

Law No. 257/2001 Coll. of 29 June 2001

**on Libraries and Terms of Operating Public Library and
Information Services
(Library Act)**

The Parliament has adopted the following law of the Czech Republic:

Article 1

(1) This Act shall govern the system of libraries providing public library and information services and the conditions of their operation.

(2) This Act shall not apply to libraries run on a trading certificate basis.

Article 2

Definition of terms

Within the meaning of this Act,

- a) „library” is the facility in which public library and information services defined by this Act are provided in a manner ensuring equal access to all without distinction, and which has been entered into the register of libraries;
- b) „library document” is a source of information registered as a separate item of the book collection of a library;
- c) „library collection” is the organised, consistently developed (completed), processed, protected and preserved set of library documents;
- d) „inter-library services” is the set of lending, information and reprographic services provided mutually by libraries with the aim of making library documents, irrespective of the place where they are deposited, available to their users;
- e) „historical collection” is a library collection comprising library documents originating before the year 1860, or those which for reason of their uniqueness have an historical value, or possibly any other library collection having special historical or cultural value if designated as such by the statute of the library or by another legal regulation;
- f) „conservation collection” is a library collection comprising library documents received by the library as a recipient of a mandatory copy in accordance with special legislation;¹
- g) „specialised collection” is a library collection comprising library documents of a certain, usually technical nature;
- h) „regional functions” are functions through which a regional library and other libraries assigned by it provide to Basic Libraries in the region especially advisory, educational and co-ordination services, develop exchange collections and lend exchangeable sets of library documents, and perform other necessary activities supporting the development of libraries and their public library and information services;
- i) „operator of a library” is the individual or legal entity who provides, under their own name, public library and information services.

Article 3

System of libraries

(1) The system of libraries comprises:

- a) The National Library of the Czech Republic (henceforth referred to as the “National Library”), the K.E.Macan Library and Printing Press for the Blind,
- b) The Moravian Regional Library in Brno, established by the Ministry of Culture (henceforth “Ministry”);
- c) Regional Libraries, established by the relevant regional authorities;
- d) Basic Libraries, established by the relevant communal authorities;
- e) Specialised Libraries.

(2) The libraries referred to in paragraph (1), clauses c) and d) may be established also by other legal entities not listed under paragraph 1.

Article 4

Public library and information services

(1) Public library and information services involve:

- a) making available library documents from the library collection of the library or, through inter-library services, from the library collection of another library;
- b) provision of oral bibliographic, referential and subject information and literature searches;
- c) mediation of information from external sources, especially information from the state administration and local public administration;
- d) facilitation of access to information in the Internet to which the library has free access.

(2) The operator of the library shall be obliged to provide the public library and information services referred to in paragraph (1) free of charge, with the exception of

- a) making available library documents from the library collection of the library which have the character of reproductions of audio or audiovisual recordings,³
- b) making available library documents from the library collections of other libraries by facilitating the provision of their reproductions within the framework of inter-library reprographic services.
- c) making available library documents from the library collections of libraries within the framework of international inter-library services.

(3) The operator of a library may provide other services, especially:

- a) making available access to paid information in the Internet,
- b) cultural, educational and learning activities;
- c) publishing relevant titles;
- d) provision of reprographic services;

e) provision of written bibliographic, referential and subject information and literature search.

(4) The operator of a library shall be entitled to reimbursement of the really incurred cost of provision of library and information services referred to in paragraph (3), clauses a) to c), and of other services.

(5) The operator of the library shall be entitled to reimbursement of cost of performed administrative acts relating to the registration of library users.

(6) The operator of the library shall be obliged to provide equal access for everybody to public library and information services and to other services provided by the library.

(7) The operator of the library shall publish library rules stipulating the details of provision of library and information services.

Registration of libraries

Article 5

(1) The Ministry shall keep a register of libraries as a publicly available information system.

(2) The proposal for entry into the register of libraries (henceforth “proposal”) shall be submitted by the operator of the library.

(3) The proposal shall contain:

- a) the name or trade name of the operator, their identification number, address, field of activity and legal form, if the operator of the library is a legal person;
- b) the name, surname and date of birth of the operator, their identification number, if issued, address of permanent residence, if the operator is an individual person;
- c) the address, name and type of library (Art. 9 to 12) or, as the case may be, its specialisation.

(4) The Library Rules shall be attached to the proposal.

(5) Where the operator of the library is a legal person registered in the public list in accordance with a special regulation,⁴ the operator shall be obliged to attach to the application an excerpt from this public register not older than sixty days. Where the operator of the library is a public-funded organisation,⁵ or where the state or the regional authority runs the library through its organisational units, the operator must attach to the application their certificate of foundation or, as the case may be, the statutes of the budget organisation or list of the components of the organisation.

(6) If the proposal is not complete, the Ministry shall ask the operator to complete the proposal within 15 days of the delivery of the notice and shall notify the operator of the deferral of the proposal in the event of non-compliance with the terms.

Article 6

(1) A library facility shall be entered by the Ministry into the register of libraries if it is making available all public library and information services stipulated by this Act in a manner ensuring equal access. The Ministry shall issue the certificate of entry into the register to the library operator not later than 15 days from the date of the delivery of the complete proposal.

(2) The Ministry shall reject the proposal if the library facility is not making available all public library and information services stipulated by this Act in a manner ensuring equal access.

Article 7

1) The operator of the library shall be obliged to notify the Ministry in writing of any change in the data entered in the registry of libraries not later than 30 days from the date on which the change occurred.

(2) The Ministry shall perform the entry into the register of libraries not later than 30 days from the date of delivery of the notification of such change and shall issue a certificate of the change not later than 30 days from the date of the delivery of the notification.

Article 8

(1) The Ministry, on its own or initiative or the initiative of another legal entity, shall revoke by decision the entry in the register of libraries if the library ceases to meet the required characteristic features of a library as defined in Article 2, clause a).

(2) The Ministry shall also revoke the entry in the register of libraries on the basis of a notification by the operator of the termination of the operations of the library.

(3) In its decision pursuant to paragraphs (1) and (2), the Ministry shall stipulate the date on which the entry into the register of libraries will be deleted.

Types of libraries

Article 9

The National Library

(1) The National Library is a library with a universal library collection complemented by specialised collections. The National Library has in its permanent keeping a conservation collection and a historical collection.

(2) The National Library is the centre of the system of libraries. In this system it performs coordination, technical, information, educational, analytical, research, standardisation, methodological and advisory activities, and within their framework it namely:

- a) develops in the form of union catalogue the record of library documents in the collections of libraries on the territory of the Czech Republic, which it makes available to libraries;
- b) compiles national bibliography and provides for coordination of the national bibliographical system;
- c) acts as the national agency for the international standard book and music numbering;

- d) acts as the national centre of inter-library services in the Czech Republic;
- e) acts as the national centre of international exchange of official publications,⁶
- f) represents the system of libraries in negotiations with collective administrators of copyright in matters pertaining to reimbursement for the utilisation of subjects of protection according to the special law⁷ and carries out the reimbursement of the remuneration for their lending,
- g) ensures the national coordination of the regional functions and evaluates performance thereof.

Article 10

The K.E.Macan Library and Press for the Blind and the Moravian Regional Library in Brno

(1) The K.E.Macan Library and Press for the Blind is a library with a universal library collection; it has in its permanent keeping a conservation collection and a historical collection.

(2) The Moravian Regional Library in Brno is a library with a universal library collection, possibly complemented by specialised collections; it has in its permanent keeping a conservation collection and a historical collection. It acts as the regional library in the South Moravian region.

Article 11

Regional Library

(1) The Regional Library is a library with a universal library collection, possibly complemented by specialised collections. The Regional Library has in its permanent keeping a conservation collection and a historical collection.

(2) The Regional Library is a part of the system of libraries, performing coordination, technical, information, educational, analytical, research, methodological and advisory activities, and within their framework it namely:

- a) cooperates with the National Library in compiling the national bibliography and developing the union catalogue;
- b) develops and makes available regional information databases and provides coordination of the regional bibliographical system;
- c) acts as the regional centre of inter-library services;
- d) cooperates with libraries in the region on the introduction of new technologies in providing public library and information services.

(3) The region keeps performance of the regional functions from financial means of its budget.

(4) The Regional Library performs itself and coordinates the performance of the regional functions by selected basic libraries in the region. The agreement on the transfer of regional functions to selected basic libraries must be made in writing.

(5) In the case the Regional Library acts as the Basic Library where itself is located, the support to such functions shall be shared by the local authority.

Article 12

Basic Library

1) A Basic Library is a library with a universal library collection or with a specialised library collection.

(2) The Basic Library is a part of the system of libraries performing information, cultural and educational activities.

Article 13

Specialised Library

(1) A Specialised Library is a library with a specialised library collection.

(2) The Specialised Library is a part of the system of libraries performing coordination, technical, information, educational, analytical, research, methodological and advisory activities, and within their framework it namely:

- a) cooperates with the National Library in compiling the national bibliography and developing the union catalogue;
- b) develops and makes available thematic and subject-specific bibliographies and databases;
- c) in cooperation with the National Library acts as the centre of inter-library services within its field of specialisation;
- d) cooperates with other libraries within its field of specialisation on the introduction of new technologies in providing public library and information services.

Article 14

Inter-library services

(1) Provided the library document requested by a user for access is not present in the collection of a library, the operator of such library (henceforth "requesting library") shall be obliged, within the system of inter-library services, to ask the operator of another library (henceforth "requested library") to provide with such document itself or with the information on such document, as the case may be.

(2) The requested library shall be obliged to provide the requesting library with the document from its library collection either by lending the requested document to the requesting library or by providing with a copy of the requested document or by providing with information on the location of the requested document, as the case may be.

(3) In the case the request for the provision of the document is met by lending it, the requesting library shall be obliged to return the borrowed document to the requested library

within the term agreed upon and in the appropriate condition. For the duration of the loan of the document the requesting library shall be liable for any damage or loss of the document.

(4) The library shall be obliged to provide inter-library lending and information services free of charge. The requested library may ask reimbursement of costs incurred by providing a copy of a library document within the system of inter-library reprographic services. Operators of libraries may ask reimbursement of the cost of the transport of the document.

(5) The operator of the library shall be obliged to keep a record of inter-library services provided by them.

(6) The requirements of the application for the provision of library document shall be stipulated by an implementing regulation. The implementing regulation shall designate those operators of libraries obliged to submit requests for the provision of a library document within the system of inter-library services to foreign libraries or to provide with advisory assistance to the operator of the library participating in international inter-library services, as the case may be.

Article 15

Support to libraries

(1) Pursuant to special legislation,⁸ the operator of a library may obtain from the resources of the state budget, state financial assets or from the National Fund specific-purpose subsidies, especially for:

- a) science and research projects;
- b) implementation of new technologies aiming to provision of public library and information services;
- c) support of library networking;
- d) conversion of information sources into electronic form and making them available;
- e) acquisition for development of the library collection;
- f) protection of the library collection against detrimental environmental effects;
- g) making library collections available for citizens with disabilities;
- h) cultural, educational and training projects;
- i) ensuring the performance of regional functions;
- j) providing further professional training of library staff;
- k) construction or rehabilitation of library premises;
- l) equipment of library premises with security and fire-protection systems.

(2) Before stipulating the priority spheres for allocation of subsidies, the Ministry shall request the opinion from the Central Library Council, which it shall establish and publish its Statutes and Rules of Procedure.

(3) The Government shall stipulate by decree rules for the allocation of subsidies pursuant to paragraph (1), especially the conditions, amount and terms for the allocation of the subsidies.

Article 16

Registration and review of the library collection

(1) The operator of the library must keep a register of the library collection. The register of the library collection must enable control of individual entries and guarantee their unmistakable identity.

(2) To verify the compliance of the registration entries of individual library documents with the true state, the operator of the library shall be obliged to perform reviews of the library collection:

- a) once every 5 years where the library collection does not exceed the number of 100,000 library documents;
- b) once every 10 years where the library collection exceeds the number of 100,000 library documents but does not exceed the number of 200,000 library documents;
- c) once every 15 years where the library collection exceeds the number of 200,000 library documents but does not exceed the number of 1,000,000 library documents.

(3) Where the library collection of a library exceeds the number of 1,000,000 library documents but does not exceed 3,000,000 library documents, the operator of the library shall be obliged to perform the review of the library collection in phases by performing a review each year of at least 5 % of the total number of library documents of the library collection.

(4) Where the library collection of the library exceeds the number of 3,000,000 library documents, the operator of the library shall be obliged to perform a review of the library collection within the scope set by a review plan approved by the founder of the library, but at least 200,000 library documents annually.

(5) The operator of the library shall be obliged to ensure that a record on the findings of the review of the library collection be made out.

(6) No special regulation⁹ shall apply to the procedure of the review of the library collection pursuant to this Act.

(7) The details of keeping a register of the library collection and the requirements of the record on the findings of the review of the library collection shall be stipulated by an implementing regulation.

Article 17

Discarding library documents

(1) Only the following may be discarded from the library collection of a library:

- a) library documents which do not comply with the field of specialisation of the collection of the library and with its mission;

- b) superfluous copies from multiple copies of the same document;
- c) library documents that are in bad condition because of wear, that are incomplete or damaged to the extent that they no longer serve as sources of information.

(2) Library documents from the conservation collection and from the historical collection may be discarded only with the consent of the Ministry.

(3) The operator of the library shall be obliged to offer for sale library documents discarded pursuant to:

- a) paragraph (1) clauses a) and b) to an operator of another library of the same type, and if such operator declines to buy, to an operator of a library that is part of a school;¹⁰
- b) paragraph (2) to the National Library.

If the library documents are not purchased in this manner, the operator shall offer the discarded library documents for sale to another buyer. If not sold even in the latter manner, the operator may donate or liquidate them.

(4) Paragraphs (1) to (3) shall not apply in the case of discarding library documents protected by special legislation.¹¹

(5) In the event of abolition of a library its operator shall proceed in compliance with Article 17 paragraphs (2) to (4).

Article 18

Protection of the library collection

The operator of a library shall secure:

- a) placement of the library collection in a manner suitable for the provision of public library and information services;
- b) protection of the library collection against theft and damage, and especially against the unfavourable effects of the environment;
- c) restoration of the library documents or their conversion to another type of carrier, as the case may be, should this be necessary for their permanent preservation.

Sanctions

Article 19

(1) Should it be established by the Ministry that the operator of a library had infringed their duty arising from the provisions of Article 7 paragraph (1), Article 14 Paragraph (5), Article 16 paragraphs (1) to (4), or any of the obligations provided for by Article 18, it shall order the operator to remedy all the discovered shortcomings and shall set an appropriate term for the operator to do so.

(2) Where the operator fails to eliminate the discovered shortcomings within such term, the Ministry shall impose a fine on the operator amounting from CZK 5,000 to CZK 200,000.

Article 20

The Ministry shall impose a fine amounting from CZK 25,000 to CZK 500,000 on the operator of a library if they infringe their duty arising from the provisions of Article 14 paragraph (2) or (3), the procedure for discarding library documents pursuant to Article 17 paragraph (2) or (3), or their duty arising from the provisions of Article 17 paragraph (5).

Article 21

(1) In determining the amount of the fine the Ministry shall take into account the scope and gravity of the unlawful conduct and the consequences of the infringement of duty.

(2) The proceedings on the imposition of sanctions may be started not later than 1 year from the date on which the Ministry learns of the infringement of duty, not later however than 3 years from the infringement of duty, and in case of continuing infringement of the same duty, not later than 3 years from the date when the infringement of duty still continued.

(3) The fine may be imposed not later than 5 years from the date when the infringement of duty occurred or when the infringement of such duty ended.

(4) The payment of the fine shall be due within 30 days from the date on which the decision on its imposition comes into effect. The fines shall be collected and exacted by the Ministry proceeding in compliance with the law on the administration of taxes and fees.

(5) The fines are public revenue.

(6) Judicial remedy may be applied against the decision on the imposition of a fine.

Article 22

Empowering provision

The Ministry shall issue a regulation for the implementation of Articles 14 and 16.

Joint, transient and final provisions

Article 23

Unless stipulated otherwise by this Act, decisions and issuance of certificates pursuant to this Act shall be governed by the Administrative Code.

Article 24

(1) Libraries providing public library and information services with equal access to these services on the date on which this Act comes into effect shall be considered libraries in

the meaning of this Act for a period not longer than 12 months from the date when this Act comes into effect.

(2) Libraries that do not meet the obligation stipulated by Article 4 paragraph (1) clause d) may be entered in the register of libraries in accordance with Article 5. Where the library does not comply with the stipulated obligation by 31st December 2007 at the latest, the Ministry shall delete its entry in the register of libraries.

Article 25

Revocation

Law No. 53/1959 Coll., on the unified system of libraries (Library Act) is hereby revoked.

Article 26

Effect

This law shall come into effect on 1st January 2002.

Notes:

- 1) Law No. 37/1995 Coll., on non-periodical publications
Law No. 46/2000 Coll., on the rights and duties in the publication of the periodical press and on the amendment of certain laws (Press Act), as amended by law No. 302/2000 Coll.
- 3) Article 38 of law No. 121/2000 Coll., on copyright and rights related to copyright, and on the amendment of certain laws (Copyright Act).
- 4) E.g. Article 27 and following of the Commercial Code as amended, Art. 5 of law No. 248/1995 Coll., on charities and on the amendment and supplementation of certain laws, Art. 5 of law No. 227/1997 Coll., on foundations and endowments and on the amendment and supplementation of certain related laws (Foundations and Endowments Act).
- 5) Article 54 of law No. 219/2000 Coll., on the assets of the Czech Republic and its representation in legal matters.
- 6) Decree No. 12/1965 Coll., on the Convention on the Exchange of Official Publications and Government Documents between States and the Convention on the International Exchange of Publications.
- 7) Law No. 121/2000 Coll., on copyright and rights related to copyright, and on the amendment of certain laws (Copyright Act), as amended.
- 8) Law No. 218/2000 Coll., on budget rules and the amendment of certain related laws (Budget Rules), as amended.
- 9) Law No. 563/1991 Coll., on accounting, as amended.

10) Article 45 of law No. 29/1984 Coll., on the system of basic schools, secondary schools and higher technical schools (Schools Act), as amended by law No. 138/1995 Coll.

11) E.g. law No. 97/1974 Coll., on archiving, as amended by law No. 343/1992 Coll., and law No. 122/2000 Coll., on the protection of collections of a museum nature and on the amendment of certain other laws.