

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



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

APPROVED: 5 APRIL 2023

## Introduction

In 2000, the Council of Europe Steering Committee for Culture, Heritage and Landscape (CDCPP), in collaboration with the European Bureau of Library, Information and Documentation Associations (EBLIDA), drafted the Council of Europe/EBLIDA Guidelines on Library Legislation and Policy in Europe, which have been highly influential in shaping policies and inspiring library-related legislation throughout the Council of Europe member States.

In 2020, the EBLIDA Working Group LIBLEG started the revision of the Guidelines. A text was elaborated and sent to the Council of Europe, which suggested to raise the status of the Guidelines to that of a Recommendation of the Committee of Ministers. A joint Council of Europe-EBLIDA Group worked on its finalisation and presented it to the CDCPP (November 2022). Some 15 member states enhanced the draft text with their comments. On 5th April 2023 the Committee of Ministers of the Council of Europe approved the CM/Rec(2023)3 Recommendation on Library Legislation and Policy in Europe.

By defining libraries as “publicly accessible institutions of a cultural, educational and social nature that serve local, academic, specialised communities and/or society at large”, the Recommendation introduces new concepts and reformulates traditional ones in the following four strands:

- A full sub-section is dedicated to “democratic participation”, which is added to “Freedom of expression and free access to information” (first section);
- Library work is framed within the European agenda 2030 on sustainable development and its related goals, and no longer in education and culture only, thus emphasizing the social dimension of libraries and their commitment towards a sustainable, democratic and equitable society;
- Two new sections are added: “Global and local threats and library operations” and “Digital transformation and the expansion of Artificial Intelligence-based library networks”;
- It is recommended to strengthen e-lending in libraries by facilitating the acquisition of licences for digital books, on reasonable terms, as soon as they are published.

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## Recommendation CM/Rec(2023)3 of the Committee of Ministers to member States on library legislation and policy in Europe

*(Adopted by the Committee of Ministers on 5 April 2023  
at the 1462<sup>nd</sup> meeting of the Ministers' Deputies)*

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The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that one of the aims of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and promoting the ideals and principles, founded upon respect for human rights, democracy and the rule of law, which are their common heritage;

Emphasising that libraries have a crucial role to play as community hubs striving towards a democratic, cohesive, inclusive and equitable society and are an essential and irreplaceable component of the social, cultural and heritage information infrastructure of a sustainable society where freedom of expression, public access to information and democratic participation are guaranteed;

Taking note that, in 2000, the Council of Europe Steering Committee for Culture, Heritage and Landscape (CDCPP), in collaboration with the European Bureau of Library, Information and Documentation Associations (EBLIDA), drafted the Council of Europe/EBLIDA Guidelines on Library Legislation and Policy in Europe, which have been highly influential in shaping policies and inspiring library-related legislation throughout the Council of Europe member States;

Noting that these guidelines serve as a reference for individual libraries working in often challenging local situations, as well as for regional and local administrators willing to restructure local library systems;

Underlining that – while the original guidelines are still relevant – cultural and societal changes on one hand, and technological developments on the other, are challenging libraries in new ways;

Emphasising that in the last two decades, libraries have developed as enriching spaces for human interaction, knowledge creation and civic engagement and that, in several Council of Europe member States, library legislation already reflects these new concepts and roles, which are inspired by a good number of Council of Europe and European Union documents and recommendations;

Confident that a revision of the Council of Europe/EBLIDA Guidelines on Library Legislation and Policy in Europe and their transformation into a Committee of Ministers' recommendation can reinforce a Europe-wide effort to strive towards a well-informed, inclusive and democratic society;

Noting that, as a result, the CDCPP has decided to re-examine the field of libraries<sup>1</sup> in order to draft a new set of principles that is relevant for national legislation and policy in Council of Europe member States, conforms to democratic values, is compatible with the constitutional principles of member States and can inspire new and/or revised library legislation and policy;

Reaffirming that libraries should contribute to common goals, identified within the framework of the United Nations 2030 Agenda for Sustainable Development, such as social inclusion, quality education, peace, justice and strong institutions;

Noting that the advancement of information technologies for all has brought forward new aspects to the library and information sector, such as access, privacy, data protection, big data, connectivity and inclusion, cybersecurity, artificial intelligence, 5G, blockchain, process automation, autonomous devices, and virtual (augmented or extended) reality;

Recalling the relevant Council of Europe conventions, recommendations and guidelines, namely:

- 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;

Recalling other relevant international legal instruments:

- 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;

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<sup>1</sup> For the purposes of this recommendation, "libraries" are defined as publicly accessible institutions of a cultural, educational and social nature that serve local, academic or specialised 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.

- 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);

Noting the following professional documents:

- 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);

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;
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 (see the Appendix) into their respective official languages and disseminate them as widely as possible to the relevant bodies and persons.

### **Appendix to Recommendation CM/Rec(2023)3**

## **COUNCIL OF EUROPE/EBLIDA GUIDELINES ON LIBRARY LEGISLATION AND POLICY IN EUROPE**

Member States should make sure that libraries can carry out the functions indicated in Recommendation CM/Rec(2023)3 and the following guidelines.

### **I. Freedom of expression, free access to information and democratic participation**

#### **1. Open access to information and the development of a democratic society**

- i. Libraries are created for the benefit of their user communities so as to provide people with open access to information and ideas. As an independent meeting place and arena for public discussion and debate, they contribute to the development of a democratic society and to the freedom of expression and thought.
- ii. Access to libraries should be provided free of charge to all citizens without regard to race, nationality, religion, culture, politics, age, physical or learning impairment, gender or sexual orientation.
- iii. Collections acquired in libraries, regardless of form or format, whether individual or included in a network, should include a comprehensive core of basic information materials, tools and services financed from public funds and made available free of charge to the public and to all members of the user community, regardless of their ability to pay. Access to these basic information materials and to library services is a fundamental right, unless enacted legislation purposely limits it in accordance with the fundamental conventions, declarations and charters protecting human rights and fundamental freedoms.
- iv. Library service points should provide the best level and quality of intellectual and physical access to their materials and resources, combating misinformation and disinformation and catering for the needs of persons with disabilities.
- v. Libraries should provide access to materials that are not part of their collections by making use of national and international interlibrary lending and document delivery services.
- vi. Libraries are designed to be inclusive institutions; therefore, they should be “safe places” for all kinds of minorities, for whom special programmes should be devised to combat, wherever necessary, any practice intending to discriminate on the grounds of sex, gender identity or gender expression.

#### **2. Principles for collection development**

- i. Libraries' collections should be developed based on librarians' independent professional judgment, without political, religious, sectarian, commercial or other influences. Where appropriate, this should be done in consultation with representative bodies of users, community groups or other educational, cultural and information institutions.
- ii. Libraries should acquire materials and provide access to resources on the basis of quality and relevance to the needs of the user community, taking into account the diversity of the community they serve in terms of the content, language and format provided.
- iii. Collection development policies, including those concerning digital collections, should be continuously reviewed and updated in order to reflect changing needs and opportunities, and criteria should be set to eliminate documents, in poor condition or obsolete. Collection development should be a transparent process and the policies on which it is based should be made public.

iv. Minority groups should be provided with materials in their own language relating to their own culture. Furthermore, in conformity with the European Union's Charter of Fundamental Rights, library collections should represent the cultures of minorities and make them known to the wider community where relevant.

v. Libraries should form part of local, regional or national systems whose members co-operate on matters of acquisition and the circulation of collections, and form close working relationships with other cultural, educational and information institutions.

### **3. Principles for access to digital content**

i. Libraries should:

- seek to obtain electronic access to information resources on behalf of users according to the principles underlined in section 1;
- provide public access points with suitable levels of support and guidance, enabling independent use of digital content and information;
- not knowingly permit access to internet material that is illegal within the jurisdiction where it is accessed and highlight, as far as possible, elements of misinformation and disinformation, it being understood that it is left to the users to determine what information they wish to access;
- formulate policies on internet use that express the objectives pursued and methods used in providing public access to digital content and information, and ensure full transparency as to the origin of the information and the ways in which it is produced, promoted, disseminated and targeted;
- respect user rights, including the rights to confidentiality and privacy, in compliance with legislative instruments concerning personal data protection;
- continuously review policies on public access points and their application in practice, in consultation with representative bodies of users and civil society organisations;
- store, protect, enhance and develop historical collections, if that forms part of their remit, and actively promote such collections to the general public.

### **4. Promotion of democratic participation**

i. Libraries should:

- be considered a necessary force in sustaining and developing democracy, by engaging communities and offering platforms for discussion;
- promote diversity of information sources and opinions in order to enable citizens to make informed decisions based on critical thinking;
- be active in the organisation of public debates for the benefit of society at large;
- foster credibility by enhancing access to reliable information, for instance through the use of website rating systems and their evaluation, rather than information filtering, thereby improving traceability of information and authentication of influential information providers;
- design inclusive solutions that include awareness raising, media literacy, broad stakeholder involvement and the co-operation of public authorities.

## **II. Libraries within the framework of the United Nations 2030 Agenda for Sustainable Development**

### **5. Library governance**

i. National, regional and local authorities in member States should provide the necessary organisational, economic and monitoring mechanisms to enable library activities and services. Libraries should be included in national cultural and educational policies pursuing the achievement of the Sustainable Development Goals as prescribed by the United Nations and their equivalent programmes in a European context. National, regional and local authorities of the member States should:

- secure the necessary legal status and professional platforms for all types of libraries within the framework of a national policy oriented towards achieving the Sustainable Development Goals;
- provide specific organisational structures for all levels of the library sector – public, academic, national, school or specialised libraries – clarifying their distinct roles, duties and responsibilities, and mandating the presence of professional librarians in management at all relevant organisational levels;
- encourage libraries to adhere to international standards and guidelines;
- provide a transparent administrative framework clarifying the relations between libraries and other governmental and non-governmental agencies in the provision of material that is of interest to library users, in particular (e-)books and other media of cultural and educational or recreational interest;
- strive to develop the necessary infrastructure to foster co-operation between libraries, recognising their specific missions and tasks in the wider framework of the Sustainable Development Goals;
- consider that the provision of cultural library goods and services reduces the informational divide and is often of crucial importance for persons in disadvantaged situations as a result of poverty, isolation or social exclusion.

### **6. Library services and performance indicators**

i. Technical standards and standards relating to telecommunications, digital networks and related equipment should be applied, as far as possible, to facilitate national and international information exchange.

ii. Library services should seek to offer guidelines for quality performance measurement relating to the different types of libraries and their missions in compliance with the achievement of the Sustainable Development Goals.

iii. Library services for particular groups of users should be prioritised in regulations and provided partly through services regulated by/contained in common library legislation, partly through specialised libraries and partly through centralised services.

iv. Regular studies and evaluations should be carried out to explore how libraries fulfil their educational and cultural missions as well as comply with the Sustainable Development Goals.

v. Library authorities at the national level should consider developing library services within national and international information policies.



## **7. Library financing**

- i. A balance between the expected service level and the provision of adequate resources should be achieved regardless of the type of library and the level of authority governing it.
- ii. The financing of libraries should be mostly the responsibility of public authorities. Library services partly funded from other sources should not interfere with librarians' professional integrity nor with the selection of library materials, and should not undermine the fundamental principles of free access and of certain basic services being free of charge.
- iii. Library authorities and libraries should develop organisational structures and supervision and control mechanisms that ensure the best possible value for public money spent on library services by designing instruments for proper performance measurement and quality control for different types of libraries and by envisaging instruments that measure libraries' social accountability.
- iv. It should be a responsibility of public authorities to ensure that the financing of libraries reflects the impact of new technologies.
- v. Libraries are community builders and providers of informal education; therefore, mechanisms should be put in place to ensure co-ordination with development plans and strategies of national and local communities, each with their respective responsibilities and functions.

## **8. Education and training**

- i. Library education should be reflected in the national legislation on libraries and library policy as an imperative for library services to secure and provide a professional body of librarians and other personnel.
- ii. Sufficient resources should be provided to ensure adequate training of staff and users to ensure that they are able to make proper use of the new tools and services in libraries.
- iii. Library authorities should encourage the exchange of library staff through the development of European staff exchange programmes.

## **III. Global and local threats and library operations**

### **9. Libraries as essential services in times of disaster**

- i. Like all cultural and educational institutions, libraries are vulnerable organisations and may find it difficult to react to global and local threats. The Covid-19 crisis, as well as other possible future crises, makes it imperative that libraries be resilient institutions. Disaster plans are needed in order that they can continue operations in precarious times or under adverse conditions. National, regional and local authorities of the member States, in collaboration with library managers, should therefore:
  - recognise the essential nature of library services and their relevance for the resilience of the communities they serve;
  - set up appropriate management plans containing an analysis of relevant risks, both human and natural, including the setting-up of permanent measures designed to prevent, reduce and avoid risks, with a particular emphasis on staff training;
  - prepare precise disaster plans in order to be able to continue library operations under adverse conditions;
  - assess the importance of library services for communities hit by threats of a local and/or global nature so as to enable a rapid and effective response to and possible avoidance of these threats;

- analyse the circulation of documents and set up alternative ways for libraries to interact with the communities they serve;
- provide correct and accurate information about global/local threats and disseminate this information to the population;
- promote the concept of the library as a “safe place” where access to trustworthy information and to adequate communication channels is provided;
- plan alternative ways of performing library services focused on technologies, remote delivery and new models of distribution;
- periodically review budgets and find alternative sources of income in order to enhance libraries’ preparedness to face crisis situations and to mitigate risks;
- establish co-operation with networks normally operational in disaster and crisis situations, with institutions in charge of rescue and civil protection, as well as with heritage and culture institutions and international organisations (for example, Blue Shield International), so that library resources and activities can swiftly be adapted under adverse conditions.

#### **IV. Digital transformation and the promotion of a sustainable, reliable and inclusive library ecosystem**

##### **10. Libraries as active agents in the book and information chains**

i. At the forefront of the digital transformation, libraries play a pivotal role within the book and information chains, both digital and printed. The adoption of cross-cutting technologies and the implementation of transformative capabilities, using artificial intelligence (AI) and algorithmic systems, can create the potential to enhance this role. In collaboration with library managers, national, regional and local authorities of the member States should:

- prepare library plans which allow libraries to scale up their practices from the analogue to the digital and combine the two formats in order to meet traditional library objectives;
- pursue distance-learning objectives in conjunction with educational establishments, including harnessing the virtual dimension of learning and providing digital hotspots for young people;
- in compliance with privacy regulations and recommendations regulating the use of algorithmic systems, exercise control over data and metadata affecting library operations and reuse these data in policy-making and decision-making processes, in particular when they concern the movement of people and resources and outcomes for libraries;
- ensure regulation of AI products to protect privacy and equity principles, including user education in libraries;
- promote the role of libraries as forums in which to exchange best practices on the ethical use of AI technologies in libraries;
- ensure that algorithmic systems applied in libraries do not create disparities or discrimination and that they comply with legislation intended to ensure respect for fundamental rights;
- promote library products and services aiming to lift barriers or inequalities of an economic, legal or technological nature;
- encourage public reuse of resources and create opportunities for content integration and knowledge extraction, in compliance with copyright regulations, fostering sustainability and diversity in both the medium and long term.

## **11. Information and digital literacy**

i. As community hubs designed to encourage the social development of the communities they serve, libraries should host and provide media and information literacy programmes and courses. They should therefore:

- in a fully integrated library system, consider the entire document lifecycle and ensure optimal circulation of the document's content within a national and international infrastructure where all libraries participate in their distinctive functions through the implementation of standards fostering interoperability;
- encourage and promote the implementation of effective and tailored media, information and digital literacy programmes with a view to enabling individuals and groups to be aware of their rights and to know how to put them into practice;
- empower individuals to protect the information they can access against any attempt to manipulate or exploit people's mindsets and actions through misinformation and disinformation;
- reinforce information and digital literacy activities for targeted categories of people, in close link with general policies, aimed at bridging national and local digital divides;
- within the framework of general educational and vocational training schemes, and in the spirit of inclusiveness, teach all segments of the population, in particular young people, proper media and technological literacy; this should be incorporated into guidelines and curriculums at all levels of education;
- implement practices aiming to increase informational self-determination among individuals, so that they become aware of any restrictions to their individual efforts to freely access information and to exercise individual rights;
- undertake research aiming to assess the level of democratic participation and the use of individual rights.

## **V. Copyright and the protection of library heritage**

### **12. Copyright and libraries**

i. Libraries implement copyright laws. These reasonably preserve authors' intellectual property without compromising the library user's access to information. In any law dealing with copyright and neighbouring rights, libraries should be recognised as organisations with a public function – paid for by public funds – and the availability and use of the information they contain should be facilitated in every way. In general, both the regime of exceptions to copyright for libraries and governmental policies concerning the circulation of copyright-protected documents in libraries should take into account the European Union directives governing copyright, both for physical and digital documents.

ii. Fully aware of their participation in the creation of value for the public they serve and, at the same time, for the economics of culture, libraries should be allowed to perform their public function regardless of the kind of material they handle, be it printed, audiovisual or digital information.

iii. Political bodies should ensure the legal and financial conditions that guarantee access to library collections and equitable access for all citizens to culture, information, education, research, knowledge and leisure.

iv. The lending of e-books is just as important as that of printed books in ensuring diversity of opinions, literary creativity and equal access to cultural content. As with printed books, public authorities should foster a sustainable commitment by all stakeholders in the book market to strengthen the development of e-lending in libraries, in particular by facilitating the acquisition by libraries of licences for digital books, on reasonable terms, as soon as they are published, while ensuring fair remuneration for authors and publishers.

v. Therefore, national, regional and local authorities of the member States should seek perfect complementarity between the full exercise of the mission of access to information and resources by libraries and copyright protection.

### **13. Governmental obligations with respect to libraries**

i. Libraries should enjoy a special status in governmental measures designed to encourage the development of cultural content and individuals' access to it. In close consultation with professional organisations and relevant bodies, national, regional and local authorities of the member States should:

- impose upon libraries a specific obligation to provide access to the information produced by government and local authorities of the member States;
- make sure that libraries, as institutions with a non-commercial purpose, are fully allowed to:
  - benefit from the exception to the exclusive right of reproduction or communication to the public of a work, or a database, for reproductions and extractions of lawfully accessible works for the purposes of text and data mining, in the spirit of Article 4 of 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;
  - benefit from the exception to the exclusive right of reproduction or communication to the public of a work, or a database, for the sole purpose of illustration for teaching, in the spirit of Article 5 of Directive (EU) 2019/790;
  - make copies of any works that are permanently in their collections, in any format or medium, for the sole purpose of the preservation of such works, in the spirit of Article 6 of Directive (EU) 2019/790;
  - make copies of any out-of-commerce works, in the spirit of Article 8 of the Directive (EU) 2019/790;
  - make orphan works included in their collections available to the public and make copies of such works, for the purpose of digitisation, in the spirit of Article 6 of the Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works;
- promote controlled digital lending (CDL) as a way to encourage citizens' access to information, allowing library loans to digital patrons in a "lend like print" fashion, while not deterring other libraries from using different e-lending models, in the interest of both rights holders and libraries;
- allow basic lending of e-books under the "one copy, one user" model, while not deterring other libraries from using different e-lending models, in the interest of both rights holders and libraries;
- make available information and cultural content through collective agreements, licensing and other forms of negotiations with publishers and authors at reasonable prices, when used for the purpose of individual development;
- not permit publishing policies intending to restrict access to information in libraries, whether in the form of embargoes or explicit vetoes of library acquisitions;
- commit themselves to the advancement of open science and to a healthier and more efficient research ecosystem, thus having a greater impact on research funding and knowledge transfer.

### **14. Legal deposit**

i. Legal deposit is the primary means of creating collections of national cultural heritage. Its objectives should be as follows:

- a national collection in printed and digital form should be created in order to preserve and develop national culture and transmit it to future generations;
- access should be given to stored publications through exception provisions drawn up in the spirit of Article 6 of 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;
- regulations should be drawn up requiring publishers/producers to deposit printed and digital copies in national depository institutions. Voluntary deposit should not be discouraged if it achieves the same objective as compulsory deposit. All categories of publications should be covered, in line with appropriate policies, also implying selective policies;
- depository institutions should be able to provide efficient bibliographic services with a complete national bibliography and control of the authorities concerned; in collaboration with external stakeholders, they should be able to provide official statistics on the national publishing output and adequate access to deposited publications, preferably through digital networks in order to increase efficiency;
- deposit of printed and digital copies should be kept at a reasonable level according to national needs. Due to the high cost of collection preservation programmes, overlap in policies linked to the legal deposit of sound, audiovisual, film and electronic material should be carefully avoided;
- web archiving through harvesting techniques should be strongly encouraged;
- the implementation of legal deposit for digital publications should be reinforced through campaigns aiming to make producers aware of the importance of storing web content for the protection of library heritage;
- non-compliance with legal deposit regulations should be sanctioned by financial or other measures;
- models for co-operation between depository institutions should be further analysed and encouraged;
- future research and investigation should be undertaken in order to explore the legal, technical and financial aspects of the legal deposit of electronic publications.

## **15. Transfrontier transfer of written heritage**

### **i. Member States should ensure that:**

- written-heritage materials whether from libraries or not, are included in the definition and/or list of cultural goods protected under the existing international rules on export control mentioned in this recommendation and these guidelines; in the particular case of heritage materials in libraries, their permanent export should not be permitted and only temporary export should be allowed;
- the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221) are the reference documents on questions of theft or illegal exportation;
- national regulations are provided to control the transfrontier movement of cultural goods, in the spirit of the directives of the European Council and Parliament (Council Regulation (EEC) No. 3911/92 of 9 December 1992 on the export of cultural goods, and subsequent texts);
- taking into account the great number of pending contentious issues, programmes intended to provide information on, and access to, written heritage transferred during the Second World War are encouraged.