

Billing Code (BKZ) xxxx.xxxx.xxxx

Munich, Date

## Final Notice

### Return Order for Media Belonging to the University Library of the Technical University of Munich (TUM)

*This translation is provided for your convenience only.  
The original German letter you received by mail shall be the sole legally binding version.  
Please note the details and legally binding due dates stated in the original letter.*

Dear Sir or Madam,

The TUM University Library herewith issues the following notification:

1. We hereby order the return of the following media to the TUM University Library pursuant to § 18 Para. 5 Sentence 1 of the General Terms of Use of the Bavarian State Libraries (ABOB). You are required to return the following media to the TUM University Library no later than DD MONTH YYYY:

*Item Number / Shelfmark*

*Author*

*Title*

*Due date: DD MONTH YYYY*

2. You will be barred from using the TUM University Library for a period of six months.

3. Items 1 and 2 shall be effective immediately.

If you do not fulfill your obligation to return the aforementioned media to the TUM University Library no later than DD MONTH YYYY, we will replace the media at your expense pursuant to Art. 32 of the Bavarian Administrative Service and Enforcement Act (BayVwZVG). Estimated costs to be incurred by you for the replacement of unreturned media amount to XX.XX euros. Estimated costs will be billed to you in advance of replacing the media.

4. The fee for this return order amounts to 35.50 euros (30.00 euros media reclaim charges and 5.50 euros processing charges), payable by DD MONTH YYYY.

### **Grounds**

As an authority of the Free State of Bavaria, the TUM University Library is responsible for ordering the return of the media borrowed from its collections pursuant to Art. 12 Para. 3 No. 3 and Art. 19 Para. 5 Sentence 2 of the Bavarian Higher Education Act (BayHSchG), Art. 3 Para. 1 No. 4 of the Bavarian Administrative Procedure Act (BayVwVfG) and § 1 Para. 1 ABOB.

You borrowed the media listed in item 1 from the TUM University Library. The loan period for the media listed above have expired. Upon expiry of the above loan periods, the TUM University Library made repeated, written requests for the return of borrowed media pursuant to § 18 Para. 3 and 4 of the ABOB, with which you failed to comply. Our third notice requesting the return of borrowed media was issued on DD MONTH YYYY and was delivered to you by registered mail on DD MONTH YYYY.

Despite these repeated requests, you have not yet returned the borrowed media to the TUM University Library. Pursuant to § 18 Para. 5 Sentence 1 of the ABOB, the return must therefore be ordered by means of notification, subject to charges. As a result of your failure to return borrowed media, you have repeatedly and seriously violated both the terms of use and regulations of the TUM University Library. Therefore, we pronounce that the penalty barring you from use of the library for a period of 6 months shall apply. The order for immediate enforcement is issued pursuant to § 80 Para. 2 No. 4 of the Administrative Court Ordinance (VwGO) and § 18 Para. 5 Sentence 1 ABOB. The refusal to return borrowed media at the end of the loan period, despite repeated requests, seriously endangers the library's lending operations and, as such, constitutes grounds for immediate enforcement in the special interest of the public. As such, the penalty barring you from use of the library shall be effective immediately pursuant to § 26 Para. 1 Sentence 1 of the ABOB.

A warning of the commencement of replacement procedures has been issued pursuant to Art. 29 Para. 1, Para. 2 No. 2 and Para. 3, Art. 32 and Art. 36 BayVwZVG and is enforceable immediately by force of law, cf. § 80 Para. 2 Sentence 1 No. 3 VwGO in conjunction with § 80 Para. 2 VwGO. Art. 21a sentence 1 BayVwZVG. As the issuance of three prior return requests, which were subject to progressively increasing fees, has remained unsuccessful, it is not likely that further warnings and enforcement of additional charges will bring about the return of the borrowed media. The commencement of replacement procedures is therefore an appropriate measure. The authority of the TUM University Library to exercise administrative enforcement derives from Art. 30 Para. 1 Sentence 1 BayVwZVG.

The calculation of charges is based on § 12 Para. 5 ABOB in connection with Art. 1 Para. 1, Art. 6 Para. 1 Sentence 1, Art. 10 Para. 1 No. 2 of the Bavarian Costs Law (*Kostengesetz – KG*) in conjunction with Tariff No. 3.III.2/9 of the Regulation on the Adoption of the Costs Index (*Kostenverzeichnis – KVz*).

Sincerely,

Media Reclaim Team

### **Legal Remedies**

You may file opposition to this notification **within one month after receipt** to the

**Bayerischen Verwaltungsgericht München in 80335 München**

**Postal address: Postfach 20 05 43, 80005 Munich;**

**Street address: Bayerstraße 30, 80335 Munich**

either in writing or a **legally accepted** form of electronic equivalent, or declared in person for the record of the clerk's office of this court.

#### Note on Legal Remedies:

An opposition or action may not be filed with a simple email. This has no legal force. For detailed information on electronic filing of an opposition, visit the website of the Bayerischen Verwaltungsgerichtsbarkeit at [www.vgh.bayern.de](http://www.vgh.bayern.de).

By virtue of German federal law, an advancement of court fees is required for proceedings before administrative courts.