

General Law of Libraries in Mexico

Article By:

Luis C. Schmidt

On June 1, 2021, the General Law of Libraries was published in the Official Gazette of the Federation, which aims the following:

- Form the bases of coordination of the Federal Governments, of the federative entities, the municipalities and mayors of Mexico City in the matter of public libraries;
- Define the policies for the establishment, maintenance, and organization of public libraries;
- Define the basic norms of operation of the National Network of Public Libraries;
- Propose the guidelines for the integration of the National Library System;
- Promote the formation of libraries by the social and private sectors;
- Encourage and guarantee the conservation of the documentary, bibliographic, hemerographic, auditory, visual, audiovisual, digital heritage and, in general, any other medium that contains related information, establishing instruments for cultural dissemination, the consolidation of community memory and educational progress, and
- Regulate the terms of the Legal Deposit.

This last point, referring to the Legal Deposit of Publications, is specified in article 33, establishing that:

- The compilation, integration, storage, custody, and conservation of any work with educational, cultural, scientific, technical, or entertainment content, distributed for commercialization or free of charge, in printed or electronic, analog, or digital formats is declared of public interest, in the national territory. The set of works collected constitutes the Legal Deposit.

Similarly, following the provisions of article 34, the works referred to above maybe, but not limited to, the following:

-
- Books, periodicals, catalogs, brochures, and worksheets;
 - Periodical publications such as newspapers, yearbooks, magazines, and reports;
 - Cartographic material such as maps and plans, navigation, aeronautical or celestial charts;
 - Scores;
 - Phonograms, records, and tapes;
 - Audiovisual works, microfilms, slides, and photographs;
 - Graphic material, posters, and diagrams, and
 - Any other that is considered relevant to document the memory of knowledge in the national territory.

Publications and documents referred to in the General Archives Law will not be subject to Legal Deposit.

The Legal Deposits may be made to any of the recognized Depository Institutions under the General Law of Libraries, which are:

- The Library of Mexico;
- The Library of Congress of the Union, and
- The National Library of Mexico.

Article 19 establishes that the publishing houses of the country may deduct taxes through the donations that they make in kind to the General Directorate in terms of the provisions of articles 27, section I, subsection a), and 151, section III, subsection a) of the Income Tax Law; and 131 of its Regulations, as long as the donations made are valued, appropriate, and accepted by the Secretariat.

Article 28 establishes that an Advisory Council, to be made up of representatives of the library systems and libraries whose collections constitute a bibliographic heritage of great relevance for the country, along with representatives of the publishing sector, and specialists in library science and librarianship, which will operate based on a statute approved by its members. The head of the Ministry of Culture will preside over the Council and may be substituted by the head of the General Directorate.

Article 23 establishes that the National Library System is a collaborative network, made up of school, public, specialized libraries, and any other that voluntarily joins, including libraries of individuals or legal entities of the social and private sectors.

The General Law of Libraries states, in its article 37, that all publishers and producers of the works specified by articles 33 and 34 of this Law must deliver copies of all their editions and productions, in

accordance with the following:

Two copies to the Library of Mexico, two copies to the Library of Congress of the Union, and two copies to the National Library of Mexico. In the case of works published in electronic, analog, or digital formats, a single copy per institution will be delivered with the complementary materials that allow their consultation and preservation.

Article 38 establishes that each of the Legal Deposit repositories will establish its policies for storage, custody, conservation, and public consultation, based on the applicable provisions.

For its part, article 39 establishes that the materials referred to in article 37 shall be delivered within sixty calendar days following the date of their edition or production, with the exception of periodical publications that must be delivered as soon as they are put into circulation.

In accordance with article 40, it is provided that the institutions receiving the Legal Deposit must:

- Accept the materials object of Legal Deposit;
- Issue to the publisher or producer proof that the materials have been received, which will contain the basic data that allow the fiscal identification of the publisher or producer;
- Establish the measures that are necessary for the proper organization of the materials received, the provision of library services, and public consultation;
- Verify that the publishers comply with their obligations regarding the Legal Deposit, and
- Publish and report annually the statistics of the materials received.

In addition to the above, Article 41 refers to the fact that, in the case of materials other than bibliographic materials delivered to the Library of Mexico, the General Directorate may allocate them to specialized institutions for their conservation and use, such as the Music Library. Nacional and the Cineteca Nacional.

Following, article 42 includes that the National Institute of Copyright of the Ministry of Culture sends automated monthly reports to the institutions receiving the Legal Deposit, with a list of the publications which were assigned an International Standard Book Number (ISBN) or the International Standard Number of Periodical Publications (ISSN), in order to facilitate the verification of compliance with the obligation set forth in this Law.

Article 43 establishes that editors and producers in the country, who do not comply with the obligation set forth in article 39 of this Law, will be subject to a fine equivalent to fifty times the sale price to the public of the materials not delivered. The assessment of the fine does not excuse the offender from complying with the delivery of the materials.

Article 44 establishes that the Ministry of Finance and Public Credit are to enforce the corresponding administrative sanctions in accordance with the applicable legal provisions, and the amount collected for fines will be integrated into a fund to strengthen the purposes of the Legal deposit.

In the transitory articles of the law, it is established that:

- This Law shall enter into force the day following its publication in the Official Gazette of the Federation.
- The General Law of Libraries published in the Official Gazette of the Federation on January 21, 1988, is abrogated.
- The existing Decree on the obligation of publishers and producers of bibliographic and documentary materials to deliver copies of their works to the National Library and the Library of Congress of the Union, published in the Official Gazette of the Federation on February 23, is abrogated. July 1991.
- The expenditures that arise out of the entry into force of this Decree subject of the reform will correspond to the competent agencies and entities responsible for compliance and shall be included in their approved budgets for the corresponding fiscal year.

Therefore, an “Amparo Indirecto” (a special proceeding seeking Federal Protection in Mexico) can be filed against the obligations contemplated by the new General Law of Libraries related to legal deposit. Following the provisions of article 17 of the Amparo Law, as it is a self-applicable general rule, there are 30 days, counted from the day after its entry into force, to present said claim before the corresponding Courts.

© 2005-2025 OLIVARES Y COMPAÑIA S.C.

National Law Review, Volume XI, Number 180

Source URL: <https://natlawreview.com/article/general-law-libraries-mexico>