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

The PLR International Steering Committee provides support through the International PLR 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 that 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 that 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 the International Federation of Reproduction Rights Organisations (IFFRO)

The charter recognises that there is great variety in the way that the existing 35 PLR systems operate and that countries need to be able to develop PLR systems that best suit their national circumstances. But it is also possible to identify certain basic criteria as essential for an acceptable PLR system and which point 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 public's use of their works. This is supported by judgements of the Court of Justice of the European Union (CJEU) 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 (such as public, school, university and scientific libraries) where rightsholders' works are available for loan.



Best practice requires that PLR systems should be funded directly by central 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 rightsholders should be treated as recipients of PLR payments, the basic requirement is that authors should be included – as required by the EU Rental and Lending Right Directive. Best practice would require that 'authors' should include writers, visual artists, translators, editors, composers, songwriters and others. It is of course open to countries to include publishers in their PLR schemes and a number of 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 and other means. 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 CJEU judgement against the government of Belgium in relation to its funding of the Belgian PLR system. Moreover, if PLR is extended to a wider range of stakeholders then 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 developed by IFRRO. This takes account of a number of variables such as GNP, the size of library and publishing sectors, and government funding of libraries in providing a target figure for the PLR funding of individual countries.



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 minority 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 viewed as also supporting linguistic diversity.

To give a flavour of the different types of schemes in operation and point the way towards best practice, the table below shows examples of the different approaches adopted in various countries. The principles outlined above should of course be observed in all PLR schemes but it is for the governments and stakeholders in each country to determine the shape of their own PLR systems.

Country	Legislation	Eligible recipients	Eligible work	Payment calculation and share	PLR run by:	Libraries included
Netherlands	Copyright law 1988, 1995	Writers, visual artists, photographers editors, compilers, translators, adaptors, publishers, copyright holders	Printed and audio books, magazines, audio and video DVDs, multimedia, art works	Payment per loan. Different shares for each media, eg. for print books: 58% for text, 12% for visual art	Stichting Leenrecht (CMO)	Public libraries
Belgium	Copyright law 1996; royal decrees 2004, 2012	Writers, publishers, visual artists, producers	Printed and audio visual works	Payment per loan and number of volumes. Authors get 70% share of which 21% goes to visual artists.	Reprobel (CMO)	Public libraries
UK	PLR Act 1979	Printed and ebook writers, visual artists, editors, translator, audio book writers, producers, narrators	Printed, audio and ebooks.	Payment per loan and shared between rightsholders based on contribution	British Library	Public libraries

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