

Act on Library Services

Generalitat of Catalonia Official Gazette no. 1727 - 29.3.1993

PROVISIONS

THE PRESIDENTIAL OFFICE OF THE GENERALITAT

ACT
4/1993, of 13 March, of the Catalan library system

THE PRESIDENT OF THE GENERALITAT OF CATALONIA

Be it known to all citizens that the Parliament of Catalonia has approved and I, in the name of the King and in accordance with the provision of article 33.2 of the Statute of Autonomy, promulgate the following

ACT

I.

In 1981, emerging from a long stage of non-existence of self-government institutions in Catalonia, Parliament approved the Libraries Act which has been in force up till now. More than ten years later, the country has been organised from a territorial viewpoint, there have been progressive changes in the role of administrative organisations of local government, and the districts or “comarcas” have been created, to become, jointly with the municipalities, the main articulation of the region.

The large cultural infrastructures, as in the case of the Catalan Library, have gradually become defined, with institutional agreement, so as to assume the corresponding national identity. The growth of the library networks has made overall planning necessary in order to correct the current inequality in library services in the country. A system has to be defined, then, which interrelates the whole of the library infrastructure, and also incorporates the state-owned centres which are managed by the Generalitat.

All these aspects have led to the need to change and enrich the Libraries Act of 1981. That Act, valuable in that it was the start of this necessary ordering of the cultural infrastructures and, in this case, the library panorama of the country, now needs to be adapted to new premises.

The text is referred schematically to all the elements constituting the Catalan library system and to the manner in which all of these are interrelated. However, there are two widely differentiated parts: one which makes reference to the bibliographic

heritage and the Catalan library, and the other which develops and constitutes the Public Reading System.

II.

The bibliographic heritage has as its nucleus and main articulation the Catalan Library, which is the national library of Catalonia and is structured in units which encompass the whole of the bibliographic material in all its different supports. The purpose of the national library is to collect, preserve and diffuse Catalan bibliographic production and other matters related with the Catalan linguistic field, and must take care of all the bibliographic heritage of Catalonia throughout the territory. It must, therefore, list all the centres possessing a fund of heritage, including the provincial public libraries, as depositories of the funds basically arising from the disentailment of 1835.

However, the development of this latter aspect, that of heritage, will need to be dealt with more fundamentally, given its importance, in a specific Act dealing with the cultural heritage of Catalonia.

The Generalitat, as the foremost institution of the country, assumes the responsibility of managing this infrastructure of a national nature, bringing together the heritage of the Community; from the Institute of Catalan Studies and the Republican Generalitat, especially through the Act of the Services of libraries, archives, museums and historic, artistic and scientific heritage of Catalonia, of 1934.

The university libraries too, which constitute through their specific functions one of the basic elements of the bibliographic richness of the country, have to be related to the national library, as also the specialised libraries and newspaper archive centres.

III.

With regard to public reading, the second large aspect regulated by the Act, this determines the unification into a single public reading system of the library networks pertaining to the various administrations, and opens the possibility that private networks can be integrated into the system.

This unification is undertaken by attributing to the municipalities a leading role in the management of the public libraries, in accordance with the Act 8/1987, of 15 April, of the municipal and local regime of Catalonia, which established that the Town Halls must assume the library infrastructure as one of their priorities. The Act also reserves meaningful competence to the districts, which manage, in cooperation with the Town Halls, the district libraries and the public reading service in the smaller towns and villages. The Act, then, lays out a public reading system following the model of territorial organisation and must accord with the bibliographic map and some proposed financial actions destined to fill, between the different administrations, the cultural vacuums existing in the country in the field of libraries.

With the aim of good ordination, this Act distributes management responsibilities among the administrations: attributing to the Generalitat the responsibilities referring to infrastructures classified as national and attributing to the municipalities and districts the responsibilities referring to the public reading system. Finally, the Act regulates the corresponding services of support, which must guarantee

attendance and cooperation at the libraries for the Public Reading System, so that they may properly comply with their function.

PART ONE

General provisions

Article 1

Purpose of this Act

The purpose of this Act is to establish the bases and fundamental structures needed for the planning, creation, organisation, working and coordination of the Library System of Catalonia, and also to guarantee services which facilitate the working of the libraries, starting from the right of Catalan citizens to read and to have access to public information, throughout the territory.

Article 2

Concept of the library

Library is understood to mean, for the purposes of this Act, any organised assembly of books, periodical publications, engravings, maps, sound recordings, graphic documentation and other bibliographic materials; manuscript, printed or reproduced in any form, which has for its purpose to bring together and preserve these documents and to allow them to be used by suitable technical and personal means, appropriate for information, research, education and leisure.

Article 3

Concept of collection

Collection is understood to mean, for the purposes of this Act, any fund of special interest which is not dealt with under the financial rules in the current regulations for libraries. The terms of its definition and protection must be fixed by legislation over the historic and cultural heritage.

Article 4

Field of application

- 1 The field of application of this Act includes:
 - a) The libraries, publicly or privately owned, which supply a public service.
 - b) The libraries and collections, both public and private, which have a fund of special cultural value, in accordance with the legislation over the historic and cultural heritage.
- 2 The precepts of this Act are applicable to the libraries in State ownership to which reference is expressly made.

Article 5

Catalan Library System

The Catalan Library System is the organised assembly of library services existing in Catalonia. The Catalan Library System covers:

- a) The Catalan national library.
- b) The Catalan Public Reading System.
- c) The university libraries, teaching libraries outside universities and specialised libraries.

Article 6

Access to bibliographic information

- 1 The Generalitat must bring together in a single comprehensive catalogue the bibliographic references of the different funds of the libraries comprising the Catalan Library System.

- 2 The Generalitat must ensure the possibility of access to the information contained in the comprehensive catalogue referred to in section 1.

- 3 The libraries included in the field of application of this Act must adjust themselves to the regulations and adopt the necessary technical measures to make possible the exchange of information.

PART TWO

The Catalan Library

SECTION I

Article 7

Definition

- 1 The Catalan Library is the national library. Its purpose is to collect, preserve and disseminate Catalan bibliographic production and that related to the Catalan linguistic field, including printed production, regular or not, visual and with sound, of each work, of which at least two copies have to be collected, whatever may be the support or technique used.

- 2 The Catalan Library must watch over the preservation and dissemination of the bibliographic heritage which comprises, in addition to the works described in section 1, the bibliographic works found in Catalonia which have an important historical and cultural value, in accordance with what is established in legislation over the historic and cultural heritage.

- 3 The Catalan Library, the foremost bibliographic centre of Catalan culture, must maintain, through the relevant acquisitions, the status of a centre for consultation and scientific research of a universal nature.

Article 8

Structure

The Catalan Library is structured in units which cover the whole range of materials in different supports. These units have the necessary autonomy for the development of their functions.

Article 9

Functions

- 1 The Catalan Library, through each of the units of its structure, exercises throughout the territory the following functions:

a) To collect, preserve and disseminate all the works published or produced in Catalonia and those related for any reason with the territories of the Catalan linguistic field. To this end it is the recipient of the Legal Deposit and acquires the Catalan bibliographic works which do not arrive by this means.

b) To acquire, preserve and disseminate the general multidisciplinary funds of universal scope, adequate for research in the various branches of knowledge.

c) To oversee the conservation and preservation of the works constituting the bibliographic heritage of Catalonia, in accordance with the provisions of article 7.2, wherever they may be found within the Catalan territory.

d) To prepare, manage and disseminate regularly, in the form and with the support that meets the needs of the users, the national bibliography and the collective catalogue of the bibliographic heritage, in coordination with the different units.

e) To supply support services for the protection of the bibliographic heritage of Catalonia, especially the activities of restoration, microfilm and handling of duplicated and surplus works.

- 2 The Catalan Library must adapt the international bibliographic standards and, where necessary, prepare those which are to govern the cataloguing of the whole Catalan Library System. The Catalan Library oversees, validates and unifies in a single list the catalogue of authorities.

Article 10

Coordination with other centres

The Catalan Library must maintain relationships of collaboration and coordination with other centres which have funds of bibliographic interest.

Article 11

Offices of Legal Deposit

The Legal Deposit offices in Catalonia have the purpose of collecting a determined number of each of the works produced in Catalonia and transferring them to the centres which will preserve them and put them within the reach of the users.

SECTION II

Administrative organisation

Article 12

Organic condition

The Catalan Library is an autonomous entity of an administrative nature, attached to the Department of Culture, which has a legal personality, its own heritage and full capacity to work towards fulfilment of its purpose, in accordance with this Act and the legislation over autonomous entities as applicable to it.

Article 13

Organs of government and management

The organs of government and management of the Catalan Library are:

- a) The Governing Board
- b) The director of the Catalan Library and the directors of the units in which it is structured.
- c) The Manager of the Catalan Library.

Article 14

Governing Board, composition and functions

- 1 The Governing Board of the Catalan Library is comprised of:

- a) The President, who is the Minister of Culture.
- b) The first vice-president, who is the director general competent in matters of libraries; the second vice-president, who is the president of the Institute of Catalan Studies, and the third vice-president, who is the director of the Catalan Library.

- c) The following members, appointed by the Minister of Culture:
The directors of the different units of the Catalan Library.
Four members proposed by the director general competent in matters of libraries.
Two members proposed by the Institute of Catalan Studies.
Two members proposed by the Inter-university Council.
One member proposed by Barcelona City Hall.
One member proposed by the Official College of Librarians-Archivists of Catalonia.
- d) A Secretary, with voice but without vote, who is an official of the Catalan Library.
- 2 The Governing Board has for its functions:
- a) To approve annually the action plan, the management report and the pre-project of the budget.
 - b) To exercise the overall direction of the entity and supervise its action.
 - c) To propose the organic structure and the personnel.
 - d) To accept gifts, legacies and inheritances.
 - e) To agree the creation of new management organs for the better functioning of the Catalan Library.
 - f) To discuss and report on the matters submitted to its consideration by the President.

Article 15

Director

The director of the Catalan Library, who will be appointed by decree, has the following duties:

- a) To exercise the management of the entity, establishing the management techniques for the supply of services and to fix the general criteria of organisation.
- b) To represent the centre and exercise legal and administrative actions on its behalf.
- c) To formalise contracts and authorise the expenses.
- d) To appoint and dismiss the personnel.
- e) To coordinate the activity of the different units in which the Catalan Library is structured.
- f) To agree acquisitions of bibliographic material.
- g) To propose to the Governing Board the annual action plan, the management report and the pre-project of the budget.
- h) Anything else that the Governing Board commissions him to do and, in general, everything which is not expressly assigned to other bodies.

Article 16

Manager

The manager of the Catalan Library acts under the supervision of the director and exercises the functions which are fixed by regulation.

Article 17

Financial regime

- 1 The financial resources of the Catalan Library are constituted by:
- a) The assignments corresponding to this autonomous entity consigned in the Acts of the Generalitat budgets.

- b) Income under public and private law arising from the management of its goods and services.
 - c) Subventions and voluntary contributions from entities and individuals.
 - d) Any other which may be attributed to it.
- 2 The Catalan Library enjoys the fiscal exemptions and benefits that correspond to the Generalitat.

SECTION III

Funds of national interest

Article 18

Declaration of fund of national interest

Bibliographic funds of special cultural value comprised in libraries and collections can be declared to be of national interest. The declaration is made in accordance with the procedure established by legislation over the historical and cultural heritage.

Article 19

Effects of being declared a fund of national interest

- 1 The declaration of a fund of national interest carries for the owners of the library or collection in which it is kept, in addition to the obligations fixed by legislation over the historical and cultural heritage, the following obligations:

- a) Collaboration with the Catalan Library for cataloguing and inclusion in the corresponding catalogue of the bibliographic heritage.

- b) Collaboration with the Catalan Library for purposes of conservation and dissemination.

- 2 For compliance with the obligations established in section 1, the owners of the libraries and collections must receive technical and financial support from the Catalan Library.

Article 20

Bibliographic heritage of the public libraries in State ownership

- 1 The funds of significant historical and cultural value preserved in the public libraries in State ownership in Barcelona, Girona, Lleida and Tarragona are declared to be of national interest.

- 2 The libraries to which reference is made in section 1 must be coordinated and must collaborate with the Catalan Library in the terms established in article 19.1.

PART THREE

The Public Reading System of Catalonia

SECTION I

Definition, ambit and structure

FIRST HEADING

General regulations

Article 21

Definition of the Public Reading System

The Public Reading System is the entirety of the organised public library service in Catalonia.

Article 22

Concept of a public library

- 1 Public libraries are considered to be those libraries which have available a general stock, offer a broad spectrum of informative services of a cultural, educational, recreational and social nature and are accessible to all the citizens, both the public in general and specific user groups.

- 2 Public libraries must offer their basic services free of charge and must offer differentiated services for adults and children.

- 3 Public libraries, in coordination with the social services organisation of each locality, must facilitate a lending service to readers who are unable to leave their homes and must offer library services to hospitals, prisons, old people's homes and the welcome centres of the respective localities.

- 4 Public libraries must meet the needs of those who have difficulty in reading, with "talking books" and other audiovisual documents, or with other printed materials to facilitate reading.

- 5 The stocks of the public libraries are of free access and able to be let out on loan. Nevertheless, when necessary for reasons of security and preservation, access can be limited to a part of the stock.

Article 23

Libraries belonging to the Public Reading System

- 1 The following form part of the Public Reading System:

a) All the public libraries publicly owned.

b) All the public libraries privately owned and which are integrated into it, with the prior agreement of the owner of the centre, and which have signed an agreement with the corresponding town hall.

c) State-owned libraries managed by the Generalitat, without prejudice to the state regulations affecting them.

- 2 Exceptionally, if the needs of the Public Reading System require it, and with the prior agreement of the owner, libraries of teaching centres other than universities may be integrated into the System. If the owner is the Generalitat, there must be a prior favourable report from the Education Department.

Article 24

Register of libraries of the Public Reading System

The Department of Culture must keep an up-to-date register of the libraries constituting the Public Reading System.

Article 25

The integration of a library into the Public Reading System

The integration of a library into the Public Reading System takes place by resolution of the Minister of Culture. The resolution must specify the type of library, in accordance with the classification established by article 31.1, and must be published in the DOGC.

Article 26

Conditions and effects of the integration of a library into the Public Reading System

- 1 All the libraries integrated into the Public Reading System must be adjusted to the regulations laid down by the Generalitat Government, without prejudice to the provisions of article 23.1.c).

- 2 The integration of a library into the Public Reading System gives the right of access to the services of support to the Public Reading System.

Article 27

Inspection of the Public Reading System

- 1 All the centres integrated into the Public Reading System have the duty to deliver to the Department of Culture the information requested from them to ascertain their compliance with the current regulations, and they must allow the access and action of the Department Inspectors.

- 2 If the inspection of a library integrated into the Public Reading System shows that it does not comply with the regulations to which reference is made in article 41.a), the owner of the library shall adopt the corrective measures established by the Department of Culture: otherwise the owner of the library shall lose the right of access to the services of support to the Public Reading System.

Article 28

Map of the Catalan Public Reading System

- 1 The Department of Culture will prepare and keep up to date a Map of the Public Reading System in Catalonia, which will bring together the necessities of public reading and establish the types of service which correspond to each town. The Public Reading System Map and the changes made will be approved by the Generalitat Government, having heard the Libraries Council and the associations representative of the Catalan local authorities.

- 2 The investments made by the various public authorities in library facilities must be adjusted to the forecasts and criteria established in the Public Reading System Map.

Article 29

Personnel of the libraries in the Public Reading System

- 1 The libraries in the Public Reading System must have sufficient personnel, with the qualifications and technical level required for the functions assigned to them, as established in the Public Reading System Map.

- 2 The professional conditions of the technical personnel of the libraries in the Public Reading System must be determined by regulation. In any event, except in subsidiary libraries, the director of the library, at least, must be a qualified librarian.

Article 30

Collective catalogue of the Public Reading System

The Department of Culture, in order to guarantee the unified and shared cataloguing of all the stocks of the libraries integrated into the Public Reading System and mutual knowledge of these stocks, will coordinate and manage the Collective Catalogue of the Public Reading System.

SECOND HEADING

Organisation of the Public Reading System in Catalonia

Article 31

Structure of the Public Reading System

- 1 The Public Reading System defines the following types of library and library service, according to their function:

- a) Rural district central libraries.
- b) Urban central libraries.
- c) Local libraries.
- d) Subsidiary libraries.
- e) Mobile library services.

- 2 The following complete the structure of the Public Reading System:

- a) The service of support to the Public Reading System.
- b) The public reading committees.

Article 32

Rural district central libraries

- 1 The rural district central libraries coordinate the rest of the libraries in the district, with the exception of the urban central libraries and the libraries attached to them under the provisions of the Public Reading System Map, and give them advice and support. If it is advisable for reasons of a demographic or territorial nature, the Public Reading System Map can determine the existence within the same rural district of more than one library with the functions of a rural district central library.

- 2 The rural district central libraries will also provide, in the town where they are situated, the services proper to the urban central library or local library.

- 3 The management of the rural district central libraries corresponds to the rural district council and the town hall of the municipality where the library has located, which, for this purpose, must arrange the criteria of collaboration in the basic terms fixed by regulation.

Article 33

Urban central libraries

- 1 The urban central libraries coordinate the other libraries and mobile library services in the municipal area, as established in the Public Reading System Map, and give them advice and support.

- 2 In cities with more than thirty thousand inhabitants without a rural district central library, there must be an urban central library. In each district of Barcelona city there must be a central library which meets the conditions required for urban central libraries and assumes their functions, without prejudice to the coordination which must be carried out by the State library of Barcelona in its functions as a central library.

- 3 The State libraries of Girona, Lleida and Tarragona can, with prior agreement between the Generalitat Authorities and the City Hall concerned, carry out the functions of an urban central library for the cities where they are located. For its part, the State library of Barcelona carries out the functions of a central library as established in section 2.

Article 34

Local libraries

- 1 The local libraries, which are those that meet the necessary conditions for the service of public reading in a specific area, coordinate their activity with the rural district central library or with the corresponding urban central library and may give their support to subsidiary libraries.

- 2 In municipalities of more than five thousand inhabitants there must be a local library.

Article 35

Subsidiary libraries

The subsidiary libraries supply public reading services with the support of a local library, an urban central library or a rural district central library.

Article 36

Mobile library services

The mobile library services, which depend on a rural district central library or an urban central library, have as their purpose to offer the public reading service in areas where there is no fixed point of service.

Article 37

Service of support to public reading

- 1 The service of support to public reading delivers assistance and cooperation to the libraries of the Public Reading System.

- 2 The national services supply support in the following ambits:

a) Advice and collaboration in the acquisition of stock.

b) Coordination and handling of the Collective Catalogue of the Public Reading System.

c) Library research and continuous personnel training and retraining.

d) Promotion of the libraries.

e) Coordination of the regional services.

- 3 The regional services supply support in the following ambits:

a) Acquisition of stock.

b) Providing centralised cataloguing.

c) Preparation of the Collective Catalogue of the Public Reading System.

d) Selective bibliographic and documentary information.

e) Treatment of duplicate stocks and surpluses.

f) Redistribution of stocks.

g) Coordination of inter-library lending and of support stock for lending.

h) Technical and computer support for the libraries.

Article 38

Public reading committees

- 1 In each rural district and each municipality which has an urban central library there is a public reading committee.

- 2 The determination of the composition and the working regime the public reading committees corresponds to the respective rural district council or town hall. In every case the committees in the rural field will be presided over by a representative of the rural district council, and those in the urban field by a representative of the town hall, and the director of the rural district central library or urban central library, respectively, must also be a member.

- 3 The public reading committees have for their function:

a) Collaboration with the corresponding central library in compliance with its tasks.

b) Analysis of the needs of equipment and services of the rural district or municipality concerned.

- c) Programming activities to promote and stimulate the use of the libraries.
- d) Coordinating the actions of the public and schools libraries.
- e) Whatever other matter is assigned to them by the rural district council or town hall concerned.

SECTION II

Competences of the different public authorities

FIRST HEADING

Competences of the local entities

Article 39

Competences of the municipalities

- 1 The following competences correspond to the municipalities:
 - a) To create, regulate, organise and manage the libraries owned by the municipalities, in accordance with the provisions established by law or by regulation and in accordance with the Public Reading System Map.
 - b) To coordinate and promote public reading in the municipality.
- 2 Municipalities of five thousand inhabitants or more must supply the service of the local library and municipalities of less than five thousand inhabitants must receive support from the respective rural district in supplying the public reading service. Municipalities of more than thirty thousand inhabitants must supply the public reading service in a decentralised form in accordance with the Public Reading System Map.
- 3 In the case of the rural district central libraries, the municipalities where these are located must carry the charge of financing the part of the expenses of installation, maintenance and personnel which corresponds to the local operation of these libraries.
- 4 The obligations established in section 2 must be fulfilled by municipally owned libraries or by other libraries of the Public Reading System with which the municipality has established a collaboration agreement.

Article 40

Competences of the rural districts

- 1 The following competences correspond to the rural districts:
 - a) To supply the service of public reading outside the municipality, regulated by article 32, and also, subsidiarily, in municipalities of less than five thousand inhabitants.
 - b) To give support to the municipalities in the supply of library services, in agreement with the town halls.
 - c) To coordinate and promote public reading in the rural district.
- 2 In every case, the rural districts must:
 - a) Meet the financing of the part of the expenses of installation, maintenance and personnel corresponding to the rural district function of the rural district central libraries and participate in their management.
 - b) Organise the mobile library service as necessary.

SECOND HEADING

Competences of the Generalitat authorities

Article 41

Competences of the Generalitat Authorities

The following competences correspond to the Generalitat:

a) To lay down the regulations which govern the different aspects of public reading and, especially, to regulate the following matters:

- 1.- Personnel.
- 2.- Technical conditions of infrastructures.
- 3.- General bases and operation of the library management.
- 4.- Cataloguing and classification of the stock.
- 5.- Coordination of the libraries integrated into the Public Reading System.
- 6.- Maintenance of the Collective Catalogue of the Public Reading System.

b) Inspections of compliance with this Act and of the regulations which it unfolds.

c) Recognition of the integration of a library into the Public Reading System and maintaining its classification.

d) Preparation and maintenance of the Public Reading System Map.

e) Establishing the criteria for the preparation and subsequent treatment of statistics relating to public reading.

f) The supply of support services for public reading.

g) The encouragement of public reading.

Article 42

Action of promotion

The Department of Culture must establish annually a programme of aid to libraries, especially in order to provide them with infrastructures, to construct new facilities and renovate or extend those existing. This programme, which must take into account the determinations of the Public Reading System Map, is integrated into the single Plan of works and services of Catalonia, in accordance with the fourth additional provision.

PART FOUR

University libraries, those of teaching centres other than universities and specialised libraries

Article 43

University libraries

- 1 The university libraries collect specialised bibliographic funds and supply services to the universities and researchers and, with authorisation from the centre, to such individuals who require them.

- 2 The university libraries are coordinated with the rest of the library system by means of the Catalan Library, with regard to the cataloguing, supplying inter-library loans and the protection of the valuable historical and cultural library funds, without prejudice to other forms of coordination which may be established with other libraries for shared services.

Article 44

Libraries of teaching centres other than universities

- 1 The libraries of teaching centres other than universities supply the necessary material for these to fulfil their teaching functions, offering access to culture, educating the pupil in the use of their funds and permitting him to supplement and amplify his training and leisure.

- 2 In teaching centres other than universities there must be established a school library, as an integral element of teaching and in collaboration with the Public Reading System.

- 3 The specific regulations over the organisation, activity and financing of libraries in other than university public teaching centres libraries must be fixed by regulation.

Article 45

Specialised libraries

- 1 Specialised libraries are libraries containing a fund which is centred mainly in a specific field of knowledge.

- 2 The specialised libraries, which can be owned publicly or privately, supply a public service with the restrictions which are appropriate to them and are coordinated with the rest of the Library System in the terms established in article 43.2 for university libraries.

PART FIVE

The Libraries Council

Article 46

Composition and functions

- 1 The Libraries Council is the consultative and advisory organ of the Generalitat Authorities in matters related with the Catalan Library System. The composition of the Council must be established by regulation.

- 2 The functions of the Libraries Council are:

a) To report on projects of general provisions in matters of libraries and over the Catalan Public Reading System Map.

b) To report on declarations of bibliographic funds of national interest.

c) To suggest initiatives for improvements in the working, organisation and coordination of the Catalan library system.

d) To advise the Generalitat Authorities on the matters the subject of this Act.

- 3 The Libraries Council must meet whenever necessary and at least every six months.

ADDITIONAL PROVISIONS

First

Transfer of services from the provincial regional governments

- 1 The libraries and the library services dependent on the provincial regional governments of Barcelona, Girona, Lleida and Tarragona are transferred to the Generalitat or the rural district councils of the area where they have their headquarters. In the event that the extent and characteristics of the libraries or the services justify it, the Mixed Committee established by article 5 of the Act 5/1987, of 4 April, of the provisional regime of competences of the provincial regional governments, may agree that they should be transferred to a town hall. Also, if the characteristics of the libraries or the services so justify, the provision contained in article 8 of the said Act 5/1987 may be applied.

- 2 Excluded from the transfer referred to in section 1 are the services which integrate the essential nucleus of the provincial autonomy and those arising from the competences of assistance and legal, financial and technical cooperation which

correspond to the provincial regional governments, in accordance with the provisions of the regulatory Law of the bases of the local regime and local legislation in Catalonia.

- 3 The Mixed Committee shall fix, within one year, the personnel and material means and the resources which have to be transferred as a consequence of the transfer referred to in section 1; failing the agreement of the Mixed Committee, the provisions of article 5 of the Act 5/1987 shall be applied.

- 4 For the determination of the Authority the destination of each transfer, the Mixed Committee shall consider the following criteria:

- a) The national and local interest of the library or service.
- b) The overall rationale of library organisation in Catalonia.
- c) The criteria established by article 3 of the Act 5/1987.

- 5 In virtue of section 1, the Catalan Library is transferred to the Generalitat. The Mixed Committee must determine the personnel, financial and material means which, in order make this transfer effective, have to be transferred from the regional government of Barcelona to the Generalitat. The transfer of the Catalan Library involves the disappearance of the Catalan Library Consortium, its rights and duties being replaced by the autonomous entity the Catalan Library, without prejudice to the ownership of the assets pertaining to the Library.

Second

Transfers from the Generalitat to the rural districts

The Government of the Generalitat shall transfer to the rural district councils by Decree the means, personnel and material necessary for the exercise of the functions which were exercised by the Generalitat until this Act came into force and which, according to the present Act, correspond to the rural districts.

Third

Period for the preparation of the Public Reading System Map

The Department of Culture must prepare, within one year from this Act coming into force, the Public Reading System Map.

Fourth

Special subsidies

In the invitations for the formulation of the specific programme of libraries in the single Plan of works and services of Catalonia for the eight years following the coming into force of this Act, the Government must provide for the grant of special subventions, in accordance with article 5 of the Act 23/1987, of 23 December (which established the criteria of financing of the single Plan of works and services of Catalonia and the bases for the selection, distribution and financing of the works and services to be included in it), for the construction and adaptation of libraries, taking into account the extent of the service given by the library and the economic financial capacity of the municipality.

Fifth

Official integration into the Public Reading System

The public libraries in public ownership which are in operation at the time when this Act comes into force must be integrated officially into the Catalan Public Reading System.

TRANSITIONAL PROVISIONS

First

Operational dependence of the officials attached to public libraries

The employees of the Generalitat and the regional governments who work in publicly owned rural district central libraries, urban central libraries and local libraries are operationally under the corresponding rural district council or town hall, without prejudice to their organic dependence and the maintenance of all the rights corresponding to them as employees of the Generalitat or the regional governments. This situation will be maintained until new legislation is approved over public functions in Catalonia, which has to regulate, in accordance with the new territorial ordinance, the regime of personnel transferred to the rural district councils and the municipalities.

Second

Regulation of the Libraries Council

Until the Generalitat Government has set up the Libraries Council and regulated its functioning, the Decree 178/1988, of 19 July, by which the Libraries Council is set up and its functions regulated, will continue in force.

Third

Regional services of support to the Public Reading System

Until the territorial division of Catalonia into regions comes about, the supply of regional services of support to public reading regulated by article 37.3 has to be carried out by the Department of Culture and the regional governments. The services to be supplied by each administration shall be determined by regulation of the Government of the Generalitat, in accordance with the provisions of this Act and local legislation.

Fourth

Term of application of the Act

The libraries existing on the coming into force of this Act and which are subject to it must adapt themselves to it in the term of five years from its coming into force.

REPEAL PROVISION

The Act 3/1981, of 22 April, regarding libraries, and the Decree 165/1981, of 19 June, of the creation of the Catalan Library Institute, are repealed.

Therefore, I order that all citizens to whom this Act is of application shall cooperate in compliance with it and that the courts and the authorities concerned see to its compliance.

The Palace of the Generalitat, 18 March 1993

JORDI PUJOL

President of the Generalitat of Catalonia

JOAN GUITART I AGELL

Minister of Culture

(93.082.139)

GENERALITAT DE CATALUNYA
Departament de Cultura
Servei de Biblioteques i del Patrimoni Bibliogràfic
(Unofficial translation).