

Bulletin of Acts and Decrees of the Kingdom of the Netherlands, Volume 2014

Act of 19 November 2014 to adopt an updated system of public library facilities (Public Library Facilities System Act)

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Oranje-Nassau, etc, etc, etc.

To all who will see or hear this being read out, salute! Let it be known that:

Having considered that it is desirable to bring the statutory provisions regarding public libraries up to date and to give shape to the national digital public library;

It is thus that We, having heard the Advisory Division of the State Council, and in consultation with the Houses of Parliament, have approved and decreed as We hereby approve and decree:

CHAPTER 1 GENERAL PROVISIONS

Article 1. Definitions

1. In this Act and the provisions based on it:
 - a. 'National Library of the Netherlands (National Library)' means Koninklijke Bibliotheek as referred to in Article 1.5(2) of the Dutch Higher Education and Research Act ('WHW');
 - b. 'National Digital Library' means a library facility that is independent of location and time and accessible to everyone;
 - c. 'Local Library' means the organisation with legal personality that operates one or more public library facilities that are accessible to everyone and that are maintained or subsidized primarily by one or more municipalities or by the public bodies Bonaire, Sint Eustatius or Saba. The obligations of this Act are applicable to the legal entity as a whole rather than to each branch individually;
 - d. 'Our Minister' means the Dutch Minister of Education, Culture and Science;
 - e. 'Provincial Support Organisation' means a facility that is subsidised or maintained primarily by one or more provinces to offer a package of supporting activities to the Local Libraries of the relevant province or provinces;
 - f. 'Work' means a copy of a 'work' as referred to in Article 10 of the Dutch Copyright Act;
 - g. 'WHW' means the Dutch Higher Education and Research Act.
2. Any reference in this Act to a member of a public library facility is understood to mean a registered user of that library facility.

Article 2. Scope

This Act applies to Local Libraries, Provincial Support Organisations and the National Library with respect to their duties arising from that Act. For the purposes of this Act, they are public library facilities.

Article 3. Applicability to the BES islands

This Act also applies to the public bodies Bonaire, Sint Eustatius and Saba, with the exception of its Articles 8, parts a, b, c and e, Articles 10, 11(1) and Articles 15 and 16.

Article 4. Public values

A public library facility has a public duty to the general public and fulfils that duty on the basis of the values of independence, reliability, accessibility, pluriformity and authenticity.

Article 5. Library functions

A public library facility that is accessible to everyone always provides the following functions, which contribute to the personal development and improvement of the social opportunities of the general public:

- a. to make available knowledge and information;
- b. to offer opportunities for development and education;
- c. to promote reading and exploring literature;
- d. to organise meetings and debate; and
- e. to allow art and culture to be discovered.

Article 6. Network responsibility

1. Our Minister, the provincial administrations, the municipal administrations and the administrations of the public bodies Bonaire, Sint Eustatius and Saba are jointly responsible for a network of public library facilities.
2. The parties referred to in the first paragraph exercise their responsibilities referred to in the first paragraph with due regard for the average distance between the Local Library facility and the residents of the municipality or municipalities by which it is funded.
3. They will encourage that any public library facility subsidised or maintained by them satisfies the obligations referred to in Article 8.
4. If a proposed decision of a party referred to in paragraph 1 would lead to discontinuation of a public library facility or would reasonably prevent it from fulfilling its obligations under this Act, that party will first consult with the other parties that may be affected, including the residents. If necessary, they will agree on the accessibility of the public library facility to the relevant general public.
5. Additional rules may be set by general order in council regarding the manner in which residents and social initiatives can be involved in the implementation of policies, including the execution of the duties of the board based upon this Act.
6. The proposal of a general order in council as referred to in paragraph 5 will not be filed until four weeks after the bill has been lodged with both houses of the States General. If either house of the States General decides not to agree to the bill, no proposal will be filed and at least six weeks must elapse after the decision of that house of the States General before a new bill is proposed to the two houses of the States General.

CHAPTER 2 THE LIBRARY NETWORK

Article 7. Network and participants

The Local Libraries, the Provincial Support Organisations and the National Library are a single network of public library facilities as referred to in Article 6 with respect to their duties to maintain the National Digital Library.

Article 8. Operation of the network

A participant of the network as referred to in Article 7:

- a. uses a joint catalogue of available Works jointly with the other members;
- b. is part of the interlibrary loan service referred to in Article 15;
- c. pursues its collection policy in accordance with the joint collection plan referred to in Article 10;
- d. uses a digital infrastructure that is aligned with the other participants;
- e. aligns its members' records and standard conditions with the other participants; and
- f. supports education.

Article 9. Duties of the National Library of the Netherlands (National Library)

In addition to the duties referred to in Article 1.5(2) of the WHW, the National Library fulfils the following duties:

- a. it controls the network of public library facilities by:
 - I. alignment and coordination;
 - II. education, information and reflection; and
 - III. representation and promotion;
- b. it maintains the National Digital Library; and
- c. it provides a library facility of necessarily converted Works for persons with a handicap.

Article 10. Collection plan

1. The National Library adopts a joint collection plan for the participants of the network referred to in Article 7 every four years.
2. The collection plan aims to achieve cohesion between the physical and the digital collections of the public library facilities. It offers a framework for the compilation and management of a collection by a facility.
3. The National Library adopts the joint collection plan in accordance with the representatives of the Local Libraries and the Provincial Support Organisations.

Article 11. Data supply

1. With a view to a joint catalogue for the National Digital Library, Local Libraries and the Provincial Support Organisations supply the National Library with data regarding the collection and its availability.
2. For the purpose of policy development, Local Libraries, the Provincial Support Organisations and the National Library provide Our Minister with data of the relevant Public Library Facility consisting of data of users and staff on a no-name basis.
3. The National Library determines the nature of the data referred to in the first paragraph in more detail and sets rules regarding the time at which and manner in which the data are provided.
4. Our Minister determines the nature of the data referred to in the second paragraph in more detail and sets rules regarding the time at which and manner in which the data are provided.

Article 12. Membership

1. Anyone who is listed as a resident in the (Dutch government's) Persons Database as referred to in Article 1.2 of the Persons Database Act or in any database as referred to in the Article 2 of the Personal Database Act for the BES islands can become a member of the public library.
2. Membership of the public library may include the use of a physical facility, the digital facility or both facilities.
3. A physical facility is a Local Library, the digital facility is the National Digital Library.
4. Our Minister or the Mayor and Aldermen or executive board may determine that other groups of natural persons may also become member of the National Digital Library or a Local Library, respectively.

Article 13. Exemption from membership fee of Local Libraries for young people

1. Local Libraries do not require a membership fee or other financial contribution for lending out printed Works from persons under the age of eighteen years, unless the Mayor and Aldermen or the executive board has decided that a financial contribution will be levied. The membership fee or other financial contribution will not exceed one half of the membership fee or other financial contribution that would be levied from persons aged eighteen years or over.
2. When lending out other Works to persons under the age of eighteen years, Local Libraries levy a membership fee or other financial contribution that does not exceed one half of the membership fee or other financial contribution that applies to persons aged eighteen years or over. From persons under the age of eighteen years, no fee as referred to in Article 14 or financial contribution is levied to access designated digital Works of the National Library.

Article 14. Fees for the National Library of the Netherlands (National Library)

Upon consultation with representatives of the Local Libraries, the National Library may set fees for the access to digital Works or the use of digital services or sources.

CHAPTER 3 THE PHYSICAL PUBLIC LIBRARY

Article 15. Interlibrary loan service

1. All Local Libraries and Provincial Support Organisations take part in the interlibrary loan service.
2. Participation in the interlibrary loan service consists in any event of:
 - a. making physical Works available to users of a Local Library at the request of that Library;
 - b. making a request as referred to in part a to any relevant library at a user's request; and
 - c. the distribution of physical Works by Provincial Support Organisations.

Article 16. Provincial support duties

1. A Provincial Support Organisation is responsible for distributing physical Works by means of the interlibrary loan service within the province or provinces by which it is subsidised or maintained.
2. The Provincial Support Organisations are jointly responsible for:
 - a. distributing physical Works by means of the interlibrary loan service among the provinces; and
 - b. developing innovations for the benefit of Local Libraries by agreement with the National Library in view of its coordinating role.

CHAPTER 4 THE NATIONAL DIGITAL LIBRARY

Article 17. Operation and management plan

1. In order to maintain the National Digital Library, the National Library will in any event:
 - a. develop and manage the digital infrastructure;
 - b. manage and provide a context to the digital collection and align them with the collection of digital Works of the National Library on the basis of Article 1.5(2) of the WHW;
 - c. draft a policy governing the access to digital Works;
 - d. reach a variety of target groups; and
 - e. collaborate with other public providers of digital Works.
2. The National Library will address the manner in which it maintains the National Digital Library in a separate part of the institutional plan referred to in Article 2.2a of the WHW. At that point, it will specifically address the parts referred to in the first paragraph. This part of the institutional plan is called the management plan.

Article 18. Purchase of digital Works

1. The National Library purchases Works for the National Digital Library on behalf of the State of the Netherlands.
2. Our Minister makes funds available to the National Library each year to purchase Works.
3. Purchases are undertaken exclusively upon nomination by representatives of the Local Libraries, which are adjusted to the amount of the funds referred to in paragraph 2.

CHAPTER 5 FINANCIAL AND ADMINISTRATIVE PROVISIONS

Article 19. Funding and other requirements for the National Library of the Netherlands (National Library)

1. In order to fulfil its duties referred to in Article 9, the National Library receives a supplement to its government contribution referred to in Article 2:6a of the WHW.
2. That supplement is governed mutatis mutandis by Article 2:6a of the WHW.
3. The National Library substantiates the fulfilment of its duties referred to in Article 9 and is answerable for them from a policy and financial perspective in a dedicated part of the:
 - a. institution plan referred to in Article 2:2a of the WHW;
 - b. budget referred to in Article 2.8 of the WHW, which includes the allocation of resources in accordance with the institution plan; and
 - c. annual report referred to in Article 2:9 of the WHW.
4. Chapters 2, 3, 4, 13, 14 and 15 of the WHW, to the extent that these refer to the National Library, apply mutatis mutandis to the fulfilment of duties under that Act.

Article 20. Subsidy by the National Library of the Netherlands (National Library)

1. For the purpose of its duties referred to in Article 9, the National Library may grant subsidies.
2. If the National Library grants a subsidy, the governing board will adopt a policy, which will in any event include the working method, the procedures and the criteria that the board will apply to grant a subsidy and the obligations that are imposed on the recipient of the subsidy.
3. The policy may include rules with regard to setting a subsidy ceiling and the manner in which it is to be divided, paid or claimed back or in which advances to the subsidy will be granted. With regard to the subject matter above, Our Minister may require the governing board to amend a policy.

4. The decision to adopt or amend a policy does not enter into effect until it is approved by Our Minister. The approval may be denied due to conflict with the law or the public interest.
5. Failure to announce a decision regarding approval or a decision to postpone the decision regarding approval on time will not cause the decision to be deemed to have been adopted.

Article 21. Subsidy by the Minister

1. Our Minister may grant a subsidy for the benefit of the network of public library facilities in special cases.
2. Additional rules for granting a subsidy may be set by ministerial order.

Article 22. Intellectual property rights

1. In fulfilling its duties referred to in Article 9, the National Library will seek to acquire the ownership of or a transferable right of use to the intellectual property rights created as part of that fulfilment of duties.
2. At Our Minister's request, the National Library will cooperate in the conclusion of an agreement to transfer the rights referred to in the first paragraph to the State of the Netherlands. To the extent legally possible, it will waive the personality rights referred to in the Dutch Copyright Act that vest in it or its staff.

Article 23. Supervision on ministerial subsidies

1. Supervision on compliance with the obligations that apply to a recipient of a subsidy upon grant of the subsidy as referred to in Article 21 has been entrusted to the persons designated for that purpose by order of Our Minister.
2. The supervisor does not have the authorities referred to in Articles 5:18 and 5:19 of the Dutch General Administrative Law Act.
3. An order as referred to in the first paragraph will be published by being posted in the Bulletin of Acts and Decrees.
4. Subsidies granted by Our Minister are subject to the obligation for the recipient of the subsidy to fully cooperate with any supervisor, as may reasonably be required by that supervisor to exercise its authorities.

CHAPTER 6 AMENDMENTS TO OTHER ACTS

Article 24. The Dutch Higher Education and Research Act

The Dutch Higher Education and Research Act is amended as follows:

A.

Article 1.5(2), second sentence, 'It is in any event responsible for' is replaced by: 'In that context, it is in any event responsible for.'

B.

After Article 1.16, an article will be inserted that reads as follows:

Article 1.16a Non-Departmental Bodies Framework Act

The Dutch Non-Departmental Bodies Framework Act applies to the National Library with the exception of Article 15 of that Act.

C.

Article 1.17(1) will read as follows:

The Royal Netherlands Academy of Arts and Sciences is eligible for a contribution from the national treasury in order to fulfil the duties that have been entrusted to it under that Act. The first sentence will apply mutatis mutandis to the National Library, without prejudice to its eligibility for a contribution on the basis of Article 9 of the Dutch Public Library Facilities System Act.

D.

Article 2.9 is expanded to include the following paragraph:

6. Contrary to the first paragraph, the governing board of the National Library will annually submit its report to Our Minister before 15 March.

E.

Article 13(4) is cancelled.

F.

Article 13.6(3) is cancelled.

G.

Article 13.9 is expanded to include the following paragraph:

3. Paragraph 1 does not apply to administrative law decisions by the governing board of the National Library. They are governed by Article 22 of the Dutch Non-Departmental Bodies Framework Act.

Article 25. Cultural Policy (Special-Purpose Funding) Act

The Dutch Cultural Policy (Special-Purpose Funding) Act is amended as follows:

A.

Article 1(1) is amended as follows:

1. Parts d and e are cancelled.
2. Part f becomes part d.

B.

Article 1a will read as follows:

Article 1a

This Act also applies to the public bodies Bonaire, Sint Eustatius and Saba.

C.

Chapter IVA is cancelled.

Article 26. Retail Price Maintenance (Books) Act

Article 1, part i of the Dutch Retail Price Maintenance (Books) Act will read as follows:

- I. 'Local Library' means local library as defined in Article 1 of the Dutch Public Library Facilities System Act;

Article 27. Copyright Act

Article 15c(3) of the Dutch Copyright Act will read as follows:

3. Publicly accessible library facilities that are subsidised or maintained primarily by municipalities, provinces, the state or the public bodies Bonaire, Sint Eustatius or Saba are exempted from payment of the fee referred to in paragraph 1 with regard to lending Works that have been converted on the basis of Article 15i to persons with a handicap who are registered with those facilities.

Article 28. Neighbouring Rights Act

Articles 2(5), 6(5), 7a(5) and 8(5) of the Dutch Neighbouring Rights Act will read as follows:

5. Publicly accessible library facilities that are subsidised or maintained primarily by municipalities, provinces, the state or the public bodies Bonaire, Sint Eustatius or Saba are exempted from payment of the fee referred to in paragraph 3 with regard to lending materials converted on the basis of Article 10i to persons with a handicap who are registered with those facilities.

CHAPTER 7 FINAL PROVISIONS

Article 29. Evaluation

Our Minister will send a report regarding the effectiveness and effects of this Act in practice to the States General within five years after the entry into force of this Act.

Article 30. Entry into force

This Act will enter into force on a date set by Royal Decree, which could be a different date for different articles or parts of it.

Article 31. Official title

This Act will be cited as: The Dutch Public Library Facilities System Act.

Order and command that it will be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern will strictly adhere to the implementation thereof.

- Done in Wassenaar (the Netherlands), on 19 November 2014
Willem-Alexander
- The Minister of Education, Culture and Science,
M. Bussemaker
- The Minister of Housing and the Central Government Sector,
S.A. Blok
- The State Secretary of Security and Justice,
F. Teeven

Published 5 December 2014

The Minister of Security and Justice, I.W. Opstelten

Parliamentary document 33846