

# COUNCIL OF EUROPE / EBLIDA

## RECOMMENDATIONS ON LIBRARY LEGISLATION AND POLICY IN EUROPE



Zélia Parreira  
Executive Committee | Libleg Expert Group





# COUNCIL OF EUROPE / EBLIDA GUIDELINES ON LIBRARY LEGISLATION IN EUROPE, 2000

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.

1850-1918

Building Library Services  
Occupying territory  
Defining Standards

1918-1945

National Identity  
Access to information for all  
Social cohesion

1945-Now

Decentralization  
Libraries as content  
producers  
Digital transformation



## EBLIDA Press Release

A Working Group on **Library Legislation and Policy in Europe (LIBLEG)** has been created with a view to assisting and advising the EBLIDA Executive Committee in revising the Council of Europe-EBLIDA Guidelines on *Library Legislation and Policy in Europe*



Chair:

**Giuseppe Vitiello**

EBLIDA Director

[www.eblida.org](http://www.eblida.org)

# 2020'S



December 2020: Libleg

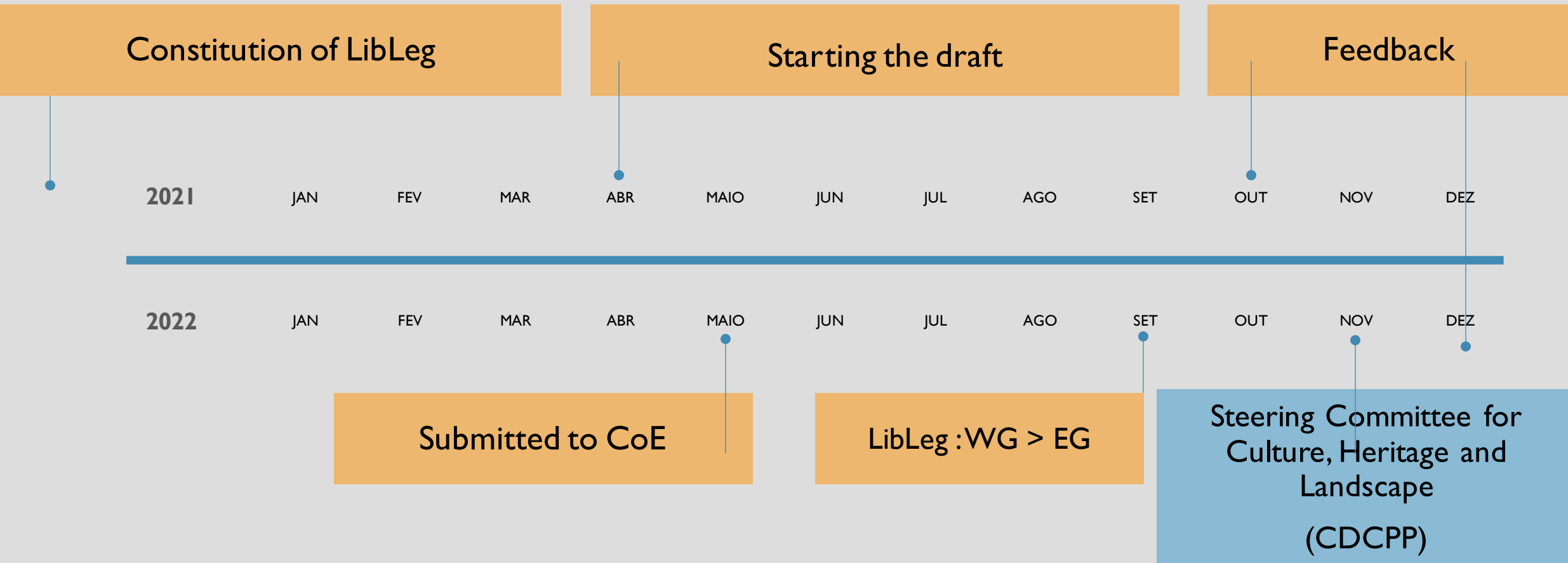
Library Legislation Working Group

### 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 COUNCIL OF EUROPE / EBLIDA RECOMMENDATIONS





# THE COUNCIL OF EUROPE / EBLIDA RECOMMENDATIONS

**1462<sup>nd</sup> meeting of the Ministers'  
Deputies (5th April)**

**Disseminate the  
Recommendations and  
underline its importance**

**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



# ON THE ROAD TO THE RECOMMENDATIONS: THE FUNDAMENTALS

## “libraries”

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. 199);
- 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)1 on the European Cultural Heritage Strategy for the 21<sup>st</sup> century;
- Recommendation CM/Rec(2017)8 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 prevention 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 International Covenant on Economic, Social and Cultural Rights (1966), Article 19;
- 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 2014/60/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) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods;
- 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 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society;
- Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property;
- Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC;
- Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast);
- Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works;
- Commission Recommendation (EU) 2021/1970 of 10 November 2021 on a common European data space for cultural heritage;
- the UNESCO Recommendation on Open Science (2021);
- the Fribourg Declaration on Cultural Rights (2007);



## RECOMMENDATION CM/REC(2023)3 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON LIBRARY LEGISLATION AND POLICY IN EUROPE



### 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.



## RECOMMENDATION CM/REC(2023)3 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON LIBRARY LEGISLATION AND POLICY IN EUROPE



### 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.



## RECOMMENDATION CM/REC(2023)3 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON LIBRARY LEGISLATION AND POLICY IN EUROPE



### 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.



RECOMMENDATION CM/REC(2023)3  
OF THE COMMITTEE OF MINISTERS TO MEMBER STATES  
ON LIBRARY LEGISLATION AND POLICY IN EUROPE



## 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.



## RECOMMENDATION CM/REC(2023)3 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON LIBRARY LEGISLATION AND POLICY IN EUROPE



### 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.



# GUIDELINES 2000 VS RECOMMENDATIONS 2023

I. Freedom of expression and free access to information	I. Freedom of expression, access to information and democratic participation;
II. Libraries within the national book and information policies	II. The European Union 2030 Agenda on sustainable development
	III. Global and local threats to library operations
III. Libraries and the knowledge industries	IV. Digital transformation and the expansion of Artificial Intelligence;
	V. Copyright policies and the protection of library heritage.
IV. The protection of library heritage	



## NEXT STEPS

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;





## NEXT STEPS

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!

Zélia Parreira

EBLIDA Executive Committee; LibLeg  
National Library of Portugal | Public Library of Evora  
CIDEHUS – University of Evora, Portugal  
zelia.parreira@gmail.com



"Este trabalho é financiado por fundos nacionais através da Fundação para a Ciência e a Tecnologia, no âmbito do projeto UIDB/00057/2020"  
"This work is funded by national funds through the Foundation for Science and Technology, under the project UIDB/00057/2020 "