

LEX NAVARRA

REGIONAL LAW 1/2019 OF 15 JANUARY, ON THE CULTURAL RIGHTS OF NAVARRA

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Preamble

I

Article 27 of the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on 10 December 1948, establishes that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits; and that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author. Subsequently, article 15 of the International Covenant on Economic, Social and Cultural Rights, of 1966, establishes that States Parties recognise the right of everyone to these same rights, while also indicating states' commitment to take the required steps to ensure these rights.

Several international texts and documents also allude to this matter, among which the following examples may be highlighted: the Universal Declaration on Cultural Diversity, adopted by the UNESCO General Conference on 2 November 2001; General Comment number 21, article 15.1, a) of the aforementioned International Covenant (the right of everyone to take part in cultural life), formulated by the Committee on Economic, Social and Cultural Rights in 2009; the periodical and thematic rapports of the Special Rapporteur in the field of cultural rights from 2010 onward; or, turning toward a legally established text, the UNESCO Convention on the protection and promotion of the diversity of cultural expressions, adopted in Paris on 20 October 2005 and ratified by the King of Spain on 18 December 2006.

The initiatives and works of the Parliamentary Assembly of the Council of Europe on the right to take part in cultural life ought to be mentioned, in addition to others regarding concrete aspects, such as the protection of tangible and intangible cultural heritage. All of these sources constitute a conceptual framework of indisputable weight. However, a legally established framework is required internally as many of these sources are not legally binding.

II

Article 44.1 of the Spanish Constitution of 1978 establishes that the public authorities must promote and oversee access to culture, which is the right of everyone. The need for legislators to define the content of that right is obvious. In laws of state origin as well as those of the Autonomous Community of Navarre, there are sectoral provisions that contribute to outline such content with respect to several cultural spheres, such as tangible and intangible heritage, museums, archives and libraries.

However, a legal framework for cultural rights is needed that, beyond providing essential attention to the sectors in which such rights are fulfilled, offers an overall, clear, precise framework for such rights, organised around the principal ideas that are clearly honed in the aforementioned international texts. Namely, those of universality and recognition of cultural diversity, and everyone's freedom to choose their cultural identity and to decide whether to take part in cultural life and to do so in the way they wish. Universality, diversity, and liberty are, indeed, the values that form the backbone of cultural rights, which should be no surprise if we consider that, just like all other rights regardless of their adjective, they are connected to all persons' dignity. Owing to this, cultural diversity cannot be used as an excuse to justify practices or activities that are incompatible with respect for human rights and, ipso facto, represent an act of aggression towards people's dignity.

Since cultural rights are fully fledged rights, the obligations of public authorities with respect to these rights are the same as relates to all others: to respect, protect and fulfil and promote their effective enjoyment. This necessarily requires their content to be defined. In a democratic society, this task must be attributed mainly to the representatives of the citizenry—in other words, to parliaments—notwithstanding that judges and courts, in the exercise of their jurisdictional functions, may provide specifications or establish interpretations as the case may be.

III

Such are the premises upon which the present Regional Law on the Cultural Rights of Navarre bases itself that, with the jurisdictional support provided for in article 44.8 of Organic Law 13/1982 of 10 August, on the Reintegration and Enhancement of the Foral Regime of Navarre, this new law emerges with the aim of ensuring and promoting the cultural rights of civil society in the Autonomous Community of Navarre via the development of cultural policies that advocate for the value of culture as a common good and the rights to have access to culture and to take part in cultural life as pillars upon which to build a more equal and democratic society.

The Navarre community has a rich and plural identity, a history rooted in its unique models of governance, owing to which culture provides a sense of belonging, encourages critical thought, improves sustainability, influences the establishment of its territorial structures, and contributes to enhancing integration, transformation and dynamism within society, in addition to constituting an important factor for job creation and economic development.

Thus, this regional law entails a transition from the right to culture to cultural rights. It facilitates their enjoyment as human rights, universal access to culture and to artistic creations, taking part in cultural life, stimulating creative capacity, protecting artistic expressions, and protecting and recognising the function of those working in the cultural sector and of entrepreneurs in cultural and creative industries.

IV

The present regional law is structured in six sections, one additional provision, two transitional provisions, one law-repealing provision and five final provisions.

Section I contains the general provisions and sets out the purpose, principles and scope of application of the regional law. Moreover, it outlines the cultural rights and mandates the public authorities of the Autonomous Community of Navarre to ensure the full and free exercise thereof.

Section II regulates the right of access to culture and participation in cultural life. The authorities of the state must undertake to ensure those rights, promoting conditions and adopting the necessary measures in order for those rights to be enjoyed in a way that provides equal effectiveness, ensuring the inclusion of vulnerable persons and groups, of persons with disabilities, and equality between men and women.

In relation to access to culture, beyond physical access to cultural centres, museums, archives, libraries, theatres, auditoriums, cultural heritage sites and, in general, all cultural facilities, virtual access is also considered through information technologies and cultural mediation.

Access to Cultural Heritage Sites of Navarre are regulated specifically, establishing the obligation to allow public visitation, mentioned in Regional Law 14/2005, of 22 November, on the Cultural Heritage of Navarre; access to and the promotion of Intangible Heritage; access to Documentary Heritage, to museums and permanent museum collections and to books and libraries.

Regarding the field of film and audiovisual, the functions of the Navarre Film Library are notably regulated, which is overseen by the competent service as relates to culture.

Within section II, there are also provisions on the performing arts, music, the cultural and creative ecosystem, and cultural facilities.

Finally, the right of everyone is recognised, as individuals or collectively, to take part in cultural life and in important decision-making processes related to public policies in the cultural sector, in the regulatory framework pertaining to transparency, to have access to public information and to open government; all of the above without prejudice to the provisions of other regulations that set out or include participatory instruments.

Section III focuses on artistic and literary creation and scientific research. Firstly, chapter I addresses the freedom to create and to undertake research. Secondly, chapter II covers activities related to promotion and dissemination by the public administrations in the aforementioned fields.

Section IV regulates the responsibility of the public administrations as relates to culture, the activities of which must comply with the regulatory framework for transparency in public works.

Furthermore, with the aim of ensuring the professionalisation of workers in the cultural sector, a series of proceedings are established that must be undertaken by the competent service as relates to culture.

In reference to the public administration of the Regional Government, the competent service as relates to culture is attributed the necessary powers to ensure the protection and expansion of cultural heritage, access to culture by civil society and to boost and promote artistic creation and dissemination, as well as to ensure the effectiveness of the rights recognised in the present regional law, and the fulfilment thereof, without prejudice to the competency of the Government of Navarre and of the coordination with the other Departments of the Administration of the Autonomous Community.

To that end, a series of proceedings, measures and programs are established that the competent service as relates to culture must undertake to develop in order to comply with the ends and objectives of the regional law, and for the effective recognition and enjoyment of the rights and principles that it embodies.

Regarding municipalities, which in accordance with the basic legislation as relates to local government, have the competence, as set forth in the terms of the legislation set out by the relevant State or Autonomous Community, for the promotion of culture and cultural facilities in their own jurisdiction, the regional law mandates municipalities to disseminate and showcase their cultural heritage, without prejudice to their cooperation with the competent service in this matter, for their protection, expansion and transmission.

In particular, municipalities shall undertake to disseminate and promote intangible cultural heritage, seeking to provide historical, cultural and territorial context for the diverse expressions of the traditional and popular cultures of Navarre.

The cultural services that municipalities, among others, shall promote in the exercise of their powers—on their own or through regional entities—are outlined.

Section V sets forth the establishment of the Navarre Council for Culture and the Arts as the consultative and advisory entity to the public administration of the Autonomous Community in matters related to culture; the functions of the Council are outlined as well as its composition, which by regulation must develop in unison with its organisation and its operations.

The Navarre Council for Culture and the Arts is the successor to the Navarre Cultural Council, owing to which the exclusive repealing provision establishes, in particular, the repeal of article 10 of Regional Law 14/2005, of 22 November, on the Cultural Heritage of Navarre, through which the latter was legally established.

The first transitional provision establishes that the references to the Navarre Cultural Council contained in the legislative framework are to be understood as the Navarre Council for Culture and the Arts, and that when this regional law enters into force, the Navarre Council for Culture and the Arts will be composed of the current members of the Navarre Cultural Council.

When the mandate of the current members has lapsed, as per the established in the applicable regulations regarding its composition, organisation and operations of the Navarre Cultural Council, the members of the Navarre Council for Culture and the Arts will be designated in accordance with the provisions set forth in this regional law.

Section VI on financial and tax provisions addresses public funding of culture, the establishment of subsidies and assistance provided by the competent service as relates to culture, the dissemination of cultural patronage and the creation, as the case may be, in collaboration with other departments of the public administration of the Autonomous Community or other entities, of funds for cultural projects and access to credit.

This regional law refers to regional tax law as relates to the applicable tax benefits regarding cultural rights, and specifically mentions those related to cultural patronage, sponsorship, and to film production and audiovisual series.

In the additional exclusive clause, it is established that the competent service as relates to culture shall approve, within one year following the entry into force of this regional law, service charters that will outline their offering in the fields of their competence.

The first transitional provision, as mentioned previously, establishes the succession of the Navarre Cultural Council by the Navarre Council for Culture and the Arts. The second transitional provision regulates the implementation of the Navarre Digital Culture Portal.

The sole repealing provision repeals the provisions of equal or lesser scope that contradict the established in this regional law and, specifically, the aforementioned article 10 of Regional Law 14/2005, of 22 November, on the Cultural Heritage of Navarre, and paragraphs b) and c) of article 28, upon the entry into force, as per the second paragraph of the fifth and final provision of this regional law, of paragraphs 2, 3, 4, 5 and 6 of article 10.

Lastly, the first final provision modifies Regional Law 32/2002, of 19 November, on the regulation of the Navarre Library System, as relates to the basic services of public libraries. The second final provision modifies Regional Law 2/1989, of 13 March, on the regulation of Public Performances and Recreational Activities with the aim of facilitating and promoting the enjoyment of cultural rights by minors. The third final provision addresses the modification of the Autonomous Community's fiscal regulations. The fourth final provision attributes the Government of Navarre with powers related to the regulatory development of this regional law. The fifth final provision establishes its entry into force.

SECTION I: GENERAL PROVISIONS

Article 1. Purpose.

1. The present regional law establishes the legal regime of cultural rights within the scope of the Autonomous Community of Navarre, ensuring everyone the effective exercise of these rights in accordance with the provisions of this law and other applicable legislation.
2. In order to fulfil the provisions of the present regional law, the public administrations of Navarre shall coordinate their activities related to cultural rights, ensure and promote their enjoyment and access to cultural sites and services, and ensure the ability of creators, cultural agents and civil society, to take part in cultural life

and to participate in the formulation, development and evaluation of public policies related to culture.

Article 2. Principles.

The principles of the present regional law, which must also guide the action of the public authorities of Navarre in the cultural sector, are as follows:

- a) Promotion and development of action geared towards facilitating the access of all persons to culture and to participate freely in cultural life.
- b) Respect for cultural diversity and the free choice of one's cultural identity, as well as promoting inclusion and intercultural relations.
- c) Protection, conservation, dissemination and showcasing of the tangible and intangible cultural heritage of Navarre.
- d) Respect for freedom of expression and artistic creation, in addition to enjoying the inviolable rights derived from productions and creations.

Article 3. Scope of application.

This regional law will be applicable within the territory of the Autonomous Community of Navarre.

Article 4. Cultural rights.

1. Cultural rights are founded on the values of liberty, cultural diversity, gender equality, non-discrimination, pluralism, social cohesion, accessibility and sustainable development.
2. For the purposes of the provisions of the present regional law, the cultural rights of everyone, regardless of them being exercised individually or collectively, entail:
 - a) The right to freely choose one's cultural identity, to belong or not to belong to several cultural communities, and for one's decision to be respected, thus protecting the right to cultural diversity.
 - b) The right to freedom of opinion and to freedom of expression in the language of one's own choice, without prejudice to the provisions of the regulatory framework regarding the official languages of Navarre.
 - c) The right to obtain free and equal access to culture and to the cultural sites and services provided by the public administrations of Navarre.
 - d) The right to literary, artistic, scientific and technical production and creation, and to develop talent and creative capacity, and to disseminate and distribute the results of one's exercise of this right.
 - e) The right to participate freely in cultural life through the activities of one's choice, to conduct one's own cultural practices, to act creatively, and to take part in creative activities.
 - f) The right to participate freely, actively and with adequate information regarding important decision-making processes that may have repercussions on the rights recognised in the present regional law.
 - g) The right to free and equal access to the tangible and intangible cultural heritage of Navarre, regardless of entitlement, to enjoy such heritage, and also to collaborate with one's community in recovering, studying, protecting, conserving, disseminating, showcasing and promoting such cultural heritage.
 - h) The right to knowledge of traditional and popular cultures.

- i) The right to recover the cultural and historical memory.
 - j) The right to receive all relevant information for the effective exercise of the cultural rights recognised in the present regional law, and to request information regarding culture as per the terms established in the regulatory framework on transparency and access to public information.
 - k) The right to produce and disseminate cultural information with regard to the inviolable rights of creators and authors.
 - l) The right to protection and to enjoyment of the inviolable rights inherent to literary, artistic and scientific production of one's authorship, as per the established in the relevant regulatory framework.
3. The rights set forth in the present regional law shall be exercised in accordance with the provisions set forth herein and the other applicable legislation and provisions, and within the limits arising from the Constitution, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the treaties and international agreements on rights and freedoms ratified by the State.

Article 5. Ensuring and fulfilling cultural rights.

1. In the terms provided for in this regional law and in the rest of the applicable regulations, the public authorities of the Autonomous Community of Navarre will ensure the full and free exercise of cultural rights in a regime of effective equality, adopting sufficient budgetary measures to this end, as well as however many measures may be necessary, including those of an affirmative and promotional nature.
2. Where appropriate, measures to re-establish legality and the penalty system as defined in the regional regulations on cultural heritage, archives and documents, and museums and permanent museum collections, and in the rest of the legal system, shall be applied.

SECTION II: RIGHT OF ACCESS TO CULTURE AND PARTICIPATION IN CULTURAL LIFE

CHAPTER I: Right of access to culture

Article 6. Access to culture.

1. The public administrations of Navarre shall undertake to ensure that access to culture and participation in cultural life is enjoyed in conditions of equality, without discrimination of any kind owing to origin, ethnicity, religion, ideology, beliefs, gender or sexual orientation, disability or any other personal or social circumstance.
2. The public administrations of Navarre shall promote the conditions of liberty and equality in all persons' and groups' access to culture and participation in cultural life, and shall remove any obstacles that hinder or impede such conditions. To this end, they shall promote access to culture and participation in cultural life by all members of civil society, and shall adopt the necessary measures, including affirmative action, to ensure the inclusion of vulnerable persons and groups, of persons with disabilities and equality between men and women.

Article 7. Physical access to culture.

1. The public administrations of Navarre must progressively ensure that the physical, psychological and sensory access to cultural centres, museums, archives, libraries, theatres, auditoriums, cultural heritage sites and, in general, any cultural facilities takes place in accordance with the established in the preceding article.
2. The public administrations of Navarre will provide civil society with the necessary and duly up-to-date information regarding the conditions of access to the aforementioned places, centres and spaces. Said information shall include at least the opening hours to the public, the fee for entry, as the case may be, and the available complementary services.
3. Said information and public information services shall be provided in accordance with the legislation on the Basque language and the legislation on universal accessibility.

Article 8. Virtual access to culture. *The Navarre Digital Culture Portal*

1. The public administrations of Navarre shall encourage access to culture through information technologies and shall disseminate the necessary, up-to-date information through such technologies regarding cultural centres, museums, archives, libraries, cultural heritage sites and, in general, any cultural facilities. This includes virtual visits of such places, buildings or spaces considered to be culturally relevant, especially when physical access thereto is subject to specific restrictions.
2. That information and public information services shall be provided in accordance with the terms indicated in article 7(3).
3. The competent department as relates to culture shall promote the Navarre Digital Culture Portal, a public service owned by the Autonomous Community of Navarre, with the aim of making cultural information and documentation accessible to civil society and contributing to develop and consolidate the digital cultural space of Navarre.
4. The Navarre Digital Culture Portal shall fulfil the criteria of universal accessibility.
5. The established in the present article is without prejudice to the services provided through the Open Government Portal, covered in the regulatory legislation related to transparency.

Article 9. Cultural mediation.

1. The public administrations of Navarre shall pursue cultural and artistic mediation processes to encourage access to and knowledge and comprehension of the cultural codes of artistic and cultural expressions, and shall provide civil society with the necessary resources to observe and reflect upon cultural productions.
2. Cultural agents shall promote tools and action that allow works and content to be understood in their corresponding contexts, and shall encourage the participation of the public in the construction of meanings.

CHAPTER II: Access to cultural expressions**Article 10. Cultural Heritage Sites of Navarre.**

1. Everyone has the right to access and enjoy the Cultural Heritage of Navarre in conditions of equality and with respect for the needs related to the conservation and protection of those sites.
2. The persons or entities who own or possess, in virtue of a title, land belonging to the Cultural Heritage of Navarre have the following duties:

- a) To allow free public visitation of Sites of Cultural Interest and of inventoried real estate sites, at least four days per month, for at least four hours per day, on days and hours that have been indicated beforehand. Regarding the movable property of cultural interest, this obligation may be substituted upon the request of the owners or possessors, in virtue of a title, of the corresponding rights, to deposit the property for public exposition in the centre indicated by the competent department as relates to culture.
- b) To lend out movable property of cultural interest for temporary public expositions organised or promoted by the public administrations of Navarre.
- c) To allow duly accredited researchers to access sites registered in the Registry of Cultural Heritage Sites of Navarre, upon reasoned request; such requests may only be denied when justified causes are presented, which must be verified by the competent department as relates to culture. Regarding movable property, this obligation may be substituted upon the request of the owners or possessors, in virtue of a title, to deposit the property for public exposition in the centre indicated by the competent department as relates to culture.
3. The established in the present article shall also apply to the legislation on sites of cultural interest owned by the Catholic Church, in order to allow public access via the signature of the corresponding collaborative agreements ensuring, without prejudice, the right set forth in paragraph 1.
4. The maximum duration of loans and deposits referred to in sub-paragraphs a), b), and c), may not surpass 60 calendar days per year.
5. Fulfilment of the obligations established in paragraph 2 may exceptionally be waived by the competent department as relates to culture, fully or partially, *ex officio* or upon the request of the interested persons or entities, for duly justified causes; among which, the need to guarantee individuals' safety or for the conservation of the cultural site.
6. The competent department as relates to culture shall approve and disseminate the calendar and public visitation hours. To this effect, the department shall request the persons or entities with ownership or possessor status of the sites to formulate and communicate their propositions in the time frame and conditions that the department determines.
7. In the fulfilment of its functions related to the popularisation of cultural heritage and the dissemination of the values inherent to the related sites, the public administrations of Navarre shall provide civil society with information *in situ* regarding the cultural significance of such sites and the reasons owing to which such sites were included in one of the protection categories set forth in the relevant legislation.

Article 11. Intangible heritage.

1. All people have the right to access the assets that are part of the Intangible Heritage of Navarre and to know their meaning, whether for research purposes or not, and regardless of their inclusion in the Inventory of Intangible Heritage of Navarre. This right must be exercised in harmony with the Ethical Principles for Safeguarding Intangible Cultural Heritage, formulated by UNESCO.
2. The competent department as relates to culture will collaborate with local entities, associations and the proprietors of the assets referred to in this article to encourage the dissemination, knowledge and showcasing of those assets, especially via documentation in the Navarre Intangible Heritage Inventory and the application of appropriate measures to facilitate access by civil society to the relevant content.
3. The competent department as relates to culture will facilitate the development of popular and traditional cultures in general and of all of their forms and expressions, particularly collaborating with

entities in the sector to ensure the best possible development of such cultures, and always seeking the explicit participation of rural and urban populations in their conception, conservation, representation.

4. Local initiatives that stimulate and showcase expressions of the popular and traditional cultures of Navarre will be promoted through specific calls and specific programs will be created via collaborations.

Article 12. Archives and Documentary Heritage.

1. All people have the right to consult the assets that make up the Documentary Heritage of Navarre for the purposes of knowledge acquisition and research, and regardless of their inclusion in the Navarre Archive System.

2. As a part of ensuring access to the Documentary Heritage of Navarre for the purposes of knowledge acquisition and research, the persons or entities that own or possess the assets are subject to the duties indicated in article 10(2) of this regional law, compliance with which may be considered effective via the deposit of the documents in the Royal and General Archives of Navarre.

3. The public administration of the Autonomous Community of Navarre will proceed to digitise all publicly owned documents that are part of the Documentary Heritage of Navarre.

4. The public administration of the Autonomous Community of Navarre will promote and collaborate in the digitisation of privately owned documents that are part of the Documentary Heritage of Navarre with the aim of encouraging access thereto, in particular via the Navarre Digital Culture Portal. Digitisation of privately owned documents will serve as a substitute to direct consultation or the deposit of such documents, except if the interested persons certify the need to obtain access to the documents for reasons related to knowledge acquisition or research, which must be verified by the competent department as relates to culture.

Article 13. Museums and permanent museum collections and visual arts.

1. All persons have the right to access, under the conditions established in this regional law, the museums and permanent museum collections registered in the Register of Museums and Permanent Museum Collections of Navarre.

Notwithstanding the provisions of the preceding paragraph, the persons or entities that own or possess assets in museums and collections, which have been recognised and registered in the Registry, are subject to compliance with the duties set forth in article 10(2) of this regional law.

2. In addition to regular visiting hours, on the subject of free access to museums and permanent museum collections referred to in this article, the following is established:

- a) The museums and permanent museum collections owned by the public administration of the Autonomous Community of Navarre will allow free access to the public at least one day a week.
- b) In the regulatory terms of the subsidies granted to museums and permanent museum collections, as indicated expressly in the General Budgets of Navarre, a schedule will be established that designates periods of free entry for all members of the public based on the relevant centres' opening hours.
- c) Hours of free access to the public will be evaluated as a criterion for granting operating subsidies to museums and permanent museum collections.

3. The competent department as relates to culture will collaborate with the owners of museums and collections referred to in this article, especially via the digitisation of their collections, virtual visits, and as many other visits as possible through technical means, to encourage access by all members of the public to their installations and content.

4. With the aim of promoting the plastic and visual arts, the competent department as relates to culture will foment training, experimentation and research of their different languages.

Article 14. Books and libraries.

1. All persons have the right to access the basic services of the public libraries of Navarre in the terms established in the regulations governing the library system of the Autonomous Community.

2. To help make the right to access culture effective, the Government of Navarre will formulate and develop plans to promote reading, which will be assessed and updated periodically, and will be accompanied by appropriate budget allocations, and will be adapted to technological innovations.

The plans to promote reading will pay special attention to the child and youth population in order to strengthen their reading habits, as well as the needs of the most socially disadvantaged sectors, persons with disabilities, and migrants.

3. The competent department as relates to culture will proceed to digitise the publicly owned bibliographic collections that are part of the Bibliographic Heritage of Navarre.

4. The competent department as relates to culture will promote and collaborate in the digitisation of privately-owned library collections that are part of the Bibliographic Heritage of Navarre, with the aim of promoting their accessibility, especially by making them available through the Navarre Digital Culture Portal. The digitisation of privately-owned documents will serve as a substitute to direct consultation or the deposit of such documents, except if the interested persons certify the need to obtain access to the documents for reasons related to knowledge acquisition or research, which must be verified by the competent department as relates to culture.

5. The competent department as relates to culture will make accessible documents available and will collaborate with entities specialised in disabilities to that end.

6. The competent department as relates to culture will promote plans and programs that foment favourable conditions for literary works (in all genres) and the study, critique and research of issues related to other artistic expressions and to the human and social sciences, providing specific support tools for new creators and writers, and for book publishing.

7. The competent department as relates to culture will promote a library model that is suitable for social needs by adapting to the reading plans and services offered, corresponding with a digital system that is closer to society.

Article 15. Navarre Film Library, cinematography and audiovisual.

1. The Navarre Film Library, a service of the competent department as relates to culture, provides, among others, the following functions related to film and audiovisual activity:

- a) Disseminating film heritage via the non-profit organisation of cycles and sessions or any other cinematographic expression, publication thereof in any medium, and performing whatever activities are considered appropriate to spread film culture.

- b) The defence, recovery, preservation, restoration, documentation and cataloguing of the film and audiovisual heritage existing in the Autonomous Community of Navarre, as well as any other aspect related to the practice of cinematography.
- c) The safeguarding and custody of the archive of films and audiovisual works in any medium and, in general, of its film collections, of its own property and of those originating from a legal deposit, voluntary deposits, donations, inheritances or legacies.
- d) The safeguarding and custody of film or audiovisual works that must be delivered by the recipients of public subsidies granted by the competent body in this matter, as well as their dissemination, under the conditions that it determines.
- e) Carrying out and promoting research and studies, with special attention to Navarre filmography.
- f) Collaboration in its activities with the film libraries established in the Autonomous Communities and with those that are part of the National Film Library, the International Federation of Film Archives (FIAF) and others.

2. Regarding the audiovisual sector, the competent department as relates to culture:

- a) Will prepare and develop plans for the promotion and dissemination of audiovisual culture, which will be evaluated and updated periodically, and will receive adequate budget allocations, and will adapt to technological innovations.
- b) Through the Navarre Film Commission, will provide national and international companies and professionals in the audiovisual sector the information necessary to carry out their activity in Navarre, including comprehensive advisory services in location scouting, logistics production and any other service they require.

Moreover, it will promote the internationalisation and foreign projection of Navarrese companies and professionals, as well as alliances with other territories in collaboration with other agents in the audiovisual sector.

- c) Will promote plans and programs that foment favourable conditions for cultural audiovisual creations—whatever their form—and provide greater visibility to innovative proposals that make the film and audiovisual language evolve.
- d) Will organise or promote festivals or contests that facilitate the dissemination of different audiovisual concepts.

Article 16. Performing arts and music.

1. To ensure access to artistic and cultural expressions in the performing arts and music sectors, the public administrations of Navarre, within the scope of their respective competence:

- a) Will promote the participation of professionals and amateurs of the performing arts and music sectors in the creation and development of cultural policies that refer to these areas in the Autonomous Community of Navarre.
- b) Will ensure the increased recognition of the social prestige of the performing arts and music as valuable socio-cultural and artistic expressions in themselves, promoting the practice thereof and emphasising their importance for the education of members of the public, as well as for professional or amateur practitioners, without prejudice to one another.
- c) Will design programs to encourage and promote the performing arts and music, and will support the dissemination of new contemporary artistic languages.

- d) Will organise or promote festivals or contests, as well as ephemeral cultural events, that facilitate the dissemination of different cultural concepts.
- e) Will make support instruments available for the creation and production of the performing and musical arts, including artistic directions, performance spaces and resources for resident companies and artistic residencies that undertake creative or research projects in Navarre.
- f) Will promote the development of the performing arts through the creation, promotion and dissemination of works and stage shows and their proper distribution through specific promotion plans.
- g) Will collaborate in the design and maintenance of exhibition networks, with special attention to Navarrese creations, that ensure the role of programming the performing and musical arts in Navarrese municipalities through a network of exhibition spaces that is sufficient and diversified with respect to formats and audiences.

2. In particular, the competent department as relates to culture:

- a) Will develop specific lines of support for creation, production, exhibition, distribution and dissemination, as well as to encourage research and the formation of associations, thereby promoting the diversity of supply and the public's demands and needs.
- b) Will endeavour to obtain primary and secondary sources of information on the performing arts and music sectors in Navarre in order to carry out trend analysis.
- c) Will promote the conservation and research of the tangible and intangible assets that comprise the performing and musical arts heritage of Navarre.

Article 17. Cultural and creative ecosystem.

For the purposes of this regional law, a cultural and creative ecosystem is understood as the relational environment in which different profiles (artistic, scientific and technical) participate and, in diverse ways, display creativity and innovation.

In order to ensure the right of all people to access and enjoy the expressions emanating from the cultural and creative ecosystem that are promoted within the framework for cultural policies, the competent department as relates to culture:

- 1) Will support knowledge acquisition of the cultural and creative ecosystem through mapping exercises in the territory of the Autonomous Community of Navarre.
- 2) Will produce the necessary studies for knowledge of the cultural and creative ecosystem from the social, economic and educational point of view.
- 3) Will foment the production of cultural projects and prototypes within the framework of competitive competition.
- 4) Will encourage the presence of the cultural and creative ecosystem in smart specialisation strategies or other plans and strategies that are created, fundamentally within the framework of a cultural policy that incorporates the economic, technological, cultural and social dimension of such strategies.
- 5) Will organise and promote the necessary actions for their dissemination and knowledge.
- 6) Will encourage and promote the commons and free culture.

Article 18. Cultural facilities.

1. Everyone has the right to access the services, programs and activities promoting artistic expressions and manifestations which take place in the cultural facilities of the public administrations of Navarre.
2. All new cultural facilities of the competent department as relates to culture must have a feasibility plan and a mandatory report from the Navarre Council for Culture and the Arts.
3. The competent department as relates to culture will support the construction and provision of municipal cultural facilities in order to achieve their balanced distribution throughout the territory, weighing the criteria of proportionality and suitability to the reality of the local entity in which they are deployed.
4. In addition to the provisions of the preceding paragraphs, Navarre's municipalities—by themselves or through regional entities—in the exercise of their powers related to cultural facilities, will endeavour to adopt the necessary measures to provide themselves with local cultural facilities with professional staff and/or co-managed and self-managed creative spaces.
5. The competent department as relates to culture will encourage mapping exercises to be undertaken with a view to obtaining a diagnosis and analysis of trends both of Navarre's cultural facilities and of the spaces that promote artistic and cultural creativity.
6. The facilities dedicated to culture and the arts must meet the requirements established for their field under the regulatory framework on universal accessibility.

CHAPTER III: Participation and decision-making in cultural life**Article 19. Participation in cultural life.**

1. The right to participate in cultural life implies that every person—by themselves, in association with others or as a member of a community—may freely intervene in the cultural life of the community, conduct their own cultural practices, express themselves in the language of their choice, and develop and share their knowledge and cultural expressions with others.
2. The right to participate in cultural life includes the freedom to know and choose the culture of one's community and that of other communities.
3. The right to participate in cultural life also implies that every person may contribute to the creation of a community's material and intellectual expressions, and to participate in the development of the community to which they belong.

Article 20. Participation in decision-making processes.

1. Within the framework of the regulations governing transparency, access to public information and open government, and without prejudice to the provisions of other regulations that oversee or address participation instruments, all members of civil society have the right to freely participate in cultural life by intervening in important decision-making processes related to public policies in the cultural sphere that affect them and in the exercise of their cultural rights.

The public administrations of Navarre will encourage citizens to exercise this right.

2. The right to participate in decision-making processes may be exercised individually or on behalf of associations, organisations and entities whose objective is to promote culture and cultural and creative expressions.

SECTION III: ARTISTIC AND LITERARY CREATION AND SCIENTIFIC RESEARCH**CHAPTER I: Freedom of creation and research****Article 21. Freedom of artistic and literary creation.**

In accordance with the legal framework, everyone has the right to artistic and literary production and creation, and to the expression or formulation of their creations in the languages, codes and formats they choose.

Article 22. Freedom of scientific research.

In accordance with the legal framework, everyone may freely pursue scientific research in the fields and areas of knowledge they choose.

Article 23. Right to enjoy the benefits of scientific progress.

In accordance with the legal framework, everyone has the right to enjoy the benefits of scientific progress and its applications.

Article 24. Copyright.

1. In accordance with the legal framework, everyone has the right to enjoy, and to the protection of, the inalienable rights corresponding with literary, scientific or artistic productions of their authorship, the purpose of which is to incentivise active contributions to the arts and sciences and to cultural progress in society.

2. All persons engaged in cultural creations, whichever their form, have the right to reasonable, unbiased, and fair fiscal treatment that considers, as the case may be, the irregular and intermittent nature of income originating from this activity, and its complementary quality to other professional or economic activities.

CHAPTER II: Promotion and dissemination of artistic creation and scientific research by the public administrations**Article 25. The public administrations and the promotion and dissemination of artistic and literary creation and scientific research.**

The public administrations of Navarre will promote workshops, conferences, festivals and any other event aiming at fomenting and disseminating artistic and literary creations and scientific research.

Article 26. Support for scientific research.

The public administrations of Navarre may collaborate with academic institutions engaged in scientific research, ensuring the freedom that is essential for scientific research and, thus, avoiding intrusions or interference in researchers' activities. To this end, they may financially support scientific events such as conferences, workshops, series of symposiums or seminars, research projects, book and magazine publications, or any other channel for the dissemination of science.

Article 27. Promoting the benefits of scientific progress.

The public administrations of Navarre will promote the enjoyment of the benefits of scientific progress and its applications, linked to the right to participate in cultural life. To this end, they will promote the access by members of civil society, without discrimination, to the benefits of science and its applications, including scientific knowledge, through mechanisms including the Library Network, the Navarre Digital Culture Portal and others.

Article 28. Academic and promotional conferences promoted by the competent department as relates to culture.

The competent department as relates to culture will endeavour to disseminate research related to the culture of Navarre by organising conferences, workshops, series of symposiums or seminars, targeting both specialised audiences as well as dissemination.

Article 29. Publications promoted by the competent department as relates to culture.

The competent department as relates to culture will promote publications in several formats with the aim of disseminating the results of research related to culture and the human and social sciences of Navarre, via, among other means:

- a) Publishing articles in the specialised journals: “Príncipe de Viana”, “Fontes Linguae Vasconum”, “Cuadernos de Etnografía y Etnología de Navarra”, “Trabajos de Arqueología de Navarra”, and others that may be created in the future, with respect for the principles of free culture.
- b) Publishing monographs.

SECTION IV: RESPONSIBILITY OF THE PUBLIC ADMINISTRATIONS AS RELATES TO CULTURE

Article 30. Transparency and best practices.

1. The actions of the public administrations of Navarre in matters related to culture will comply with the regulatory framework governing transparency in public activity and, in accordance with the provisions of the legal framework, will adopt good practices in matters of procurement and subsidies or other support and stimulus measures for such activities.
2. In particular, the actions of the public administrations of Navarre in matters related to culture will observe the principles of non-discrimination and will ensure the effective exercise of cultural rights.
3. The competent department as relates to culture will have a code of good practices.

Article 31. Access to and use of publications of the public administrations and institutions of Navarre.

The access to and use of publications of the public administrations and institutions of Navarre will follow the principles of Free Culture and the Commons, via licenses adopting the Copyfarleft model. In this connection, the public administrations and institutions of Navarre will obtain and assign the transfer of the corresponding creative rights.

Article 32. Professionalisation of cultural sectors.

In order to ensure the professionalisation of workers in the cultural sectors, the competent department as relates to culture:

- a) Will promote the necessary measures to ensure the recognition of the particular positions of these sectors, in addition to the training and specialisation of managers, librarians, archivists, promoters, researchers, mediators, technicians and others from the cultural sectors.
- b) Will promote—by itself or in collaboration with other entities—education and training measures for cultural agents, to provide a qualified response to new challenges and to ensure the sustainable development of cultural sectors.

Article 33. The Public Administration of the Autonomous Community of Navarre.

1. It is incumbent upon the competent service as relates to culture to exercise the powers attributed to the Public Administration of the Autonomous Community of Navarre regarding the protection and expansion of cultural heritage, access to culture by civil society, and the stimulus and promotion of artistic creation and dissemination, as well as to ensure the effectiveness of the rights recognised in the present regional law, and the fulfilment thereof, without prejudice to the competence of the Government of Navarre and of the coordination with the other Departments of the Public Administration of the Autonomous Community.

2. The competent department as relates to culture will promote the cultural development of Navarre and will encourage the efficient management and quality of its services, endeavouring to ensure equality in all persons' access thereto, and ensuring everyone's right to participate freely in the cultural life of Navarre, particularly taking into account the groups living in Navarre that face greater difficulties with respect to social inclusion.

3. In particular, to fulfil the goals and objectives of the present regional law, the competent department as relates to culture:

- a) Will establish ties of coordination and collaboration with the organisms and entities attached to or subordinate to the public administrations of Navarre related to culture.
- b) Will establish ties of coordination and collaboration with entities, professional associations, foundations and non-governmental organisations linked to the cultural sectors.
- c) Will establish ties of coordination and collaboration with other institutions and networks of autonomous communities, states, European and international actors with competence in the culture sector, in order to disseminate and position Navarrese culture abroad.
- d) Will promote activity in the general framework for Navarre's foreign affairs and the cultural policy of the Autonomous Community, and will coordinate its activities with the institutions that contribute to the visibility of Navarre.
- e) Will promote measures and programs to train, update and professionalise researchers, promoters, managers, technicians, creators, interpreters and performers in the various areas of cultural and artistic expressions.

4. Furthermore, the competent department as relates to culture:

- a) Will collaborate with the competent department as relates to education to:
 - i) Strengthen and expand artistic and cultural teachings in the educational system.
 - ii) Reinforce the role of culture in the field of education, promoting initiatives that allow access thereto and to the related knowledge, from childhood and adolescence, as a way of contributing to the development of their cognitive, artistic and creative capabilities.
- b) Will collaborate with the competent department as relates to tourism to promote sustainable and balanced cultural tourism that contributes to the economic and social development of communities without endangering the proper preservation of cultural assets and resources for future generations.

- c) Will collaborate with Navarre's cultural, scientific and educational institutions to facilitate access to the cultural information and documentation of said institutions by civil society.
- d) Will promote the participation of creators, promoters, researchers, cultural managers and the general public in the creation, development, application, and impact evaluation of cultural policies. To this end, the competent department as relates to culture will spearhead the corresponding plans and measures to ensure participation.
- e) Will promote the participation of the cultural sectors and their agents in the design of strategies, measures and incentives that favour cultural entrepreneurship and the economic development of culture.
- f) Will promote a coordination and joint responsibility forum with the municipalities of Navarre to ensure coordination across cultural policies.
- g) Will establish forums or working groups for the implementation of promotion plans in the different cultural sectors.
- h) Will advise and support Navarre's local entities in matters related to culture.
- i) Will carry out activities that allow effective access to culture and the expression of cultural manifestations by groups facing greater difficulties with respect to social inclusion.
- j) Will collaborate with organisations and entities specialising in disability for counsel on issues related to universal accessibility within the scope of this regional law.
- k) In general, will carry out however many measures as needed to achieve the effective recognition and exercise of the rights and principles contained in this regional law.

Article 34. Municipalities.

1. In the exercise of their powers regarding the promotion of culture, municipalities will disseminate and showcase the existing cultural heritage in their respective municipal area, without prejudice to cooperation with the competent department in this matter for the protection, enhancement and transmission thereof.

In particular, they will undertake to disseminate and showcase intangible cultural heritage, seeking to provide historical, cultural and territorial context for the diverse expressions of the traditional and popular of Navarre.

2. In the exercise of their powers regarding the promotion of culture, Navarre's municipalities—by themselves or through regional entities of which they are a part—will promote, among others, the following cultural services:

- a) Programming artistic and cultural activities that reflect cultural diversity and the diversity of cultural expressions or manifestations.
- b) Promotion and support of local artistic and cultural associations, and the receipt and channelling of proposals and requests related to cultural matters communicated by members of civil society.

3. Navarre's municipalities may create cultural action plans focussed on fomenting cultural customs and practices.

4. The public administrations of Navarre will encourage disused spaces under public ownership to be available for initiatives that promote artistic and cultural creativity, as well as innovation, with management models including co-management and self-management.

SECTION V: THE NAVARRE COUNCIL FOR CULTURE AND THE ARTS**Article 35. The Navarre Council for Culture and the Arts.**

1. The Navarre Council for Culture and the Arts is the consultative and advisory body to the public administration of the Autonomous Community as relates to culture.
 2. The Navarre Council for Culture and the Arts is attached to the competent department as relates to culture, which will provide it with the necessary assistance and means for its proper operation.
 3. The Navarre Council for Culture and the Arts has the following functions:
 - a) Advise the public administration of the Autonomous Community in matters related to culture.
 - b) Collaborate with the competent department as relates to culture in formulating, implementing and evaluating its cultural policies in the fields of the arts, heritage and culture.
 - c) Encourage debate and knowledge of the arts, heritage, culture and territory.
 - d) Produce studies, issue reports and formulate recommendations regarding culture and cultural policy, of its own initiative or on the behalf of the public administration of the Autonomous Community.
 - e) Monitoring and evaluation of the Navarre Strategic Plan for Culture and the action plans of the competent department as relates to culture.
 - f) Propose that the Government of Navarre award the Príncipe de Viana Culture Award.
 - g) Receive information on the process related to the formulation and implementation of the budgetary project of the competent department as relates to culture.
 - h) Formulate initiatives and propose the measures that it deems appropriate to protect and enhance cultural heritage.
 - i) Carry out the remaining functions designated under the legal framework and those attributed to it by the public administration of the Autonomous Community of Navarre.
 4. The Navarre Council for Culture and the Arts will be composed of representatives of the Autonomous Community of Navarre, the local entities of Navarre, the cultural entities, the Navarre Youth Council, and individuals with recognised prestige, specialised knowledge or accredited experience in the scope of the functions that correspond to the Board. The Presidency of the Council will be assured by the head of the competent department as relates to culture.
- Gender equality will be guaranteed in the composition of the Council.
5. The members will receive the compensations determined by the relevant regulations for the tasks performed.
 6. The composition, organisation and functioning of the Navarre Council for Culture and the Arts will be determined via regulation.

SECTION VI: FINANCIAL AND TAX PROVISIONS**CHAPTER I: Funding cultural policies****Article 36. Public funding.**

To guarantee public funding of culture, the Government of Navarre, in the formulation of the general budget, will allocate an adequate budgetary appropriation

to the competent department as relates to culture, at comparable levels to those of other European regions similar to the Autonomous Community of Navarre.

Article 37. Assistance and subsidies.

The competent department as relates to culture will establish annual subsidies and assistance for the cultural sectors that are determined in accordance with the principles detailed in article 2 of this regional law.

Article 38. Patronage.

1. The competent department as relates to culture will encourage the knowledge and dissemination of cultural patronage, within the framework of the applicable regulations, guided by an indirect cultural policy favouring financing, the shared vision of projects between patrons and cultural creation, as well as the participation and joint responsibility of civil society.

2. The public administrations of Navarre will especially promote and encourage micro-patronage through specific actions in this regard.

Article 39. Funding for cultural projects and access to credit.

The competent department as relates to culture—by itself or in collaboration with other departments of the public administration of the Autonomous Community or other entities—will endeavour to create funds or other financial instruments that facilitate credit for micro and small companies in the cultural sectors; as well as any other measure that encourages the creation, development and expansion of cultural enterprises and the production of cultural goods and services.

CHAPTER II: Tax benefits

Article 40. Tax benefits as relates to cultural rights.

Regarding cultural rights, the tax benefits established by the regional fiscal legislation will apply.

Article 41. Tax incentives for cultural patronage.

Participation in cultural projects or activities that are declared as or are considered to be of public interest, in accordance with the regulations governing cultural patronage, will benefit from the tax incentives established in the regional tax legislation.

Article 42. Sponsorship.

Advertising expenses resulting from sponsorship contracts of cultural activities that are declared to be of public interest are eligible for deduction as provided for in the regional tax legislation.

Article 43. Film productions and audiovisual series.

Investments in film productions and audiovisual series are eligible for deductions as established in the regional tax legislation.

Additional Exclusive Clause. Service Charters.

Within a period of one year from the entry into force of this regional law, the competent department as relates to culture will approve service charters detailing the service offerings in their areas of competence in order to improve their quality and to better respond to the needs, expectations and demands of members of civil society, ensuring, moreover, fulfilment of the cultural rights recognised in this regional law.

First Transitional Provision. *Navarre Cultural Council.*

1. As of the entry into force of this regional law, the Navarre Cultural Council will be known as the Navarre Council for Culture and the Arts.
2. The Navarre Council for Culture and the Arts will carry out the functions entrusted to it by this regional law in addition to those attributed to the Navarre Cultural Council in other parts of the legal order.
3. All references to the Navarre Cultural Council in the legal system will be understood to refer to the Navarre Council for Culture and the Arts.
4. As of the entry into force of this regional law, the Navarre Council for Culture and the Arts will be composed of the current members of the Navarre Cultural Council.

When the mandate of the current members has lapsed, as per the applicable regulations regarding its composition, organisation and operations of the Navarre Cultural Council, the members of the Navarre Council for Culture and the Arts will be designated in accordance with the provisions set forth in this regional law.

Second Transitional Provision. *Implementation of the Navarre Digital Culture Portal.*

The public administration of Navarre must have opened the Navarre Digital Culture Portal within a maximum period of three years from the approval of this regional law. For these purposes, the Government must present a project outlining the general design of said portal within a maximum period of 6 months in order for it to be known and to ensure participation in the related process by the Parliament of Navarre.

Said Digital Portal will include at least the existing information belonging to the public administration of Navarre at the time of its opening, and in time it will be built up with the content, detailed in article 8 of this regional law, for which adequate information is not yet available to be displayed virtually.

Sole Repealing Provision. *Repeal of existing legislation.*

Any provisions of equal or inferior scope which many contradict the provisions of this regional law remain null and void, in particular:

- Article 10 of Regional Law 14/2005, of 22 November, on the Cultural Heritage of Navarre.
- Paragraphs b) and c) of article 28 of Regional Law 14/2005, of 22 November, on the Cultural Heritage of Navarre, once paragraphs 2, 3, 4, 5 and 6 of article 10 have entered into force, in accordance with the second paragraph of this regional law's fifth final provision.

First Final Provision. *Modification of Regional Law 32/2002 of 19 November, on the regulation of the Navarre Library System.*

The text of article 12(1) of Regional Law 32/2002, of 19 November, on the regulation of the Navarre Library System, is replaced by the following:

“1. The basic services of the public libraries of Navarre are considered to be: access to information; reading and consultation in their rooms of all types of documents, in any medium and format, with the due guarantees of protection, conservation and integrity; the individual and collective loan of documents as well as interlibrary loans; access to the Internet and online information services”.

Second Final Provision. *Modification of Regional Law 2/1989 of 13 March, on the regulation of Public Performances and Recreational Activities.*

The text of paragraph 5(a) of article 10 in Regional Law 2/1989, of 13 March, is replaced by the following:

“a) Party rooms, clubs and other similar venues, except during live performances, in which case minors under sixteen years of age may obtain access accompanied by their parents or

guardians. During the performance they must be correctly identified and at the end of the performance minors may not stay in the establishment”.

Third Final Provision. *Adapting the fiscal legislation.*

In accordance with the provisions of article 24(2) of this regional law, the tax regulations of the Autonomous Community shall be modified to meet the proposals and recommendations that, in matters of taxation and compatibility with the receipt of public assistance with income for intellectual property rights and for creative activities, are included in the report of the Subcommittee for the creation of an Artist Statute, approved in June 2018 in the Congress of Deputies.

Fourth Final Provision. *Legislative authority*

The Government of Navarre is empowered to dictate the implementing rules of this regional law and to adopt the necessary measures for its fulfilment.

Fifth Final Provision. *Entry into force.*

This regional law shall enter into force on the day following that of its publication in the Official Gazette of Navarre.

Notwithstanding the above, paragraphs 2, 3, 4, 5 and 6 of article 10 will enter into force in the year of its publication in the Official Gazette of Navarre.

I, in compliance with the provisions of article 22 of the Reintegration and Enhancement of the Foral Regime of Navarre, hereby enact, on behalf of H.M. the King, this regional law, ordering its immediate publication in the Official Gazette of Navarre and its submission to the “Official State Gazette” and commanding citizens and authorities to fulfil and enforce it.