

PLR INTERNATIONAL STEERING COMMITTEE: TOWARDS A CHARTER OF BEST PLR PRACTICE

The PLR International Steering Committee provides support through the PLR International Network and its Co-ordinator in the shape of technical and other assistance to countries seeking to set up PLR systems for the first time, as well as to countries seeking to improve existing PLR systems which are proving unworkable. In providing this support, the Committee and the Co-ordinator are often asked for advice on what are the essential elements of a fair, legal and effective PLR system.

To help meet this demand the Committee has agreed the following charter which takes the PLR provisions of the EU Rental and Lending Right Directive and subsequent European court judgements arising from it as a yardstick by which PLR systems internationally may be measured. This has resulted in a list of what might be considered the key elements of a fair, decent and effective PLR system which are applicable internationally. In determining what is meant by adequate or equitable remuneration the Committee could support the use of the formula derived from the research and recommendations made by the Co-ordinator following a study conducted in partnership with IFRRO in 2016.

The charter recognises that there is great variety in the way that the existing 33 PLR systems operate but that it is possible to identify certain basic criteria as essential for an acceptable PLR system and also pointed the way to what might be seen as best practice.

KEY CRITERIA FOR A FAIR, LEGAL



A basic essential of all PLR systems is the inclusion of public libraries in the calculation of payments to authors for the loans of their works. This is supported by judgements of the ECJ in relation to certain countries that have sought to exclude public libraries from PLR. Building on this, best practice to be recommended could involve the inclusion of all publicly funded libraries (public, school, university, scientific etc) where rightsholders' works are available for loan.



Best practice requires that PLR systems should be funded directly by national and/or regional government and should NOT be funded from library budgets. (The very successful Dutch PLR system might be seen as an exception to this rule where libraries are seen as self-governing units and provide for PLR from their budgets. But this is not an approach that should be recommended to countries looking to establish PLR for the first time).



There is great variety across PLR systems internationally in terms of which categories of work are included. But the unifying feature is the lending out of printed books which should form the basis of any PLR system. In countries where payment is based on lending rather than a shelf-count calculation, there is a case for recommending as best practice a system that will also provide remuneration to authors whose works are not lent out but are held in reference sections for on-the-spot consultation as happens in the Swedish PLR system.



In terms of which categories of rightsholder should be treated as recipients of PLR payments, the basic requirement is that authors should be included as required by the EU Lending Right Directive. Best practice would require that 'Authors' should include writers, illustrators, photographers and other visual artists, translators, editors, composers, songwriters etc. It is open to countries to include publishers in their PLR schemes and 8 countries have done so.

AND EFFECTIVE PLR SYSTEM



PLR is a 'lending' right but payment calculations need not be based on counting loans. Best practice may include payment based on a stock count, book purchases etc. But whatever the calculation method, payments must in some way reflect the size of the library sector and the level of usage by the public – as determined by the 2011 ECJ judgement against Belgium in relation to its funding of the Belgian PLR system. And if PLR is extended to a wider range of stakeholders funding should be increased to reflect this.



PLR systems must be adequately funded, and indeed several PLR systems are required in their own national legislation to provide for 'equitable remuneration'. In determining what is meant by adequate or equitable remuneration the Committee supports the use of the formula derived from the research and recommendations made by the Co-ordinator at the November 2016 IFRRO PLR Forum. This takes account of a number of variables such as GNP, size of library and publishing sectors, government funding of libraries etc in providing a target figure for the PLR funding of individual countries and may be accessed on the PLR International website: www.plrinternational.com



While the Committee takes the view that in an ideal world PLR systems should make payments to all authors regardless of nationality whose works are lent out by libraries it is accepted that there will be circumstances where this will not be possible. These would include PLR payments in lesser spoken language countries where PLR forms part of the state's wider policies to promote national culture and which are therefore restricted to loans of works written in their national language(s). This might be felt also to support linguistic diversity.



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