

LIBRARY LEGISLATION IN

FLANDERS

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1 CULTURE, A FLEMISH COMPETENCY

In the federal state of Belgium, the different communities and regions have a large autonomy. Like Germany is made up of Länder and Switzerland has cantons, Belgium has constitutional components known as regions and communities.

Together, the Flemish Region and the Flemish Community have a Flemish Parliament and a Government of Flanders. Flanders, with Brussels as its capital, has its own legislative and executive powers including broad and exclusive domestic and international responsibilities which are equivalent to the federal level.

Cultural policy and its implementation are an exclusively Flemish competency. The Flemish authorities can issue laws to that effect, called Decrees, and can conclude international treaties independently.

2 LIBRARY LEGISLATION IN A HISTORICAL PERSPECTIVE

2.1 THE DESTRÉE LAW OF OCTOBER 17TH 1921 CONCERNING PUBLIC LIBRARIES

For decades, public libraries have been fulfilling a major social role in Flanders. Therefore, it seems obvious that these institutions receive public support. A first public incentive was given by the **Destrée law** in 1921, with the aim of subsidizing and coordinating community libraries, put together within a system of public libraries. Gradually, public libraries were given a broader meaning of provision of information, focusing, among other things, on target groups, knowledge sharing, lifelong learning, reading promotion, etc.

2.2 THE DECREE OF JUNE 19TH 1978 ON DUTCH LANGUAGE PUBLIC LIBRARIES

As the library's social role was growing, the authorities acknowledged the need for a further professionalisation of the sector by creating a **new legal basis in the 1970s**. Obligations were imposed on municipalities and provinces regarding the organisation and funding of public libraries¹. The result of this

¹ Flemish Parliament Act on the Dutch-language Public Library Operations of June 19th 1978.

strict standardisation was the extension of a large library network and a strong professionalisation of the sector, from which the present public libraries are still benefitting.

2.3 THE DECREE OF JULY 13TH 2001 ON THE PROMOTION OF A QUALITATIVE AND INTEGRATED LOCAL CULTURAL POLICY

In the 1990s, the idea gained ground that municipalities had to be able to take autonomous decisions and that they were responsible for their own cultural policy. On July 13th 2001, this led to the Flemish Decree on the promotion of a qualitative and integrated local cultural policy, which focused on less regulation and allowed the municipalities to translate their own strategy into a policy plan themselves and to define the manner in which they intended to do so. The Decree defines a public library as a basic service for each citizen for knowledge, culture, information and leisure. A subsidy was allocated for local cultural policy coordinators who drew up a strategic and integrated cultural policy plan for their municipalities, including the library and the cultural centre. Libraries were thus no longer regulated and subsidised separately, but instead they were embedded in an integrated local cultural policy.

2.4 THE DECREE OF JULY 6TH 2012 ON LOCAL CULTURAL POLICY

In 2011, administrative regulations changed considerably in Flanders. The Flemish authorities developed the strategic principles, translated them into 'Flemish policy priorities' and gave operational autonomy to local authorities. The abolition of the separate sectoral policy plans, including the cultural policy plan and the obligation to work beyond sectoral boundaries and to draw up an integrated multi-annual plan, was an important part of this administrative reform for local administrations.

As a result of the administrative reform, several sectoral Decrees were amended or replaced, among them the Decree of July 13th 2001 on the promotion of a qualitative and integrated local cultural policy.

The Decree of July 6th 2012 on local cultural policy gave even more responsibilities and freedom to local administrations to adapt their policy to local needs.

Municipalities seeking to develop a local cultural policy and to subscribe to the Flemish policy priorities, committed themselves to *pursuing a qualitative and sustainable local cultural policy, to organising an accessible library and to establishing a cultural centre.* Flanders held on to a strategy of an integrated cultural policy, whereby public libraries align their activities to the other cultural actors in the municipality.

The Decree stipulated that municipalities should operate a library which:

• Stimulated cultural education and reading motivation;

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- Focused on the promotion of e-inclusion among target groups that are difficult to reach and on the increase of information literacy and media literacy;
- Invested in an adapted service provision for the disabled and for target groups that are difficult to reach in the cultural, educational and socio-economic field;
- Promoted cooperation with educational institutions.

New objectives and effects were focused on. There were no longer any conditions as to the nature of the resources to be deployed, such as making printed materials available in the library, or regarding the library's workforce and staff. In order to be eligible for a subsidy, public libraries had to fulfill several basic requirements:

- 1) Focus on societal challenges such as the digitalisation of society;
- 2) Make objective and multiform information available, tailored to the needs of the target group and in a non-commercial environment;
- 3) Offer an online catalogue based on an integrated library system;
- Make consultation of all information carriers and the public lending of materials as easy as possible, in particular for target groups that are difficult to reach and for people with a lower income;
- 5) Guarantee an optimal public service at customer-friendly opening hours;
- 6) Spend at least 75% of the fixed annual budget reserved for the purchase of printed materials on Dutch language publications;
- 7) Make policy relevant data on the public library available, at least once a year, in accordance with the procedure defined by the Government of Flanders. This allows the Flemish Government to monitor new trends in public libraries.

Municipalities had the freedom to shape their own local policy within the Flemish objectives and they received subsidies for subscribing to them. A municipality which participated for the first time, was entitled to 6.5 euro per resident per year. Municipalities with less than 10,000 residents received a lumpsum subsidy of 56,000 euro per year. Municipalities or partnerships of municipalities participating with their public library in the development of a common, user friendly and recognisable digital search environment, called Bibliotheekportalen, received an annual subsidy of 0.17 euro per resident.

For the bilingual area of Brussels-Capital and the metropolitan areas of Antwerp and Ghent, a separate regulation was developed for the support of their local library policy.

The Flemish provinces and the Flemish Community Commission² in Brussels, hereafter referred to as the VGC, also played an important role in the library policy. The provinces had the autonomy and the responsibility to implement their own provincial policy to support libraries. The provinces were tasked with the development of provincial library systems and the promotion of structural partnerships between municipalities. The provincial library systems were an essential and crucial link for the further development of the digital library within Flanders.

² The Flemish Community Commission (VGC) is the basis for the Flemish Community in the Brussels Capital Region and is competent for cultural, educational and person-related matters (welfare and health). For these community matters, the Flemish Community Commission has the competence of organizing body.

3 LIBRARY LEGISLATION TODAY

3.1 AUTONOMY FOR THE MUNICIPALITIES

In 2014, the newly elected Government of Flanders decided to strengthen the autonomy of the municipalities even further. Flemish municipalities became fully autonomous with respect to their public library. This meant that, since 2015, the municipalities in Flanders are no longer required by law to have a public library. The subsidies for public libraries were relocated to the Gemeentefonds, a public funding mechanism for municipalities, and therefore no longer earmarked to be spend on the local public library. Since 2018, the provinces are no longer involved in cultural policy. Their task to support public libraries was transferred to Flemish governmental level.

3.2 BILINGUAL AREA OF BRUSSELS--CAPITAL

The separate regulation for the bilingual area of Brussels-Capital is maintained. Municipalities in the bilingual area of Brussels-Capital that have a Dutch language public library are still subsidised if they comply with a number of prerequisites. They have to:

- Make a library policy plan (or the library policy must be included in a cultural policy plan);
- Appoint one or more librarian(s) in charge of the library;
- Focus on societal changes such as the digitalisation;
- Offer objective and multiform information, adapted to the needs of the target group and in a non-commercial environment;
- Offer an online catalogue;
- Make consultation and lending as easy as possible, in particular for target groups that are difficult to reach and for people with a lower income;
- Guarantee an optimal public service on customer-friendly opening hours;
- Spend at least 75% of the budget for printed materials on Dutch language publications;
- Provide policy relevant data to the Government of Flanders once a year.

If they comply with these prerequisites, municipalities in the bilingual area of Brussels-Capital can receive the following annual subsidies for their Dutch language public library:

- 56,000 euro for municipalities with less than 10,000 residents;
- 6.5 euro per resident for municipalities with more than 10,000 residents;
- Municipalities that participate in the Brussels Network of Public Libraries (BRUNO) get an additional subsidy of 0.17 euro per resident.

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3.3 SPECIAL ORGANISATIONS

A number of special organisations are subsidised for executing specific tasks:

- The organisation Cultuurconnect³ has the mission to support municipalities in their digital challenges concerning their cultural policy, with the emphasis on public libraries and culturaland community centres. Cultuurconnect has the following strategic goals:
 - a. Raise awareness for digital challenges in local cultural policy;
 - b. Organise experiments in cooperation with municipalities and local cultural professionals to find solutions for the digital challenges in local cultural policy;
 - c. Scaling up successful experiments to national services for the municipalities;
 - d. Managing national services in a consortium model with participating municipalities.
- 2) The organisation Luisterpunt⁴ has the mission to offer a specific and adapted service for people with a reading disability. Luisterpunt has the following strategic goals:
 - a. To proactively approach the target group of the visually impaired or people with another reading disability;
 - b. To cooperate with stakeholders and strategic partners such as public libraries and Zorgbib in order to create a more extended service;
 - c. To offer a diverse and extended collection in different adapted reading materials, such as braille books, audio books and audio magazines.
 - d. To follow technological developments such as the development of the Daisy-technology.
- 3) The organisation Zorgbib⁵ has the mission to offer a specific and adapted service to people with a long-term illness or people in retirement homes or hospitals. Zorgbib has the following strategic goals:
 - a. To proactively approach the target group of people with a long-term illness and people in a retirement home or hospital or a psychiatric centre.
 - b. To cooperate with strategic partners, such as the public libraries, Luisterpunt and retirement homes to realise a more extended service;
 - c. To offer a diverse collection in adapted reading materials;
 - d. To extend volunteerism through an active recruiting policy and the organization of a decent basic training.

3.4 LIBRARY SERVICES TO PRISONERS

In 2008 a regulation for library services to prisoners was established The Decree of January 18th 2008 concerning stimulating measures for promoting the participation in culture, youth and sports stipulates that the Flemish Government can make agreements with municipalities, to extend the services of their public library to prisoners.

³ Cultuurconnect: <u>https://www.cultuurconnect.be/about-us</u>

⁴ Luisterpunt: <u>https://www.luisterpuntbibliotheek.be/nl/english</u>

⁵ Zorgbib: <u>https://www.zorgbib.be/</u>

In 2009, the Flemish Government had 6 agreements with municipalities for 10 prisons. At the end of 2013, there were 11 agreements for 15 prisons. From 2009-2013 there was a budget of 300,000 euro for municipalities with an agreement on the library service to prisoners. In 2014, there were 12 agreements for 16 prisons with a budget of 370,000 euro. In 2020, there will be 14 agreements for 16 prisons with a budget of 361,900 euro. Between 2020 and 2025 there will be a one-off budget of 500,000 euro for the digitalisation of prison libraries. The prison libraries in the bilingual area of Brussels-Capital are subsidised by the VGC.

4 CONTACT

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