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National Library of Estonia Act

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Amended by the following acts

Passed	Published	Entry into force
19.02.2014	RT I, 13.03.2014, 2	23.03.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
15.12.2015	RT I, 06.01.2016, 1	16.01.2016
20.02.2019	RT I, 13.03.2019, 2	15.03.2019

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This act provides the legal status, purpose, functions, management, financing and administrative supervision over the activity of the National Library of Estonia (hereinafter national library).
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Legal status of national library

(1) National library is a legal person in public law operating on the basis of the present Act, other legislation and its articles of association.

(2) The articles of association of the national library shall be approved by the supervisory board of the national library (hereinafter the Board).

(3) The national library shall be registered in the in state register of state and local government agencies pursuant to the procedure provided for in the statutes of the register.

(4) The national library shall be dissolved with an act.

§ 3. Purpose of national library

(1) The purpose of the national library is to increase the initiative, awareness and responsibility based on knowledge and information in the society, promote the country, European common values, culture and democracy.

(2) Upon implementation of its purpose the national library shall operate pursuant to UNESCO recommendations for national and parliamentary libraries.

§ 4. Functions of national library

(1) The functions of the national library as a national library shall be:

- 1) the collection, permanent preservation and making accessible of items published in Estonia and in Estonian and regarding or containing information about Estonia;
- 2) national bibliographic registration of Estonian items in the national bibliography database and making accessible of the national bibliography database;
- 3) co-ordination of cooperation in the field of Estonian retrospective national bibliography;
- 4) the collection and presentation of national statistical information concerning printed matter and libraries;
- 5) acting as the national agency of International Standard Book Number system (ISBN), International Standard Serial Number system (ISSN) and International Standard Music Number system (ISMN);
- 6) participation in international cooperation.

(2) The functions of the national library as a parliamentary library shall be:

- 1) procurement, preservation, processing, analysing and making accessible of information and compilation of publications for the Riigikogu, Chancellery of the Riigikogu, Government of the Republic, ministries and Government Office;
- 2) acting as the deposit library of international organisations pursuant to international agreements;
- 3) compilation of legal literature of Estonia and making accessible thereof.

(3) The functions of the national library as a library of humanities and social sciences shall be the collection, preservation, processing, analysing and making accessible of information related to humanities and social sciences.

(4) The functions of the national library as a research and development institution shall be:

- 1) research and development of librarianship, information science, library science, book studies and bibliography and the areas related thereto, appropriate counselling of Estonian libraries, organisation of further training of library employees and participation in international and national research, development and cooperation programmes;
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]
- 2) development of standards governing librarianship and the areas related thereto and application thereof in cooperation with the standards organisations;
- 3) development of information technology for making the information assets of the national library publicly accessible;
- 4) development of the preservation technology of documents;
- 5) co-ordination of professional cooperation of the network of libraries with the ministries owning libraries in their area of administration.

(5) The national library shall also perform other functions resulting from this Act, other legislation and articles of association of the national library.

§ 5. Collections and databases

(1) The collections and databases of the national library comprise an indivisible whole and are part of the Estonian public information resource.

(2) The use of the collections and databases is governed by the rules for users of the national library approved by the Board.

(3) The national library has the right to process personal data, including personal data of special categories, contained in the collections and databases, above all for the performance of public functions specified in clauses 4 (1) 1–5, clauses (2) 1) and 3) and in subsection (3) of this Act, digitalisation of the collections, text and data mining and for the implementation of a diligent search carried out for the purpose of ascertaining orphan works.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 6. Public services

(1) The public services of the national library are the publicly accessible information services resulting from this Act which are provided in reading halls, as network services and with the mediation of other libraries. The public services cannot be in conflict with the purpose and functions of the national library and must serve the public interest.

(1¹) A digital item, digital image of an item and the data describing the digital item, digital image of an item or an item, the copyright or related rights of which belong to the national library based on a law or transaction, are reusable on the conditions and pursuant to the procedure provided for in the Public Information Act, taking account of the specifications provided for in this Act and the Copyright Act.
[RT I, 06.01.2016, 1 – entry into force 16.01.2016]

(2) The use of items belonging into the collections of the national library is free of charge, other services may be fee-charging. The list of fee-charging services shall be approved by the Board.

(3) The amounts of fees charged for services shall be established with the directive of the Director General (hereinafter the director general) of the national library based on the cost-oriented calculation principle.

(4) For the members of the Riigikogu and Chancellery of the Riigikogu the following services are free of charge:

- 1) making copies of items belonging into the collections and databases of the national library in conformity with the Copyright Act;
- 2) organisation of interlibrary lending;
- 3) bibliographic and information analytical services.

§ 7. Rules for users and processing of personal data

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1) The bases and procedure for registration as a user of the national library, organisation of the use of collections and services, internal rules and user's responsibility shall be established in the rules for users of the national library.

(2) Registration as a user of the national library takes place on the basis of an identification document or student card. To be granted the right of home lending items, the written consent of a parent or legal representative shall be required in case of an up to 18-year-old person. The following personal data of a user and, in case of an up to 18-year-old-person, the personal data of a parent or legal guardian shall be entered in the users database to be granted the right of home lending:

- 1) first name and surname;
- 2) personal identification code or date of birth in case of lack thereof;
- 3) place of residence (postal address);
- 4) telephone number;
- 5) e-mail address, if available.

(3) The national library has the right to process the personal data of readers for analysing the services connected with the performance of public functions.

(4) For the provision of public services to a disabled person, the national library has the right to process data on the type and duration of the person's disability on the basis of a disabled person's card, pension certificate, Social Insurance Board certificate, medical certificate specifying the type and duration of disability or another certificate specified in another act, international contract or legislation of the European Union.

(5) In order to ensure the security and the preservation of material assets, the rules for users may provide for:

- 1) restrictions on objects allowed to be taken in the reading area;
- 2) visitor's obligation to present objects taken along for inspection upon entry into and departure from the reading area.

(6) Persons who accept the conditions of the rules for users shall be registered as the users of the national library.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

Chapter 2 Management

§ 8. Board

(1) The Board composed of seven members is the highest directing body of the national library.

(2) Three members of the Riigikogu and two recognised experts of the operating areas of the national library shall be appointed to the Board by the Riigikogu on the proposal of the Cultural Affairs Committee of the Riigikogu with the term of authority of four years.

(3) One member with the term of authority of four years shall be appointed to the Board by the minister responsible for the area.

(4) The Secretary General of the Riigikogu belongs to the Board pursuant to office.

(5) Upon expiry of the term of authority, the members of the Board shall continue their activity until entry into force of the decision of Riigikogu on appointment of new members of the Board, thereby refraining from the adoption of decisions specified in clauses 10 (1) 1)–5), 7) and 12)–14) unless strictly necessary.

(6) The Riigikogu or the minister responsible for the area may remove the members of the Board appointed by them before the expiry of the term of authority with good reason.

(7) Upon removal, resignation at own request or withdrawal in case of death of a member of the Board, a new member of the Board shall be appointed in his or her replacement without delay for the time left until the expiry of the term of authority of the member of the Board being substituted.

§ 9. Chairman and deputy chairman of Board

(1) Chairman and deputy chairman of the Board shall be elected from among the members of the Board in the first session of the new membership of the Board. Until the election of the chairman and deputy chairman of the Board, the functions of the chairman of the Board shall be performed by the oldest member of the Board.

(2) The chairman and deputy chairman of the Board shall be elected by majority vote of the membership of the Board. The chairman and deputy chairman of the Board may be removed by majority vote of the membership of the Board.

(3) The Chairman of the Board shall:

- 1) organise the work of the Board;
- 2) chair the sessions of the Board;
- 3) verify the enforcement of decisions of the Board;
- 4) enter into a contract with the director general;
- 5) represent the Board.

(4) In the absence of the chairman of the Board his or her functions shall be performed by the deputy chairman of the Board with the rights of the chairman.

§ 10. Competence of Board

(1) The Board shall:

- 1) approve the articles of association and the rules for users of the national library;
- 2) approve the directions for development and activity of the national library and management reports;
- 3) approve the financial plan and pass the budget of the national library;
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]
- 4) elect the director general by way of a public competition, approve the amount of remuneration payable to the director general and the procedure for payment;
- 5) approve the structure of the national library and the bases for remuneration of employees;
- 6) approve the application of the national library for financing expenditures from the state budget;
- 7) approve the annual report of the national library;
- 8) ensure the application of an internal audit system and organisation of the professional activities of an internal auditor in the national library;
- 9) approve the rules of procedure of internal auditing of the national library and annual work schedule and hear the internal auditor's report;
- 10) hear the reports of the director general, directors and heads of structural units;
- 11) give an assessment to the activity of the national library;
- 12) approve the procedure for possession, use and disposition of the assets of the national library;
- 13) decide on the establishment of foundations and non-profit associations or being the member thereof;
- 14) decide the taking of loans or other debt obligations in an amount exceeding 30,000 euros;
- 15) approve the procedure for maintenance of, access to information and use of information of the national bibliography database;
- 16) approve the list of fee-charging services of the national library;
- 17) decide on other issues not specified in this section which the members of the Board or the director general have presented to the Board for forming an opinion.

§ 11. Operational expenditures of Board and remuneration of Board members

(1) The operational expenditures of the Board and remuneration of Board members shall be covered from the budget of the national library.

(2) The members of the Board shall be paid remuneration in the extent of up to two months' minimum wage per year pursuant to his or her participation in meetings.

§ 12. Board meetings

(1) Board meetings shall be held as required but not less frequently than four times a year.

(2) The meetings shall be convened and chaired by the chairman of the Board.

(3) The Board has a quorum if at least four members of the Board participate in the meeting, including the chairman of the Board.

(4) The director general participates in the meetings with the right to speak.

(5) The Board adopts decisions by a simple majority of members who participate in the meeting. In case votes are equally divided, the vote of the chairman of the Board shall be decisive.

(6) The Board meetings shall be recorded in the minutes. The minutes shall be signed by all Board members having participated in the meeting and the recorder. The list of Board members having participated in the meeting shall be annexed to the minutes.

(7) The decisions of the Board shall be formalised as administrative documents and signed by the chairman of the Board.

(8) The decisions of the Board shall be made public on the website of the national library.

§ 13. Adoption of decisions of Board without calling meetings

(1) The Board shall have the right to adopt decisions without calling a meeting if at least four members of the Board consent with it, including the chairman of the Board.

(2) The chairman of the Board shall send the draft decision specified in subsection (1) of this section to all Board members, setting a term within which the Board member announces in a format which can be reproduced in writing whether he or she is in favour of or against the decision. The term shall not be shorter than two days. If the Board member does not announce within the specified term whether he or she is in favour of or against the decision, it shall be deemed that he or she did not participate in voting.

(3) A decision of the Board made pursuant to the procedure provided for in this section shall be adopted if more than one-half of the Board members vote in favour and unless a greater majority requirement is prescribed by the law.

(4) Minutes approved by the chairman of the Board shall be taken regarding the adoption of a decision of the Board pursuant to the procedure provided for in this section. Names of the Board members having participated in voting, adopted decisions accompanied by the voting results and other important circumstances shall be recorded in the minutes. The minutes shall be accompanied by the consents of the Board members to adopt the decision of the Board without calling a meeting and written opinions of the Board members concerning the decision of the Board.

§ 14. Liability of Board members

(1) Board members shall perform their obligations being loyal to the national library and with due care of a Board member.

(2) Board members having caused damage to the national library upon violation of their obligations shall be solidarily liable for compensating the inflicted damages.

(3) A Board member shall be released from liability towards the national library if the Board member proves that he or she has performed his or her obligations with due care of a Board member or if he or she has maintained a dissenting opinion upon adoption of a decision of the Board being the basis for illegal activity and the dissenting opinion has been recorded in the minutes or if he or she did not participate with good reason in the Board meeting in which such decision was adopted.

(4) The limitation period of claims filed against a Board member shall be five years.

§ 15. Director general

(1) The director general directs and represents the national library.

(2) The director general shall:

- 1) approve the rules of administration and the operations procedure of the national library;
- 2) enter into contracts of employment with the employees of the national library;
- 3) ensure the preparation of the draft budget and financing application of the national library;
- 4) ensure the execution of the budget of the national library and preparation of the annual report and submission thereof to the Board;
- 5) perform transactions with third persons in the name of the national library and within his or her authority;
- 6) submit annually the management report of the national library to the Ministry of Culture;
- 7) solve other issues placed within his or her competence with the articles of association of the national library.

(3) The director general has the reporting requirement to the Board.

§ 16. Election of, release from office and remuneration of director general

(1) The director general shall be elected by the Board for five years with the majority vote of the Board members participating in the meeting.

(2) A public competition shall be organised for electing the director general pursuant to the procedure provided for in the articles of association of the national library.

(3) A contract shall be entered into with the director general, setting out the rights and obligations of the director general, the remuneration payable and other conditions necessary for activity. The contract shall be signed by the director general and the chairman of the Board.

(4) Upon determining the amount of remuneration, the total amount of payments made to the director general shall be in reasonable conformity with the functions of the director general.

(5) The director general may be paid additional remuneration, taking account of the performance of his or her work. The amount of remuneration must be reasoned and cannot be more than the four months' remuneration of the director general within the financial year.

(6) With the Board's decision, the director general may be paid dismissal compensation if the director general is removed before the expiry of the term specified in subsection 16 (1) of this section. The total amount of compensation cannot be more than the four months' remuneration of the director general. Compensation shall not be paid if the director general is removed due to appearance of a severe management fault or violation of this Act or any other legislation.

(7) The director general shall be released from office before the expiry of the term:

- 1) if the Board has made an expression of no confidence in the director general with the majority of two-thirds of its composition;
- 2) upon his or her own request.

§ 17. Liability of director general

(1) The director general shall perform his or her obligations being loyal to the national library, with due care and in the best interests of the national library and prevent the infliction of damages to the assets of the national library.

(2) The director general shall be liable for the infliction of damages to the national library upon violation of his or her obligations. The director general shall be released from liability if he or she has acted pursuant to a lawful decision of the Board.

(3) The limitation period of claims filed against the director general shall be five years as of violation of an obligation.

Chapter 3 Assets and Financing

§ 18. Assets

(1) The national library shall possess, use and dispose of its assets pursuant to this Act and the procedure established for the possession, use and disposition of assets on the basis thereof for the performance of its functions.

(2) The national library shall not be entitled to:

- 1) secure the obligations of third persons with its assets;
- 2) grant loans, provide sponsor support and other monetary donations;
- 3) be a founder or shareholder of a company.

(3) The national library shall transfer assets which are not necessary for the performance of functions of the national library on the basis of a decision of the Board.

(4) The consent of the Government of the Republic shall be required for transfer of immovables belonging to the national library and for entry into commitments over 60,000 euros.

(5) The national library shall be entitled to found non-profit legal persons and to become a member of such non-profit legal persons the activity of which is not in conflict with the purpose of the national library.

§ 19. Financing

(1) The activity of the national library shall be financed from the funds received from the state budget, sale of products, services and assets, project supports for specific purposes and other sources.

(2) The financial resources of the national library shall be disposed of by the director general pursuant to the budget of the national library approved by the Board.

(3) A contract shall be entered into between the national library and the Ministry of Culture in order to support the performance of functions arising from this Act from the state budget.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

§ 20. Budget

(1) A balanced budget shall be prepared concerning all revenue and expenditure of the national library. The budget shall comply with the financial plan, budget balance rules provided for in § 6 of State Budget Act, net debt rules provided for in § 10 and the restrictions established under § 11 of State Budget Act. If necessary, a supplementary budget of the national library may be approved within a financial year, increasing or decreasing the revenue and expenditure of the national library. The provisions as set out in the first sentence of this subsection shall be applied to the supplementary budget.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) Revenue collected outside the state budget shall be used for covering expenses through the budget of the national library, unless it is restricted by the law or special conditions concerning the collected revenues.

§ 20¹. Financial plan of national library

(1) The national library shall prepare a financial plan each year which serves as the basis for the establishment of the budget of the national library.

(2) The financial plan shall be prepared and submitted according to the requirements provided for in § 12 of State Budget Act.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

Chapter 4 Reporting and Administrative Supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 21. Reporting

(1) The national library keeps accounting and statistical records on the use of its assets and funds pursuant to the procedure provided for in the law.

(2) After the end of a financial year, the national library shall prepare the annual report pursuant to the procedure provided for in the law and submit it to the auditor without delay.

(3) The national library shall submit the annual report and sworn auditor's report to the Board for approval within four months after the end of the financial year.

(4) The annual report of the national library shall be published after its approval by the Board on the website of the national library.

§ 22. Administrative supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) The National Audit Office exercises supervision over the activity of the national library pursuant to the National Audit Office Act.

(2) The Board shall submit a written report concerning its activity to the Riigikogu once a year.

Chapter 5 Implementation of Act

§ 23. Transitional provisions

(1) The director general shall ensure that the articles of association of the national library are brought into conformity with this Act within three months after entry into force of this Act.

(2) The authority of the Board members of the national library appointed before entry into force of this Act shall expire upon the entry into force of this Act. The Board members shall continue the performance of functions of members of the Board until the decision of Riigikogu on the appointment of new members of the Board enters into force.

(3) The employment contract entered into with the director general in office upon entry into force of this Act shall be valid until the expiry of the term specified in the employment contract or until the premature termination of the employment contract.

§ 24. Revocation of Act

The National Library of Estonia Act (RT I 1998, 34, 488; 2009, 48, 324) shall be repealed.

§ 25. Entry into force of Act

This Act enters into force on 1 April 2011.