

General Regulations on the Use of Bavarian Public Libraries

General Regulations on the Use of Bavarian Public Libraries (Allgemeine Benützungordnung der Bayerischen Staatlichen Bibliotheken - ABOB) dated 18 August 1993

Pursuant to Art. 1 of the Ordinance on the Establishment of State Authorities (Verordnung über die Einrichtung der staatlichen Behörden) and to Art. 32 para. 5 clause 6 of the Bavarian University and College Act (Bayerisches Hochschulgesetz) as well as Art. 25 para. 1 clause 1 of the Cost Law, the Bavarian State Ministry of Sciences, Research and the Arts, as far as necessary by mutual consent with the Bavarian State Ministry of Finance, hereby decrees the following Ordinance:

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Section I: General

Article 1 Scope

(1) The present Ordinance shall be applicable to the use of the Bayerische Staatsbibliothek in Munich, the regional state libraries in Amberg, Ansbach, Aschaffenburg, Bamberg, Coburg, Dillingen, Neuburg a.d. Donau, Passau and Regensburg, the libraries of the universities, colleges and polytechnics of the Free State of Bavaria, the library of the Zentralinstitut für Kunstgeschichte (Central Institute for Art History) in Munich and the Bayerische Armeebibliothek (Bavarian Army Library) in Ingolstadt (Bavarian state libraries).

(2) The libraries may establish special regulations for use within the framework of administrative assistance.

Article 2 Functions and Tasks

(1) As public libraries the Bavarian state libraries serve academic purposes, professional work and further education. The libraries of the universities and colleges as central institutions in the sense of the Bavarian University and College Act focus on supporting research, teaching and studies.

(2) The libraries' tasks are among other things:

1. making the works specified in paragraph 3 available for use on their premises and loaning them for use outside the library,
2. acting as intermediary in procuring works from other libraries which are not available on site,
3. producing, rendering possible or procuring copies of works from the library's own collections and from those of other libraries,
4. giving information on the basis of the library's own catalogues and works or procuring information from databases,
5. performing public relations activities, in particular through exhibitions or guided tours.

(3) Works are in particular books, periodicals, newspapers, manuscripts, graphics, maps, music materials, microforms, audiovisual materials and electronic data carriers.

Article 3 Protection of Personal Data

The Bavarian state libraries are authorised to collect and to process personal data insofar as this is required for the lawful fulfilment of their tasks.

Section II: General Regulations on Use

Article 4 Entitlement to Use

All persons and legal entities are entitled to use, provided that they use the library for one of the purposes stated in Art. 2 para.

Article 5 Request for Use and Admission

(1) The admission to use a library must generally be requested from the library in person.

(2) All applicants for admission shall state their surname, first name, date of birth, profession, nationality and address and submit a valid personal identification card or passport; the library may also accept other official identification documents provided with a photograph as sufficient proof of identity. 2The applicants shall inform the library in writing about every change of the stated data without delay.

(3) The admission usually takes place through the issuance of a reader pass. The admission may be limited in time and may be made dependent on the provision of a security. Admission shall be denied for such applicants who do not commit themselves to adhering to the regulations on use.

(4) Every user shall sign his/her reader pass in person. Legal entities, authorities, companies, institutes and university chairs shall submit up to three signatures by authorised persons who have power of representation vis-à-vis the library. The library must be informed about the loss of a reader pass immediately. The library shall hold the users liable for any damage caused by the misuse of the reader pass unless they submit proof that they are not at fault.

(5) For using the works in the library the users may be requested to present an official identification provided with a photograph, and to make an entry in the user register.

(6) The members of a university or college are deemed authorised to use their university or college library and are issued a reader pass upon demand. University and college libraries may accept the student identification or the service card of their university/ college as reader pass.

(7) Generally only such persons are admitted to using the Bayerische Staatsbibliothek who are at least 18 years old.

Article 6 Security Checks, Lost Property, Householder's Rights

(1) The library is entitled to install surveillance devices and to carry out checks, in particular to inspect objects carried along by the users.

(2) All items found in the libraries or removed from lockers which were not cleared in due time shall be handled in accordance with Art. 978 of the German Civil Code (BGB).

(3) The library directors exercise the householder's rights; they may entrust other library employees with the exercise of the householder's rights. Concerning the university and college libraries Art. 23 para. 6 of the Bavarian University and College Act shall be applicable.

Article 7 Conduct in the Library

(1) The users must act in such a way that nobody is obstructed in the pursuit of his/her legitimate claims, the library's business is not obstructed and works, catalogues, facilities, devices etc. do not suffer any damage. The users must comply with the directions of the library. (2) In the reading rooms the use of technical devices such as typewriter, computer or voice recorder is subject to special permission by the library. Such permission can only be granted provided that the use of the devices does not disturb the regular course of use.

Article 8 Obligation of Due Care and Liability for Damages

(1) The users must treat the works with due care and protect them from damage. Also entries of any kind, such as markings and corrections of errors, as well as the bending of sheets, tables and maps are deemed to represent damages.

(2) The users are obliged to check the state of every work upon receipt, and to inform the library of any given damages immediately. If the users fail to do so, it shall be assumed that they have received the work in an undamaged state.

(3) The users are liable to compensate the library for any lost or damaged works, even if they are not at fault. Art. 85 para. 1 clause 2 of the Bavarian Civil Servants Act (Bayerisches Beamtengesetz) remains unaffected. The library determines the type of compensation at its own equitable discretion. It may in particular request the users to restore the original condition, to provide a replacement copy, a different work of equal value or a reproduction at their own expense, or fix an appropriate amount of money payable by way of compensation of value; furthermore it may request the compensation of any loss in value not yet offset through these measures.

Article 9 Reproductions

(1) The users may produce reproductions or have reproductions produced in accordance with the following paragraphs, provided that it is ensured that the works are not damaged. The users bear the sole responsibility for adhering to the copyrights, personal rights and other rights.

(2) Reproductions from manuscripts and other special collections (Art. 24 para. 1 clause 1) and of older or valuable works or works requiring special care when handling may be produced exclusively by the library or upon approval by the library. The library determines which type of reproduction may be produced. It may turn down a request for reproduction or limit reproduction for conservational reasons. Furthermore, reproductions of aggregate parts of the special collections may be made exclusively for academic projects.

(3) In the event that the library itself produces the reproduction, it remains the owner of the rights arising therefrom; the original recordings remain part of its property.

(4) Any reproduction for commercial purposes (e. g. reprints, facsimile editions, postcards) or at a greater scale is subject to a special agreement also stipulating the compensation. The right to reproduce and the right to use may not be transferred to any third party without the approval of the library.

Article 10 Information Means, Information Provision

(1) The information means of the library, in particular public catalogues, bibliographies and reference works, as well as guidance by librarians and information services are available to the users.

(2) Catalogues and reference works for internal use can be made accessible in justifiable cases.

(3) Information means and auxiliary means for their use are to be treated with care and may not be altered. It is prohibited to remove catalogues. Microfiches must be rearranged in their previous order after use.

(4) The library processes enquiries within the scope of its capacities, provided that such enquiries relate to its works and the users cannot carry out the required research themselves. Compiling bibliographies and estimating the value of books, manuscripts and other works do not form part of the tasks of the libraries.

Article 11 Exhibitions, Shooting of Films and TV Coverage

For loaning works for exhibitions or using them for film and TV shoots a special agreement is required, taking account of the necessity of preserving and safeguarding the works and optionally stipulating compensation.

Article 12 Fees for Use and Expenditures

(1) No fees and expenditures are charged for using the Bavarian state libraries, by the exception of the cases mentioned in paragraphs 2 to 4.

(2) For producing reproductions fees are payable in an amount which corresponds to the customary local commercial prices; the fees may be gathered from a list compiled by the library. For reproductions of up to 20 pages of the original no fees and expenditures are charged, provided that they are produced in accordance with the loan provisions and mutuality is ensured; the library procuring such copies charges a fee of 1.50 € per order.

(3) Special expenditures of the libraries (e. g. for insurance, urgent delivery charges) incurred in processing the users' requests are to be refunded by the users.

(4) Fees are charged for information procurement with the aid of external databases, which for the members of a state university or college and authorities of the Free State of Bavaria consist of the host charges and the auxiliary costs (transmission costs and other overheads). Other users have to compensate also for personnel costs, which are added to the fee as a lump sum. The fees can be gathered from a list compiled by the library.

(5) For official acts of the libraries (e. g. requests to return borrowed works, requests for the payment of damages or stipulating the amount of damages payable) fees are charged in accordance with the cost law and the register of costs (Art. 1 para. 1, Art. 6, 8 and 13 Cost Law).

Section III: Use outside the Library

Article 13 Loan Procedure

- (1) It is a general precondition for loaning works for use outside the premises of the library that the users verifiably have a place of residence in the Federal Republic of Germany. 2Works that are available in libraries at the place of residence should be borrowed from there.
- (2) 1As a rule the users generally collect the works in person. 2In the event that they have the works collected by appointees, these persons have to submit evidence of their authorisation and have to confirm receipt on the library ticket upon request. 3The library is entitled, but not compelled to hand the works over to any person submitting the corresponding reader pass.
- (3) Loanable works from open-access collections are as a rule collected from the shelves and presented to the staff at the loan desk by the users themselves.
- (4) The order slip provided with an issue mark is regarded as proof for the delivery of the work (library ticket). In the case of automated loan booking the automated record of the loan procedure is regarded as proof for the delivery. 3From the time of delivery the users are held liable for returning the work, even if not at fault; Art. 8 para. 3 clauses 2 to 4 are applicable accordingly.
- (5) In the event that works provided for collection by the library are not collected within 10 days following the receipt of the order, the order is deemed to be cancelled. The library may dispose of the order slips.
- (6) The maximum number of works loaned to one person should be 20.
- (7) The library may establish an immediate loan facility and may establish special conditions therefor, in particular the time required for providing the ordered works may be reduced (para. 5 clause 1).
- (8) Works of the Bayerische Staatsbibliothek are loaned to students exclusively on the condition that these works are verifiably unavailable in the university or college library.

Article 14 Order Procedure

- (1) For every work which is borrowed without automated loan booking a pre-printed order slip has to be filled in and signed in person. Order slips from legal entities, authorities, companies, institutions or university chairs have to be provided with the authority's or the company's stamp and the signature of a person bearing power of representation (Art. 5 para. 4 clause 2). The library may return illegible, incomplete or otherwise faulty order slips unprocessed.
- (2) The users must enter shelf marks in the order slips themselves if the shelf marks of the desired works can be located in an accessible catalogue.
- (3) In the case of automated loan booking the users are to check themselves whether the desired work is available and loanable. The library may provide simplified order slips.
- (4) In the event that more than ten works are ordered the library may allot the processing of the orders to several days or may return a part of the order slips.(5) If an ordered work is not present, already on loan or unavailable for other reasons the order slip is provided with a corresponding annotation and kept for return for ten days.

Article 15 Lending Restrictions

- (1) The following items are categorically excluded from circulation and may consequently be consulted exclusively on the premises of the library:
1. Reference collections,
 2. works published more than 100 years ago,
 3. works in a bad conservation state and works requiring special care,
 4. valuable works or works that are hard to replace. In particularly justified cases the library may grant a loan permission.
- (2) The loan of individual collection groups (e. g. school books, adolescents' and children's books, travel guides as well as works imparting elementary or exclusively practical knowledge) and of legal copies may be made dependent on a proof of the academic or professional purpose pursued by their consultation. Works that are in great demand can be excluded from circulation temporarily. (3) The Bayerische Staatsbibliothek may limit the use of legal copies to the reading rooms.

Article 16 Loan Period

- (1) The loan period is one month, in the case of periodicals two weeks. The library may establish deviating regulations. 3In justifiable cases it may also reclaim a work before the expiry of the loan period. Works which are not required by the users any longer should be returned before the expiry of the loan period.
- (2) The loan period may be extended upon written request at the most twice by one month each, in the case of periodicals at the most by two weeks each, unless the grant of such extension is revoked. The library may accept a different form of request. The request for extension must contain the shelf marks of the works and, if required, also the user number. The loan period is deemed extended if the library does not explicitly reject the request. The library may request the submission of a new order slip and of the work prior to extending the loan period.
- (3) The loan period may not be extended if the work has been reserved by another user (Art. 17). An already granted extension may be revoked if a reservation is made.
- (4) Permanent loans are generally ruled out. In the universities and colleges reference collections encompassing small quantities of works may be established for professors and full-time research associates. Such collections must be made accessible to other users upon request.

Article 17 Reservations

- (1) Works already on loan may be reserved for borrowing. The library is not compelled to accept more than one reservation per work.
- (2) Any information about users ordering or borrowing items may only be given upon their prior approval.

Article 18 Return Procedure

- (1) The user must return the borrowed work of his/her own accord to the relevant library division at the latest on the expiry date of the loan period. Upon corresponding reclaim by the library the users are compelled to return the work immediately also before the expiry of the loan period. The users have to make sure that the borrowed works are returned in time also in the case of their absence or any other hindrance. The library may point out the due date for return in any suitable form. A receipt may be requested for each returned work.(2) In the event that borrowed works are sent back by mail by way of exception, such shipment must be in the form of a parcel. The parcel must contain the name, address and user number as well as a list of contents. 3In the event that users wish to obtain a receipt, a self-addressed envelope with sufficient postage must be enclosed.
- (3) In the case that borrowed works are not returned on time, the library shall reclaim the works at a charge, pointing out the

expired loan period. 2The library shall repeat the request for return at a charge.

(4) In the event that measures according to paragraph 3 remain unsuccessful, the library sends the users a further request to return the borrowed works within a certain period. Such request shall be sent as a registered letter to obtain proof of delivery, and shall be at a charge. In this request it shall be indicated that if the works are not returned in due time, the administrative procedure for the surrender of the works shall be initiated or the works shall be deemed lost and damages shall be claimed in accordance with Art. 8 para. 3; the library shall warn the user that he/she will be excluded from the further use of the library.

(5) After the fruitless expiry of the deadline fixed in accordance with paragraph 4 clause 1, the library shall issue an official notification ordering the return of the borrowed works, which notification is at a charge and declared immediately executable. In the event that the execution remains fruitless, the users are compelled to pay damages in accordance with Art. 8 para. 3.

(6) In the case that an administrative procedure in accordance with para. 5 clause 1 is deemed inappropriate or has no prospect of success, the library is entitled to deem the loaned works lost after the expiry of the term in accordance with para. 4 clause 1 and to claim damages in accordance with Art. 8 para. 3.

(7) Requests for the return of books and official notifications in accordance with paragraphs 3 to 6 are deemed received by the user if they are sent to the latest address stated by the user.

(8) As long as the users do not comply with a return request, do not pay a fixed amount of damages or do not pay fees falling due, the library shall refuse to loan any works and to extend any loan period.

Section IV: Using Items in Reading Rooms

Article 19 Reference Collections

(1) The reference collections of the reading rooms may as a rule be used exclusively in the rooms intended for this purpose.

(2) In university and college libraries semester reserve collections may be compiled in the reading rooms, for which collections the library establishes special conditions of use. Works borrowed from other libraries may be included in semester collections only on condition that the lending library has approved thereof.

Article 20 Order Procedure

(1) All works that are accessible without limitations and kept in the stacks can be ordered for consultation in a reading room. They have to be returned daily, unless used in specially marked places. The library may limit the total of works provided to one person.

(2) Concerning works and special collections that are in particular need of protection, the use of such items may be limited to special reading rooms or special areas of the reading rooms. A record shall be kept on the use of a work in need of special protection.

(3) For ordering, using and making reservations as well as liability for damages Art. 13 paragraphs 2 to 7, Arts. 14 and 17 are correspondingly applicable.

(4) A work provided for use in the reading room can be borrowed for use outside the library, unless stipulated otherwise by Art. 13 para. 8 or Art. 15. The loan period (Art. 16) starts at the time of provision in the reading room.

Article 21 Use Period

(1) In the reading room provided works are available to the user for one month, periodicals for two weeks. The period may be extended provided that no other orders or reservations have been made.

(2) In the case that works provided in the reading room are not used for a period of ten days, their use shall be deemed abandoned.

Section V: Circulation

Article 22 Interlibrary Loan from other Libraries

(1) Works which are neither present at one's own library nor at another publicly accessible library on the spot can be borrowed from libraries in other locations through the mediation of the library in accordance with the regulations of Bavarian, German and international interlibrary loan. Any interlibrary loan orders through which the limitations or fees applicable to loan would be bypassed are inadmissible.

(2) Interlibrary loan orders must as a rule be placed in person. The orders and any requests in connection therewith, such as requests for the extension of loan period or for a special permit, have to be handled by the mediating library. Requests for the extension of loan period should be limited to exceptional cases.

(3) The present regulations on use shall be applicable also to the works procured within the framework of interlibrary loan; the directions of the lending library must be observed.

Article 23 Interlibrary Loan to other Libraries

Works are dispatched for use in other locations in accordance with the regulations of Bavarian, German and international interlibrary loan. With a view to lending restrictions the library is entitled to make the loan subject to certain conditions or to reject it altogether. It is furthermore entitled to deliver copies in lieu of the original, provided that this does not infringe any copyright.

Section VI: Manuscripts and other Special Collections

Article 24 Use

(1) For the use of manuscripts and of other works which are in particular need of protection due to their age, their value or their properties (special collections) the library may stipulate additional restrictions of use and may exclude individual works from use, primarily for reasons of conservation. The library may offer copies instead of the original.

(2) Prior to accepting a request for use the library may request a statement of purpose of use, and in the case of students, a statement by a professor. 2As a rule, only one work is issued to one person at any one time. 3Such works may be used exclusively in the library in the locations provided for this purpose. In exceptional cases a work may also be dispatched in accordance with Art. 23.

Article 25 Publications

(1) The publication of manuscripts and other special collections or of parts thereof is admissible exclusively upon prior approval by the library, provided that a visual reproduction is intended. In each publication the library owning the work and the shelf mark of the work must be mentioned.

(2) One copy of each publication based on the use of manuscripts and other special collections, including articles in collective works, has to be submitted to the library free of charge, without prejudice to the legal deposit right; the right to such copy may also be waived.

(3) The above paragraphs are applicable accordingly if the library has made copies available to the users instead of the originals.

Section VII: Final Clause

Article 26 Exclusion from Use

(1) Whoever breaches the regulations for use or directions by the library repeatedly or severely may be excluded from using the library temporarily or permanently, partly or completely. This shall be applicable accordingly if the use has become unacceptable for other reasons. For members of the universities and colleges the regulations of the Bayerisches Hochschulgesetz (Bavarian University and College Act) shall be applicable.

(2) In the case of particularly severe violations the library is entitled to inform other libraries of the exclusion and its grounds.

Article 27 Special Regulations of the Universities/Colleges

The state universities and colleges are entitled to establish complementary regulations for use upon approval by the Bavarian State Ministry of Sciences, Research and the Arts (Art. 32 para. 3 clause 1 Bavarian University and College Act). Therein they may divert from Art. 5 para. 3, 4, clause 2, para. 6, Art. 10 para. 2, 4, Art. 13 para. 5, 6, Art. 14 para. 4, Art. 15 para. 1 clause 1 no. 1, Art. 16 para. 1 clauses 1 and 2, para. 2 clause 1, para. 4, Art. 18 para. 1 clause 5, Art. 19 para. 1 and Art. 21.

Article 28 Entry into Force, Annulment

(1) The present Ordinance shall enter into force on 1 October 1993.

(2) Simultaneously the Allgemeine Benützungordnung der Bayerischen Staatlichen Bibliotheken (ABOB) dated 30 November 1966 (BayRS 2240-3-K) shall be annulled.

Munich, 18 August 1993 Bavarian State Ministry of Sciences, Research and the Arts Hans Z e h e t m a i r , State Minister