COUNCIL OF EUROPE / EBLIDA

RECOMMENDATIONS
ON LIBRARY LEGISLATION AND POLICY
IN EUROPE

Zélia Parreira
Executive Committee | Libleg Expert Group
I. Freedom of expression and free access to information

II. Libraries within the national book and information policies

III. Libraries and the knowledge industries

IV. The protection of library heritage

[...extremely useful tool for describing the minimum requirements for library legislation, through the application of a suggested set of principles]

B. Schleihagen, 2009
Why update?

Guidelines and other sets of principles are a product of their time

Reflect political, societal, and technological transformation and the impact of these changes in Libraries.

1850-1945
Building Library Services
Occupying territory
Defining Standards

1945-1990
National Identity
Access to information for all
Social cohesion

1990’s - Now
Decentralization
Libraries as content producers
Digital transformation
A Working Group on Library Legislation and Policy in Europe (LIBLEG)

Purposes:

• Investigating about current developments in library legislation and policy in Europe and identify the most innovative aspects / features;

• Revising the Council of Europe-EBLIDA Guidelines for library legislation and policy in Europe;

• Drafting the Final report on Library Legislation and Policy in Europe.
The new Council of Europe / EBLIDA Recommendations on Library Legislation and Policy | EBLIDA Conference, Luxembourg, 2023

Constitution of LibLeg

Starting the draft

Feedback

2021

2022

JAN
FEV
MAR
ABR
MAIO
JUN
JUL
AGO
SET
OUT
NOV
DEZ

LibLeg : WG > EG

Steering Committee for Culture, Heritage and Landscape (CDCPP)

Submitted to CoE
### 1462nd meeting of the Ministers' Deputies (5th April)

**Disseminate the Recommendations and underline its importance**

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**Highlight the expected improvement in library services arising from the application of these principles**
ON THE ROAD TO THE RECOMMENDATIONS: IDENTIFYING CATALYSTS

SDG

Directive on Copyright in the Digital Single Market

Artificial Intelligence

Global crisis and/or disasters
Publicly accessible institutions of a cultural, educational and social nature that serve local, academic or specialized communities and/or society at large. They are national or local, public or private institutions as long as they are non-profit and adopt and apply library values, principles, standards and professional methodologies.
ON THE ROAD TO THE RECOMMENDATIONS: THE FUNDAMENTALS

Conventions, Recommendations and other legal or professional guiding instruments

- the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), Article 10;
- the European Cultural Convention (ETS No. 18);
- the Convention for the Protection of the Architectural Heritage of Europe (ETS No. 121);
- the European Convention on the Protection of the Archaeological Heritage (revised, ETS No. 143);
- the Framework Convention for the Protection of National Minorities (ETS No. 157);
- the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 196);
- the Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221);
- Recommendation CM/Rec(2016)2 on the Internet of citizens;
- Recommendation CM/Rec(2017)18 on Big Data for culture, literacy and democracy;
- Recommendation CM/Rec(2018)3 on cultural heritage facing climate change: increasing resilience and promoting adaptation;
- Recommendation CM/Rec(2018)10 on culture’s contribution to strengthening the internet as an emancipatory force;
- Recommendation CM/Rec(2020)1 on the human rights impacts of algorithmic systems;
- Recommendation CM/Rec(2020)7 on promoting the continuous preservation of risks in the day-to-day management of cultural heritage co-operation with States, specialists and citizens;
- Recommendation CM/Rec(2022)15 on the role of culture, cultural heritage and landscape in helping to address global challenges;
- the Guidelines on Artificial Intelligence and Data Protection (T-PD(2019)01), issued by the Council of Europe;
- the International Federation of Library Associations and Institutions (IFLA)/UNESCO Public Library Manifesto (1994) and its updated version (2022);
- the Budapest Open Access Initiative (2002);
- the IFLA/UNESCO Multicultural Library Manifesto (2009);
- the IFLA/UNESCO Manifesto for Digital Libraries (2011);
- the IFLA Internet Manifesto (2014);
- the EBLIDA/IFLA/LIBER Statement “Be open to open science: stakeholders should prepare for the future, not cling to the past” (2016);
- the IFLA Statement on libraries and artificial intelligence (2020);
- the EBLIDA report “Think the unthinkable – A post Covid-19 European Library Agenda meeting Sustainable Development Goals and funded through the European Structural and Investment Funds (2021-2027)” (2020);
- the IFLA/UNESCO School Library Manifesto (2021);
- the United Nations Resolution adopted by the General Assembly in 2015, Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1);
- the United Nations Convention on the Rights of the Child (1989);
- the UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols (1954 and 1999);
- the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970);
- the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995);
- the Charter of Fundamental Rights of the European Union (2000), Article 11;
- the Universal Declaration of Human Rights (1948), Article 19;
- Directive 2014/45/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast);
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data;
- the Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain Union legislative acts proposed by the European Commission in 2021;
- Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open re-use of public sector information (re-use);
- the UNESCO Recommendation on Open Science (2021);
- the Pforzheim Declaration on Cultural Rights (2007),
I - Freedom of expression, access to information and democratic participation;

- Access to libraries provided free of charge, to all citizens without any regard;
- Libraries should create active strategies of inclusion for all;
- Collection development, in respect for the library independence and for the principles of the Charter of Human Rights. In a spirit of cooperation and sustainability, collections must be built in a regional or national framework;
- Libraries have a key role in democratizing access to digital contents and make it comprehensible and easy to use to all citizens;
- Libraries must go beyond their traditional functions and become spaces of debate, enlightenment, and critical thinking.
II. The European Union 2030 Agenda on sustainable development

- Ensure that libraries can perform their functions in the SDG framework;
- Integrate Libraries in regional and national policies and structures;
- Define types and levels of service and provide proper resources, in order to achieve high quality (and measurable) services:
  - technical standards
  - adequate financing
  - professional education and training.
III. Global and local threats to library operations

Libraries find themselves in a defiant position when trying to make services, spaces, and other kind of support, available to their communities during a crisis.

• Ensure that libraries have the opportunity to prove their value in times of disaster.

• Libraries must be seen as:
  • a reliable resource,
  • a safe place for all
  • an institution specialized in organization and intelligent use of resources

• Libraries are available and should be considered as essential services in times of disaster.
IV. Digital transformation and the expansion of Artificial Intelligence;

- Libraries’ role in developing practices of inclusion in the digital environment:
  - reducing the digital gap
  - combining printed and digital materials,
  - enabling distance learning projects,
  - fostering ethical procedures when using Artificial Intelligence,
  - encouraging the public reuse of resources and public data
  - compliance with existing legislation and copyright regulations.
V. Copyright policies and the protection of library heritage.

- **Fair and sustainable copyright system.**
  A balanced compromise is in order and the national, regional, and local authorities should take measures to protect libraries’ services in a sustainable and fair way.

- **Regarding Library heritage:**
  - Integration of written heritage as cultural assets;
  - Legal Deposit:
    - legal, technical and financial aspects of the legal deposit;
    - deposit of electronic and digital publications.
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Recommends that the governments of member States:

1. ensure coherence between rules relating to library legislation and rules applied in other associated fields, together with their related policies;

2. enlarge the scope of traditional rules for libraries, in order to take into account all the different issues relevant for library legislation and policy;

3. strike a balance between the interests of individuals and corporate bodies, both public and private;
Recommends that the governments of member States:

4. while ensuring that library legislation takes account of the different circumstances and interests of member States, in order to be effective:

   a. adopt adequate legislative or other policy measures that are in line with the principles outlined in this recommendation and the appended guidelines, and bring existing legislation into line with the same principles;

   b. translate this recommendation and the associated Council of Europe/EBLIDA Guidelines on Library Legislation and Policy in Europe into their respective official languages and disseminate them as widely as possible to the relevant bodies and persons.
Let's Do This Together.

THANK YOU!
OBRIGADA!

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