

26 Annex - Education and culture

195. LAW ON LIBRARY PRACTICE

LAW ON LIBRARY PRACTICE

I GENERAL PROVISIONS

Subject matter of the Law

Article 1

Library practice shall be performed under the conditions and in the manner prescribed by this Law.

Library practice

Article 2

Library practice comprises:

1. procurement, processing, keeping, protection and utilization, presentation and popularization of library materials;
2. making of catalogues, bibliographies, bulletins, data base and other sources of information;
3. enabling access to library materials, sources of information, provisions and services;
4. providing the utilization and flow of the bibliographical and other sources of information and services;
5. education of users;
6. keeping the records about the materials and the users;
7. other activities in accordance with the Law.

Library practice is performed by libraries.

Public interest

Article 3

Library practice is of public interest.

Public interest in library practice is satisfied especially by:

1. contribution to the development of knowledge society;
2. adding to the library holdings appropriate library materials in accordance with users' needs;
3. development of the library information system;
4. protection of library materials on all media;
5. free access to information, materials, services and other library resources, in accordance with the right of the users to free choice of information and flow of ideas;

II FOUNDATION AND OPERATION OF LIBRARIES

Foundation of libraries

Article 4

A library is considered to be a cultural, informational, educational and unprofitable institution, which puts at the disposal of its users organized holdings, as well as other sources of information, provisions and services;

A library is founded as an institution of culture (independent library), or as a part of some other institution, i.e. other legal entity (library as a constitutive part).

A library can be founded by the state, the municipality, the capital city or the Royal City (hereinafter referred to as the municipality), as well as by every other domestic and foreign legal entity or natural person.

A library can be jointly found by several founders.

In the event referred to in the paragraph 4 of this Article, the rights and liabilities of the founders shall be regulated by a contract.

A library can have organizational units outside its seat, as well as a movable library.

Application of other regulations

Article 5

The provisions of the law which regulates the institutions of culture shall be applied on the foundation, status, governing, managing, financing, changes in the status, cessation of work and other issues of significance for the operation of an independent library, unless otherwise provided by this Law.

Conditions for performing activities

Article 6

A library can perform its operations if it has obtained:

1. suitable space for storing, keeping and utilizing library materials;
2. proper library holdings;
3. expert staff;
4. necessary resources and equipment;
5. sources of means for the continuous performance of its practice.

More detailed conditions referred to in the paragraph 1 of this Article, depending on the types of libraries, are prescribed by the body of the state administration competent for cultural affairs (hereinafter referred to as the Ministry), and the Ministry competent for educational and scientific affairs.

The Ministry shall establish the fulfilment of the conditions for the commencement of work of a library, and consequently issue work permission.

The library shall submit the decision on the fulfilment of the conditions for the commencement of its work to the National Library, and other libraries which perform parental library operations.

Checking the fulfilment of conditions

Article 7

The Ministry shall check the fulfilment of conditions for the operation of the library on a regular basis, at least once in three years.

Register of libraries

Article 8

Parental libraries shall keep the register of the independent libraries and libraries which are constitutive parts in the area of their practice, and supply the National Library with the data, so that the central register can be kept.

The National Library shall keep the central register of all the independent libraries and the libraries which are constitutive parts.

The contents and the way of keeping the register referred to in the paragraphs 1 and 2 of this Article are prescribed by the Ministry.

Cessation of work of a library

Article 9

Should a library cease to work, the founder of a library shall provide storing and protection of the existing library holdings and library documentation.

The decision about the storing the library holdings referred to in the paragraph 1 of this Article, is passed following the previously obtained opinion of the competent parental library.

Types of libraries

Article 10

Depending on the purpose, the contents of library materials and the majority of users, libraries can be classified as national, public, school, academic and specialized ones.

National library

Article 11

The National Library shall be founded by the state for the purpose of the development of culture, science and education in Montenegro, as well as for satisfying information needs of the society.

The National Library performs the function of the library information system from the Article 39 of this law.

Beside the operations referred to in the Article 2 of this Law, the National Library performs the following jobs:

1. it collects, processes, keeps and lends: the national collection of the library materials about Montenegro, Montenegrin people and about members of minority peoples and other minority national communities residing in Montenegro, library materials of the Montenegrin authors and Montenegrin printing and editing companies; the old and rare books, the most significant publications from all scientific and cultural fields and official publications;
2. it keeps and distributes obligatory copies of Montenegrin editing and printing production;
3. it makes the current and retrospective national bibliography, and allocates the markers of the international bibliographic control: ISBN, ISSN, ISMN;
4. it makes the basic catalogue description - CIP for editors in the territory of Montenegro;
5. it describes South-Slavic Cyrillic manuscripts;
6. it suggests measures for keeping and protection of library materials;
7. it suggests and carries out the measures for keeping and protecting library materials which are characterized as cultural property.
8. it gives the guidelines for expert library information operations and application of international standards;
9. it performs expert as well as scientific and researching operations, especially in the field of Montenegrin national collection, archeography, palaeontology and cultural history of Montenegro, and publishes publications from the fields of librarianship, information science and other similar sciences;
10. it represents Montenegro in the international library associations of the national libraries, and cooperates with them.
11. it performs parental operations over other parental libraries, and coordinates their work;
12. it organizes scientific research, development and advisory work in the field of library information practice, and suggests measures for their improvement;
13. it networks the libraries in the library information system of Montenegro, and connects them to the international information system;
14. it coordinates the preparation of the expert base of the system in the field of its practice;
15. it develops expert grounds of the mutual catalogue;
16. it organizes professional training of the personnel for the work in mutual cataloguing;
17. it inspects the qualifications of the personnel for the work in mutual cataloguing, and issues licences for work;
18. it performs the quality controls and redaction of the bibliography records in mutual bibliography base;

19. it performs the jobs of the library information system;
20. it promotes European digital library, as multilingual common access point of the European distributive digital library material;
21. it performs other operations stipulated by this Law, act on the foundation, and the statute of the library.

Public libraries

Article 12

The National Library performs the practice for the needs of the citizens in the area for which it is founded, providing them with the equal conditions for cultural improvement, education and gaining information.

A municipality shall found the public library as an independent library.

Two or more municipalities can found a library together.

Practice of a public library

Article 13

Beside the activities referred to in the paragraph 2 of this Law, a public library shall perform the following operations as well:

1. it participates in general education of the citizens;
2. it collects, processes and keeps homeland materials from the area of the library practice;
3. it organizes specific activities for children, teenagers and adults, for the purpose of development and instigation of their reading habits;
4. it organizes specific activities for the persons with special needs, and provides them with the conditions for performing such activities;
5. it organizes cultural activities which are in accordance with its practice.

Autonomy of work

Article 14

A public library shall perform autonomously the procurement of library materials, maintenance of its holdings, promotion of cultural activities and giving information, taking into consideration the quality criteria and topicality of the sources of information, expertise and competency of the library personnel, and democratic principle which involves the absence of every form of censorship and discrimination.

A public library shall perform the jobs referred to in the paragraph 1 of this Article via its sections and movable libraries.

Children's section

Article 15

A public library shall form children's section as its constitutive part, with special and separate multimedia holdings, the reading room and equipment, including information technology and other media adjusted to children's needs.

School libraries

Article 16

A school library is a multimedia and interdisciplinary centre of a school, which provides support to the process of education in elementary and secondary schools.

Besides the jobs referred to in the Article 2 of this Law, a school library performs the following operations:

1. it instigates reading habits of the students and teach them to use libraries during their whole lives;
2. it provides conditions for gaining experience in creating and using information for knowledge, understanding, imagination and entertainment;
3. it encourages students to use and evaluate information, understand communication processes, and develop their communication skills;
4. it provides access to the local and global data base, various ideas, opinions and knowledge;
5. it participates in the cultural and public activities of the school and organize programmes for socializing and creative gatherings;
6. it provides the making of their own sources of information;
7. it enables the students to improve in accordance with their inclinations and abilities;
8. it advocates and promotes the attitude that intellectual freedoms and access to information are prerequisites for the participation in democratic processes;
9. it promotes the role of libraries;

Expert and advisory body

Article 17

The school has an expert and advisory body for library practice, which consists of representatives of the pupils, teachers and parents.

A librarian is a member of the expert and advisory body by his/her function.

The practice of an expert and advisory body is regulated by the statute of school.

Academic libraries

Article 18

The Academic Library provides support to the performance and improvement of the teaching, scientific researching, and artistic work in the field of university education, and they are intended for students, professors, associates and researchers.

The Academic Library is founded within the universities, faculties, academies, institutions, colleges and study programmes.

More than one faculty, institution, academy, college or study programme can have a common library.

Besides the jobs referred to in the paragraph 2 of this Article, the Academic Library performs the following operations:

1. provides the procurement of the library materials, in accordance with the curricula and scientific-research projects;
2. keeps and processes the library materials which are the products of teaching process and scientific-research projects of the institution of which it is a constitutive part;
3. makes the bibliography of the works of the professors, researchers and associates of the institution/establishment of which it s a constitutive part;
4. makes special library collections and data collections.
- 5.

University library

Article 19

The university shall organize a university library of a general type.

Beside the jobs referred to in the Article 18, paragraph 4 of this Law, a university library performs the following operations:

1. it coordinates the library practice at the university and connects the libraries of the institutions for academic education in the library information system;
2. it coordinates the procurement of the library materials at the university;

3. it organizes and harmonizes the operation of the system of interlibrary loan within the university;
4. it organizes the exchange of publications, primarily the university editions, with the libraries in the country and abroad;
5. it coordinates the disposing and de-accessioning of library materials at the university;
6. it coordinates and makes the bibliographies of the professors, researchers and university associates;
7. it makes current, retrospective and special bibliographies and various referral publications for the needs of the university;
8. it keeps and process the obligatory copy of the library materials, which originate from and are published at the university, including works for Master and Doctoral examinations passed at the university;
9. it keeps and processes the works of the university professors and researchers;
10. it coordinates and improves the work of library offices, and mutual utilization of library materials and sources of information at the university;
11. it harmonizes preparation and performance of the educational curriculum for the users at the university;

Specialized libraries

Article 20

The Specialized Library performs library practice in individual scientific or expert fields.

The Specialized Library provides support to the scientific researching and expert work, in the institutions, commercial associations, state and municipality bodies, associations of citizens, scientific and expert associations, religious communities and other legal entities.

Beside the jobs referred to in the Article 2 of this Law, the Specialized Library performs the following operations:

1. it keeps and processes the library materials and internal documents of the legal entities which it is a constitutive part of;
2. it makes special library collections and the collections of data;
3. it performs the exchange of documents of the legal entities which it is a constitutive part of with the relevant institutions in the country and abroad;

The Specialized Library is also the library which performs library practice with the aid of specially adapted techniques and special material for the blind and the short-sighted.

Expert council

Article 21

A library has an expert council, which consists of the library personnel, and the library manager.

The expert council deliberate and give opinions about the expert and other issues concerning the operations and development of the library, in accordance with its statute and other general acts, suggest the way of organizing and conducting the expert work, plan and programme for the work of the library, and perform other jobs stipulated by the act on the foundation and the statute of the library.

III LIBRARY JOBS

Procurement of library materials

Article 22

In accordance with this Law, library materials are procured by taking over the obligatory copy, purchase, exchange, donation, legacy and in other ways.

A library shall establish the program of procurement of library materials in accordance with users' needs.

Types and forms of library materials and criteria for their establishment are prescribed by the Ministry at the proposal of the National Library.

The Law which regulates cultural properties is applied on library materials which are characterized as cultural property.

Keeping records and library documents

Article 23

Libraries shall keep the record of library holdings and library documentation.

The record of library holdings consists of the entry records, inventory book, basic catalogue of the library holding, other catalogues and other records.

The libraries, in the territory of which the language of minority peoples and minority national communities is in use beside the official language, shall keep the records referred to in the paragraph 1 of this Article in that language as well.

The library documentation shall contain the data about the library materials which are necessary for their expert processing, identification, the way it have been obtained, the changes which have occurred etc.

The types, contents and the way of keeping the records of library materials and library documentation are prescribed by the Ministry.

A separate record shall be kept about the library materials characterized as cultural property.

Processing of library materials

Article 24

Libraries shall perform the processing of library materials in accordance with the adopted international and national standards and expert guidance.

National standards and expert guidance for the processing of library materials are prescribed by the Ministry at the proposal of the National Library.

Keeping and protecting library materials

Article 25

For the purpose of permanent keeping and utilisation of library materials, libraries shall keep them, applying contemporary technical means, in the conditions which ensure their complete and efficient protection.

Measures for keeping and protection of library materials, in accordance with the international standards are prescribed by the Ministry.

Libraries can collect digital library materials from the Internet, for the purpose of keeping and protection.

Libraries can, for the purpose of keeping and protection, make library digital materials into several copies and transfer them to other media, in accordance with the relevant international regulations.

Whilst using library material and electronic sources of information, libraries shall abide by the international and national regulations on copyrights.

Revision of library holding

Article 26

Libraries shall periodically perform regular revisions of their holdings, depending on the quantity of library material.

The revisions of library holdings are performed at least once in five years, and in the National Library continuously within the period of 20 years.

In the revision process, disposal and de-accessioning of the obsolete, worn out, damaged and destroyed library materials, except for the material which is considered to be cultural property, shall be performed.

The procedure, periods and the way of performing the revisions of the library holdings and the criteria for the de-accession of the library materials are prescribed by the Ministry at the proposal of the National Library.

Use of library materials

Article 27

Libraries shall, taking into account the standards of expertise, organize library materials and sources of information for the purpose of ensuring the availability and the use:

1. of their own materials and information about them;
2. of the materials from interlibrary loan;
3. of other available sources of information.

Whilst using library materials and the electronic sources of information, libraries shall abide by the international and national copyright regulations.

The conditions and the way of using library materials, sources of information and services shall be regulated by the act of the library.

Presentation of library materials

Article 28

Libraries shall perform the presentation of library materials by displaying the inscriptions, signs, guides and organizing regular and occasional exhibitions etc.

The presentation of library materials is performed on the basis of expert and scientific principles in the way which enables getting to know the cultural and scientific values of the exhibited library holdings, and under the conditions which safety and protection of the exhibited materials are provided with.

Digitization of library materials

Article 29

For the purposes of protection and general (on-line) availability, libraries can digitize analogue library materials and distribute them on the Internet, respecting copyrights and the rights of similar nature.

The digitization of library materials is performed with the application of the international and national standards for the digitization of cultural properties, which the interoperability of digital materials in several European languages is achieved with, as well as the facilitation of the search in several languages.

The national standards for the digitization of library material are prescribed by the Ministry, at the proposal of the National Library.

Working hours of libraries

Article 30

A library shall organize its working hours in the way which enables its utilization for all target users.

The library shall announce its working hours in an appropriate manner.

IV RIGHTS AND OBLIGATIONS OF USERS

Rights to use library materials and services

Article 31

Every citizen, regardless of sex, age, nationality, level of education, social standing, political beliefs, attitude towards religion or other personal trait, shall have the right to use library materials and services.

The use of library and its services is free of charge for all its members, and it comprises:

1. the access to library materials, their use in the library premises, and loan for a certain time,
2. interlibrary loan in the territory of Montenegro;
3. providing assistance when using public catalogues, and providing all kinds of simple information about its own material;
4. reservation of library material;
5. access to and use of electronic sources available to everybody;
6. access to and use of the databases and other sources of information;
7. education of users;
8. information literacy, etc.

Should a request of a user incur additional expenses and burden its operation, a library shall charge such services, at the cost price of that service at the most.

Rights of special category of users

Article 32

Blind people and people with impaired eyesight shall have the right to use library materials on special media.

The users, who are not able to come to libraries because of their physical impairment, old age and illness, as well as people deprived of liberty, shall have the right to use library materials of the National Libraries, via specially organized library services.

Right to privacy

Article 33

A library shall use the collected data about the users exclusively for the purposes for which they are collected.

Obligation of users

Article 34

Users shall abide by the prescribed regulations for the use of library materials and services, in accordance with this Law, other laws and the general act of the library.

Obligation for damage compensation

Article 35

The user shall pay to the library for the damaged, destroyed, or lost library materials, in accordance with the general regulations.

V COORDINATION OF THE WORK OF LIBRARIES

Parental library practice

Article 36

In order to ensure permanent, systematically organized and continuous work on the development and the improvement of library practice in the specific field or realm of operation, some libraries perform parental practice which comprises:

1. unification of operations, provisions and services for the purpose of ensuring uniform operation, based on the most unique standards and rules;
2. constant improvement of library staff and their acquainting with the innovations and achievements in the fields of their expertise;
3. expert and advisory assistance to libraries;
4. coordination of the operations of libraries;
5. monitoring and studying of the state, needs and working conditions of libraries, and the initiation of measures for the improvement of their practice;
6. collecting and processing the statistic and other data about the work of libraries;
7. keeping the register of libraries;

Libraries shall supply the parental library with the information and the data necessary for the performance of the jobs referred to in the paragraph 1 of this Article.

Parental practice over other parental libraries is performed by the National Library.

Parental practice over school and specialized libraries in the territory of a municipality is performed by the National Library.

Parental practice over academic libraries within the university is performed by the university library.

Library information system

Article 37

For the purpose of ensuring more rational and efficient use of library materials, library services and provisions, libraries shall be networked in the library information system based on the mutual catalogue system.

The National Library, public libraries and the University Library are connected to the library informational system.

Terms and conditions for functioning of library information system

Article 38

The setting up and the functioning of the library information system is provided through:

1. standardized processing of library material and uniform catalogue keeping;
2. proper staff qualifications for mutual cataloguing;
3. computer and communication equipment necessary for the connectivity of the libraries.

Library information system

Article 39

The library information centre is a library which provides the members of the library information system of Montenegro with the conditions for mutual cataloguing, database management and other conditions.

The jobs of library information system are:

1. coordination of work at the establishment and development of the library information system and its services;
2. planning, installation and maintenance of the computer and communication equipment for the needs of the library information system and its services;
3. development and maintenance of the programming equipment for the needs of the library information system and its services;

4. management of library information system database and of its services;
5. organizing of the access to the electronic database;
6. expert assistance to the libraries during the conversion and transferring data from other systems;
7. researching, development and advisory activities in library practice;

Licence for mutual cataloguing

Article 40

Library personnel can participate in the process of mutual cataloguing and in the making of bibliographic records after gaining the licence for the mutual cataloguing, which shall be issued by the National library.

The licence referred to in the paragraph 1 of this Article shall be issued to the person who has passed the expert library examination, and has additional qualifications for work in the process of mutual cataloguing.

The conditions and the way of issuing the licence shall be prescribed by the Ministry at the proposal of the National Library.

Obligations of members

Article 41

For the purpose of connecting to the library information system, a library shall:

1. respect common expert grounds for work;
2. enter into a contract with the library information centre.

A library shall be deemed to be connected to the library information system if its catalogue is available through the system.

VI LIBRARY PERSONNEL

Library personnel

Article 42

Library jobs can be performed by the persons with appropriate type and degree of formal education and professional or scientific title.

Certain expert jobs in libraries can also be performed by the persons having expert and scientific titles in the field of the protection of library materials, archives, museum, archaeographic or other practices.

Expert job titles

Article 43

Depending on the type of formal education, the persons meeting the conditions for performing library jobs can gain the following expert job titles, after passing the expert examination:

1. assistant librarian, with secondary school qualifications;
2. senior assistant librarian, with two-year-post secondary school qualifications;
3. librarian, with university qualifications.

Expert examination

Article 44

An expert examination, necessary for performing the activities in library practice, is sat for before the commission appointed by the Ministry.

More detailed conditions, the way and programme for the examination referred to in the paragraph 1 of this Article, are prescribed by the Ministry.

Senior expert job titles

Article 45

For special results and achievements in library practice, the Ministry can, at the proposal of the expert commission, award an expert job title of senior librarian and library advisor.

The commission referred to in the paragraph 1 of this Article is formed by the Ministry.

A member of the commission referred to in the paragraph 2 of this Article can be a person who has a scientific title in the field which is relevant for library practice, or a person having a title of library advisor.

An expert job title of senior librarian can be awarded to a person having:

1. an expert job title of a librarian, at least five years of work experience, at least four published expert works in the field of library practice, and recommendations about the practical contribution to the development of library practice;
2. Master's degree in science, three years of work experience, and at least three published expert works and one scientific work in the field of library practice, and recommendations about the practical contribution to the development of library practice, or
3. Doctoral degree, two years of work experience and at least two published expert works, and two scientific works in the field of library practice, and recommendations about the practical contribution to the development of library practice.

An expert job title of a library advisor can be awarded to a person having:

1. a title of a senior librarian, at least five years of work experience, at least six published expert works in the field of librarianship, and recommendations about the practical contribution to the development of library practice, or
2. Master's degree in science, three years of work experience in the said title, and at least three published expert works and two scientific works in the field of significance for library practice, and recommendations about the practical contribution to the development of library practice, or
3. Doctoral degree, two years of work experience in the said profession and at least three published scientific works in the field of library practice, and recommendations about the practical contribution to the development of library practice.

More detailed conditions and the manner of awarding expert job titles shall be prescribed by the Ministry.

Expert job title Certificate

Article 46

The Ministry issues a certificate to a person who has gained an expert job title, or has been awarded an expert job title.

The contents and the form of the certificate referred to in the paragraph 1 of this Article are prescribed by the Ministry.

VII INSPECTION SUPERVISION

Cultural heritage inspector

Article 47

Inspection supervision over the implementation of this Law and regulations adopted on its grounds shall be performed by the Ministry via the inspector for cultural heritage, pursuant to the law which regulates inspection supervision.

VIII PENALTY PROVISIONS

Offences

Article 48

A fine of twentyfold to hundredfold of the amount of the minimal wage in Montenegro shall be imposed on a legal entity provided that it:

1. starts performing library activity before the Ministry grants to it the approval or work (Article 6),
2. does not provide storing spaces and protection of library material and library documentation in the event of the cessation of work of a library (Article 9, paragraph 1);
3. does not establish the programme for the procurement of library materials in accordance with the needs of the users (Article 22, paragraph 2);
4. does not keep the record of library holdings or library documentation (Article 23, paragraphs 1 and 3),
5. does not safeguard library materials by applying contemporary technical means and in the conditions which enable its complete and efficient protection (Article 25, paragraphs 1 and 2),
6. does not carry out the revision of library holdings within the period of five years (Article 26, paragraphs 1 and 2),
7. does not organize working hours in the manner which enables its use to all target groups, or does not announce its working hours in the proper manner (Article 30, paragraphs 1 and 2).

A natural persons and a responsible person in a legal entity shall be fined by twofold to twentyfold amount of the minimum wage in Montenegro for the offence referred to in the paragraph 1 of this Article.

IX TRANSITIONAL AND FINAL PROVISIONS

Secondary legislation

Article 49

The secondary legislation, pursuant to this Law, shall be adopted within a period of six months from the day this Law enters into force.

The existing secondary legislation shall be applied until the adoption of the new one, provided it is not contrary to this Law.

Establishing Library Register

Article 50

The Library Register shall be established within 90 days from the day of the adoption of the secondary legislation referred to in the Article 8, paragraph 3 of this Law.

Harmonization of organization

Article 51

The existing libraries shall harmonize their organization within the period of six months from the day this Law enters into force.

Recognition of titles

Article 52

Expert job titles for performing library practice acquired according to previous regulations shall be recognized with the corresponding expert job titles prescribed by this Law.

Cessation of previous regulations

Article 53

As of the day the present Law enters into force, the Law on Library Practice shall cease to be applicable (Official Gazette of the Republic of Montenegro 16/77 and 2/89).

Entering into force

Article 54

The present Law shall enter into force on the eighth day as of the day of its publication in the Official Gazette of the Republic of Montenegro.