



First European Overview on E-lending in Public Libraries

An interim report prepared by EBLIDA EGIL
(Expert Group on Information Law)

Country profiles and Summary Tables

(JUNE 2022)



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PREFACE, BY VALÉRIE BOUISSOU, EGIL CHAIR

Why are there so many different models of e-lending in Europe? Is it possible to envisage a uniformity of practices and solutions in this disparate landscape? And what are the respective roles of public authorities and of public libraries in this field?

Despite the progressive development of the e-book offer, libraries still encounter many difficulties in implementing e-lending. Those difficulties are of a variable nature - legal, technical, and financial. For some expert librarians, e-lending is mainly considered under a legal perspective – it is the recognition of the derogatory status of digital library transactions in relation to copyright laws and the legitimisation of open access practices through customary fair use.

A valuable approach, this methodology has nevertheless some limits: in the European copyright system judges do not have the same latitude in interpreting the law as in the Anglo-Saxon system, where the right of access to digital publications is based on fair use. On the other hand, the judgement of the Court of Justice of the European Union (in the case opposing the Dutch Library Association to the Leenrecht Foundation, case C-174/15) made an important step towards the development of e-lending in libraries. The CJEU ruled that library lending of e-books is analogue to the lending of printed books, as long as books are lent in the “one copy-one user” model (as soon as one reader returns an e-book, a second reader checks it out, and so on, with no expiration date). They may therefore be included within the scope of the Directive 2006/115 of 12 December 2006 on rental right and lending right, provided that authors at least obtain an equitable remuneration.

Any legal reflection around e-lending should therefore revolve about two principles: on the one hand, the principle of free access to information which is essential for the functioning of libraries, and on the other hand, the principle of appropriate remuneration to authors. In legal terms, a balance should be found between citizens’ right to use culture and content in a way that facilitates their individual educational and cultural development and the requests made by right holders. This balance is what EBLIDA calls: sustainable copyright.

This “First European overview on e-lending in public libraries” has the general objective to lay the foundation of “sustainable copyright” in public libraries through the examination of three particular aspects:

- The dependence of the e-book library trade and library acquisitions on national economic factors, legal constraints and institutional requirements (number of users, percentage of publications available in a digital format, purchasing power of libraries, the role of intermediate layers negotiating with publishers on behalf of libraries);
- The role played by national and local public authorities in the choice of an e-lending model;
- The potential strength of a networked system where the library demand is aggregated, with an active cultural policy carried out by libraries, alongside and beyond solutions focused on open access practices.

The “First European overview on e-lending in public libraries” has been carried out by the EBLIDA EGIL (Expert Group on Information Law) Group, which I am proud to chair. It is based on a questionnaire that was prepared by EGIL Members and transmitted to a network of experts including both EGIL members and experts suggested by NAPLE and the EBLIDA Executive Committee.

The geographic scope of the study is restricted to nine countries. These countries were selected in accordance to several criteria: a prosperous book trade and e-book trade (Germany, France, Spain, Italy), a limited book trade with high level of digital literacy (e.g. Nordic countries), and countries where an e-book trade has never really taken off (Romania or Greece).

We wish to extend the study to other countries in the near future and to explore other issues linked to e-lending in more detail. It is a huge, but also exciting programme which will be implemented within the EGIL framework.

I would like to thank Mr Mikkel Christoffersen (Danmark), Ms Barbara Schleihagen (Germany), Ms Maria Bottis (Greece), Mr Giulio Blasi and Mr Michele Corsello (Italy), Jurgis Ivans (Latvia), Mr Harald Bøhn and Olaus Bergstrøm (Norway), Ms Olimpia Bratu (Romania) and Ciro Lluca (Spain) for having responded to the questionnaire and provided data. I also wish to express my personal thanks to the EBLIDA Secretariat for having collected, processed and formatted data.

1. TOWARDS A SUMMARY OF THE RESULTS BY GIUSEPPE VITIELLO, EGIL SECRETARY

1.1 METHODOLOGICAL CONSIDERATIONS

E-lending is defined, in EBLIDA terms, as “making a digital object available for use for a limited period of time and not for direct or indirect economic or commercial advantage”.¹

The series of e-lending profiles included in this study concerns nine countries. Data are abundant, descriptions are rich and elements for comparative analysis may clearly be detected – schematically, they are overviewed in the three tables at the end of this article. Nevertheless, a synthesis valid for library advocacy purpose is immature at this stage and would not provide for definitive inference. Further work and investigation is needed with an extension of the scope of the study in length, width and depth.

Extending the scope of the study in length means to get a deeper insight into various aspects of e-lending through closer observation and analysis of the attitudes of the actors involved in its process.

E-lending conjures up a sphere of transactions analogical to book lending in traditional library business. Borrowing e-books, however, is different for at least three reasons. First, e-lending transactions are based on business practices and economic models that are different from the lending of physical material - libraries access e-content, they do not own it. Second, even the notion of e-book is misleading, since e-lending transactions may concern e-books, e-audiobooks, e-newspapers and materials included in e-media platforms. Audiobooks in digital form have become a major vehicle of literary consumption; in the Danish country profile, for instance, their circulation in libraries fairly outnumbers the number of e-books. Third, when undertaking comparative analysis, do facts and figures related to the e-book trade only refer to literature and content in the national language(s), or also to cultures other than national?

These methodological considerations should also take into consideration national variants and disparities. Extending the scope of the study in width means to apply epistemological categories with results differing from one country to another. To give an example, the restricted sample of nine countries allows for categorisations based on a variety of criteria, such as:

- Countries where there is a substantial offer of resources available for e-lending and countries where this offer is small (Greece, Latvia) or not relevant (Romania);
- Countries where e-lending resources are aggregated and offered by an intermediate layer (mediator) who negotiates with publishers on behalf of libraries (Germany, France, Italy, Denmark, Norway), and countries where negotiations with publishers are carried out directly by libraries, often on an individual basis (Spain, but also, to a certain extent, France);
- Countries where mediators also aggregate resources, and countries where the functions of aggregation and mediation are undertaken by different actors (in France, Réseau Carel);
- Countries where aggregating agencies are controlled by local governmental agencies (Denmark and, to a certain extent, Norway), by publishers (France and, to a certain extent, Norway) or are independent (Germany and Italy);

¹ EBLIDA. E-publishing and the challenge for libraries. A discussion paper prepared by Harald von Hielmcrone, Rosa Maiello, Toby Bainton and Vincent Bonnet, 12 April 2012, <http://www.eblida.org/news/european-libraries-and-the-challenges-of-e-publishing.html>.

- Countries where the national library plays a distinctive role in the e-lending process (Latvia, Greece and, to a certain extent, Norway);
- Countries where the role of governmental agencies at national (Latvia, France) or at regional level (France, Norway, Denmark) is significant, and countries where this role is minimal (Italy).

Interestingly enough, general socio-economic indicators like GDP or the level of digital literacy may not be relevant in assessing why an e-lending process or a business model is more successful in one country and less in another. Denmark and Norway, for instance, have homogeneous socio-economic factors. Nevertheless, when it comes to e-lending, the quality and ease of its implementation are different. For this reason, it would be interesting to explore the e-lending picture in two other Nordic countries: Finland and Sweden.

It may also be productive to compare the e-lending situation in two countries having similar e-lending systems, but where national literature has fairly different levels of circulation - for instance, The Netherlands and Germany. For the same reason, it would be interesting to examine the case of a country, like Ireland, with compulsory access to the large and globalised e-book trade in English language.

And finally, enlarging the scope of the study in-depth means to find the appropriate arguments to advocate for libraries at European level. The variety of solutions that have been found at national level shows that it is hard to find a common model and that Europe-wide e-lending solutions are still to be worked out. Nevertheless, with the exception of very few countries, libraries are unsatisfied with current practices and often report about publishers' attitude to refuse or remove certain titles or prescribe their terms for access. This is a direct challenge to the core activities and responsibilities of libraries.

Also to be explored is to what extent library legislation and public policy may prevent market failures, e.g. to prevent producers from misusing a dominant position or establishing a monopoly. The prospect of a possible merger between the two major publishing groups in France - Hachette Livre (belonging to the Lagardère Group) and its direct competitor Editis (belonging to Vivendi) - is now under the scrutiny of the European Commission, which has opened an antitrust investigation. Authors and publishers not included in the two groups denounced what may be seen as a "threat to literary biodiversity". Can an authority in charge of public policy resort to public libraries in order to prevent publishers from misusing a monopoly? Is the refusal to include certain titles in the book package to be subscribed to by libraries a misuse of a monopoly?

Public authorities must be aware that actors present in the e-book chain have different interests and expectations. Authors and publishers wish that the works they write and produce are sold, but authors also wish to be read and they need libraries to raise their reputation and widen their public. For public policy purposes, sustainable copyright in the e-book trade and public libraries is the endeavour to strike a balance between the convergent needs of protecting copyright, harnessing cultural industries and developing digital literacy.

Whatever the approach followed by the EBLIDA Expert Group on Information Law (EGIL) in the near future, even though the provisional version of this study clearly demonstrates what is dramatic evidence: *the level of e-lending in European libraries is extremely, and anomalously, low.*

Figures included in Table nr.3 - in particular, columns 4 and 6 listing the percentages of e-lending and traditional lending per inhabitant - clearly demonstrate that e-lending is either non-existent in European public libraries or is a still budding business. A lot has to be done before it becomes a fully-fledged service. Besides, this extremely poor record also proves to be anomalous if compared to the

percentage of European digitally literate people over the country population. A person is digitally literate when (s)he is able to carry out an online transaction, to pay a bill on the Internet or use a public administration service. Whatever the level of digital literacy in a country, it is a fact that e-lending in public libraries does not align to the percentage of digitally literate people, even in countries where the number of e-lending transactions is relatively high compared to the rest of Europe.

Denmark is number two in Europe in e-lending absolute figures (7,4 MI transactions in 2021) and number one in relative terms: 1.2 e-lending transaction per inhabitant corresponding to 25% of traditional lending. More than two thirds of the Danish population are digitally literate (70%), but e-lending transactions in Denmark are only one third of the overall lending transactions.

Another Nordic country, Norway, shows a large proportion of digitally literate people: 83 % of the population has basic or advanced technological skills. Nevertheless, the number of e-lending transactions in Norway is ten times less than book loans (respectively, 0.2 and 2.2 per inhabitant). The same can be said for Germany with its +30 MI transactions but poor e-book percentages (0.35/inhabitant for e-lending and 3.2/inhabitant for the lending of physical products), for Spain (0.08/inhabitant for the lending of e-books and 1.1 per inhabitant for the lending of books) and for Italy (respectively 0.02 and 0.7). By contrast, in Germany, Spain and Italy the percentage of digitally literate people is, respectively, 70%, 57%% and 42% of the population.

Europe cannot afford a population that is able to pay taxes through a public administration portal but is unable, or unwilling, to read an e-book in public libraries. This is the bottom line that public authorities, authors, readers, librarians, publishers should take as a departure point, when starting their advocacy for more diffused e-lending and enhanced access to information.

1.2 SUMMARY TABLES

Table 1: E-lending Quantitative data				
	Satisfactory	Critical	Unsatisfactory	
Country	Number Transactions	Expenditure	Coverage	Users
Denmark (2021)	2 826 785 e-books 4 595 317 e-audiobooks 7 422 102 (both e-books and e-audiobooks) 20% of total lending; Children: 1.3 m	12MI for e-lending + 1.2MI for platform maintenance	80 000 titles (99% publishing output) 40% transactions are fiction titles	715 000 users (over 5.8m inhabitants)
France (2020)	+ 1MI (625 005 in 2019, +79%) (in 2019, 9.1 e-resources on average per Public Library)	€ 9 182 on average (2019)	240 190 titles (Dilicom) 59% fiction	Unknown (Library users are 17% of French population)
Germany (2020)	30,2MI – 13,54% of total lending (223m) 35,8m copies sold	€ 14,9m	Divibib: 500,000 e-book titles (7,200 publishers) 7% recent e-books 40% e-books 2014-2017, more than 10% less than 2010 Overdrive, not known	1/3 of the users are unhappy (no new releases)
Greece (2020)	23 919 (1,34% of total lending)	Unknown	120 (out of 950) publishers offer ebooks; Only 15 publishers (1.6%) allow for e-lending	Unknown
Italy (2021)	1 474 013	€428 000 (only Emilia-Romagna region)	95% of the Italian publishing output An offer also for students including 70,000 titles	Unknown
Latvia (2021)	39 346 e-books loans (0.007 of total lending) 5 394 208 book loans	Unknown	Some publishers	Unknown
Norway (2020)	960 246 (8,5% of total lending); 460 499 e-audiobooks 1 420 745 (both e-books and e-audiobooks in 2019: 603 535 e-book loans (3,9% of total lending)	Unknown	Unknown	0.18 per inhabitant (in 2019: 0,11 per inhabitant)
Romania (2021)	No digital offer	No digital offer	No digital offer	No digital offer
Spain (2020)	3 746 853	€1,5 MI	33 265 items (31 326 ebooks, 1 628 audiobooks. 83 journals, 52 newspapers + 176 other)	257 315

Table 2: Descriptive data

Table 2: Descriptive data				
Satisfactory		Critical	Unsatisfactory	
Country	Actors	Models	Windowing practices	Public Lending Rights
Denmark	A) Publishers supply titles; agreements with The Digital Public Library; B) Aggregator: The Digital Public Library (98 municipalities): negotiates prices and terms & conditions; C) eReolen, national e-lending service (belongs to The Digital Public Library; D) Publizon; 3 rd party platform; backend public library and vendors.	Pay-per-loan (one copy-multiple user) with variations in fees One copy – one user (only the big seven publishers)	Only the « big seven » publishers have windowing practices	Active both for lending and e-lending
France	A) Publishers supply titles, B) PNB is the digital lending platform, C) A professional association, Réseau Carel negotiates rates and services (for 50% French libraries), D) Dilicom gathers e-book distributors and makes available metadata	License and related tokens (to be spent by each library)	Long-term license (for long-selling) Short-term license (for bestsellers and quick turnover)	
Germany	A) Publishers supply titles, B) Divibib GmbH through Onleihe, and Overdrive Inc. in partnership with Libreka are the aggregators	Basic : 1 copy – 1 user Advanced: Licenses	(12-month embargos by some big publishers)	Active for lending Not active for e-lending
Greece	A) Only 15 Publishers, B) National Library of Greece	No clear model	Embargos by some publishers	
Italy (2021)	A) Publishers provide content through two main distributors: Edigita (60% of the e-publishing offer) and Mondadori (30%), B) MLLOL, negotiator on behalf of libraries and aggregator	1 copy – 2 user Pay per loan e-ILL for several titles under certain conditions	Windowing practices or overpricing are only marginal	
Latvia (2021)	A) Publishers provide content; B) National Library platform https://www.3td.lv/ based on direct relations with publishers	Conditions vary according to publisher	No windowing practices when agreements are set in place	
Norway (2020)	A) Publishers provide content; B) Two negotiators and aggregators: Bokbasen (Norwegian big publishers and 2 largest bookstore chains); and Biblioteksentralen (owned by municipalities, non-profit cooperative); - National Library of Norway tries to combine e-lending models	Bokbasen uses license models Biblioteksentralen uses pay-per loan models	Unknown	
Romania (2022)	No digital offer	No digital offer	No digital offer	
Spain (2020)	Actors: A) Publishers supply titles; B) eBiblio as the digital lending platform; acquisitions through support provided by the Region (Comunidad autonoma)	Licences for simultaneous use, depends on publisher	Publisher's DRM also on eBiblio	

Table 3: E-lending per inhabitant and levels of technological literacy (Eurostat data, 2020)

Country	(1) E-lending Transactions	Population	E-lending/inhabitant	Book loans (2019) (2)	Lending / Inhabitant	Technological literacy (% of population) (3)
Denmark (2021)	7 422 102	5 828 022	1.2	24,4 MI	4.2	70
France (2020)	1 M	65 526 762	0.01	280 MI	4.2	57
Germany (2020)	30,2 M	84 254 408	0.35	274 MI	3.2	70
Greece (2020)	23 919	10 353 203	0.002	?	?	51
Italy (2021)	1 474 013	60 461 826	0.02	45,4 MI	0.7	42
Latvia (2021)	39 346	1 866 934	0.02	11 MI	5.8	43
Norway (2020)	1 420 745	5 495 680	0.2	12,2 MI	2.2	83
Romania (2021)	NA	19 012 351	NA	34,2 MI	1.7	31
Spain (2020)	3 746 853	46 786 580	0.08	51 MI	1.1	57
Canada (2017) (4)	9,8 MI	38,353,949	0.2	523 MI	13.6	84 (5)
US (2017) (4)	218,3 MI	331 449 281	0.65	2 053 MI	6.1	84 (6)

(1) Statistics on e-lending refer to 2021 or 2020; they take into account the unintended effect of the pandemic on e-lending which grew spectacularly.

(2) Statistics about book lending in public libraries (5th column) are taken from the investigation carried out by PL2030, available on the PL2030 website (<https://publiclibraries2030.eu/what-we-do/eu-library-factsheets/>). They refer to 2019; even when available, updated information on book loan data in public libraries in 2020 and 2021 has not been used because of the restricted circulation of physical products, when public libraries were closed to the public or open under severe restrictions.

(3) Individuals who have basic or above basic overall digital skills, Annual, All Individuals, Percentage of individuals (https://ec.europa.eu/eurostat/databrowser/view/ISOC_SK_DSKL_I21/default/table?lang=en).

Eurostat Glossary definition: Digital literacy refers to the skills required to achieve digital competence, the confident and critical use of [information and communication technology \(ICT\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Digital_literacy) for work, leisure, learning and communication (https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Digital_literacy).

(4) Source: IFLA Library Map of the World, <https://librarymap.ifla.org/>

(5) Referring to special age groups. Source: ABC, Life Literacy Canada, 2017, <https://abclifeliteracy.ca/digital-literacy/>

(6) Referring to special age groups. Source: US Dpt Education. Stats in Brief (May 2018), <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2018161>

2. E-LENDING IN DENMARK

INTRODUCTION

In Denmark public libraries are organised as part of 98 municipalities. With 37.4 million visits in 2019 (data in the following years are altered by the impact of the pandemic), they are the most visited Danish cultural institution. A public library-system is in place in each of the 98 Danish municipalities and a unique platform is offered to the development of common societal solutions, in collaboration with other bodies / agents and in cooperation with local citizens.

The purpose of the public libraries is to promote enlightenment, education and cultural activity by making books, magazines, music and digital resources available, and ensuring free and equal access to knowledge.

The Danish Act Regarding Library Services provides the framework for the public libraries. It aims to do so by defining the library as 'extended' in relation to media and by providing more flexible rules on the development of library infrastructure. The act continues the basic traditions in Danish public libraries, above all free (also free of charge) and equal access to information.

By law, every municipality in Denmark must run a public library – either by themselves or in cooperation with other bodies / agents. The financing of the municipal library service is done via block grants, which means that each individual municipal council determines the level of their particular local library service. The framework for the public libraries and their co-operation with the research libraries is determined in the Act regarding library services, which makes it obligatory to purchase collections and provide services. A basic principle in the Danish welfare society is that using the library is free of charge, and so is e-lending for citizens.

GENERAL DATA AND THE LEGAL FRAMEWORK

There are 80,000 titles available and 7,8 million e-lending transactions (2021) in Danish public libraries, which represents 20% of the total number of lending transactions, with some small municipalities having a few thousand transactions annually and some others like Copenhagen reaching over 500.000 transactions annually. More detailed statistics, as for instance patrons' preferences, are difficult or unavailable because they may use sensitive social security numbers of patrons.

The legal act regulating e-lending is The Danish Act Regarding Library Services, which was approved in 2000. E-lending is implemented through the "eReolen" and administered by the association "The Digital Public Library" composed of all 98 Danish municipalities, Greenland, The Faroe Islands and Slesvig. The Digital Public Library association enters into collaborations with technical intermediaries and negotiates prices and terms & conditions with publishers.

In Denmark e-lending used to be a bone of contention between Danish publishers (with major players like Gyldendal, Lindhardt & Ringhof, and Politiken) and eReolen, Denmark's only digital public library, to the point that major publishers withdrew cooperation at certain stages of the process (2012 and 2016). In 2018, however, eReolen settled terms with Danish publishers, in a country where the number of people are 5.8 million people and 96% of households having internet access.

eReolen uses different lending models and one of them is the one-copy-one-user model, while the rest of transactions are regulated through bilateral pricing agreements with publishers. The country that is the cradle of public lending right - the first PLR programme in Denmark was initiated in 1941 – started remunerating authors for digital books in 2018. Denmark was the first country in the world to include digital audiobooks in e-lending schemes.

Year	E book loans	Cost (ebooks)	Audiobook loans	Cost (audiobook)	All costs
2013	640 629	Kr 8 300 659 € 1 115 680	545.391	Kr 9 271 657 € 1 246 190	Kr 17.572.317 € 2 361 870
2014	598.168	Kr 7 485 853 € 1 006 163	716.607	Kr 12 182 319 € 1 637 408	Kr 19.668.172 € 2 643 571
2015	1.165.910	Kr 14 026 069 € 1 885 224	1.381.478	Kr 20 484 675 € 2 753 316	Kr 34.510.745 € 4 638 540
2016	996.834	Kr 11 047 420 € 1 484 868	1.534.664	Kr 19 298 887 € 2 593 936	Kr 30.346.307 € 4 078 804
2017	1.108.361	Kr 12 661 965 € 1 701 877	1.771.200	Kr 24 860 800 € 3 341 505	Kr 37.522.765 € 5 043 382
2018	1.396.575	Kr 17 613 241 € 2 367 371	2.225.155	Kr 27 221 191 € 3 658 762	Kr 44.834.432 € 6 026 133
2019	1.950.365	Kr 22 660 099 € 3 045 712	2.879.106	Kr 34 202 669 € 4 597 132	Kr 56.862.769 € 7 642 845
2020	2.629.292	Kr 27 756 885 € 3 730 764	3.871.602	Kr 43 609 681 € 5 861 516	Kr 71.366.566 € 9 592 280
2021	2.826.785	Kr 32 922 352 € 4 425 047	4.595.317	Kr 53 092 863 € 7 136 137	Kr 86.015.215 € 11 561 184

Moreover, these are e-lending transactions directly from data bases:

International ebook & audiobook databases:

	2021
ProQuest (Ebook Central)	321.449
EBSCO (Ebook Collection)	384
Overdrive	402.969
Books 24x7	1.645

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

Major actors in the Danish e-lending system are:

- A. Publishers, who supply titles and content on the basis of national framework agreements entered into by the association The Digital Public Library;
- B. The Digital Public Library (formerly The Danish Digital Library), an association that operates and manages digital services for their library members and the public (98 country's municipalities, as well as Greenland, The Faroe Islands, and South Schleswig). The Digital Public Library develops and maintains a platform for websites through which public libraries can make their online materials and physical catalogues available to the public, along with all other relevant library services and information. It also operates eReolen and negotiates prices and terms & conditions with publishers and enters into framework contracts;
- C. eReolen, the national e-lending service which used to be its own association but is now under control of The Digital Public Library;
- D. Libraries, which pay individually for their loans;
- E. Publizon; the 3rd party platform operator serving as the backend for both the public library and commercial vendors and streaming services.

Financial details are governed by bilateral agreements with the big publishers and by bilateral agreements between every individual municipality and the platform vendor Publizon. For each loan, a small percentage is taken by Publizon for their services on the platform (ca. 12%). In this way, the quasi totality of the publishing output is made available (99%) by eReolen.

Seven big publishers (Gyldendal, Politiken, etc.) have individual contracts with eReolen which grants them some flexibility in the use of lending models. Only the "big seven" allow for the one copy – one user model and have windowing constraints in time – with time lapse between the offer of a publication in the book trade and the offer of the same title through eReolen. All other publishers are subject to eReolens general pricing and terms and conditions which, as a rule, do not contain embargo provisions and only practices the one-copy-multiple-users model.

DRM devices are implemented strictly within the Digital Public Library in a closed app environment and the web solution only allows streaming. Therefore, no general DRM system for downloading is needed.

eReolen is regarded by publishers as a way to prevent piracy; it is possible to say that eReolen has made piracy practically redundant; therefore, fear of piracy (or of potential piracy practices) is no major impediment for authors and publishers to go digital.

The role of libraries and of public powers

E-books are purchased as individual e-books only when licenses are purchased on the one copy – one user basis (ca. 5% of the Digital Public Library collection). The remaining 95% of the purchases are spent equally between a flat rate model where entire catalogues are bought for a year at a time ("borrow as many as you want") and the one-copy-multiple-users model where the individual libraries pay per loan based on the age of the title.

Limitations to e-lending are set locally by individual municipalities. They range from 2 e-books and 2 audiobooks per month (in one municipality) to unlimited use (in six municipalities). The rest falls somewhere in between with most municipalities staying within the limits of about 4-5 ebooks and 4-5 audiobooks per month per patron.

Only the national association The Digital Public Library is entitled to make agreements on e-lending with publishers. Requirements are different from those of university libraries. University libraries deal with large, globalised scholarly communication publishers and find it difficult to negotiate with actors having de facto monopoly on must-have content. eReolen deal with smaller companies and have an excellent collaboration with national publishers as well as much more power on the buying side.

The negotiation team is in-house in The Digital Public Library secretariat. The negotiation team is very mindful of eReolen's role in the national book market and the sector's interest in eReolen's business practices. E-lending represents 28% of the digital trade market and gives the public libraries leverage in the yearly negotiations.

In this respect, public lending rights reinforces digital lending in libraries, since the more widespread the availability of digital titles is - de facto availability on eReolen - the more money is distributed to authors and other contributors, to the widespread satisfaction of all actors operating in the e-book chain. Authors may feel that they are underpaid for digital rights and may complain about their little remuneration from e-sales, streaming and/or lending; this depends, however, on bilateral negotiations between authors and publishers and does not impact on the soundness of the e-lending system.

Altogether, the annual amount of money / year levied for e-lending services in libraries is €12 million for content and an additional €1.2 million for the management and maintenance of eReolen, which represents a large part of the digital trade market and 28% the percentage of the annual publishing turnover.

USERS' PRACTICES

Library users are in general happy about e-lending services, as is demonstrated by the number of 715,000 unique users in 2021 out of a population of 5.8 million inhabitants. It is interesting to note that borrowers of books in printed form and borrowers of digital products are not the same and overlap between them is in the order of 20% according to the national statistics bureau.

E-lending transactions can be broken down by target group (children/adults) and by overall category (fiction/non-fiction). Children's books are historically about 40% of all loans, but the figure is rising. Fiction is historically about 70% of all loans. In particular, the e-book diffusion among children and teenagers is quite successful with e-lending with school children totalling +1.3 million loans in 2021 through the eReolen GO! product. E-lending only works through the platform and there is no distribution of devices (e-readers, for instance).

In general, there is no issue regarding the functioning of e-lending in Denmark and problems are found at more general level. One of them is the correct repartition between funds allocated to the digital library and the physical library, with the first taking more and more funds. The major problem is therefore to make the physical and the digital library work together in a more effective and user-friendly way, in relation for instance to the 20% overlap between loans of printed and digital e-products.

Another major problem is perhaps to ensure better long-term access, because the digital collection available for e-lending is assured year after year on the basis of a contractual relations; a legal impediment or a major clash could make the e-lending offer unsustainable in the long-term.

3. E-LENDING IN FRANCE

INTRODUCTION

In France, more than 16,000 public libraries are currently listed, the two national libraries, the [Bibliothèque nationale de France](#) (BnF) and the [Bibliothèque publique d'information](#) (Bpi) are under the direct supervision of the Ministry of Culture. The vast majority of other public libraries (municipal libraries, departmental lending libraries) are under the responsibility of local authorities. These libraries have very different means depending on the size of the community they serve. In their regard, the action of the Ministry of Culture is multiple: definition of the legislative and regulatory framework, statistical evaluation of their activity, technical and scientific inspection provided for by the Heritage Code, technical and financial support through various mechanisms.

Municipal libraries: some figures (2018 data from the [Observatoire de la lecture publique](#))

Nearly 90% of French people live in a community offering access to at least one library;
€145.5 million in documentary expenditure;
279.5 million in loans;
16,3 million audio documents ;
7,6 million video documents.

Libraries are monitored by the [Department of Libraries](#) of the Book and Reading Service ([DGMIC](#)) at the Ministry of Culture.

Information on e-lending was provided by Ms Valérie Bouissou, on the basis of a Report drafted in 2019 by Réseau Carel and the Ministry of Culture. The 2019 Carel investigation dealt with the totality of paid-for digital resources acquired by French public libraries, although it puts more emphasis on resources acquired through the Carel network.

GENERAL DATA AND THE LEGAL FRAMEWORK

In France, e-lending of books is taking place in an eco-system called PNB “Prêt numérique en bibliothèque”. PNB offers both a legal and a technical framework for making digital books available in libraries. PNB is an inter-professional project, an economic model and a technical data exchange system. Dilicom, the project's technical operator and trusted third party, coordinates exchanges and transactions between the various players in the book chain (publishers via their distributors, booksellers and libraries) thanks to a technical interface that connects the various information systems.

From a copyright point of view, PNB is based on a contractual model: publishers negotiate the marketing rights of digital books with the authors or their beneficiaries and then set the price and conditions of use for public libraries. With regard to the law on the single price of digital books, this price is fixed and corresponds to a specific offer towards libraries and with precise access conditions (numbers of loans and simultaneous users authorized, maximum duration of access to the title).

Since 2014, more and more library networks have joined PNB and usage is gradually increasing. The arrival of the new LCP DRM in PNB also offers interesting prospects for facilitating the uses of digital books and for increasing the number of titles available. There is still room for improvement in PNB. Publishers are working to enrich this offer, which already covers a large part of the production; it is also to be hoped that the dialogue between librarians and publishers can improve the conditions of access, in order to adapt them even better to the expectations of libraries, both small and large.

This dialogue is mainly conducted by the association “ Réseau Carel”. The association is a national network of competences and exchanges in the field of electronic documentation for public libraries, structured around an online collaborative tool. The principal aim is to contribute to improve the editorial offers, the information systems, the pricing methods, ergonomics and accessibility, to develop acquisition policies and to develop the policies of acquisitions and valorisation in the field of digital resources as well as the observation of the uses; and then evaluate the digital resource offers.

In France, the average number of e-resources subscribed by all public libraries is 9,1 per library, of which 55 % are negotiated through the Réseau Carel (2019 data). Two public libraries - BCU Lausanne and BPI – acquire respectively 300 and 107 resources. Without these two libraries, the average number of acquisitions falls to 5,3 e-resources. In general, it can be said that, when library expenditure is equal to € 10 000 yearly, the average number of acquired resources is 2,8; when library expenditure is about 30 000 € per year, the average number is 19,1.

The PNB (Prêt Numérique entre Bibliothèques) platform, is used by 46 % of the public libraries having responded to the 2019 investigation of réseau Carel. In 2019, 196 libraries networks were connected corresponding to 5,100 libraries benefiting the service. The enquiry shows a very heterogeneous landscape and a growing role for departmental lending libraries.

The average budget spent by libraries on PNB amounts to 9,182 €, with 44% of public libraries allocating less than € 5000 for PNB transactions, 40 % public libraries allocating between € 5,000 and 20,000 and 12 % more than € 20,000 . The following libraries are at the top of public library expenditure on e-books e-lent through PNB: BCU Lausanne (€ 60,000), Médiathèque Sillon lorrain (€50 000) and the Médiathèque départementale du Pas-de-Calais (€ 30,000). In 2018, public libraries spent an average € 0.65 for any registered user through PNB.

In France, e-lending is an issue relevant within the European law on authors’ right; therefore, there is an active role of public authorities in ensuring that there is an appropriate balance between, and a role to, all actors belonging to the (e-)book chain. The French Ministry of Culture actively supports e-lending in public libraries. In 2014, The French Minister of Culture has signed with representatives of professional organizations and local authorities a text of recommendations for the distribution of digital books by public libraries. This text establishes a balanced framework for the development of digital book lending in libraries, while respecting copyright, remuneration of creation and public expectations. An inter-professional working group, including representatives of authors, publishers, booksellers, librarians and elected officials, has drawn up these 12 recommendations, which constitute principles and best practices shared by all the players on several important issues, such as the conditions for distributing digital books to libraries, usage models, economic models and the legal framework for the distribution of digital books by public libraries

The document includes the following recommendations to all signatories, who should:

1. Ensure that public libraries should have access to the totality of the publishing output;
2. Ensure that bookshops are made aware of the offer of digital resources for libraries, so that they are enabled to offer them to libraries;
3. Integrate quality metadata that are needed for transactions in the digital offers to public libraries;
4. Ensure the interoperability of the catalogues proposed to public libraries;
5. Develop access to digital resources for public library users both within library premises and from remote places;

6. Acknowledge that regulating access to digital resources is needed to ensure a balance between consultation in libraries and acquisitions in bookshops, since e-books do not have the same modalities of usage as printed books;
7. Acknowledge that Digital Rights Management are a proper way to ensure access to digital resources in libraries;
8. Facilitate the offer of digital libraries to people who are unable to read;
9. Share usage statistics;
10. Adequately remunerate authors and maintaining all opportunities for creation in the publishing environment;
11. Experiment a diversity of economic business models;
12. Ensure the stability of the contracts signed with local communities.

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

A concern of public authorities is that actors already operating in the printed book chain may find a similar role in the sale of digital books to individuals and in the lending of digital books to libraries. The business model works as follows.

Dilicom circulates information: they deal with e-book records and loan requests as well as the metadata of titles. The system is open to booksellers, traditional suppliers to libraries, at least those who have set up an interface that allows a library to buy digital books. Not all booksellers join the system since this represents a significant investment.

Distributors of printed books also deliver e-books. Libraries, however, do not detain the files, which go directly from the distributor to the reader. The library does not own, even temporarily e-books, it only owns the metadata of the titles and the licenses on e-lending rights.

The publisher dictates the conditions of sale of the books they publish, which vary considerably from one distributor to another. The portal provider develops the interface with readers, Dilicom and the distributors, according to libraries' requests, provides a turnkey solution. Through the platform users to consult a catalogue, to access their account and to address a loan request through Dilicom to various distributors.

From the library's perspective, a digital resource comes together with a license that gives certain rights within the time and the price determined by the publisher. A library knows whether a book is purchased because the book title is displayed on the portal and because loans start flowing in.

A digital book which is made available on PNB is defined by 6 components: the price of the book, a time-limited license, a series of tokens, authorization for simultaneous loans, the maximum authorized loan duration and the reference price on which the price of the digital book is calculated.

The price of an e-book is defined in a way that is different from the printed book. While this is a well-defined object, the digital book in PNB is determined by the duration of the license and the number of tokens. A license is limited in time from 6 to 7 years, and sometimes 10; in some cases there are no time limits. This situation reflects the rotation of shelves in libraries, where books are discarded after 9-10 years. This wear-and-tear permanence of the book in the library is somehow artificially reconstructed by the publishers in the digital environment.

The license enables libraries to acquire a certain number of chips in casino terms, i.e. the number of loans that the publisher authorises the library to make during the term of the license. As soon as a

library uses all chips they are entitled to, the license expires, even within the time limits. Once the terms of the license expire, the license is automatically terminated.

A long-term license allows libraries to purchase catalogue holdings having a slower turnover rate. A short-term license encourages libraries to purchase recent, new, or even best-selling books to be lent out quickly. The collection policy of the digital library changes accordingly. Experience shows that new e-books have a rapid turnover. Some libraries have opted for an acquisition policy essentially focused on new titles, in the short term at least. A long-term license allows libraries to make their users discover older titles. Réseau Carel's action encourages acquisition policies based on long-tail products.

The number of tokens is also a qualifying element of e-acquisition policies. A small library will have less trouble in lending all the tokens of a book – for instance 30 tokens instead of 60 – and may find more convenience to pay half the price for license. Flexibility in the number of tokens protects the interests of small libraries with a license not based on the duration of the license, but on the number of tokens.

The cost for a library is therefore the relationship between the total price of the e-book/number of tokens and is a good indicator of the soundness of a library acquisition policy. Distributors also use the same variables.

The requirements set by publishers may be different according to the distributor. It is the reason why libraries are asking their providers to display the unit cost of the token on their acquisition platform.

The reference price that the publisher uses to set the price of the book in PNB must be included in the criteria. The publisher fixes a multiplying coefficient and this tendency is being generalized. Some publishers use multipliers of less than 2; for other, the multiplying coefficient is close to or equal to 3. A better indicator is the unit cost of the token because some distributors offer batches of 60 tokens for one title and others batches of 20 tokens for one title.

For many publishers there are two reference prices: the price of the book when it is released and then a reduced price after a year, or the price of the paperback, even if this notion is strange when referred to digital books. Some publishers are keen to preserve, at least temporarily, the notion of paperback in digital (notably for marketing reasons). Some publishers even manage to have three consecutive prices: price of a novelty book, price after one year sale and the paperback price. This makes things even more complicated.

PNB has chosen to rely on a time-dependent DRM. DRM (Digital Rights Management") is a technical device that allows to protect the digital book against certain unauthorized uses (duplication of the file, massive copy-paste,...). It also allows to limit the possibility of opening the file, which is an operation similar to borrowing. So if the borrowing duration is fixed by the library to 30 days, for example, at the end of this period the file can no longer be opened by the reader; this corresponds to an automatic return of the book.

The DRM used for PNB, Adobe DRM, also allows for an early return so that other users can borrow the e-book, provided that borrowing does not exceed the ceiling set up by the library. For example, if the user has actually 5 titles on loan, the fact of returning a title in advance allows her/him to borrow a new one. Among the weaknesses of Adobe's DRM, it is to be mentioned its relatively high price (8 cents per loan), the absence of certain functions (namely, the basic function in a library of extending the loan term) and the fact that the data that the user has to introduce during the creation of the account (a prerequisite for opening borrowed files) are kept by a single major commercial player.

These weaknesses of the Adobe DRM have encouraged Dilicom and several PNB players to think about the adoption of another DRM recently produced by EDRLab (a European association linked to the Radium Foundation), LCP, which is now currently used.

THE ROLE OF LIBRARIES AND OF PUBLIC POWERS

Libraries subscribe to the offers made by distributors partly through Réseau Carel, partly directly through PNB. Specific to PNB, is also the ability of the library to lend simultaneous loans of the copy they have purchased. This possibility must be authorized by the publisher, otherwise it is technically impossible. When PNB was launched, it was not uncommon for some publishers to allow up to 20 simultaneous loans. Under the pressure of some authors' societies, many publishers have gone back to decreased numbers with two major distributors now offering five simultaneous copies. This requirement allows to concentrate loans in the time window when the book is requested. Libraries not resorting to PNB claim that this service is expensive, or does not provide with a satisfactory offer.

Some authors' societies fear that the simultaneous copy requirement may cannibalize the trade of the book at the very time the author is making the most sales, but this element has not been proven by any study. Rather the opposite, there is evidence that the overall effect (not limited to new releases or new titles offered through simultaneous lending) tend to show a positive effect of lending on sales.

Two major publishers - Hachette and Albin Michel - do not permit simultaneous loans, in spite of Réseau Carel's recommendations to allow a minimum of 10 simultaneous copies.

Dilicom has launched a project based on the interaction between four components, within a system: a distributor's warehouse, the bookseller's sales platform, the library's lending platform (one library or a network of libraries) and, at the centre, the Dilicom hub. The sequential operation can therefore be described as follows, with three chains of actions taking place in parallel: the first for the dissemination of metadata, the second for the acquisition of a title (or, more precisely, the authorisation to lend x times this title - x "tokens"), and the last one for the borrowing of a digital book.

1st sequence: metadata supply. The distributor sends the Dilicom hub the description (the metadata in Onix format) of the offers defined by the publishers it distributes; offers are integrated into the Fichier Exhaustif du Livre (FEL) and distributed to the bookseller connected to the hub. The bookseller presents the offers of the various distributors to the libraries under contract via the Web interface of its platform. (Files are hosted by distributors and they leave the warehouse of a distributor only to be directly downloaded by the library).

2nd sequence: acquisition of a title by the librarian. The library proceeds to its acquisitions from the bookseller by connecting to its professional space within the bookseller's platform. The bookseller validates the library's order and sends it to the hub; the hub transmits the orders to the distributors' platforms concerned by the titles ordered so that they can prepare their warehouse for the supply of these titles for future downloading by the library users. The hub transmits the metadata corresponding to these titles to the library's platform.

3rd sequence : the borrowing of a title by the user of the library. The user asks to borrow a title on the digital platform of his library. The library's platform sends the loan request to the Dilicom hub; the hub examines whether there are still tokens available for the title, transmits the request to the distributor's platform. The hub validates the order and sends the request to the distributor's platform. The link is downloaded by the library, which sends it to its reader. The user downloads the digital file in a reading application present on his reading device (e-reader, tablet, laptop, smartphone, etc.) and the book is

ready for reading. At the end of the loan period, the file will either be no longer available or will disappear from the books in the application/reading tool; this is known as chrono-degradability.

Users' practices

In 2019, the most popular resources subscribed by public libraries were : Toutapprendre.com (self-learning through e-learning courses, e-newspapers, e-books and e-cartoons, and other services), Médiathèque numérique (a selection of films), Arte UniversCiné (a selections of films d'essai), LeKiosk (newspapers and magazines), diMusic (cultural diversity and artists), la Cité de la musique en ligne (music), Skilleos (photos), Vodeclit (software programmes, webapps, cloud services), Assimil, (language courses), Storyplayr (children books), Europresse.com (magazines). These resources are aggregations including huge quantities of resources; to give an example, Dimusic offers a catalogue of more than 7 million titles.

Concerning the status of the offer of digital resources proposed by Réseau Carel, the institutions surveyed identified several obstacles to the development of digital technology. First, the cost of e-resources is strongly criticized. The economic models based on usage slow down the development and even call into question the sustainability of the offer.

Lack of institutional communication about the digital offer can also slow down the use and development of the offer, especially for those libraries that are not open to the public and work in collaboration with partner libraries in their territory. The question of statistics also comes up to the stage. Indeed, both institutions mention the difficulty of defending the interest of purchasing digital resources in libraries to their colleagues and, above all, with the supervisory body that funds these resources, because of the heterogeneity of the indicators.

Other obstacles to the development of digital resources are mainly technical. The obsolescence of certain products / services makes it impossible to develop the library's digital offer. Another frequently cited example is that DRM on digital books considerably complicates reading and discourages users. Search engines on some platforms are not efficient and do not take into account the width of the digital offer. All libraries surveyed report that they spend a considerable amount of time in providing technical assistance to users and resolving bugs.

Users' willingness to consult the digital offer proposed by the library is another factor which hampers the development of the digital offer in libraries. The library's e-offer is in competition with the rich domestic packages proposed in particular by telephone operators (for films, press and music). Resources are still consulted in streaming while many users have problems with internet connections, whose functioning remains uneven across the territory. The general impression is that digital resources remain tools that are only accessible to computer-literate people, use proprietary formats and do not work on all formats and on all devices. The development of digital resources in libraries can only be based on the most open resources possible, working on all devices, whatever their version.

In addition to these various obstacles, it is difficult to evaluate the use of resources by the public. Institutions have great difficulty in obtaining reliable and consistent statistics that would allow them to set up reliable and consistent data enabling them to accurately assess the use of their resources. When institutions manage to get statistics, they find that digital resources are still not well known by the public.

The results of the use of self-training resources are more uneven and librarians seem to be very much linked to the mediation and partnerships set up by the library. In some libraries, reading on screen and technical problems have led to a decline in usage. Some "niche" resources allow the library to play its role as a discovery space, but their promotion will remain difficult and their use is limited.

PROFESSIONALS' EXPECTATIONS.

Professionals that have been interviewed are in demand for training and tools specific to digital collections, in particular in the mediation of digital resources or in the management and use of tablets and e-readers, in particular when related to self-learning resources. They would like to have tools enabling them to manage and use applications for promoting digital resources integrated into the media library's portal. These expectations are mainly related to the cinema, online press and audio book offers. Concerning the press, librarians expect, for instance, a subscription to *Le Monde en ligne*, more national daily newspapers and, on Pressreader, more magazines. Librarians would like to see offers like Canalplay, Amazonplay, Netflix, HBO negotiated. They also would like to be able to "buy" recent documentaries in digital form.

Librarians' expectations are technical simplicity and adapted functionalities such as the administrator's module - libraries need reliable and directly accessible statistics, good ergonomics, improvement of DRM to facilitate the reading of digital books. Libraries expect publishers to adapt to the technical constraints of libraries by improving interface with metadata and better information about their potential maintenance work or technical malfunctions.

Concerning financial issues, it seems that digital resources are very expensive: they take up a large part of the budget, even though they are less used than physical resources. The pricing model should not be indexed to usage. On the PNB system, a library is expecting for digital books to be more accessible and the creation of a national platform of e-resources could help rationalize costs. Expectations from the libraries are: at least 5 simultaneous accesses and 20 tokens for a license lasting at least 5 years.

Users' expectations. Users ask for digital books, online press, youth resources and children's resources. In all the libraries surveyed, users seem to be satisfied with the digital offer that is proposed to them. They appreciate a cultural offer of proximity, accessible 24/7 from their homes. The public is sometimes astonished by the richness of the proposed offer. They express specific requests concerning the purchase of video games on consoles and specific needs for self-training. Concerning audio-visuals, users would like to consult beyond the quota allowed for films. Feedback from readers is positive despite the technical difficulties they may encounter.

Other random answers refer to PNB as too complicated for users, while others emphasise that going through the library's portal to access digital resources is cumbersome for readers and hinders use of the resources.

The expectations of the supervisory authority. Supervisory authorities are not straightforward in supporting digital resource projects in libraries. Some of them are not interested, the majority see in it an innovative image for libraries that are accessible 24/7. In the majority of cases, elected officials are not aware of the creation of the digital offer and trust the library management.

Expectations of Réseau Carel. Interviewed librarians encourage the association Réseau Carel to continue to defend the interests of libraries. Some librarians regret not being able to invest more time in this important and useful work, while others, who are very involved in Réseau Carel, would like to see more colleagues participate.

On the site, the catalogue of digital resources is consulted by the majority of the librarians interviewed. Registration in the Carel catalogue is interpreted as a quality label. They praise the work of negotiation with the publishers, while measuring the extent of the work to be done.

Some members would like to see more regular updates. Several librarians point out to the limitations of negotiations: publishers offer different pricing conditions than those published on the Carel website, rates should be negotiated with some toughness. Réseau Carel should have more leverage with publishers and have more means to negotiate by creating a consortium similar to Bibliopresto in Canada. Some librarians also would like to be better informed about the status of negotiations.

One library regrets that the extensive work on paid-for resources is leading to the neglect of the work on open access resources, even though expectations are high on this subject. Almost all librarians interviewed expect the Réseau Carel association shares experiences on digital resources, evaluation, digital projects carried out by members about the use of resources, so that difficulties encountered in the management of digital resources become common knowledge.

4. E-LENDING IN GERMANY

INTRODUCTION

There are approximately 6,859 public², 240 academic³ and 400⁴ special libraries in Germany, where the library landscape is decentralized – there is no central planning and control authority, in spite of intensive cooperation among libraries. Most libraries are financed with public funds from either the national state like the National Library, the 16 federal states (Region, Laender) like many but not all academic libraries, or local authorities like most public libraries, along with other very rare sponsorships.

Five of the 16 Individual federal states have library laws which describe the system as a networked, cooperative system at the level of the respective state, but do not define standards or funding framework except for in Schleswig-Holstein. Due to the federal state system, there is no national library law.

Cooperating institutions have been established at the federal levels: library departments and library service centres as well as regional library network systems. Member-funded professional associations play an important role. The most important are: The German Library Association (dbv) as an association of institutions, and the two Professional Association Information Library (BIB) and the Association of German Librarians (vdb) as associations for employees. These associations are united, together with the Goethe Institute and the ekz Library Service Group, under the umbrella association Library and Information Germany (BID).

Other central coordinating functions are fulfilled by, among others, the Network of Excellence for Libraries (knb), which, for example, develops the German Library Statistics at the Hochschulbibliothekszentrum NRW, and the German Research Foundation (DFG), to provide financial support for projects and tasks in the academic library system.

Information for e-lending in Germany was provided by Barbara Schleihagen, Director of the German Library Association (dbv).

GENERAL DATA AND THE LEGAL FRAMEWORK

In 2020, there has been an estimated number of 30,2 Million e-lending transactions in Germany, which corresponds to 13,54% of lending transactions of lending of printed/physical products (223 Million). It is fair to say that these statistics having been taken in 2020, the first year of pandemic, and reflect a spectacular increase for the loan of digital products library loan and a considerable decrease for the loan of physical products. These figures are referred to public libraries only and are provided by the German Library Statistics, an excellent source for general statistics, but not very detailed. Internal statistics related to one of the two main aggregators for e-product loans in Germany - Divibib GmbH and Overdrive Inc. - are not available.

The annual amount of money / year levied for e-lending services in libraries is 2018: 9.728.552 Euro, 2019: 10.464.068 Euro, 2020: 12.222.736 Euro paid for the licenses contracted by public libraries with Divibib GmbH and Overdrive Inc.

² https://service-wiki.hbz-nrw.de/display/DBS/01.+Gesamtauswertungen+-+Kerndaten%2C+dt.+ab+1999?preview=/99811333/721387702/dbs_gesamt_dt_2020.pdf

³ https://service-wiki.hbz-nrw.de/display/DBS/01.+Gesamtauswertungen+-+Kerndaten%2C+dt.+ab+1999?preview=/99811333/721387702/dbs_gesamt_dt_2020.pdf

⁴ <https://aspb.de/ueber-uns/>

Sales of e-books in the general-interest book market increased by 16.2 percent in 2020 compared to the previous year, while unit sales climbed by 10.8 percent from 32.4 to 35.8 million copies sold. In 2021 sales increased by an additional 6.0% from 35.8 to 38.0 million copies sold (5.7% of the whole book trade) [source: <https://www.boersenverein.de/markt-daten/marktforschung/e-books/>]. According to Boersenverein des deutschen Buchhandels, the e-book turnover generated from loan in libraries (only via Divibib) is equal to € 26,9 Million – this figure, however is based on assumption and the real cost is 12.222.736 Euro paid for the licenses contracted by public libraries with Divibib GmbH and Overdrive Inc. Since there is no legal basis for e-lending, e-lending royalty are not distributed to authors.

There are no legal regulations on e-lending in Germany, but all library transactions are based on licenses negotiated through two intermediate actors and aggregators: Divibib GmbH and Overdrive Inc. Divibib is a subsidiary company of the ekz.bibliotheksservice; it created the “Onleihe” service in 2007, which is active in all German-speaking countries and in Italy, France, Denmark and Belgium, as well as in all Goethe-Institute sites all over the world. Divibib GmbH offers a service that is called “Onleihe”, which is not a mediator but an aggregator.

The Onleihe offer includes E-Books und E-Paper, E-Audio und E-Music, E-Video and E-Learning. OverDrive Inc. is the German branch of the American company leader in digital reading platforms for libraries and schools, with a worldwide diffusion in 84 countries. OverDrive has provided ebook services for Germany since 2014 and partnered with Libreka, one of the largest distributors in Germany representing over 40,000 publishers and more than 1,000 domestic and international trading partners. The OverDrive network uses a one-tap reading app, Libby.

Loans of physical products in Germany falls within the German copyright law, where library royalties to authors are regulated in Section 27 (2) UrhG. It is estimated that libraries pay around 3-4 cents for each loan (14,9 million divided by the number of loans). In Germany, royalties are not paid by libraries but by the 16 federal states (KMK) and the national government. They negotiate regularly a new contract with the Verwertungsgesellschaft Wort (VG Wort). The amount paid by the 16 federal states and the national government (2020 and 2021: 14.9 million euros lump-sum remuneration) is distributed to the authors and the publishers in the form of royalties after deduction of VG Wort's administrative costs. This distribution is made according to criteria determined in the contract between KMK and VG Wort. While there are royalties to authors and publishers for the lending of physical products, no royalties for authors and publishers are paid for e-lending. Libraries do also not play a role in the governance of VG Wort.

Basic licensing agreements for e-products are based on the principle of one copy - one user . Therefore, local practices are consistent with the law case 174-15 of the Court of Justice of the EU. Publishers and authors are against a legal framework for e-lending. They claim that e-lending by libraries is cannibalising the free e-book trade and they prefer to negotiate condition and prices.

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

In Germany, the basic model is the one copy - one user loan model - a digital library can pay for multiple copies of a title when it pays accordingly, but only one user can borrow a copy at a specific time. When it comes to multiple copies, there are different licensing models offered by Divibib GmbH and Overdrive Inc.. Divibib makes available a catalogue of 500,000 e-book titles by approx. 7,200 publishers with the following limitations: only 7% of them concern publications of recent release (referring to 2021); ca 40% of the catalogue concerns e-books published in the years 2014-2017, and more than 10% are older than 2010. Many of the 500,000 e-book titles are therefore not relevant for library users. Moreover, big publishing houses set an embargo of up to 12 months.

E-books made available to libraries are often sold at ca 1,5 the price of the same e-book to the customer. In other words, there is a general increase in prices when an e-book is sold to libraries.

Over 3 500 libraries (inside and outside of Germany) rely on Onleihe for their e-book loan transactions. The two aggregators - Divibib GmbH and Overdrive Inc. - are implementing DRM devices and they exert full control over them. In 2018, Divibib discarded the Adobe DRM system and adopted "CARE" (Content & Author Rights Environment), a DRM solution based on the open source solution Radium LCP 2015. CARE's advantages are that: a) It enables the lending of electronic reading media without an additional password and registration with a DRM provider; b) protected content distributed by Onleihe no longer requires additional reading software such as Adobe Digital Editions (ADE); c) data inserted by users in the library also work for access to Onleihe.

Piracy is no major impediment for authors and publishers to go digital, since there is a commercial offer of e-books.

THE ROLE OF LIBRARIES AND OF PUBLIC POWERS

Individual e-books are offered under license by the aggregator to public libraries under the conditions set by publishers. In Germany, public libraries do not negotiate with authors / publishers / collecting societies.

Academic libraries negotiate e-media themselves, often in consortia, they are very often forced to accept bundle packages under license at very high prices. Scholarly communication publishers operate on their own platform and only registered members of the university can use these media.

Licences offered by aggregators also provide the necessary technical platform for public libraries where e-books and e-media are borrowed by all registered members of the public.

Divibib GmbH is not assisting libraries in their negotiations, but they negotiate all licences on behalf of libraries. They provide the technical infrastructure that is integrated into the digital portals of the libraries. At the same time, they arrange the licences that allow the public libraries to offer e-books to users according to the respective licence. Next to Divibib GmbH, Overdrive Inc. too is offering their services to libraries. About 100 libraries (especially big libraries) are using both services.

Public libraries are institutions that serve the general public and are paid through taxation. Since they have a much broader mission than just lending (e-)books, they provide free access to information and freedom of expression in any format.

E-lending is seen by librarians as a support for the book field, as it raises interest in reading and stimulates also the buying of books, while authors and publishers claim that e-lending is a factor causing harm to the book trade.

The German Library Association has lobbied for more than 10 years for a legal basis for e-lending. Libraries consider that an embargo of up to 12 months set by major publishing companies is not acceptable. In addition, libraries think that it is unfair that authors and publishers do not receive royalties for e-lending. The Authors Association in Germany claims that authors do not earn enough from e-lending. In addition, they regard royalties as too low already for the printed environment and ask for an extension to e-media and an increase by 10 times. The Publisher Association fears that e-lending cannibalises their e-book sales.

During the implementation of the EU directive, the Federal Council (Bundesrat) suggested on 26 March 2021 during consultation phase, a new paragraph for legal regulation for e-lending:

§ 42b Digital lending

If a written work has been published with the consent of the rightsholder as a digital publication (e-book) and is available as such, the publisher **is obliged** to grant non-commercial libraries **the right of use on reasonable terms and conditions**. Reasonable conditions include in particular that the libraries are granted the right to make **one copy** of the work digitally available **to one person at a time for a limited period**.

This clause was not included in the final law. However, the coalition agreement which forms the basis of the current Government promised that they will find a solution for e-lending based on fair conditions.

USERS' PRACTICES

About 1/3 of the users are unhappy with the offer, since there are no new releases and not enough copies for popular titles. There is no study available about users' behaviour in relation of the use of printed books and e-books. Many public libraries offer also borrow devices.

There is a need for a broader user behaviour study. From the GfK survey (GfK is a provider of data and analytics to the consumer goods industry), we know that library users are main book buyers and that they buy more than non-e-book users. However, the cross-media usage is not known. From personal experience we know that readers use both printed and e-books, and some read e-books and buy afterwards the printed version as a gift for friends.

5. E-LENDING IN GREECE

Information on e-lending in Greece has been provided by Ms Maria Bottis, EBLIDA Expert Group on Information Law (EGIL) Expert.

GENERAL DATA AND THE LEGAL FRAMEWORK

In Greece only the National Library of Greece (NLG) engages in e-lending, as part of the Greek public library system. The annual number of e-lending transactions at the National Library of Greece has been approximately 19,472 in 2021. In 2020, the number of e-lending transactions amounted to 23,919; 1,34% of the total number of lending transactions which amounted to 1.782,553 the same year (Hellenic Statistical Authority, ELSTAT).

The Greek National Library only caters for trade books in Greek. The greatest percentage of e-lending is realised through academic libraries (scientific publishing, mostly).

Category	Percentage
Fiction	72,90%
Social sciences	9,15%
Philosophy and psychology	7,25%
History and geography	5,58%
Technology	1,58%
General interest	1,33%
Arts	1,01%
Other	2,31%

There is no official agency that collects data on the subject of e-lending in Greece. The only way to find relevant statistics would be by contacting libraries individually.

Concerning e-lending, the only legal framework is the general law of contracts, in combination with the law on the protection of intellectual property 2121/1993. The National Library of Greece has designed and implemented the eReading Room Service, on the basis of negotiations undertaken with publishers.

In the case of academic libraries, part of their online collections is provided by Heal-Link which negotiates all the contracts on behalf of all Greek academic libraries. The rest of their online collections is negotiated directly between libraries and individual publishers or libraries and intermediates (such as EBSCO).

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

As e-books are purchased on an individual basis, the only e-lending platform is provided by the National Library of Greece: ereading.nlg.gr.

Lending is ensured for a period of 15 days with a renewal period of 15 more days (1 renewal for each e-book), up to 3 simultaneous downloads. As an average, that makes 36 e-book downloads yearly per user. Public libraries do not engage in e-lending, although their users would like to benefit from more variety and a bigger collection of e-books.

Since e-books are diffused exclusively through the e-reading room at the National Library of Greece, the publishers themselves are in charge of disseminating the royalties to the authors.

E-lending transactions are limited in time and in use. The e-lending model envisages a compensation to publishers based on the maximum amount of downloads in the first two years an e-book is made available for e-lending, irrespective of whether the book is actually used or not. After the first two years, publishers are compensated for the number of actual downloads.

In Greece, there are some 950 publishers and of these, only 120 publish e-books. Only 15 from the 120 publishers allow their e-books to be used in e-lending services (1.6%) – these are among the largest and most prolific publishers.

There is no consensus amongst Greek publishers on requirements. Each publisher sets their own rules. Some enforce embargos, some do not. We have seen a limit on the number of times that an e-book can be borrowed. For example, 100 downloads per year for each e-book. There are, however, no embargo provisions. DRM services are implemented either by the publishers (if they already have a DRM server) or by the contractor. The most common used is Adobe.

The National Library of Greece has been trying to trace any pirated copies, but so far there have been no incidents on record, to the point that e-lending is considered by libraries the best way to decrease piracy. However, most publishers in Greece disagree with this position and this is the main reason why they are reluctant to allow e-books to be lent. However, at least in Greece and as far as Greek books are concerned, there are no serious incidents of e-book piracy. Piracy (or fear of potential piracy practices) is a major impediment for authors and publishers to go digital.

E-books purchased are purchased individually and in bundles, the latter being the most common and the one copy - one user model is followed.

Only academic libraries are networked in a system (HEAL -link) which is active in university libraries.

Libraries are well aware that networking is a crucial asset for pooling resources and gain favourable rates. E-books do not enjoy extreme popularity in general, so even libraries tend to underestimate their worth.

There are no significant policies or measures taken to support the e-book diffusion. In fact the only attempt that has been made is by the NLG and the launch of the e-Reading Room.

E-book readership for Greek books is very low; in fact e-books represent only about 10% of print titles in circulation. NLG is the only library that offers Greek language e-book lending. The users are happy that such a service exists, but they would like a lot more variety in the titles they offer. E-books do not have wide diffusion among children and teen-agers.

6. E-LENDING IN ITALY

INTRODUCTION

This chapter is the result of two interviews given to Mr Giulio Blasi, CEO Horizon - a company in charge of e-lending transactions in Italy through their MLOL (Media Library Online) service oriented to public libraries and mediating between public libraries and publishers – and Mr Michele Corsello, librarian in Parma and MLOL coordinator for the Region Emilia (ca 4 M inhabitants, 7% of the Italian population). The interviews took place on 13 and 26 January 2022.

GENERAL DATA AND THE LEGAL FRAMEWORK

In Italy, it is not easy to collect data at national level, since the Italian Institute of Statistics has started collecting these data only recently. It is difficult, therefore, to build up historical series of data. Library policies are implemented at local level where “local” means either regional (as is the case of the Region Emilia-Romagna) or city level (as is the case of Milan, Rome, Turin, etc.). Thanks to the information provided by MLOL, Horizon Inc. (see below), it is possible to get data on e-lending on a national basis; MLOL claims to cover the totality of the book trade.

E-lending transactions in Italy (e-books)

E-lending transactions	2017	2018	2019	2020	2021
E-Books	466 791	653 087	784 257	1 609 182	1 474 013

According to the Italian Statistics Office, in 2019 the number of loans of physical books was 45 469 000.

It may also be interesting to focus on a single region - the Region Emilia-Romagna - where e-lending is a priority in library policy.

Data for the Emilia-Romagna region

E-lending product (percentage / e-lending offer)	Overall budget 2022: €378,000 + €50,000 (separate funding)	Unitary cost / individual loan	Number of loan transactions	Relation physical / digital lending
E-book (52%)	€187,000 + €50,000	0.90 (1 copy / 1-2 user(s) model); 1.60 (pay per loan model) 98% local access; 2% ILL	259,00	Parma: 89% physical; 11% digital Modena: 632,000 / 51,633 (92.5% / 7.5%)
E-newspapers (45%)	€161,000			
MLOL	€21,220 (fee and other services)			

Disparities from region to region and from city to city may produce anomalous data altering the meaningfulness of e-lending statistics. Small scale examples, like the provinces of Parma and Modena (ca 390,000 inhabitants, less than 1% of the Italian population) may be homogeneous and express a trend likely to be followed by other Italian cities and regions.

There is no legal framework for e-lending transactions in Italy; these are regulated through private arrangements made between library systems and publishers. Contacts with publishers are of an individual nature, although one big publishing group (like Mondadori, for instance) may cover up to 30 imprints and publishing brands.

The MLOL platform, set up by Horizon Inc., is specialised in the book trade, whereas other actors (for instance, Casalini Libri) operate in the Italian academic publishing business or (Il Mulino, for instance) have their own channels. MLOL mainly works with public libraries, whereas Casalini and Il Mulino operate in the Italian academic publishing segment. Global STM publishing is still another segment.

In regard to the CJEU decision on the one copy – one user model implemented in The Netherlands the impression is that CJEU has given legal status to e-lending, thus providing some kind of legitimacy to it; on the other, the one copy-one user model is not the only e-lending model. The risk is that a widespread application may freeze technological developments and provide an economic advantage to global platforms which are providing e-lending exclusively on the basis of this model. It can be a basic model but alternatives (flat rate, pay per loan, etc.) may even be more convenient for libraries.

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

There is no single model, but MLOL applies a variety of models. For instance, an ad hoc model has been found with GEDI (Italian publisher of La Repubblica, La Stampa, etc); still another with Il Sole 24 ore (Italian financial newspaper).

As a rule, two models are widely applied by MLOL:

- a) one copy-one user (and most generally, one copy-two users), with a cap limit of loans or windowing practice beyond which the copy has to be re-purchased; under this model, an additional archive copy is provided for local, and not remote, consultation;
- b) pay per loan, where the publisher applies a fixed price for each loan with no limitation; this model is particularly suitable for best-seller, which have a short life-cycle and therefore their e-lending cost is minimised. The pay per loan system is much appreciated by publishers because it guarantees a good balance between publishers' revenues and library usage.

The distribution of e-books, however, is broken down between two dominant actors:

Edigita (60% of the e.lending offer). It is a publishing platform gathering some 10 imprints (Feltrinelli, Mauri Spagnol, etc.) and individual publishers (e.g. Nave di Teseo), Their e-lending model is one copy-one (and two in several cases) user model, where the licence is acquired to buy 40 downloads (twenty in the local system, twenty for digital ILL). This model has advantages and disadvantages: it is costly because it imposes an ILL quota to the detriment of the consumption in the local library; it is advantageous because it has no 14-day ceiling and therefore is good for long-selling books (and not for the loan of best-sellers). According to Corsello's estimation the one copy- one (or two) user model has a unitary cost of cover price + €0,90 / loan.

Mondadori (also including Einaudi, Rizzoli, etc), 30% of the e-lending publishing offer. *Mondadori* offers both models: one copy - one (or two) user model and pay per loan.

Both distributors have a share of 90% of the e-lending publishing offer.

Another important group is *Giunti* (also a MLOL major stakeholder). The only model provided is pay per loan, with pay per loan unitary costs that are dependent on the publishing houses hosted by the *Giunti* distributor. According to Michele Corsello's estimation, the weighted cost for each loan is €1.64.

Under certain limitations, the most convenient e-lending model is the one copy-one (two) user because: 1) the unitary cost is lower and 2) it allows expenditure control (It has happened, for instance, that loans for one single bestseller in individual libraries absorbed in one week the budget allocated for 1 year).

MLOL makes a point in saying that there are very limited practices of embargo, windowing schemes, or other kinds of restrictions made by publishers to the e-lending of traded books in Italy. School books follow different practices (and also providers, they are not within the remit of MLOL).

Italian publishers do not apply overpricing in the 1 copy-1 user systems. The reason may also be that e-lending is still limited in Italy and therefore publishers do not see it as a threat to their sales in commercial channels.

DRMs are totally within the control of MLOL. DRMs are: Adobi the open source *READIUM LCP* (European Digital Reading *Lab*). MLOL works under a push frame: the publisher provides the file and MLOL manages the platform. It is the only way to ensure economies of scale.

There are piracy problems in Italy as there are all over the world, but the market ensured by MLOL is very much controlled.

THE ROLE OF LIBRARIES AND OF PUBLIC POWERS

While information produced by MLOL and Corsello concerns public libraries, it should be remembered that university libraries have licensing contracts with Italian publishers (e-books, e-newspapers, e-audio), such as *Il Sole 24 ore*, *Il Mulino/Carrocci*, *Giuffrè* etc. Similarly, the diffusion of non-Italian online published products in Italy is ensured by aggregators like EBSCO or ProQuest. It should also be remembered that access to scientific literature is dealt with directly by the Conference of Italian Rectors (CRUI). Moreover, university handbooks are not present in MLOL and the publisher only decides whether to have an online offer.

There is no common framework for e-book purchases. Libraries can participate either on a regional basis (for instance Region Emilia Romagna or Toscana), or on a municipal basis (Milano city, for instance). This creates an e-lending offer which may be underexploited, since local libraries may not fully use the offer that is made available by the central buyer (the library system).

There are no limitations in terms of use of e-books, unless those envisaged in the contract.

Consortia in Italy are created to deal with academic libraries; for the book trade negotiations are mediated by MLOL. Individual libraries refer to their networked systems, such as the regional library system (Emilia-Romagna, Toscana) or the city network system (Milano).

E-lending mechanisms implemented in academic libraries and in public libraries are of a totally different nature, since academic libraries negotiate through consortia with global publishers and public libraries resort to MLOL to cover their digital offer.

On the other hand, the amount of library expenditure spent for digital books cannot be compared with that spent by academic libraries. Libraries may be aware of the role of distributors as king-makers; some of them (Parma, Milan) have tried to convince individual authors to make available the rights of one book for free – what may be considered a form of freemium.

E-lending is not a policy undertaken by public powers to support the whole of the book trade; it is a market-driven need designed to cover the inter-relation between public libraries and, to some extent school libraries. Public libraries adapt their budgets and pay a fee to MLOL to subscribe the service. A different model is pursued in school libraries based on a fee of € 1/student and making available a collection of 70,000 books. There is also the possibility to use MLOL as an interlibrary system with a minimal fee of €250 per a package of 40,000 books and a cost of € 1,50 per loan.

Public powers helped libraries during the pandemic and results are quite visible with e-lending transactions growing by almost double in comparison with pre-pandemic transactions. E-lending costs can be assessed against the cost of library loans of the analogue (physical) book which can be estimated at €30 euro per loan. Arguments against e-lending value the fact that centralised policies may generate disaffection with local needs in terms of library policy. These arguments, however, are not of an economic nature, but should be assessed in terms of library governance and policy.

MLOL has no clue on how royalties are re-distributed by publishers among authors. This is totally within the remit of right holders; it can be said that literary agents tried to formalise contracts – unsuccessfully.

It can be estimated that the digital offer is 5% of the whole book trade in Italy, but the percentage of e-lending services is unknown.

USERS' PRACTICES

Librarians find it difficult to incorporate e-lending practices into the general offer of library services. They feel that the digital library is far from the current collection and somehow remote. In particular they feel that collection curation is developed elsewhere, and not by them. This is a strong disincentive in using digital collections as part of the services offered to the library community. In this respect, by strongly incentivising digital access, the Covid crisis has accelerated the leap forward. It has been assessed that e-lending transactions increased by 65-70% during the Covid crisis in the Parma province; this increase is sustainable and tends to persist also after the Covid crisis.

In spite of common opinions, e-lending is not for youngsters. The large majority are the 50-60 year old users, who use e-lending for practical purposes : reading while travelling, possibility of increasing text size, etc.

A major impediment has been the DRM Adobe configuration which requires technology literacy. When MLOL also made available the LCP Radium DRM technology, users found the app is easy to use and e-lending transactions increased remarkably.

Teenagers consider a printed book as part of their individual identity, while older users may consider e-lending as part of their territorial identity.

7. E-LENDING IN LATVIA

Information has been provided by Jurgis Ivans, Legal Adviser at the National Library of Latvia and EGIL Expert.

GENERAL DATA AND THE LEGAL FRAMEWORK

In Latvia, e-lending transactions are not many. Latvian publishers are against e-lending in libraries; e-books collected through the legal deposit channel are not accessible for e-lending purposes; in the National Library of Latvia e-books are accessible within its premises and on some devices; in many cases, publishers prohibited any access to them.

The National library and public libraries have access to some international databases, also including e-books, but access to them is restricted by clauses set in the contracts that have been signed (EBSCOeBook Academic Subscription Collection, eBook Public Library Collection).

There is however one Latvian database of e-books for public libraries (<https://www.3td.lv/>), where publishers have granted access to publications with fixed prices for each view (pay-per-loan model); public library users can get access to them through links to the publication, for a limited period of time, and can read them from a PC or a phone. This access is not supported by e-book reader).

No statistics are available for the lending of e-books. Those concerning <https://www.3td.lv/> show a number of 39,346 transactions regarding e-books in 2021. It is minimal if compared to the number of lending transactions of books in printed form, which, in 2021, were 5 394 208 in public libraries only. In the portal <https://www.3td.lv/> 39346 e-books are recorded. (These statistics do not include EBSCO and other databases, because terms and agreements are different from one library to another). Altogether, the percentage of e-lending in relation to general lending in public libraries is 0.007% only.

Statistics produced by the National Library are only available for public libraries. Schools, High schools and university libraries are independent, and do not report to the National Library of Latvia. In general, 90% of the resources stored in <https://www.3td.lv/> are fiction, or literature e-books. It can be said that publishers do not give access to e-books stored by libraries, but only to links.

Since e-lending is regulated by contracts stipulated between publishers and libraries, the legal framework can be found in the Legal Deposit law, approved in 2006, which also extends to e-publications, and the implementation of the 2019 European Directive on copyright in the Digital Single Market, approved in 2020.

Negotiations with publishers are carried out by the National Library of Latvia, the Ministry of Culture and the Centre of Cultural Information. Libraries only make available e-books for which publishers have granted access. It is not known where royalties to authors are distributed to authors.

In general, it can be said that publishers are afraid to see their e-books be pirated and this is the reason why they do not allow e-book downloads or their storage into libraries, but only a limited access to publishers' databases.

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

Libraries negotiate with publishers and international databases for e-lending; discriminatory prices, however, are not applied. Publishers themselves implement DRM services or these are done by the international contracted aggregator. They believe that this practice enhances security and avoids piracy, in spite of the fact that access to more e-books locally stored would not result in piracy cases.

THE ROLE OF LIBRARIES AND PUBLIC POWERS

Practically all public libraries have potential access to e-lending transactions either within the framework of the international database, with limited access, or to <https://www.3td.lv/>, on a pay-per-loan basis.

During the pandemic, the National Library of Latvia negotiated directly with a number of authors access to their works converted in digital format.

8. E-LENDING IN NORWAY

INTRODUCTION

In Norway, public libraries are owned and operated by the municipalities. The Public Library Act of 1985 stipulates that all municipalities must operate a public library with an offer addressing all people and age groups, covering all subject areas. Their purpose is to work for enlightenment, education and other cultural activities.

Therefore, acquisitions and other operating expenditure are born by public libraries. The state contributes indirectly to the daily operations of public libraries, through purchasing schemes for literature managed by the Norwegian Arts Council. Therefore, acquisitions and other operating expenditure are born by public libraries. The state contributes indirectly to the daily operations of public libraries, through purchasing schemes for literature managed by the Norwegian Arts Council. Arts Council Norway was established in 1965 to administer the Norwegian Cultural Fund. Today, it is in charge of a broad spectrum of administrative tasks and functions within the cultural field, including artists' grants, the Audio and Visual Fund and several other funding schemes.

These schemes ensure that all Norwegian public libraries receive one copy of published quality fiction for children and adults, a selection of translated literature and non-fiction titles for children and adults. Norwegian public libraries also received a number of quality music recordings (CDs), but this arrangement was ended in 2012, with no digital replacement.

In total, there are 647 public libraries (main and branch library units) in Norway (2020), manned by 1843 full year equivalent staff. Many of the libraries in smaller municipalities employ typically 1-2 staff. (Source: [Antall avdelinger og årsverk ved norske folkebibliotek - Medienorge - fakta om norske massemedier - statistikkmeny \(uib.no\)](https://uib.no/antall-avdelinger-og-arssverk-ved-norske-folkebibliotek-medienorge-fakta-om-norske-massemedier-statistikkmeny)).

In addition to municipal libraries, another layer is the County library – at regional level. County libraries provide guidance and assistance to public and school libraries within the county and advise local authorities and library owners about library orientations and directions.

There have been several pilot projects on lending e-books in Norwegian public libraries since 2011. At the start, the offer of e-books was minimal and the titles were chosen partly on procurement schemes established as cultural policy instrument, and partly based on the libraries' own market-driven procurement.

Pilot projects involved libraries, publishers and distributors. In 2016, the National Library proposed a model with a recommended scheme for purchasing and lending e-books in public libraries, consisting of a combination of license and pay-per loan models. This hybrid model came together with a similar scheme regarding the lending of digital audio books (e-audio-books).

As part of the work on development of the lending models for e-books and e-audio-books, the National Library of Norway asked a private consultant, Rambøll Management Consulting, to evaluate current e-media purchasing models. The evaluation involved county libraries, public libraries and the two largest content providers and concerned the recommended lending models currently used - agreements between suppliers and the county library / public libraries which are aggregated in consortia and deal with the selection of e-media and price negotiations. A consortium in this context is a voluntary association of public libraries that have chosen to collaborate instead of standing alone in their negotiations with the publishers.

The evaluation run by Rambøll Management Consulting was limited to the content, and not the technical platforms/apps. It consisted of two digital questionnaires, one for libraries/consortia and one to the public libraries, as well as in-depth interviews with the two largest content suppliers (Biblioteksentralen and Bokbasen). All 12 county libraries/consortia responded to the evaluation. 211 out of a total of 356 public libraries (60 %) responded to the evaluation in whole or in part. Both complete and incomplete responses were included in the database. Data collection took place in the timeframe 17 November-10 December 2021.

The main findings of the evaluation were:

- the models are too complex in that they have two components: license part and pay-per-loan option;
- the selection is too small, with demand much higher than supply;
- it is too expensive for libraries and considered to provide little value for money;
- negotiations between libraries and suppliers have so far taken place at county level. The county libraries prefer they are raised at national level. On the side of public libraries, 50% want to shift to the national level, while 50% are satisfied with the current county level;
- libraries want lower prices, more loans per license and a longer duration of what is procured.

+General data and the legal framework ([Statistikk for folkebibliotek - Statistikk \(bibliotekutvikling.no\)](https://statistikkforfolkebibliotek.no))

Year	Ebook loans	Audiobook Loans	Libraries overall media expenditure
2017	642.355	21.901	137 547 527 (€13 897 367)
2018	610.960	75.844	133 731 372 (€13 511 795)
2019	603 535	166.393	136 232 933 (€13 764 545)
2020	960.246	460.499	140 867 830 (€14 232 840)
2021			

Source: <https://bibliotekutvikling.no/statistikk/forside/statistikk-for-folkebibliotek/>

Loan / E-loan Statistics (2019)

	Number of inhabitants (in 1000)	loan / inhabitant	book loan / inhabitant	e-book loan / inhabitant	e-book loan in % of book loan	e-audiobook loan / inhabitant
Norway total	5328	2,80	2,29	0,11	3,9 %	0,03
>300 000 inhab	681	2,25	1,6	0,12	5,3 %	0,03
50-300 000 inhab	1551	2,88	1,86	0,13	4,5	0.04
30-50 000 inhab	633	2,65	1,54	0,11	4,2	0,02
5-10 000 inhab	623	3,03	1,89	0,09	3,0	0,02

The number of loans in public libraries has decreased in Norway, in total and per capita:

Year	Book Loans (available) (actually loaned)	Audiobook loans (physical)
2017	16 503 568	1 473 628
2018	16 679 145	1 248 104
2019	17 431 409 (12 204 952)	1 021 945
2020	14 157 399 (9 722 547)	571 176

2015: 4.4 loans / inhabitant, 3.25 book loans / inhabitant;
2005: 5.41 loans / inhabitant, 3.89 book loans / inhabitant.

Downloading of e-books sorted on adult and children's e-books in Public libraries 2015 - 2020:

	2015	2016	2017	2018	2019	2020
E-books for children	73 012	94 107	111 311	n.a.	76 203	217 817
E-books for adults	389 487	473 870	531 044	n.a.	527 332	742 429
E-books (Total)	462 499	567 977	642 355	n.a.	603 535	960 246

Sales of books also fell in parallel.
Number of copies sold (in 1000):

	2014	2015	2016	2017	2018	2019	2020
non-fiction for adults	4319	4120	3572	3175	2902	2721	2478
non-fiction for children	1102	858	716	755	599	770	742
fiction for adults	2271	2538	2381	2137	1944	1854	1658

The increase may be due to extra funds for public libraries as corona support in 2020. Compared with public libraries in Sweden and Denmark, public libraries in Norway have significantly poorer finances and frameworks for media purchasing. Book loans are clearly falling in Norway. E-book lending is increasing, but is only about 8,5 % of the total book lending. This share increased sharply from 2019 to 2020, up from 3.9 % to 8.5 %.

In public libraries, an average of 8,5% of the total lending is e-lending. For comparison 9% of the total media budget is spent on e-lending. This is a fairly good correlation between lending share and bidding share, which allows that libraries do not use disproportionately much money on e-media compared to other media.

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

E-lending is implemented through two national agencies – Bokbasen and Biblioteksentralen. Bokbasen was established in 2007 and is owned by the largest Norwegian publishers and the two largest bookstore chains. Biblioteksentralen is owned by the municipalities and has provided books, expertise and services to all the country's public libraries since 1952. Biblioteksentralen is a non-profit cooperative, where all profits go back to the development of services. Other suppliers are also present, when the offer of the two agencies is not satisfactory. A big role is also played by the National Library of Norway, which has tried to combine the two e-lending models – licenses + pay per loan – and supply e-books and audiobooks to public libraries.

Bokbasen is the main supplier of e-media for e-lending, although the preferred supplier for county libraries is Biblioteksentralen. Two out of three county libraries also buy e-media outside the main suppliers, since they wish to have access to a wider offer and choice of e-books.

Over half of the county libraries have changed main supplier during the period the model has been in use. The reason why they changed content supplier may be technical – a better platform was available - or because libraries wanted to experience competition between the two suppliers.

County libraries indicate that they use the model recommended [by the National Library] for e-media. For suppliers, however, the critical point is not whether libraries use the model or not, but to what extent they follow or deviate from the model. So far, the mainstream model is the combination license + pay-per-loan proposed by the National Library. There is no implementation of the "one copy/one user" model, although this model is on the wish-list of some public libraries.

THE ROLE OF LIBRARIES AND OF PUBLIC POWERS

Normally, small municipalities spend a small share of the media budget on e-media, while larger municipalities spend more. Moreover, there is no correlation between overall satisfaction with the models and the libraries' share of e-lending (over lending transactions) and the budget for e-media. In other words, libraries which practice e-lending in a higher proportion are not more satisfied than the others.

92% of county libraries are dissatisfied with both models since they consider they get little value for money, and less value for e-audio-books (72%) than for e-books (46%). The variation is wider when public libraries are asked to comment on licenses concerning constraints on acquisition and the selection of e-media. In general, the level of satisfaction is higher for e-books than for e-audio-books.

Cooperation between library consortia and suppliers works well. The vast majority of county libraries are satisfied with the cooperation with consortia.

Suppliers, too, are satisfied with cooperation with consortia, since consortia have a good understanding of the situation and the challenges of public libraries. They note, however, that the requirements of the tender competitions – which are numerous and quite detailed - make it challenging for them to develop good solutions efficiently. They report that the consortia see themselves as uniform and similar, but that in the reality both needs, organisational structures and the ways they communicate differ; this requires great flexibility and a high level of adaptation, which raises the cost of developments.

All county libraries (working at regional level) prefer a national level of negotiation for the acquisition of media. Among public libraries at municipal level, about half prefer a national level, while

approximately as many prefer the county level, as is the case now. The bigger the municipality, the greater the preference for negotiations at national level. In general, county libraries believe to a greater extent than municipal libraries that both license and pay-per loan models work satisfactorily with fictional e-books.

Municipal and county libraries on the one hand, and suppliers on the other, agree that today's models for the purchase of e-media have great potential for improvement. Both public libraries and county libraries think the model for e-audio-books works less well than the model for e-books. In general, libraries in smaller municipalities think that the current models work well, whereas libraries in larger municipalities would like to see different models.

There are three main factors that explain why many people dislike the current models:

- a) Complexity – the practice of having two models (license and pay-per-loan) creates unpredictability for libraries with the result that librarians' time is often consumed to understand which model works better and how they have to implement it;
- b) Selection/diversity - for both media (e-books and e-audio-books), the demand is much greater than the supply, with the result that libraries are frustrated as they cannot offer more titles and more copies;
- c) Price - For both media, but especially for e-audio-books, libraries clearly point out that it is too expensive and offers little value for money.

In conclusion, almost all county libraries (regional level) believe that the e-library purchasing model offers little value for money, and three out of four think the same for e-books. In public libraries at municipal level there is more diversity, but the conclusion is the same; three out of four think the model for e-audio-books offers little value for money, while for e-books the proportion is 50%. Public libraries in the larger municipalities are more satisfied than libraries in smaller municipalities, but the latter are also more represented in acquisition committees.

USERS' PRACTICES

The investigation reports about dissatisfaction with the current models and proposals for change have been put forward both by libraries and suppliers.

1. Criticalities from the perspective of libraries

What follows is what libraries consider criticalities in e-lending in Norway.

- The ideal would be an offer of several models: models for more long term use of e-books, and models for quick use, including different business models, so that e-media having a long life-cycle may be more expensive than those having a shorter life-cycle.
- Choosing between different models would give libraries the opportunity to build a collection that best fits the needs of the public and is also more predictable;
- Library audiences can tolerate waiting lists, but there should be predictability in the selection, so that the user has clear messages in relation to the availability of titles.

Other proposals include:

- A delivery obligation - everything that is published digitally should be made available digitally, with the possibility of schemes making the ownership of titles possible for libraries, instead of renting titles;
- Offers that allow for one-year loans + the possibility of pay-per-loan model, as an alternative to the annual license or the 10-loan licence (a licence allowing 10 loans as a maximum).

- Better management of the economics behind the e-lending business so that borrowers experience a wider choice, as well as versatility of, and accessibility to, the e-collection;
- An alternative would be to increase the number of loans allowed per package to 50 loans (instead of 10);
- increase the number of e-books financed by KF (The Funds of the Arts Council, Norway) and keep the rule allowing reading of at least 10% of the total number of pages before invoicing;
- A lending model similar to that of Libby/Overdrive, where you buy a license on a work that you then own, and can lend it to one user at a time, as many times as you wish; this would provide a stable offer for the borrowers, and on the acquisition side, buyers would get titles once and for ever, and not at any time they wish to loan, as it is the case today;
- Increase the number of possible loans per library with not so many varying prices, and an equal price for new titles;
- The e-lending model should reflect the current book trade to a greater extent, so that the same regulations for physical and digital media would make it easier to manage and build up collections ("When we buy a paper book, it lasts until it is torn into pieces and then it is discarded – as an average, 20-40 times; e-books cost as much as a paper book but "lasts" for only 10 loans, it doesn't work");
- The model does not stimulate publishers to make e-books available for lending in libraries;
- It should be possible to buy copies for a few years at a time (copy model for lending);
- for financial reasons, the pay-per-loan option has been removed on parts of the collection;
- publishers use different models, some publishers offer the entire selection on pay-per loan, while the selection of others is offered in packages. The price of e-books does not reflect the fact that publishers do not have to bear the costs for production, storage and distribution;
- it is difficult to build up a predictable offer to the public when licences with a limited number of loans are used so quickly.

In relation to e-audio-books libraries experience many criticalities: the following proposals were made:

- The introduction of the rule of 10% has been a great improvement. This rule states that at least 10 % of the e-audio-book is listened to before it is considered a loan for which it is to be paid. A further improvement to the e-audio-book acquisition would be to implement rules normally applied for the e-book model, where the 10% rule is combined with package purchases, and any products older than 2 years is available on a pay-per-loan scheme;
- The price per loan must go down. New e-audio books are no longer available in libraries. The digital services will in the near future be the only place where patrons can access audio books for free. This is important for children/young people and the elderly. Keywords are: better access, predictability in the offer and more loans per purchased title;
- e-audio-books should be included in the list of purchased works financed by the K-Fund (Art Council);
- Several public libraries want a "one copy/one user" model, so that it buys a copy that lasts "forever", but is not lent to more than one user per time. This may well be more expensive than physical copies which would have a natural wear and tear lifespan;
- Some public libraries want to return to the way things were. At that time, licenses that were purchased lasted for a longer period;
- Mechanisms that ensure greater predictability for libraries and borrowers, even if it means longer waiting lists for borrowers. Borrowers understand waiting lists. Borrowers all over the country should have the same offer on e-media. There is no reason that the offer should be different from library to library when the products are digital.

2. Criticalities from the perspective of suppliers

On the side of suppliers, there are positive and negative aspects in the current e-lending system in Norway.

What is positive is that it allows for local ownership and local involvement in libraries. It also allows for competition in the market and puts pressure on suppliers, which is positive for development in the long term.

Many of the consortia have set requirements to adapt to local needs, but this is expensive to develop and raises the entry barrier for newcomers while lowering the number of potential suppliers, in spite of theoretical competition.

Suppliers, too, see complexity in current e-lending systems in Norway as the main criticality. E-lending models are difficult to understand both for libraries and patrons, and libraries spend a lot of resources and time in learning, interacting, and navigating into platforms.

There is a widespread perception that publishers have a disproportionate fear of cannibalisation between the library market and the commercial market. In addition, there is a perception that publishers have a lack of understanding that library and municipalities have poor finances.

These are the proposals for enhancement made by suppliers:

- A common model for the two e-media (books and audiobooks), and in addition, an integrated system rather than a two-option system (license + pay-per-loan); this would contribute to predictability which helps suppliers to save money on development and on customisation;
- Mechanisms that ensure a greater degree of predictability, both for suppliers and libraries;
- Lower prices for e-books.

9. E-LENDING IN ROMANIA

Information on e-lending in Romania has been provided by Ms Olimpia Bratu, EGIL Expert

GENERAL DATA AND THE LEGAL FRAMEWORK

No national e-lending policy has been established, publishers have only started producing e-books in the past few years, mainly for sale. In Romania, public libraries do not offer e-lending services. There are e-book access services through cloud library systems, but lending and access policies are not set by libraries.

Since e-lending is not practiced, there is neither general data available nor a regulated framework for e-lending. No entity is collecting any form of royalty so far. E-lending regulation is not on the public agenda, and the e-books market is underdeveloped. Publishers offering digital products have their own DRM systems, which they manage (Adobe DRM is generally used). There are DRM policies in public libraries, through the Integrated Library Systems used by them in terms of access to digital objects managed through online catalogues.

Law 291/2021 reduces the VAT rate to 5% for “the delivery of textbooks, books, newspapers and magazines, on physical and / or electronic means, except for those that have, in whole or in part, video content or audio and music content exclusively or primarily for advertising purposes.”

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

Applying a unique filter that establishes access to only one type of work, those in the public domain, would certainly improve the situation not only in public libraries but in the progress of digitisation in Romania.

The real problem for publishers and authors in becoming digital is related to the language in which books are put into circulation - in Romanian. Although there is a market for e-books in Romanian offered by publishers, it is not as diverse as that of printed products.

Romanian libraries do not purchase e-books. There are several public libraries that offer access to book clouds, but that doesn't mean they can effectively cover the real information and documentation needs of the community. Moreover, it is difficult to associate in consortia, according to Romanian legislation.

In public libraries we cannot talk about e-lending due to the lack of regulation of this service. In the case of university libraries there are consortia for access to electronic resources for the use of students and teachers (Anelis Plus). In order to establish common principles, standardise practices, university libraries through the Anelis Plus service can negotiate electronic publication packages with a real financial advantage. Its implementation in public libraries can be a beneficial experience for both parties, in the sense that libraries would also provide information about the genres / titles / authors searched by users.

Publishing policies can be influenced by the need for profit, and this can lead to the restriction of the diversity of publishing products. The costs of developing digital products could be prohibitive for small, niche publishers - they can disappear from the market.

Through public libraries, users consult traditional books and digital books in the public domain. The need for financing specifically for the purchase of electronic documents and electronic equipment / software required for the provision of electronic lending services.

10. E-LENDING IN SPAIN

INTRODUCTION

Spain has a system of 3.697 public libraries distributed in different public administrations, with different coordination agencies. First, the Ministry of Culture and the 53 state-owned libraries (normally one for each administrative province). Then, the 17 regions (autonomous communities, in Spanish terminology) may have their own library coordination systems. Finally, the municipalities are the main managers for the majority of the 3.697 public libraries (2019), including small, middle and large libraries. Spanish laws makes public libraries mandatory for cities with populations over 5.000 citizens (3.000 in Catalonia), and public library services (as mobile libraries) for the rest of the country. In practice, there are important differences in the territorial implementation of public libraries for historical and political reasons (10,20€ average investment for inhabitant in 2018; with a wide range, from 16,42€ in Catalonia to 5,78€ in Canary Islands).

Information was provided by Ms. Alicia Sellés (FESABID, Spanish Federation of Associations of Librarians and Archivists), Ms. Clara Ortega (Ministry of Culture and Sports. Directorate-General of Books and Promotion of Reading. SDG Librarian Cooperation), Ms. Asunción Cuadrado (Ministry of Culture and Sports. Directorate-General of Books and Promotion of Reading. SDG Librarian Cooperation) , Ms. Elena Sánchez Muñoz (Galician Ministry of Culture, Education and Universities. Service of Librarian System), Mr. Ciro Lluca (EGIL, Expert Group on Information Law).

GENERAL DATA AND THE LEGAL FRAMEWORK

Country: Spain (2020)

Number transactions: 3.746.853 (only public libraries)

Turnover: 1,5 M€

Coverage: 33.265 items (31.326 ebooks + 1.628 audiobooks + 83 journals + 52 newspapers + 176 other)

Users: 257.315 (loans for 1.000 citizen: 82,83)

Year / number e- loans	2018	2019	2020	2021
Public libraries	1,029,232	1,711,330	3,746,853	2.078.978 (loans in Catalonia –ca 1M were not provided)
E-lending in PLs (percentage)		3,8%	Growing	Growing (statistics not available)

E-loans in public libraries (except Basque region):

Region	2020	2021
Andalucía	296.802	180.561
Aragón	74.893	54.549
Canarias	105.310	92.128
Cantabria	51.327	69.088

Castilla y León	247.851	265.439
Castilla-La Mancha	111.209	62.521
Cataluña	947.438	Not provided
Ceuta	1.205	775
C de Madrid	1.115.102	782.730
CF Navarra	47.856	20.506
C Valenciana	142.828	85.593
Extremadura	105.203	77.473
Galicia	151.851	118.415
Illes Balears	47.056	28.118
La Rioja	88.929	80.578
Melilla	403	284
Principado de Asturias	45.602	29.553
Región de Murcia	192.661	147.469
TOTAL	3.746.853	2.078.978

Suppliers of digital lending are not sharing this data, because technical limits and also, perhaps, commercial strategy.

Some other reports:

(https://www.bookwire.de/fileadmin/customer/documents/Whitepapers/Informe_Bookwire_Dosdoce_Evolucion_Digital_2021.pdf) could be useful to improve data collecting.

There are two possible forms of e-lending: digital lending of native e-books and digital lending of books digitalized in librarian holdings. The legal framework is therefore different. The first is mainly regulated by contractual agreements, while the second is regulated by the Spanish Copyright law and its limitations and exception (<https://www.boe.es/buscar/act.php?id=BOE-A-1996-8930>).

There are no intermediate actors negotiating the e-lending of digital publications, but arrangements are made with regional agencies and the national public administrations. The largest project in Spain is eBiblio (national public administration + all regions, except Catalonia and Basque country). Regional projects are present in Catalonia (eBiblioCat), the Basque Country (Liburutegia), and “Galicia Lee” (Galicia, only for books in Galician). Other minor experiences are also enacted, thanks to the support provided by public administrations. No data is provided by university and academic libraries or school libraries.

The entity collecting royalties on the basis of e-lending is CEDRO (Centro Español de Derechos Reprográficos (CEDRO), a non-profit organisation collecting royalties for authors and publishers, whatever its format. Libraries exert very little influence on the policy of CEDRO.

A better legal framework is needed for the lending of non-native e-books (i.e. books digitised by libraries (CDL, Controlled Digital Lending) that are digitised from librarian holdings (also within the framework of the law case 174-15 of the Court of Justice of the European Union C174/15 Vereniging Openbare Bibliotheken vs Stichting Leenrecht). Controlled Digital lending is hard to implement in Spanish libraries, for instance in relation to the IFLA manifesto for CDL: https://www.ifla.org/wp-content/uploads/2019/05/assets/clm/statements/ifla_position_-_es_-_prestamo_digital_controlado.pdf.

The decision taken by the Court of Justice, however, does not concern published e-books or e-books stored on platforms, for which libraries must sign agreements with providers. A better framework should be needed since negotiations with publishers undertaken by consortia and national / regional administrations are not easy. For native e-books, there is mistrust between publishers and libraries, even when supported by public administration and mechanisms are not easy to implement. The CMO system is not responding to the library demand and Spanish libraries do not often have budget to pay for royalties. At the same time, the private sector is setting in place platforms providing e-lending together with licences to use e-publications and, through agreements and license package, they are improving the system.

INTERACTION BETWEEN AUTHORS/PUBLISHERS/LIBRARIES

Libraries and e-publishers interact mainly through individual agreements and licenses. Direct acquisitions are also possible where a publisher makes An agreement with a local library for school publications or with an academic library for technical text books and publications. These agreements often provide for windowing practices in time where access to digital collections is restricted.

In addition, epub/mobi/pdf have different prices whether they are accessed by individual buyers or by a library and/or an institutional buyer. Normally, the latter pay a higher price. Purchases to public administrations entail DRM system which are normally controlled by private vendors within a licensing framework. Exchange of content between reading/access platforms is limited since they have different DRM systems and this is a form to control and decrease piracy practices.

THE ROLE OF LIBRARIES AND OF PUBLIC POWERS

Libraries acquire e-books on an individual basis or through platforms. Access to e-publications is restricted both in time and in terms of usage (downloads are not permitted, publications are not printable and can be accessed only through the private DRM system).

ON the other hand, public libraries have been so far unable to set up consortia to negotiate with publishers; consortia are in existence only in university/academic libraries, which have a more advanced level of management of e-lending transactions. The main difference lies in the audiences reached by the digital offer of publications: a close and well identified community of students, lecturers and staff in in academic libraries; open to all citizens in public libraries.

Consortia are only present within the university library system and this does not facilitate the development of e-lending. Exchange of information and negotiations based on economies of scale are could certainly facilitate the development of e-lending practices in libraries, the modernisation of the library system and a wider diffusion of e-reading. Even more so, that the central administration invests a large amount of money in the acquisition of e-books, not only through libraries, but also through marketing campaigns at national, regional and local level. For instance, a national website supported by the Spanish Ministry of Culture provides access to e-lending in the public library system of the 17 comunidades autónomas (the Spanish regional administrations).

<https://www.culturaydeporte.gob.es/cultura/areas/bibliotecas/mc/eBiblio/inicio.html>

11. APPENDIX. EBLIDA QUESTIONNAIRE ON E-LENDING IN EUROPE

Elements for a survey on e-lending within the book economy framework

General data and the legal framework

What is the number of e-lending transactions in your countries?

In percentage, what does e-lending represent in relation to the overall number of lending transactions?

Could you break down e-lending transactions by library category (academic, public, school)?

Could you break down e-lending transactions on a regional basis?

Could you break down e-lending transactions by subject category?

What are the main difficulties / assets in collecting data about e-lending in your country?

Which legal act / contractual agreement regulates e-lending in your country?

How is e-lending implemented (through intermediate actors negotiating on behalf of libraries, a national agency, individual arrangements made by individual library or library system)?

Which is the institutional or private entity in charge of collecting e-lending royalties on behalf of libraries? Do libraries play a role in its governance?

Are local practices consistent with the law case 174-15 of the Court of Justice of the EU?

What are the main difficulties / assets in setting up a legal framework on e-lending in your country?

Interaction between authors/publishers/libraries

What is the business model underlying e-lending practices in your country?

What is the percentage of publishers distributing digital publications for e-lending purposes?

What are the requirements set by publishers (e.g. embargos)?

Do publishers apply discriminatory prices to libraries in relation to individual buyers?

How are DRM devices implemented and who is dealing with them?

What are the main critical points in such interaction?

How is the level of piracy assessed and through which criteria has this level been assessed?

Would you consider that e-lending is a way to control (or to increase) piracy in the info-sphere?

Is piracy (or fear of potential piracy practices) a major impediment for authors and publishers to go digital?

The role of libraries and public powers

How are e-books purchased (individual e-books, purchase of collections' bouquets, etc.)?

What kind of limitations are set to e-book usage in libraries?

Do public libraries aggregate themselves in consortia when they negotiate with authors / publishers / collecting societies?

How would you describe, and compare, e-lending mechanisms implemented in academic libraries and in public libraries?

Are there mediators assisting libraries in their negotiations with publishers (such as Onleihe in Germany, PNB in France, or MLOL in Italy)?

Are libraries aware that networking is a crucial asset for negotiations with publishers? Why?

Are libraries aware that, if the content is king, the role of distributors of e-books is that of king-makers?

Is e-lending a well-recognised measure supporting the book field?

What other accompanying measures are taken by public powers to support the e-book diffusion and reading policies? Could you categorise them?

To what extent are professional organisations and involved actors happy about e-lending mechanisms?

What is the annual amount of money / year levied for e-lending services in libraries?

How is this money re-distributed among right holders?

In percentage, what is the percentage of e-lending services in relation to the annual publishing turnover?

Is it possible to quantify e-lending royalties as a percentage to the average remuneration of authors?

What is equal / unequal about redistributive mechanisms?

Users' practices

Are library users happy about e-lending services?

Are they consulting traditional books and e-books regardless of their formats ?

Are official statistics about e-lending consultations available?

How large is the e-book diffusion among children and teen-agers?

Are users also provided with e-book readers, when the case?

Other

Is there any issue regarding e-lending in your country or specific organisation that hasn't been addressed in this questionnaire? If so, these issues are :