

Certified Polish to English translation

Act of 27 June 1997

LIBRARIES LAW

Chapter 1

General Provisions

Article 1

This Act sets out the general principles and procedures for the operation of libraries.

Article 2

In matters unregulated by this Act, provisions of the Act on Organizing and Conducting Cultural Activities shall apply.

Article 3

1. Libraries and library collections constitute national assets and contribute to the preservation of the national heritage. Libraries organize and provide access to the resources of Polish and world's academic and cultural achievements.

2. The right of access to library resources is general in nature, subject to the provisions of this Act.

Article 4

1. Libraries' fundamental responsibilities include:

1) the gathering, developing, storage and preservation of library materials,
2) provision of services for library users, including, in particular access to the collections and information, informing about own collections and those of other libraries, museums and academic information centers, as well as cooperating with archives in this respect.

2. Moreover, libraries' responsibilities may also include bibliographical activities, activities related with documentation, research and development, publishing, education and popularization, as well as instructive and methodological activities.

Article 5

Library materials are, in particular, documents comprising a preserved expression of a human thought, designated for dissemination, regardless of their physical medium or method of recording, in particular: graphical (writing, cartographic, iconographic and musical), sound, visual, audiovisual and electronic documents.

Article 6

1. Library collections of extraordinary value and significance for the national heritage shall constitute, wholly or in part thereof, national library resources.
2. National library resources shall be subject to extraordinary protection.
3. Minister responsible for matters of culture and national heritage protection, in cooperation with other competent ministers, shall establish, by way of a regulation, a list of libraries whose collections constitute the national library resources, the organization of these resources, as well as the rules and scope of their extraordinary protection.

Chapter 2

The National Library Council

Article 7

1. The National Library Council, hereinafter referred to as the “Council”, shall operate at the ministry responsible for matters of culture and national heritage protection.
2. The responsibilities of the Council shall include, in particular, the following:
 - 1) to draft expert opinions on legal acts regarding libraries,
 - 2) to coordinate national librarian initiatives,
 - 3) to stimulate the development of crucial directions in the Polish librarianship,
 - 4) to draft expert opinions on the activities and initiatives crucial for the development of libraries,
 - 5) to periodically evaluate the activity of libraries and the effectiveness of the librarian policy.
3. The Council shall consist of: the Director of the National Library, Director of the Jagiellonian Library, four representatives of public libraries appointed by the minister responsible for matters of culture and national heritage protection, four representatives of school, pedagogical and scientific libraries appointed by the minister responsible for matters of education and training, two representatives of the academic community appointed by the

minister responsible for matters of science, and three representatives of the librarian and artistic circles.

4. The members of the Council shall be appointed by the minister responsible for matters of culture and national heritage protection for a term of five years.

5. The Council shall select a President of the Council from among its members.

6. The minister responsible for matters of culture and national heritage protection may dismiss a member of the Council before the end of the term indicated under section 4 above, in the event that the member does not participate in the works of the Council.

7. The Council's organization and the rules of procedure shall be determined by a Council Regulation, passed by the minister responsible for matters of culture and national heritage protection by way of a regulation.

Chapter 3

Organization of libraries

Article 8

1. Libraries shall be organized and administered by entities hereinafter referred to as "organizers".

2. Organizers of libraries shall be:

- 1) ministers and heads of central offices,
- 2) local government units.

3. Organizers of libraries may also be:

- 1) natural persons,
- 2) legal persons,
- 3) entities without legal personality.

Article 9

1. Organizer shall ensure the environment for the operation and development of a library that corresponds to its objectives.

2. Organizers shall in particular provide:

- 1) the premises,
- 2) funds to cover the following:
 - a) equipment and furnishings,
 - b) conducting librarian activities, especially the purchase of librarian materials,

c) personnel professional training.

Article 10

A library may constitute an independent entity or be a part of another entity.

Article 11

1. A library that is an independent entity shall operate in pursuance with a library formation document and the charter drafted by the organizer.

2. Library formation document shall set out the following:

- 1) name, location, area and scope of library services,
- 2) sources of funding.

3. The charter shall set out the following, in particular:

- 1) goals and objectives of the library,
- 2) library's bodies and its organization, including the scope of services, locations of branches and local offices,
- 3) name of the entity that performs substantive supervision over the functioning of the library – in relation to libraries belonging to a national librarian network,
- 4) method of management of the library's financial resources.

4. Competent ministers may introduce, by way of a regulation, framework charters for the libraries whose organizers are the entities under those ministers' supervision.

Article 12

Responsibilities, organization and a detailed scope of operation of a library which is a part of another entity shall be determined by regulations drafted by the head of this entity.

Article 13

1. Organizer may merge, divide and liquidate a library.

2. Organizer shall inform the public of the intention to merge or divide a library and provide grounds for this decision three months prior to issuing a library merger or division document.

This obligation pertains also to a change of library charter with regard to the scope of operation and location of branches or local offices.

3. Organizer shall inform the public of the intention to liquidate a library and provide grounds for this decision six months prior to issuing a library liquidation document.

4. Merger, division or liquidation of a library included in the national librarian network shall be subject to the organizer's consultation with the entity performing substantive supervision over the library in question. This provision shall apply to the library's local offices.
5. Provisions 2 – 4 above shall not apply to libraries that are part of another entity.
6. Provisions 1-4 above shall not apply to school and pedagogical libraries.
7. Public libraries may be merged with other institutions and school or pedagogical libraries.

Article 14

1. The services of libraries whose organizers are entities listed under Article 8, Section 2 shall be provided to general public free of charge, subject to section 2 below.
2. Fees may be charged:
 - 1) for information, bibliographical and reprographic services, as well as for interlibrary loans,
 - 2) for the loan of audiovisual materials;
 - 3) for the loan of library materials in the form of a security deposit,
 - 4) for overdue unreturned library materials,
 - 5) for damaged, destroyed or unreturned library materials.
3. The fees specified under Section 2 (1) and (2) may not exceed the cost of services rendered.
4. Conditions and rules for the use of a library shall be set out in the regulations drafted by the director (head) of the library.

Article 15

A library's operation may be supported by a library council or another council with advisory or consultative powers, in pursuance with the library charter.

Chapter 4

The National Library

Article 16.

1. The National Library shall be the state's central library.
2. The National Library shall have a legal personality.
3. Supervision over the National Library shall be performed by the minister responsible for matters of culture and national heritage protection.

4. Detailed scope of activities of the National Library and its bodies shall be set out in a charter passed by the minister responsible for matters of culture and national heritage protection.

Article 17

1. The National Library's responsibilities shall be to conduct librarian, bibliographical, academic, information, conservation, advisory, publishing, exhibition-related and service providing activities, in particular:

- 1) to collect, catalogue, make available and perpetually archive library materials originating from Poland and abroad but pertaining to Poland,
- 2) to draft and publish the national bibliography,
- 3) to carry out research in library science, bibliology and related fields of study,
- 4) to improve the substantive activity of libraries in Poland and assist Polish librarians abroad,
- 5) to carry out standardized number centers for non-serial and serial publications.

2. The National Library shall conduct methodical and unification activities in the area of library science, bibliography, application of modern librarian technologies and conservation of library materials.

3. The Scientific Council shall operate at the National Library and in pursuance with its charter. The members of the Scientific Council shall be appointed and dismissed by the minister responsible for matters of culture and national heritage protection, upon the request of the director of the National Library.

Chapter 5

Public libraries

Article 18

1. Public libraries shall serve to satisfy the educational, cultural and information needs of the general public and shall contribute to the diffusion of knowledge and culture.

2. Public libraries are the National Library and the libraries of local government entities, which have the organizational form of a cultural institution.

Article 19

1. Public libraries shall be organized in such a manner that will provide the local population with convenient access to library materials and information.
2. Gminas shall organize and run at least one gmina public library along with adequate number of branches, local offices and library outlets.
3. Poviats shall organize and run at least one poviat public library. Responsibilities of the poviat public library may be performed, by way of an agreement, by a voivodship or gmina public library operating and having its registered office in the territory of the poviat.
4. Voivodship self-government shall organize and run at least one voivodship public library.
5. Self-governmental libraries may, upon the organizer's consent, enter into agreements with other libraries and institutions regarding joint provision of librarian services for specific areas and circles.

Article 20

1. The responsibilities of voivodship public libraries shall be:

- 1) to collect, develop and make available library materials in order to satisfy the need for information, education and self-study, especially regarding knowledge on readers' local geographical area and documenting its cultural, scientific and economic achievements;

- 2) to perform the role of a librarian and bibliographical center, to organize inter-library loans, to develop and publish regional bibliographies, as well as other information materials of a regional character;

- 3) to examine the degree and scope of users' needs satisfaction, to analyze the condition, organization and distribution of libraries and to formulate and submit to the organizers proposals for change in this regard;

- 4) to provide libraries with instructions, training and methodical assistance;

- 5) to perform substantive supervision with regard to the implementation of goals specified under Article 27, Section 5 by the poviat and gmina public libraries.

2. Public library, whose organizer is a poviat or a city with poviat rights, which operates in a city that houses a seat of the voivodship self-government, may perform the tasks specified under Section 1 above by way of an agreement entered into by the Voivodship Board and an executive body of the poviat or a city with poviat rights. The agreement shall in particular set out the size of the financial resources that both parties shall contribute, necessary to conduct the librarian activities.

Article 20a

1. Poviats public libraries shall implement respectively the tasks specified under Article 20, Sections 1, 1,2, 4 and 5, and shall cooperate with the voivodship public library.
2. Public libraries, whose organizers are gminas, operating in a city that houses a seat of the poviat self-government, may perform the tasks specified under section 1 by way of an agreement entered into by the poviat board and the gmina administrator (mayor). The agreement shall comprise the arrangements specified under Article 20, section 2.

Chapter 6

Scientific libraries

Article 21

1. Scientific libraries:

1) serve the purposes of science and education, provide access to library materials and information resources which are necessary to carry out research and which comprise research results,

2) conduct scientific and research activities in the area of librarianship and related fields of study, as well as those fields a given library caters for.

2. Scientific libraries include:

- 1) The National Library,
- 2) libraries, whose organizers are institutions of higher education,
- 3) libraries, whose organizer is the Polish Academy of Sciences,
- 4) libraries, whose organizers are research and development entities,
- 5) other libraries.

3. The National Library shall maintain a list of scientific libraries.

4. The minister responsible for matters of culture and national heritage protection shall determine, by way of a regulation, the rules and procedures for the classification of libraries specified under section 2 (4) as scientific libraries and shall compile a list thereof.

Chapter 7

School and pedagogical libraries

Article 22

1. School libraries and libraries at other institutions of education serve for the implementation of the curricular and educational goals, cultural education and information of children and youth, as well as professional learning and training of teachers. To this end a school library shall operate at every public school.
2. Pedagogical libraries shall conduct their activities in the service of education and training, including also the education and professional development of the teaching staff.
3. The organization and operation of school and pedagogical libraries shall be laid down in separate regulations.

Chapter 8

Specialized and corporate libraries

Article 23

Enterprises may operate specialized and corporate libraries.

Article 24

1. Specialized libraries shall support the implementation of goals of enterprises and serve for the professional in-service training of personnel.
2. Corporate libraries shall serve to satisfy the educational and cultural pursuits of employees and their families.

Chapter 9

Services for special user groups

Article 25

Central Library for the Blind shall provide library services for the blind and coordinate the operation of other libraries and institutions designated for this group of users.

Article 26

1. In order to ensure library services for special user groups, special libraries shall operate at health care centers, residential care homes, penal institutions, correctional facilities, juvenile shelters, as well as entities controlled by the Minister of National Defense and the Minister of Internal Affairs and Administration.

2. Competent ministers, upon consultation with the minister responsible for matters of culture and national heritage protection, shall, by way of a regulation, set out the principles for the provision of library services specified under section 1 and the principles for cooperation between public libraries in the provision of these services.

Chapter 10

National library network

Article 27

1. With a view to ensuring a unified operation of library and information services that will facilitate the use of library materials and other sources of information, a national library network shall be developed, hereinafter referred to as “the library network”.
2. The library network shall comprise public libraries.
3. Libraries other than those specified under Section 2 may be incorporated into the library network upon request of the relevant organizer by the decision of the minister responsible for matters of culture and national heritage protection, who, upon consultation with the organizer, shall indicate the entity to perform substantive supervision with regard to the implementation of the tasks specified under Section 5. The decision to incorporate a library into a library network may be subject to reversal for failure to meet the responsibilities resulting from the library network membership.
4. The register of libraries incorporated in the library network shall be maintained by the National Library.
5. Libraries incorporated into the library network shall cooperate with regard to:
 - 1) gathering, cataloguing, preservation and making available their holdings,
 - 2) drafting and dissemination of bibliographical and documentary information;
 - 3) scientific research activities, training and professional development of librarian staff;
 - 4) exchange and transfer of library materials and information.
6. Minister responsible for matters of culture and national heritage protection, upon consultation with competent ministers, shall set out, by way of a regulation, methods of registration of library materials with a view to ensuring smooth implementation of libraries’ goals.

Article 28 (repealed)

Chapter 11

Librarian staff

Article 29

1. Personnel employed at librarian positions should be qualified librarians. They shall constitute a professional group of librarians.
2. Personnel referred to under Section 1 above includes:
 - 1) personnel of the librarian service: junior librarian, librarian, senior librarian, curator and senior curator,
 - 2) certified librarians: assistant, instructor, certified curator, senior certified curator.
3. Libraries may employ, upon demand, personnel specialized in other fields related with librarian activities.
4. Minister responsible for matters of culture and national heritage protection, upon consultation with relevant ministers, shall, by way of a regulation, set out the qualification requirements for specific librarian positions and the procedure for competence verification.

Chapter 12

Amendments to the provisions in force, transitional and final provisions

Article 30

Article 53 shall be deleted from the Act of 20 May 1971 – Misdemeanor Code (Journal of Laws, No. 12, Item 114; 1981, No. 24, Item 124; 1982, No. 16, Item 125; 1983, No. 6, Item 35, No. 44, Item 203; 1984, No. 54, Item 275; 1985, No. 14, Item 60, No. 23, item 100; 1986, No. 39, Item 193; 1988, No 20, Item 135, No. 41, Item 324; 1989, No. 34, Item 180; 1990, No. 51, Item 297, No. 72, Item 422, No. 86, Item 504; 1991, No. 75, Item 332, No. 91, Item 408; 1992, No. 24, Item 101; 1994, No. 123, Item 600; 1995, No. 6, Item 29, No. 60, Item 310; 1997, No. 54, Item 439 and No. 60, Item 369).

Article 31

1. The law of 9 April 1968 on Libraries (Journal of Laws, No. 12, Item 63; 1984, No. 26, Item 129; 1989, No. 29, Item 155, No. 35, Item 192; 1990, No. 34, Item 198; 1996, No. 152, Item 722) shall become ineffective.

2. Until the enabling regulations provided for in this Act are adopted, not longer, however, than for one year from the date of its entry into force, the existing regulations shall retain their force, unless they are in contradiction with this Act.

Article 32

This Act shall enter into force 30 days of the date of its publication.

I, Dorota Bartz, a court-accredited translator (TP/205/07), hereby certify that this translation is a true and faithful representation of the document in Polish presented to me on 26th November 2007.

Rep. 803/2007

Poznań, 26 November 2007.