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ACT

of 06 May 2015

**on libraries, and amending Act No 206/2009 on museums and galleries and the protection of items of cultural value and amending Act of the Slovak National Council No 372/1990 on infractions, as amended, and amending certain acts, as amended by Act No 38/2014**

The National Council of the Slovak Republic has adopted the following act:

**Article I**

**§ 1**

**Scope of this Act**

- (1) This act regulates the establishment and foundation of libraries, the rights and obligations of libraries, the rights and obligations of libraries' establishing and founding entities, the library system of the Slovak Republic (hereinafter the "library system"), the scope and performance of libraries' professional activities and the declaration, registration, protection, making available, import and export of historical library documents and historical library collections.
- (2) This act applies to:
  - a) libraries that provide library and information services to users and are registered in the Register of Libraries of the Slovak Republic (hereinafter the "Register of Libraries"),
  - b) the owner or administrator of a historical library document or historical library collection or a rare manuscript, old and rare prints and important Slovakistic documents without time limit, which, other than archive documents under separate regulations<sup>1)</sup>, qualify for declaration as historic library documents or historic library collections due to their unique value.

**§ 2**

**Definition of terms**

- (1) A library is an institution for culture, information and education that adds to, makes special records of, catalogues, keeps, protects, makes use of and provides access to a library collection, provides library and information services, helps to satisfy the needs of its users related to information, scientific research and education and support their lifelong learning, information literacy, creativity and linguistic diversity.
- (2) A library document is a unit of a library collection that is entered in special records, catalogued, kept, protected and made available separately, whatever its form and content. A library document may also be a separate digital document, either an

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<sup>1)</sup> § 2 (2), Sections 9 to 15 of Act No 395/2002 on archives and registries and amending certain acts, as amended by Act No 216/2007

- electronic book (e-book) or an electronic journal (e-journal) that the library has digitised or acquired in digital form with permanent access rights.
- (3) A library collection is the set of all library documents selected for a particular purpose, which is added to, kept, protected and made available to users on a systematic basis.
  - (4) An electronic information source is a set of bibliographic records or the contents of electronic documents, including their full text, images and sounds that are stored electronically with a common user interface and software for searching and manipulating information. Access to an electronic information source shall be made available via the internet.
  - (5) An electronic collection is a set of resources in electronic form such as digital documents, electronic information sources, computer files and electronic catalogues.
  - (6) A Slovakist document is a library document whose authorship, place of publication or content makes it relevant to Slovakia or Slovak people.
  - (7) An aggregate library catalogue is a catalogue containing bibliographic and location records of library documents located in the collections of more than one library.
  - (8) A historical library document is a single document and a historical library collection is a set collection of documents which the Ministry of Culture of the Slovak Republic (hereinafter the “Ministry”) has declared to a historical library document or a historical library collection in accordance with Section 21 other than an archive document subject to separate regulations.<sup>1)</sup> A historical library document or a historical library collection is not necessarily part of a library collection.
  - (9) A specialised library collection is a library collection of library documents within a defined scope of content, form, type, origin or use.
  - (10) A conservation collection is a set of all library documents acquired and kept in perpetuity for future generations as part of the cultural heritage of the nation by a library that is a legal entity designated under applicable legislation.<sup>2)</sup>
  - (11) The professional activities of libraries are the addition of documents to a library collection, the entry in special records and cataloguing of library documents, weeding of a library collection, the organisation, conservation and protection of a library collection and the provision of library and information services.

### § 3

#### **Establishment or foundation of a library**

- (1) A library may be established as a legal entity under separate legislation<sup>3)</sup> by
  - a) a central state administration body,
  - b) a self-governing region
  - c) a municipality
- (2) Another legal entity may establish or found a library as a legal entity under other legislation<sup>4)</sup>.
- (3) A legal entity may also establish a library as its organisational unit.

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<sup>2)</sup> § 3 to 5 of Act No 212/1997 on the legal deposit of publications, non-periodical publications and copies of audiovisual works, as amended

<sup>3)</sup> § 21 of Act No 523/2004 on the budgetary rules for public administration and amending certain acts, as amended.

<sup>4)</sup> For example the Civil Code, § 5 of Act No 213/1997 on non-profit organisations providing services in the public interest as amended by Act No 35/2002, § 15 of Act No 133/2002 on the Slovak Academy of Sciences, as amended by Act No 40/2011.

- (4) The Slovak National Library, a scientific library or a regional library must be established as a legal entity.

#### **§ 4**

##### **Rights and obligations of a library's founding or establishing entity**

- (1) The library's establishing or founding entity has the following rights:
- a) to establish, found or dissolve the library, or merge it with another library of which it is the establishing entity,
  - b) to request professional guidance from a library with competence in the area of methodology; a list of libraries with national competence in methodology is given in Annex 1,
  - c) to determine the scope and conditions for public access to the library in the case of an academic library, school library or special library,
  - d) to assign to the library the performance of tasks within the library's material competence.
- (2) The library's establishing or founding entity has the following obligations:
- a) to issue an establishment deed, foundation deed or statutes for the library specifying the library's orientation, specialisation and area of coverage; its name must include the word library,
  - b) to notify the Ministry of the establishment or foundation of a library using the form laid down in Annex 2 within 60 days of its establishment or foundation and to notify the Ministry of the merger of a scientific library or a regional library, or the dissolution of a library within 60 days of its dissolution.
  - c) to provide suitable premises and interior furnishing for the library corresponding to the size of its collections, its scope of its library and information services, its orientation and its specialisation,
  - d) to provide modern technological equipment and conditions for the implementation of new technologies and library and information services,
  - e) to ensure the library has adequate financing and staff,
  - f) to support the continuing education of the library's employees,
  - g) to provide for additions to the library collection, the keeping of special records and the cataloguing, conservation, protection, use and making available of the collection in a systematic manner,
  - h) to support cooperation between libraries and to create the necessary conditions for libraries' integration in international library and information systems and networks,
  - i) to offer to other libraries weeded library documents or a library collection from a library that is dissolved; in such cases a library shall have preferential right to acquire weeded library documents if it keeps a conservation collection and is a legal entity designated under applicable legislation<sup>2</sup>),
  - j) to perform control of the library's activities,
  - k) to permit the performance of state professional supervision and control, and to provide all necessary cooperation,
- (3) The establishing entity of a scientific library under § 3(1)(a) and § 3(2), and the establishing entity of a regional library under § 3(1)(b) shall request, before the dissolution of the library or its merger with another library, the binding standpoint of the Ministry. A decision on the dissolution of a library or a decision on the merger of a library issued in contravention of the Ministry's standpoint or without requesting such a standpoint shall be invalid.

## **The Library System**

### **§ 5**

- (1) The library system is made up of libraries, whose orientation, area of coverage and functions are determined by the composition and specialisation of the library collection and the scope of library and information services provided, which are classified in the following types:
  - a) the national library
  - b) a scientific library
  - c) an academic library
  - d) a public library
  - e) a school library
  - f) a special library
- (2) The area of coverage of a library may be:
  - a) national,
  - b) regional on the level of an administrative region (*kraj*)
  - c) regional
  - d) municipal (town or village),
  - e) institutional.
- (3) A library may build a universal library collection or a specialised library collection depending on its orientation and specialisation.
- (4) Besides the tasks specified in § 6 to 11, a library may also carry out other activities determined by its establishing or founding entity within its competence in the library's establishment deed, foundation deed or statutes.

### **§ 6**

## **The Slovak National Library**

- (1) The Slovak National Library, with its seat in Martin, a national library whose establishing authority is the Ministry.
- (2) The Slovak National Library
  - a) acquires and keeps in perpetuity the conservation collection of the Slovak Republic as a legal entity designated under applicable legislation,<sup>2)</sup>
  - b) makes additions to, maintains special records for and catalogues, keeps, protects and makes available a universal library collection,
  - c) adds to, maintains special records for and catalogues, keeps, protects and makes available domestic and foreign Slovakist documents and foreign documents,
  - d) is the national bibliographic agency, ensures the bibliographic registration of Slovakist documents, coordination of the national bibliographic system and the development of the Slovak national bibliography,
  - e) is the national agency for document numbering according to international standards and the international identification of documents,<sup>5)</sup>
  - f) creates, maintains and makes available the aggregate library catalogue of the Slovak Republic – monograph section,
  - g) is the central research and standardisation workplace in the library system,
  - h) provides library and information services to users,
  - i) is the national centre for interlibrary loan services,

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<sup>5)</sup> § 8 of Act No 212/1997, as amended

- j) is a workplace for international interlibrary loan services,
- k) performs methodological, consultation, educational, statistical and analytical functions relating to library services for the library system in connection with libraries' professional activities,
- l) is a specialised workplace for the digitisation of documents of written cultural heritage and the conservation and making available of their digital forms,
- m) is a specialised conservation and restoration centre for written cultural heritage,
- n) manages and protects historical library documents and historical library collections,
- o) gives statements on proposals for the declaration of library documents and library collections as historical library documents and historical library collections, and on the cancellation of such declarations, and determines the value of such documents and collections
- p) makes proposals for the declaration and the cancellation of the declaration of historical library documents and historical library collections,
- q) keeps the Central Register of Declared and Delisted Historical Library Documents and Historical Library Collections (hereinafter the "Central Register"),
- r) is the establishing entity for a museum, which is its organisational unit,<sup>6)</sup>
- s) is the centre for biographical documentation, research and support for Slovak culture and literature and is the establishing authority of a public archive,<sup>7)</sup>
- t) publishes periodical and non-periodical publications,
- u) organises exhibitions and provides for educational and cultural events,
- v) cooperates with other libraries in the library system and with libraries abroad,
- w) concludes a collective licence with the competent collective management organisation for the right to distribute protected works through loans within the library system,
- x) pays royalties through a competent collective management organisation to rights holders for the distribution of protected works through loans in the scope set by the granted licence,
- y) may conclude with a competent collective management organisation a collective licence contract or an agreement on fair remuneration for the use of protected works in the library system other than in the form of loans,
- z) pays royalties or fair remuneration through a competent collective management organisation to rights holders for the use of protected works other than in the form of loans in the scope set by the granted collective licence or agreement on fair remuneration, if such has been concluded under point (y),
- aa) performs duties relating to orphan works and out-of-commerce works pursuant to applicable legislation,<sup>8)</sup>
- ab) performs other activities related to the library's activities.

## § 7

### A scientific library

- (1) A scientific library is a legal entity established by a central state administration body or a legal entity under applicable legislation.<sup>9)</sup>

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<sup>6)</sup> Act No 206/2009 on museums and galleries and on the protection of items of cultural value and amending Act of the Slovak National Council No 372/1990 on infractions, as amended, as amended by Act No 38/2014

<sup>7)</sup> § 5(2)(a) of Act No 395/2002

<sup>8)</sup> § 12a(5), § 12c(1)(c), § 12c (3) to (5), § 31a (5) and (6) of Act No 618/2003 on copyright and rights related to copyright (the Copyright Act) as amended by Act No 283/2014

- (2) Within its areas of orientation and specialisation, a scientific library
- a) ensures the availability information on science, technology, research and innovation as part of the infrastructure of research and development,
  - b) carries out research and participates in research projects,
  - c) may be a workplace for coordination, research, methodology, education, consultation and statistics within the library system in defined areas
  - d) adds to, maintains special records for and catalogues, keeps, protects and makes available domestic and foreign library documents in its chosen areas and builds and keeps a specialised library collection,
  - e) provides library and information services for user, focussing on the development of science, technology, research, innovation, culture and education,
  - f) is a workplace for interlibrary loan services and a workplace for international interlibrary loan services,
  - g) builds and keeps a conservation collection, if it is a legal entity designated under applicable legislation,<sup>2)</sup>
  - h) creates, maintains and makes available aggregates library catalogues,
  - i) participates in the creation of the Slovak national bibliography,
  - j) may be a workplace for the restoration, conservation, protective copying and digitisation of library documents,
  - k) may be a workplace for the handling and protection of historical library documents and historical library collections,
  - l) performs other activities related to the library's activities.

## **§ 8**

### **An academic library**

- (1) An academic library is the library of a higher education institution<sup>10)</sup> or a faculty, within whose area of orientation and specialisation it
- a) is workplace for research information, bibliography, coordination, advice and education,
  - b) adds to, maintains special records for and catalogues, keeps, protects and makes available a specialised library collection,
  - c) keeps final dissertations and qualification dissertations and makes bibliographic records of them,
  - d) is a workplace for the registration of publication activities under applicable legislation,<sup>11)</sup>
  - e) is a workplace for the registration of artistic activities under applicable legislation,<sup>12)</sup>
  - f) provides library and information services for pedagogical staff, research staff, students and also other users in the scope and subject to the conditions determined by the library's establishing entity,
  - g) participates in the creation, upkeep and making available of aggregate library catalogues,
  - h) is a workplace for interlibrary loan services,

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<sup>9)</sup> § 15 of Act No 133/2002, as amended by Act No 40/2011.

<sup>10)</sup> § 21(2), § 47(21) of Act No 131/2002 on higher education institutions and amending certain acts, as amended by Act No 363/2007

<sup>11)</sup> § 108a of Act No 131/2002 as amended by Act No 455/2012

<sup>12)</sup> § 108b of Act No 131/2002 as amended by Act No 455/2012

- i) provides information education for users,
  - j) performs other activities related to the library's activities.
- (2) An academic library may also perform the function of a specialised scientific library.

## § 9 A public library

- (1) A public library is
- a) a village library or town library,
  - b) a regional library.
- (2) A village library or town library
- a) adds to, maintains special records for and catalogues, keeps, protects and makes available a universal library collection including library documents of local interest,
  - b) provides library and information services to users,
  - c) organises and implements community, cultural, social and educational activities,
  - d) may perform the function of a school library in the scope and subject to the conditions determined by the library's establishing entity,
  - e) performs other activities related to the library's activities.
- (3) A municipality shall provide library and information services by establishing a village library or town library as a legal entity, through an organisational unit of a legal entity established by the municipality, through an organisational unit of the municipal office or through another library.
- (4) A self-governing region (*kraj*) shall establish a regional library as a legal entity covering the territory of several municipalities and performing the function of a town library for the town that is its seat.
- (5) In addition to the functions defined in paragraph (2) a regional library
- a) creates and makes available regional bibliographic or factual databases including the full text of regional documents,
  - b) professionally manages and makes available the regional bibliography and performs functions connected with the coordination of bibliographic activity in the region,
  - c) may perform the function of a community centre,
  - d) is a workplace for the digitisation of regional library documents,
  - e) collects and processes statistical indicators for public libraries in the self-governing region,
  - f) provides methodological assistance and advice services for village libraries, town libraries, school libraries, special libraries and their founding or establishing entities in the region and warns them of deficiencies in the provision of library and information services,
  - g) provides for additions to the library collections of village libraries,
  - h) participates in the creation, maintenance and making available of aggregate library catalogues
  - i) is a workplace for interlibrary loan services.
- (6) After agreement with municipalities, a regional library may provide library and information services to users by means of a mobile library.
- (7) The self-governing region shall designate a regional library which shall perform, in addition to the tasks specified in paragraphs (2) to (5), the following functions of a regional library on the level of the self-governing region:

- a) providing coordination, methodological guidance and advice for other regional libraries in the self-governing region and warning them of deficiencies in the provision of library and information services,
- b) providing for tasks connected with bibliographic registration and coordinating bibliographic activities in the self-governing region,
- c) providing for tasks connected with documentation of the status and development of the library and information services of public libraries in the self-governing region,
- d) gathering and processes statistical indicators on public libraries in the self-governing region.

## **§ 10**

### **A school library**

- (1) A school library is an organisational unit of a primary school, general secondary school, vocational secondary school, conservatory or school for pupils with special education needs which provides information and documents for upbringing and education and purposes connected with upbringing and education.
- (2) A school library adds to, maintains special records for and catalogues, keeps, protects and makes available a specialised library collection oriented mainly towards the needs of upbringing and education.
- (3) A school library provides library and information services mainly to pupils, pedagogical staff and other professional employees of the school. may grant access to other users in the scope and subject to the conditions determined by the library's establishing entity,
- (4) A school library may perform the function of a village library in the scope and subject to the conditions determined by the library's establishing entity.

## **§ 11**

### **A special library**

- (1) A special library
  - a) adds to, maintains special records for and catalogues, keeps, protects and makes available a specialised library collection in its area of orientation and specialisation,
  - b) provides library and information services mainly to its establishing entity and to other users in the scope and subject to the conditions determined by the library's establishing entity,
  - c) It may provide methodological assistance and advice services to other libraries in its area of specialisation.
- (2) A special library can be established or founded as a legal entity or as an organisational unit of legal entity.
- (3) The Matej Hrebenda Slovak Library for the Blind in Levoča is a national special library providing library and information services for blind persons, partially-sighted persons and other persons with disabilities within the scope of their disabilities with a view to satisfying their cultural, information, scientific and educational needs.



## § 12

### Basic principles for additions to a library collection

- (1) A library is obliged to make additions to its collection, keep special records and catalogue, keep, protect and make available the collection in a systematic manner.
- (2) When building or making additions to a library collection and making it available in accordance with the library's orientation and specialisation, the library shall act in accordance with the principles of independence and professional good conduct. When building or making additions to a library collection or making it available, it must not be swayed by ideological, political or religious censorship, commercial interests or other interests.
- (3) In municipalities with residents belonging to a national minority or ethnic group, the public library must take this fact into consideration when building its library collection and making additions.
- (4) If a library has a conservation collection and is a legal entity designated under applicable legislation,<sup>2)</sup> it is obliged to respond to offers pursuant to § 4(2)(i) and § 14(6) no later than 60 calendar days from the submission of the offer.

## § 13

### Special records and cataloguing of library documents

- (1) The library is obliged to keep special records of the library documents in its collection regardless of medium.
- (2) The basic special records of library documents are the acquisition list and the disposal list.
- (3) A library shall keep auxiliary special records according to its needs.
- (4) Cataloguing of a library document comprises its descriptive cataloguing and subject cataloguing in the form of a bibliographic record, location records and information on copies.
- (5) Disposal of a library collection is not governed by special legislation<sup>13)</sup> and a library collection is not subject to stock-taking rules laid down by special legislation.<sup>14)</sup>

## § 14

### Review and weeding of a library collection

- (1) A library is obliged to carry out a review of its library collection.
- (2) A shall review its collection
  - a) regularly, so that a full review of the library collection is carried out
    1. in full every five years, for up to 50 000 library documents,
    2. in full every ten years, for up to 100 000 library documents,
    3. in full every fifteen years, for over 100 000 library documents, though this may be carried out in the form of partial reviews,
  - b) extraordinarily, if
    1. a review is ordered by the library's establishing or founding entity,

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<sup>13)</sup> Act No 278/1993 on the administration of state property  
Act No 446/2001 on the property of self-governing regions  
Act No 138/1991 Zb on municipal property  
Act No 176/2004 on disposal of the property of public-service institutions

<sup>14)</sup> § 29 of Act No 431/2002, on accounting, as amended.

2. it is necessary to determine the actual status of library documents, in particular after an extraordinary event or the relocation of the library.
- (3) The performance of an extraordinary review of a library collection replaces a regular review of the library collection.
- (4) The results of the review are the basis for the weeding of a missing library document from the library collection.
- (5) The subject matter of weeding of a library collection is a library document which
  - a) is outside the library's area of specialisation, one of multiple copies or a duplicate of a library document or has obsolete content,
  - b) is damaged or
  - c) is lost
- (6) A library is obliged to offer a weeded document under paragraph (5)(a) to other libraries; in such cases a library shall have preferential right to acquire the weeded documents if it keeps a conservation collection and is a legal entity designated under applicable legislation.<sup>2)</sup>

## **§ 15**

### **Protection of a library collection**

A library is obliged

- a) to ensure the library collection is protected or stored in a manner that prevents its damage or theft,
- b) to ensure optimal climatic, lighting and security conditions in premises where a historical library document or historical library collection is stored,
- c) to prevent the decay of a historical library document or historical library collection using professional standards of treatment.

## **§ 16**

### **Library and information services**

- (1) Library and information services are services in the public interest contributing to the implementation of the right to information.
- (2) Provision of library and information services is a professional activity based on the use of library collections and electronic collections intended to satisfy users' information needs, requirements and interests. Library and information services are provided on library premises and via the internet.
- (3) The library is obliged to provide library and information services in accordance with its orientation and specialisation and to ensure that all users in its area of coverage have equal access to library and information services.
- (4) A user is a recipient of library and information services. An active user is a registered user who borrows library documents or makes use of library and information services during a reporting period.
- (5) Library and information services include
  - a) the lending of library documents in a library, library documents outside the library's premises and access to the library catalogue,
  - b) basic electronic services, in particular access to the library's electronic catalogue, the library's website, browsing of free internet resources in the library and the making available of electronic collections in the library,
  - c) the provision of oral bibliographic information, oral factual information and oral reference information,

- d) the provision of written bibliographic information, factual information and reference information, the provision of ordered written research services, the provision of reprographic services using the library collection,<sup>15)</sup>
  - e) special electronic services provided by the library in particular in the form of access to an electronic collection outside the library, provision for the electronic delivery of documents, electronic reference services, electronic research services, instruction of users on electronic services and the provision of internet access,
  - f) interlibrary loan services and international interlibrary loan services,
  - g) the issuing of publications,
  - h) organisation of cultural events, educational events and courses.
- (6) The loan of library documents constitutes a legal relationship of a binding nature.<sup>16)</sup>
  - (7) The library shall provide library and information services under (5)(a) to (c) free of charge. For library and information services under (5)(d) to (h), the library may charge the user a reasonable charge to cover its financial expenses.
  - (8) Libraries' lending of library documents to each other through interlibrary loan services within the Slovak Republic shall be free of charge, without prejudice to the provisions of (7).
  - (9) A library is entitled to require users to pay an annual registration fee.
  - (10) A library must draw up and display in a public location its library and lending rules and provide library and information services in accordance with them. The library and lending rules shall define the method, scope and price of provision of library and information services.

## § 17

### **The interlibrary loan service and international interlibrary loan service**

- (1) The interlibrary loan service is a library and information service by means of which the library obtains a library document or its part for its user from the library collection of another library in the territory of the Slovak Republic. The national centre for the interlibrary loan service is the Slovak National Library.
- (2) The international interlibrary loan service is a library and information service by means of which the library obtains a library document or its part for its user from the library collection of another library outside the territory of the Slovak Republic. Loans are governed by the law of the lending country. The national centre for the international interlibrary loan service is the University Library in Bratislava.
- (3) Libraries are obliged to comply with the conditions of the interlibrary lending service and of the international interlibrary lending service.
- (4) Within the interlibrary loan service and international interlibrary loan service, libraries are obliged to lend a requested library document or its part, or to provide information on where a requested document is located with a view to ensuring the general availability of publications. A library may restrict the availability of a library document if it is part of a conservation collection or if its loan outside the premises of the library is restricted by the library and lending rules.
- (5) The borrowing library takes over responsibility for a loaned document from the moment when the document leaves the lending library to the moment of the return of the borrowed document to the lending library. A library is obliged to return a library document to the library that lent it by the agreed date and in corresponding condition.

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<sup>15)</sup> § 31 of Act No 618/2003, as amended by Act No 289/2013

<sup>16)</sup> § 488 of the Civil Code

- (6) Detailed rules for the provision of the interlibrary loan service shall be set by the Slovak National Library and published on its website and detailed rules on international interlibrary loans shall be set by the University Library in Bratislava and published on its website.

## **§ 18 Rights of a library**

A library is entitled

- a) to process the personal data<sup>17)</sup> of active users for the purposes of providing them library and information services; the permitted scope of the data is name, surname, title, address of permanent residence, address of temporary residence, date and place of birth, number and validity of identity document, highest completed level of education, telephone number, e-mail address, and name, surname and address of the legal representative of a child,
- b) to request expert assistance and guidance from a library with competence in methodology,
- c) to join professional associations, consortia and international library and information systems,
- d) to establish branches in accordance with its needs, based on the prior written approval of the library's establishing or founding entity.

## **§ 19 Professional librarians**

- (1) Professional librarians provide for the performance of the professional activities of libraries; they must have higher education or secondary education and a specialised professional qualification.
- (2) For the purposes of this Act specialised professional qualification means a combination of theoretical knowledge and knowledge of the professional standards and processes and the acts of general application governing the activity of a library.

## **§ 20 Financing of libraries**

- (1) The financing of a library established pursuant to separate legislation<sup>3)</sup> is governed by separate legislation.<sup>18)</sup>
- (2) A library established pursuant to separate legislation<sup>3)</sup> may be financed from the following sources:
  - a) subsidies from the state budget,<sup>19)</sup> subsidies from the budget of a municipality or subsidies from the budget of a self-governing region,
  - b) income for library and information services pursuant to § 16,
  - c) funds received from other persons in the form of a subsidy or grant,

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<sup>17)</sup> § 10 of Act No 122/2013 on the protection of personal data and amending certain acts, as amended by Act No 84/2014

<sup>18)</sup> Act No 583/2004 on the budgetary rules of territorial self-governing authorities and amending certain acts, as amended  
Act No 523/2004

<sup>19)</sup> For example, Act No 434/2010 on the provision of subsidies in the area of competence of the Ministry of Culture of the Slovak Republic, as amended by Act No 79/2013

- d) contributions from the budgets of municipalities for the purchase of a library collection, if a regional library also performs the function of a town library,
  - e) other income.
- (3) Subsidies or grants that are state aid may be provided to a library under this act only in accordance with special regulations on state aid.

## **§ 21**

### **Declaration of historical library documents and historical library collections**

- (1) The Ministry, acting in the public interest, shall declare a document to be a historical library document or a set of documents to be a historical library collection if, in the case of documents other than archive documents governed by separate legislation<sup>1)</sup>, the document or set of documents has
- a) special cultural and historical value; especially in the case of a rare manuscript, old and rare prints originating before 1830, a Slovakicist document or collection originating before 1918 or a significant Slovakicist document or collection without time limit,
  - b) a direct relationship to significant personalities or historical events.
- (2) The owner or administrator of a document or a set of library documents which, due to their extraordinary value, may be declared a historical library document or a historical library collection shall, on request, supply information concerning the given document or set of library documents requested by the Slovak National Library, and make it available for a necessary period for scientific investigation and study.
- (3) The Ministry shall declare a historical library document or historical library collection at the proposal of the Slovak National Library, another legal entity or another natural person. When the proposal was submitted by another legal person or by a natural person, the Ministry shall request the Slovak National Library for statement of its position on the issue. Proceedings on the declaration of a document as a historical library document or a set of documents as a historical library collection are governed by the general regulations on administrative proceedings.<sup>20)</sup>
- (4) A proposal for the declaration of a document as a historical library document or a set of documents as a historical library collection shall include in particular
- a) the exact name of the document or set of documents,
  - b) reasoning for the proposal,
  - c) information on the owner or administrator of the document,
  - d) a list and description of the document or set of documents containing the name and surname of the author, the title of the document, the place of publication, the publisher or printer, the year of publication or printing, the scope and notes; when the proposal relates to a library document or library collection, it shall include the acquisition number or signature, if this is not the same as the acquisition number.
- (5) A proposal for the declaration of a document as a historical library document or a set of documents as a historical library collection shall be submitted in written form and electronic form.
- (6) The owner or administrator of the document or set of library documents that may be declared a historical library document or historical library collection shall, from the time of delivery of the notice of commencement of action until issuance of the relevant decision of the Ministry, protect the document or set of documents against

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<sup>20)</sup> Act No 71/1967 on administrative proceedings (Code of Administrative Procedure), as amended

destruction, theft or export and notify the Ministry on any intended change in its ownership or administration.

- (7) The Ministry may, in extraordinary circumstances, cancel the declaration of a document or set of documents as a historical library document or historical library collections. Before such cancellation the Ministry shall request the owner or administrator, and the Slovak National Library to provide their standpoint on the issue.
- (8) The Ministry shall deliver a decision on the cancellation of a declaration or the reasoning for rejecting a proposal for the cancellation of the declaration to the owner or administrator of the document.
- (9) A historical library document, historical library collection and documents on which proceedings on their declaration as a historical library document or historical library collection have been commenced cannot be placed under a lien<sup>21)</sup> or otherwise encumbered, nor can they be subject to an enforcement<sup>22)</sup> or bankruptcy<sup>23)</sup> procedure.

## **§ 22**

### **The Central Register**

- (1) A historical library document or a historical library collection is shall be inscribed in the Central Register.
- (2) No later than 30 days after the entry into force of a decision declaring a document or set of documents a historical library document or historical library collection, the Slovak National Library shall inscribe the historical library document or historical library collection in the Central Register and inform the owner or administrator of its inscription.
- (3) After the cancellation of the declaration of a document or set of documents as a historical library document or historical library collection, the Slovak National Library shall delete it from the Central Register.

## **§ 23**

### **Rights and obligations of the owner or administrator of a historical library document or historical library collection**

- (1) The owner or administrator of a historical library document or historical library collection is entitled
  - a) to use the information, advice and technical and methodological services of the Slovak National Library in connection with the professional cataloguing, conservation, restoration, protection and digitisation of the historical library document or historical library collection,
  - b) to apply to the Ministry for a subsidy<sup>24)</sup> for the conservation, restoration and digitisation of the historical library document or historical library collection.
- (2) The owner or administrator of the historical library document or historical library collections is obliged
  - a) to notify the Slovak National Library on any intended change in the ownership or administration of the historical library document or historical library collection,

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<sup>21)</sup> § 151a to 151md of the Civil Code

<sup>22)</sup> § 57(1)(d) and § 114 of Act of the National Council of the Slovak Republic No 233/1995 on enforcement officers (executors) and enforcement procedure (the Code of Enforcement Procedure) and amending certain acts, as amended.

<sup>23)</sup> § 72 of Act No 7/2005 on bankruptcy and restructuring and amending certain acts.

<sup>24)</sup> Act No 434/2010 as amended by Act No 79/2013

- b) to notify the other party in the event of the sale, lease, exchange or a change in the administrator or user that the historical library document or historical library collection is protected under this Act
- c) to care for the upkeep of the historical library document or historical library collection and to protect it against threats, damage, loss or theft,
- d) to notify the Slovak National Library without delay of any threat, damage, loss or theft of the historical library document or historical library collection,
- e) to take security measures for the protection of the premises in which the historical library document or historical library collection is stored,
- f) to ensure increased protection of a historical library document or a historical library collection, on occurrence of an extraordinary event<sup>25)</sup> or when there is an immediate threat of the occurrence of a crisis<sup>26)</sup> or a crisis has occurred, or to place it for the period necessary in the care of the Slovak National Library, another library or to relocate it and store it in a safe place.
- g) to ensure professional storage of the historical library document or historical library collection and also its professional handling, conservation and restoration,
- h) to request the Ministry for a permit for the temporary export of a historical library document or historical library collection,
- i) to make the historical library document or historical library collection available for scientific investigation and study, preferentially in the form of microfiche, electronic media or digital form, whose creation may be provided for by the Slovak National Library at the expense of the owner or administrator; if the owner of the historical library document or historical library collection is a library, it may make the original available only on its own premises and subject to the conditions laid down in the library and lending rules.

## § 24

### **Export and import of historical library documents and historical library collections**

- (1) A historical library document or historical library collection cannot be permanently exported from the territory of the Slovak Republic.
- (2) A historical library document or historical library collection may be temporarily exported from the customs territory of the European Union in accordance with the applicable regulation<sup>27)</sup> with the permission of the Ministry.
- (3) Temporary export of a historical library document or historical library collection from the customs territory of the European Union is possible for presentation, scientific research, study, restoration or conservation purposes and may last at most two years from the issuing of the permit.
- (4) Before the temporary export, the owner or administrator shall conclude with the other party a contract on the loan or rental of the historical library document or historical

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<sup>25)</sup> § 3(2) of Act of the National Council of the Slovak Republic No 42/1994 on civil defence of the population, as amended

<sup>26)</sup> Article 1(4) of Constitutional Act No 227/2002 on national security in wartime, a state of war, a state of emergency and a state of crisis, as amended  
Act No 387/2002 on the government of the state in crises outside of wartime or a state of war, as amended

<sup>27)</sup> Council Regulation (EC) No 116/2009 of 18/12/2008 on the export of cultural goods (codified version), (OJ L 39, 10/02/2009).

Commission Implementing Regulation (EU) No 1081/2012 of 09 November 2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods (codified version) as amended (OJ L 93, 28/03/2014)

- library collection ensuring comprehensive protection, security and care for the historical library document or historical library collection.
- (5) The owner or administrator shall check the historical library document or historical library collection without delay upon its return for any damage, devaluation, exchange or theft. If the historical library document or historical library collection has suffered any damage, devaluation, exchange or theft, the owner or administrator shall inform the Ministry in writing no later than 30 days after the return.
  - (6) A library document or set of library documents that is protected under the law of another state cannot be imported to the Slovak Republic
    - a) without the consent of the competent authority of the state from which it is to be exported or transported if reciprocity is guaranteed,
    - b) if it appears that the library document or library collection has been illegally exported or transported from its state of origin or a third country
    - c) if it appears that it is a stolen library document or library collection

## **§ 25**

### **Register of Libraries**

- (1) The Register of Libraries is kept by the Ministry.
- (2) The public shall have access to the Register of Libraries on the Ministry's website.
- (3) An application for entry in the Register of Libraries must be submitted by the establishing or founding entity of a library that provides library and information services under this Act.
- (4) An application for entry in the Register of Libraries is submitted using the form set out in Annex No 2.
- (5) The library's establishing or founding entity shall notify the Ministry of any change in the information no later than 60 days from the date when the change takes place.
- (6) The Minister shall record the dissolution of a library in the Register of Libraries based on a notice of the library's dissolution in accordance with this Act submitted by the library's establishing or founding entity.

## **§ 26**

### **The Ministry**

The Ministry, as the central state administration body for cultural heritage and libraries

- a) directs and co-ordinates the implementation of state administration tasks in the field of libraries and of the protection of historical library documents and historical library collections,
- b) establishes legal and organisational conditions for the existence and development of the library system,
- c) determines strategic and conceptual lines of development for the library system and the provision of library and information services,
- d) creates conditions for the informatisation of libraries and their incorporation into the information system of the state,
- e) performs functions related to state statistics on libraries in the scope laid down by the programme of state statistical surveys,<sup>28)</sup>
- f) provides for the performance of state professional supervision and control,

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<sup>28)</sup> Act No 540/2001 on state statistics, as amended



- g) declares and cancels the declaration of a document or a set of library documents as a historical library document or historical library collection,
- h) grants permission for the temporary export of a historical library document or a historical library collection from the customs territory of the European Union,
- i) issues a binding standpoint on the dissolution or merger of a library with another library under § 4(3).
- j) impose fines pursuant to § 27 and 28.

## **§ 27 Infractions**

- (1) An infraction is committed by any person who
  - a) as the owner or administrator of a document or set of documents which may be declared a historical library document or historical library collection breaches any of the obligations under § 21(2) and (6),
  - b) as the owner or administrator of a historical library document or historical library collection breaches any of the obligations under § 23(2) and § 24(4) and (5),
  - c) acts in contravention of § 24(1), (2), (3) and (6).
- (2) The Ministry may, in the case of an infraction
  - a) under (1)(a) and (b), impose a fine of up to EUR 2 000,
  - b) under (1)(c), impose a fine of up to EUR 50 000.
- (3) Infractions and proceedings on them shall be governed by the general regulation on infractions.<sup>29)</sup>
- (4) Fines are revenue of the state budget.

## **§ 28 Other administrative offences**

- (1) The Minister shall impose on a legal entity or natural person – entrepreneur a fine
  - a) of up to EUR 700 for a breach of the obligations under § 4(2)(a), (b), (g) or (i), § 12(4), § 14(1), § 17(3) or § 25(5),
  - b) of up to EUR 2 000 for a breach of the obligations under § 4(2)(k) and (3), § 13(1), § 16(10), § 21(2) and (6), § 23(2) or § 29(5) and (6),
  - c) of up to EUR 50 000 for a breach of the obligations under § 24.
- (2) When imposing fines, the Ministry shall take into consideration particularly the severity, method, duration and consequences of the illegal activity, the breach of multiple obligations and repeated breaches of obligations.
- (3) A fine may be imposed up to one year from the day when the Ministry became aware of the violation but at most three years at most from the date of occurrence of the breach.
- (4) A repeated fine may be imposed up to one year from the due date for compliance with the obligation specified in the decision.
- (5) A fine imposed in accordance with this Act shall be paid within 30 days from the date of entry into force of the decision on its imposition. Proceedings on the imposition of fines shall be governed by the general regulations on administrative proceedings.<sup>20)</sup>
- (6) Fines are revenue of the state budget.

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<sup>29)</sup> Act of the Slovak National Council No 372/1990 on infractions, as amended

## **§ 29**

### **State professional supervision and control**

- (1) The Ministry performs state professional supervision and control.
- (2) The subject matter of state professional supervision is supervision of compliance in libraries' professional activities under § 12 to 17 and § 22 to 25.
- (3) The subject matter of control<sup>30)</sup> is compliance with the provisions of this Act and its implementing legislation.
- (4) In carrying out state professional supervision and control the Ministry is entitled
  - a) to require the presentation of documents, information and explanations necessary for verifying compliance with the duties established by this Act,
  - b) to enter library premises.
- (5) A library's establishing or founding entity shall provide the Ministry truthful and complete information or documents and cooperation in the scope necessary for the performance of state professional supervision and control at the times determined by the Ministry.
- (6) A library shall permit the performance of state professional supervision and control and provide all necessary cooperation.
- (7) The persons responsible for performing supervision or control under (1) must comply with the provisions of applicable legislation<sup>30)</sup> in the performance of their activities and are
  - a) obliged to present the identity card of the competent supervision or control authority and written authorisation for the performance of supervision or control,
  - b) are entitled to require necessary cooperation, in particular the provision of information, data, written explanations or oral explanation, documents and related written materials,
  - c) obliged to write a report on completed state supervision or control, submit it and deliver it to the library and its establishing or founding entity.

## **§ 30**

### **Authorising provisions**

Particulars of the method for keeping special records of library documents, the review and weeding of library collections in libraries pursuant to Section 13 and 14, and on the method of payment of remuneration to rights holders for the distribution of protected works through loans in the scope of the granted licence and the scope pursuant to § 6(2)(w) and (x) are laid down by an act of general application issued by the Ministry.

## **§ 31**

### **Transitional provisions**

- (1) A library established or founded before 01 July 2015 shall be deemed a library established or founded in accordance with this Act.
- (2) A library registered in the Register of Libraries under the legislation in effect before 01 July 2015 shall be entered in the Register of Libraries under this Act.

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<sup>30)</sup> § 8 to 13 and § 16 of Act of the National Council of the Slovak Republic No 10/1996 on control in the state administration, as amended.

## § 32 Repeal provisions

The following acts are repealed:

1. Act No 183/2000 on libraries, amending Act of the Slovak National Council No. 27/1987 on state management of monuments and amending Act No. 68/1997 on the Matica Slovenská organisation, as amended by Act No 416/2001, Act No 84/2007 and Act No 374/2013,
2. Decree of the Ministry of Culture of the Slovak Republic No 421/2003 establishing particulars of the method for keeping special records and the weeding and review of library collections in libraries,
3. Measure of the Ministry of Culture of the Slovak Republic of 21 December 2007 No MK-4992/2007-10/19609 on remuneration of rights holders for the distribution of protected works through loans made by the library system of the Slovak Republic (Notice No 642/2007).

### Article II

Act No 206/2009 on museums and galleries and the protection of items of cultural value and amending Act of the Slovak National Council No 372/1990 on infractions, as amended, and amending certain acts, as amended by Act No 38/2014 shall be amended as follows:

1. The [Slovak] words “*výtvarné umenie*” [usually translated as “visual arts” – translator’s note] in all grammatical forms throughout the text shall be replaced by the [Slovak] words “*vizuálne umenie*” [also usually translated as “visual arts” – translator’s note] in the corresponding grammatical form, except in § 13(9).
2. In § 2, a paragraph (8) shall be added as follows:  
“(8) An exposition or exhibition is a set of collection items, including their facsimiles, copies, replicas and reproductions and items of cultural value that are not professionally managed by a museum or gallery, including their copies, replicas and reproductions, which are organised on a thematic basis for presentation to the public and public access.”.
3. In § 6(g), after the words “§ 3(5)” shall be inserted the words “and § 4(3)(a) and (b)”.
4. In § 7(5), a point (k) shall be added as follows:  
“k) provides access to collection items including their facsimiles, copies, replicas and reproductions and items of cultural value including their facsimiles, copies, replicas and reproductions, which are not professionally managed by a museum or gallery, particularly in the form of expositions and exhibitions.”.
5. In § 7(6), a point (k) shall be added as follows:  
“k) provides access to collection items including their facsimiles, copies, replicas and reproductions and items of cultural value including their facsimiles, copies, replicas and reproductions, which are not professionally managed by a museum or gallery, particularly in the form of expositions and exhibitions.”.

6. In Part A of Annexes 4 to 6 the words “Statutory body of the museum/gallery<sup>1</sup>) (name, surname, function” shall be replaced by the words “Statutory body of the museum/gallery<sup>1</sup>) (name, surname, function and signature).”.

### **Article III**

This Act shall enter into effect on 01 July 2015.

**Andrej Kiska** in his own hand

**Peter Pellegrini** in his own hand

**Robert Fico** in his own hand

**Annex 1**  
**to Act No 126/2015**

**LIST OF LIBRARIES WITH NATIONAL COMPETENCE IN METHODOLOGY**

| <b>Library</b>  | <b>Type</b> | <b>Library's establishing entity</b>                                      |
|---|-------------|---|
| Slovak National Library in Martin                           | national    | Ministry of Culture of the Slovak Republic                                |
| University Library in Bratislava                            | scientific  | Ministry of Culture of the Slovak Republic                                |
| Slovak Centre of Scientific and Technical Information       | scientific  | Ministry of Education, Science, Research and Sport of the Slovak Republic |
| Slovak Pedagogical Library                                  | scientific  | Ministry of Education, Science, Research and Sport of the Slovak Republic |
| Central Library of the Slovak Academy of Sciences           | scientific  | Slovak Academy of Sciences  |
| National Health Information Centre – Slovak Medical Library | special     | Ministry of Health of the Slovak Republic                                 |
| Library of the Slovak National Museum                       | special     | Slovak National Museum  |
| Matej Hrebenda Slovak Library for the Blind in Levoča       | special     | Ministry of Culture of the Slovak Republic                                |

**NOTICE OF THE ESTABLISHMENT OF A LIBRARY AND APPLICATION FOR  
ENTRY IN THE LIST OF LIBRARIES**

MINISTRY OF CULTURE  
OF THE SLOVAK REPUBLIC  
Námestie SNP 33  
813 31 BRATISLAVA

**A. LIBRARY THAT IS A LEGAL ENTITY**

Name of library:

Address (name of street, descriptive/orientation number, postal code, name of municipality):

Org. ID No (IČO):

Telephone number (including area code):

E-mail address:

Website:

**A.1 ESTABLISHING OR FOUNDING ENTITY OF LIBRARY THAT IS A LEGAL  
ENTITY**

Name:

Address (name of street, descriptive/orientation number, postal code, name of municipality):

**B. LIBRARY THAT IS NOT A LEGAL ENTITY**

Name of library:

Address (name of street, descriptive/orientation number, postal code, name of municipality):

Telephone number (including area code):

E-mail address:

Website:

Name of organisation of which the library is an organisational unit:

Address (name of street, descriptive/orientation number, postal code, name of municipality):

Org. ID No (IČO):

Telephone number (including area code):

E-mail address:

Website:

**C. INFORMATION ON THE LIBRARY**

Year of establishment/foundation:

Constitutional document – type, issue date, issuer (establishment or foundation deed, statutes):

Library type (\* mark as appropriate):

Slovak National Library

scientific library

academic library

public library:                regional on the level of an administrative region/regional/town/village

school library

special library

    Parliamentary library of the National Council of the Slovak Republic

    children's library,

    library of a church or religious community,

    medical library,

    technical library,

    military library,

    agricultural library,

    prison library,

    museum or gallery library,

    company library,

    library of an institute/office

    other library (please specify)

The library's orientation and specialisation:

The library's collection includes a document or set of documents whose extraordinary value means that pursuant to Act No 126/2015 on libraries, and amending Act No 206/2009 on museums and galleries and the protection of items of cultural value and amending Act of the Slovak National Council No 372/1990 on infractions, as amended, and amending certain acts, as amended by Act No 38/2014, the document or set of documents could be declared,

a historical library document    yes/no\*

a historical library collection    yes/no\*

date, stamp and signature of the statutory

body of the library's establishing/founding entity