



## European libraries and the challenges of e-publishing

Society is on the brink of major changes. The transformation of media and of the information market is one of the biggest challenges for our society. It is an opportunity as well as a threat for Europe.

It is the task of European politicians to guarantee free access to information, education, culture, leisure, and content for all European citizens via public services. A competitive market can only innovate by relying on well educated and informed citizens.

In this context libraries guarantee free access to content, information, and culture for all European citizens. But the current legal framework hinders libraries from fulfilling these essential services for our society in the digital era, especially regarding the development of the e-book market.

1. Because of the exhaustion of distribution right after the first sale, a library may buy published works, e.g. books, from a bookseller and use the copies for lending to the library's patrons. The library's actions do not interfere with the rights of the author (or other rights holder). In consequence, the library decides in accordance with its collection building policy what books to buy and use for public lending.
2. On the other hand, because eLending is a service, the concept of exhaustion does not apply, and the library can only acquire the digital object, the eBook or eJournal, by entering into a licence agreement with the author (or other rights holders). The rights holders are free to decide whether they want to give access to a specific work, and to decide on the terms for such access. The consequence of this is that the collection building policy may be decided by the publisher and not by the library.
3. It is a significant, and in our view unacceptable, change that the collection building policy of libraries may be decided by the publishers and that free access for the European citizens is decided by the publishers. And the challenge is to find solutions to this problem.

Therefore EBLIDA suggests:

- a. A memorandum of understanding with the Federation of European Publishers for "Fair Licensing Models";
- b. An updating of the copyright regime for e-books, e-lending and e-content in order to enable libraries to continue to perform their services for all European citizens.

*EBLIDA is the European Bureau of Library, Information and Documentation Associations, an independent umbrella association of national library, information, documentation and archive associations and institutions in Europe.*