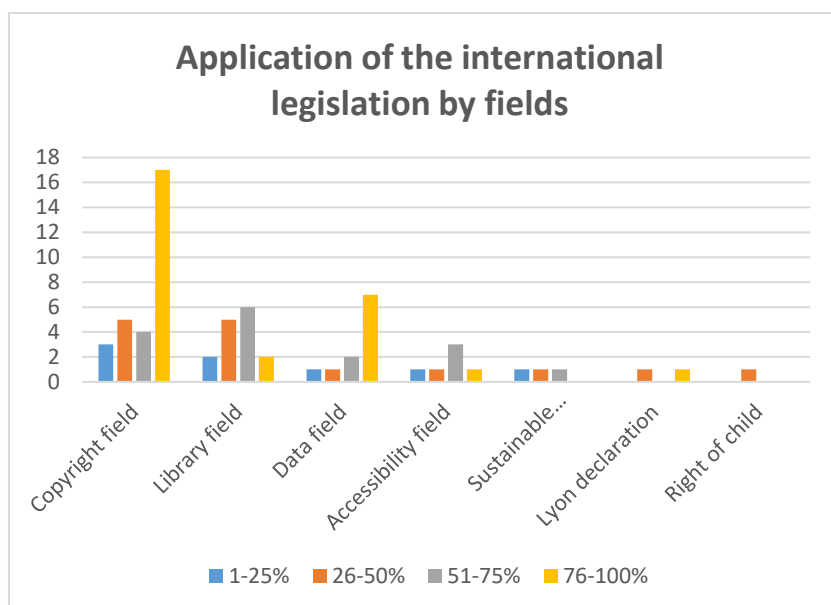
A large majority of respondents (66.67%, 22 respondents) considers that their own representation of libraries, both in definition and in missions, is mirrored in legislative or public policy document. There may be a gap, however, between the concept of library expressed in NLAs and the definition provided by library professionals. Interestingly enough, most of the respondents living in countries where a National Library Act is not enforced (4 of 6) consider that their professional definition is well reflected in the public policies of their own country.

**Q. 7. 8. INTERNATIONAL LEGISLATION**

As far as international legislation is concerned, it is interesting to note that 45% of the answers identified copyright as being the most relevant provision for libraries in their country. Reference is made to several European Directives, among which the Directive on Copyright in the Digital Single Market, approved in 2019, is the most frequently mentioned. Others references are: the WIPO treaty (twice), the Bern Convention for the protection of literary and artistic works (once), the Paris convention for the Protection of Industrial Property (once) and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (once).



Library-related texts of a professional nature represent 24% of the quoted legislation with almost exclusive reference to the IFLA and UNESCO work (IFLA Public Library Services Guidelines, IFLA/UNESCO Public Manifesto). The resolution about the role of libraries in the modern society, known as Rynnänen report (1998) is quoted once.



Texts related to Data fields mainly refer to the EU General Data Protection Regulation (GRPD), the European Directive on open data, and the Re-use of public sector information. Concerning accessibility, two texts are quoted: the “Recommendation on the digitalization and online accessibility of cultural material and digital preservation (2011/711/EU)”, and the “EU Web accessibility directive”. The United Nations Sustainable Development Goals are mentioned three times.

#### Q. 9. 10. NATIONAL LEGISLATION

#### Q. 11. 12. REGIONAL LEGISLATION

#### Q. 13. 14. PROVINCIAL / DEPARTMENT LEGISLATION

#### Q. 15. 16. MUNICIPAL LEGISLATION

The analysis of legislation, and how relevant it is at different administrative levels, requires careful examination, also in a national perspective. It is a delicate analysis based on several preliminary criteria depending on the national administrative traditions, on the variety of state organisation, the nationally specific relevance of soft law, and the internal relation between functions carried out at national and local level. This analysis will be carried out when the Final Report on Library Legislation and Policy in Europe is finalised. In the Interim Report we can only express some general remarks.

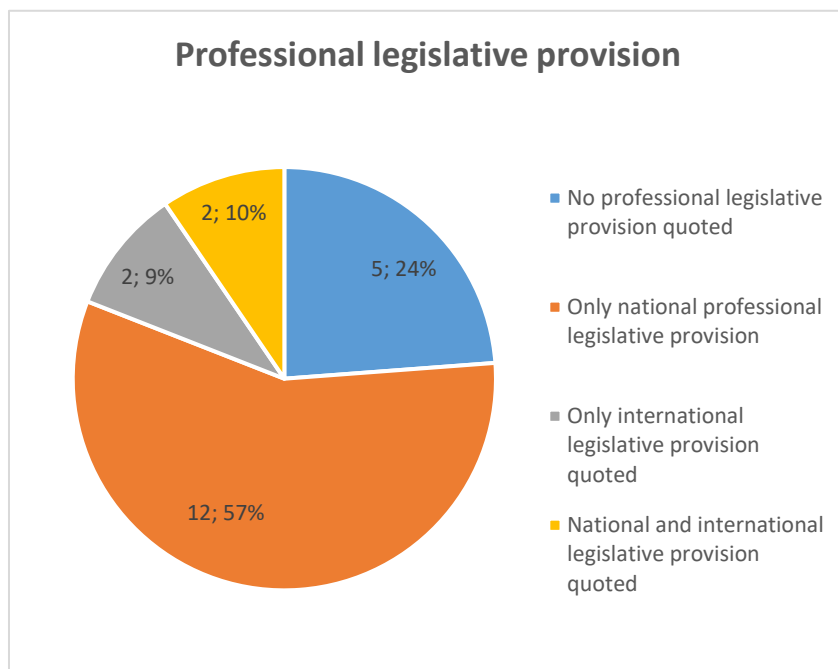
All respondents in the 22 reporting countries mention national provisions regulating, directly or indirectly, library activities. In some cases, as in Sweden, the National Library Act regulates libraries at all administrative levels - national, regional and municipal level.

Obviously, a Regional Library Act is essential for the functioning of libraries in federal states, such as Germany or Spain. If a national legislation is enforced, it only provides for a general framework; Spain, for instance, has 15 different “regional libraries laws”.

Responses also underline that the provincial / departmental level seems to be the least relevant for libraries: it is “not applicable” in no less than 13 countries. This is not the case for the local level, where professionals refer to national regulations establishing municipal libraries and to local provisions of “hard” and “soft” nature. To give an example, the Czech Republic mentions the “Ministry of Culture Guidelines” - soft law produced by a national entity. Romania specifies that “almost all regional and national libraries have local rules”; in some cases, internal rules at individual library level may be considered as very local legislation.

## Q. 17. 18. PROFESSIONAL LEGISLATIVE PROVISION

A vast majority of respondents, representing 17 countries, reported at least one professional legislation.

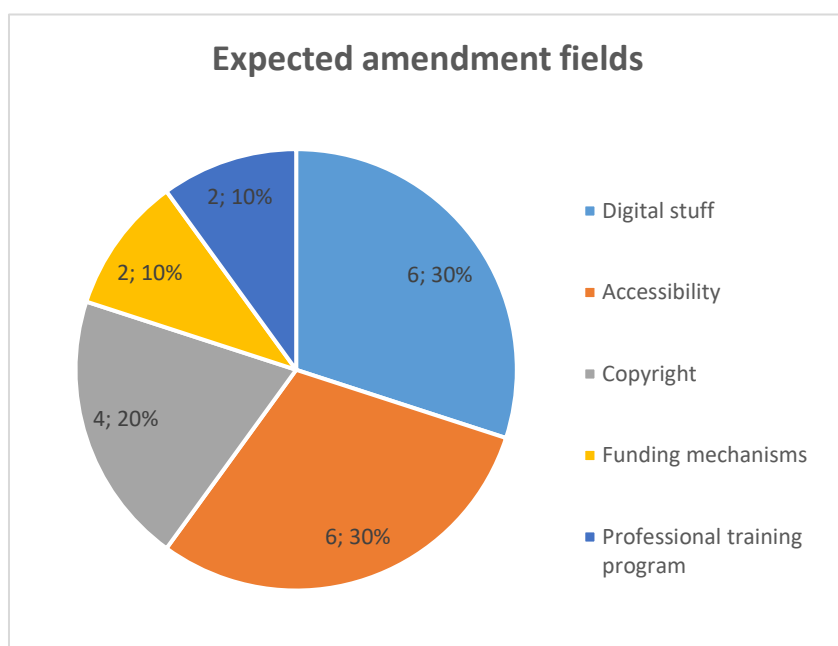


In most countries a national ethical code does exist and is widely applied. Other professional provisions can be of hard legislative nature, or rather soft legislation, as charters and guidelines.

International professional provisions include almost always some IFLA-generated documents, such as the UNESCO Public Library Manifesto (France and Sweden) and other IFLA documents (France, The Netherlands, Slovak Republic and Sweden). Only 5 countries do not mention any professional provision.

## Q. 19. 20. FIELDS IN WHICH NEW LEGISLATIVE PROVISIONS SHOULD BE CREATED

19 experts out of 32 consider that their legislation should be amended in at least one field. It is the case of 15 countries of 22.



Answers from respondents highlight certain fields in which amendments are expected. Digital technologies account for the main reason pointed out by respondents. Two main reasons are highlighted: e-books, their accessibility and loan and, second, legal deposit of native digital documents.

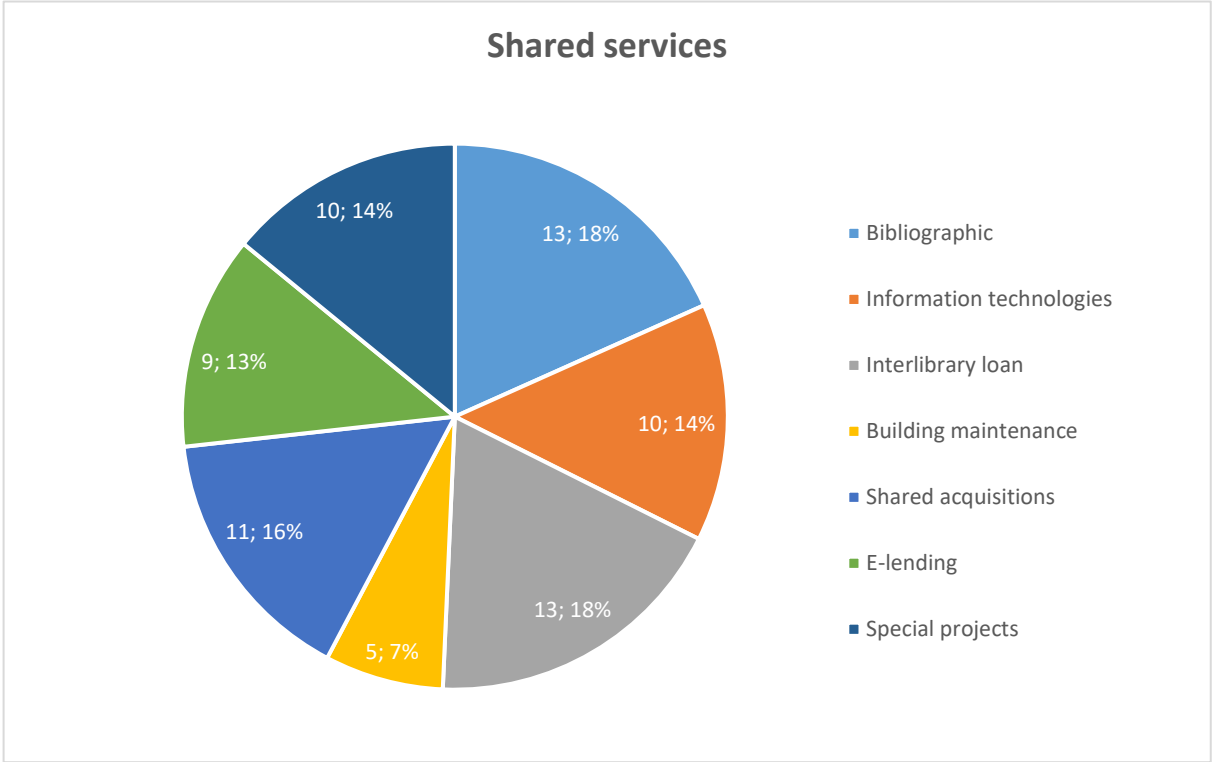
Changes are also expected in relation to access to library resources in a more extensive meaning.



Some respondents claim that more guarantees should be provided to all citizens - “access for all” (Spain, France), and also a “Working hour Act” (Germany). In a more strict sense of accessibility, some professionals asked for an adaptation of libraries to visually impaired people (2 respondents). Numerous respondents mentioned that library legislation should also consider the copyright issue and its evolution. Finally, two other subjects are pointed out in the adaptation of library legislation: better funding mechanisms and the improvement of professional training programmes.

**Q. 21. 22. IS THERE SHARED RESPONSIBILITY AT VARIOUS GOVERNMENTAL (STATE, PROVINCE, CITY) LEVELS FOR THE CREATION AND MAINTENANCE OF PUBLIC LIBRARIES IN YOUR COUNTRY?**

Respondents are almost unanimous: in no less than 16 countries, shared responsibility does exist at various governmental levels in relation to the creation and maintenance of public libraries. Only 4 countries (Norway, Spain, Austria and Germany) report that no such shared responsibility exists.



In these 16 countries the two main shared services are: “bibliographic” and “interlibrary loan”. In a cross institutional perspective, it makes much sense that these two services are considered relevant. Two additional shared services are: “shared acquisitions” and “special projects”. The first seems quite obvious: nowadays, there is widespread concern that several institutions, at different levels, are solicited in order to fund acquisitions. For “special projects”, transversal cooperation at various governmental levels is encouraged: the setting up of a union catalogue and digitalization projects (Czech Republic, Luxembourg), cultural heritage content (Latvia, also with the support of European funds, ERDF), digital inclusion (The Netherlands) or a certification label linked with digitalization projects (Digital library of reference, France).

### **Q. 23. SHOULD THE ROLE OF INSTITUTIONS SERVING PUBLIC/UNIVERSITY SYSTEM BE GROUNDED IN LEGISLATION**

Responses to this question are quite straightforward: in 20 countries of 22 respondents are in favour of grounding the role of public and university libraries in legislation. Only one country (Sweden) is against and Spain doesn't know. These answers reflect a professional concern of getting concrete support from authorities based on legislation, regardless of the type of library (public or university) and of the administration level.

### **Q. 24. 25. FREE OF CHARGE ACCESS TO LIBRARIES**

Two questions were asked about free of charge strategies in libraries. The first referred to free access to library premises. In 13 countries of 22, free of charge access to library premises is grounded in legislation. Free of charge access to library services is grounded in the legislation of 15 countries over 22. These figures show that States have a real interest in making physical access to libraries and library services open to everyone. These two elements are essential requirements for libraries when they wish to fulfil their missions in education, long-life learning, digital information and the development of democracy.

Among the 7 remaining countries, 4 make free of charge grounded in legislation either to library premises (Germany) or to library services (Czech Republic, Lithuania, Poland). Therefore, only 3 countries - Austria, Cyprus and France - of 21 don't have any legislation providing for free of charge access to library premises or to library services. This doesn't mean, however, that libraries charge for access to premises and services, since the principle can be stated in professional national charters not having the same legal value and only depending on deontological concerns.

### **Q. 26. 27. PERCENTAGE OF THE FUNDING RECEIVED BY PUBLIC LIBRARY FROM CULTURE ORIENTED BODIES AND BUDGET RECEIVED BY PUBLIC LIBRAIRIES WHICH ORIGINATES FROM MINISTRIES OTHER THAN CULTURE**

Here again, a finer analysis should be required depending on national traditions and legislations. The majority of funding comes from local entities, principally municipalities. In 12 countries of 22 countries local funding generates between 51 % and 100 % of library incomes. This is the case in Austria, Czech Republic, Finland, France, Hungary, Germany, Latvia, The Netherlands, Norway, Poland, Portugal, Spain and Sweden.

The second most important level is national. In three countries the national level is financing 76% to 100 % of library income. These countries are Bulgaria, Cyprus and Lithuania.

The intermediate levels (region/lands and provinces/departments) do not account for a large part of library funding. In only three countries library resources are generated by intermediate levels: Italy, where regions are financing between 51 and 75% of library income, France and Austria (between 26% and 50% of library budgets).

Private resources generate another share of library funding, in at least 12 countries: Austria, France, Hungary, Latvia, Lithuania, Luxembourg, The Netherlands, Poland, Portugal, Romania, Slovak Republic and Spain. This share, however, is quite low and represents from 1% to 25% in most countries (10). In Lithuania and Luxembourg, however, private sources account for 26-50% of library budgets.

Finally, the budget share received from ministries other than culture is obviously high for university libraries which receive funding from Ministries of Education and/or Research. Other Ministries, however, also play a role with budget shares that may go from 1-25% to 26-50%, even if in special cases (especially for research libraries).

## **Q. 28. REPARTITION OF THE BUDGET BETWEEN ORDINARY TASKS AND SPECIAL PROJECTS**

This question is not easy-to-answer . Interestingly enough, when there is more than one respondent from the same country, answers may differ and this shows how diverse the perception of the involved actors is. Also, in federal countries like Germany and Spain this repartition is further complicated by policies at local and regional levels. It is a fact, however, that the repartition between ordinary tasks and special projects is quite unbalanced in favour of ordinary budgets. In seven countries, it is in the order of 90% for ordinary tasks and 10% for special projects, whereas the repartition 80%-20% is the one selected by 3 countries.

## **Q. 29. STRUCTURAL FUNDS OF THE EU**

Answers concerning the application of European funds are ambiguous. 11 countries of 22 maintain that they resorted to the Structural Funds of the European Union for development purposes; in seven countries such financial support was not used and 4 respondents do not know. Mentioned European programmes (not only Structural) are: Erasmus+, the European Social Fund and funds dedicate to the regional development (LEADER program), or wifi4EU.

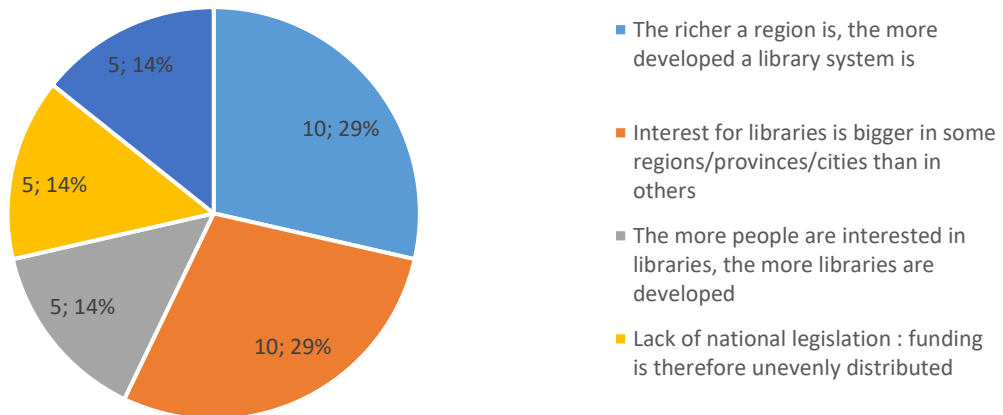
## **Q. 30. 31. UNEVENLY DEVELOPED LIBRARY SYSTEM AND DISPARITIES**

In 17 out of 22 countries, respondents complain about an unevenly development of library systems. Only 4 countries (Hungary, Denmark, Latvia and Sweden) report that there is no disparity; one doesn't know (Lithuania).

The reasons for such uneven development are different. In general, some regions show more interest than others. Especially in federal systems, this disparity is exacerbated by different library policies: in Germany ca 2000 libraries are full-time managed and 82% have internet access, but 5 200 libraries in rural areas are managed most of the time by voluntary of part-time and only 22% are connected to the Internet. In Norway, the respondent claims, *"there are disparities between cities and small municipalities with few inhabitants, and big areas"* .

Another general reason is the wealth of a region's: the richer, the more developed a library system is. Others factors include: people's interest, lack of national legislation and the composite nature of funding.

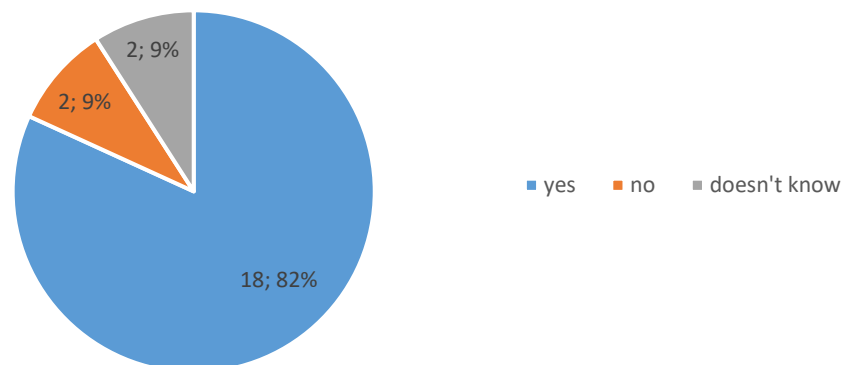
### Reasons of an unevenly development system of the library system



### Q. 32. FREEDOM OF EXPRESSION AND FREE ACCESS TO INFORMATION IN LIBRARIES ENCOURAGED BY SPECIFIC PROVISIONS

When we come to special provisions concerning freedom and expression and free access to information, responses are quite straightforward. A vast majority of countries (18 out of 22) have special provisions; two countries don't and two other do not know.

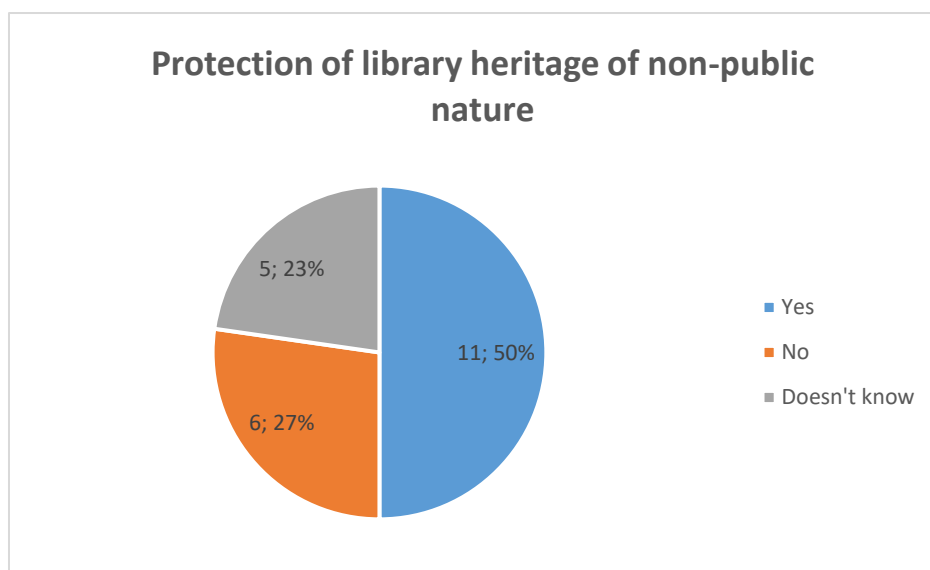
### Specific provisions encouraging freedom and expression and free access to information



In 7 countries, specific provisions are mostly included in the National Library Act. In the others, the reference text is the national Constitution. Specific legislation is also quoted by the Slovak Republic (Act n° 21-2000). Ethical codes in addition to the National Library Act are also mentioned in Bulgaria and in France (Bib'lib Declaration).

### Q. 33. PROTECTION OF LIBRARY HERITAGE OF NON-PUBLIC NATURE

The protection of non-public library heritage through ad hoc provisions is guaranteed in 11 countries; whereas 6 countries don't have it and 5 do not know.

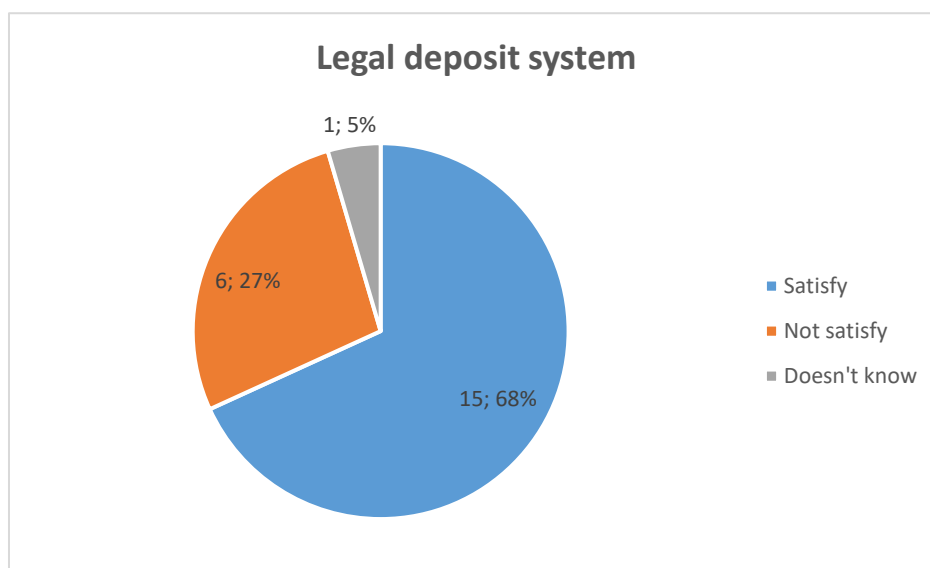


It could be interesting to know to what extent countries not having special legislation are covered by European Union legislation related to the circulation of cultural goods.

### Q. 34. 35. LEGAL DEPOSIT

Legal deposit legislation seems to be working in a rather efficient way, as professionals in 15 different countries report (Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Italy, Luxembourg, Norway, Poland, Romania, Slovak Republic, Spain).

Legal deposit legislation is considered unsatisfactory in six countries (France, Latvia, Lithuania, Netherlands, Portugal and Sweden), and 1 does not know (Austria).



Within the 6 countries, four of them (France, Latvia, Lithuania and Sweden) maintain that a proposal designed to amend the legal deposit is on its way.

## Q. 36. RECRUITMENT OF PROFESSIONAL LIBRARIANS

8 countries out of 22 do not have specific provisions regulating the recruitment of professionals. On the contrary, 14 countries have specific provisions regulating the recruitment of librarians. These provisions mainly concern a specific diploma or education degree, specific competitions in library calls for candidates, or both. The following table describes the provisions, country after country.

Number of respondents	Countries	Specific provision regulating the recruitment
1	Austria	No
2	Bulgaria	Yes
3	Cyprus	No
4	Czech Republic	No
5	Denmark	No
6	Estonia	No
7	Finland	Yes, Public Libraries Act Section 17 Competence and leadership (1) Public libraries shall have a sufficient number of qualified staff trained in library and information services and other staff. Staff members in expert positions shall have a suitable higher education degree, unless otherwise required by the nature of the position. The Director of municipal library services shall have suitable Master's degree, leadership skills and good familiarity with the duties and operations of libraries.
8	France	Yes, exams
9	Hungary	Yes
10	Germany	Yes, as most libraries are in public hands, professional librarians underlie the employment conditions of the public service. Library professionals have to be qualified through a relevant educational degree.
11	Italy	Yes, it is generally necessary to have a second level degree and in some cases a specialisation. It also depends on competition. There are degree courses in Librarianship.
12	Latvia	Yes, regulations regarding the Number of Employees Necessary for the Work of Library an the Education Necessary for Holding Positions (working on amendments)
13	Lithuania	Yes, recruitment of Director of the National Library and recruitment of directors of provincial and municipal public libraries – competition and terms of office
14	Luxembourg	Yes, for State library only (minimum bachelor)
15	Netherlands	Yes
16	Norway	Yes, Oslo Metropolitan University which educates librarians

<b>17</b>	Poland	Yes, The only requirement stated in the Library Act is that the persons working in libraries must have a secondary education or secondary vocational education level.
<b>18</b>	Portugal	No
<b>19</b>	Romania	No
<b>20</b>	Slovak Republic	Yes
<b>21</b>	Spain	Yes, public call, civil servants from the Ministry / Region
<b>22</b>	Sweden	No