



Nationalfonds der Republik Österreich
für Opfer des Nationalsozialismus

ALLGEMEINER ENTSCHÄDIGUNGSFONDS
FÜR OPFER DES NATIONALSOZIALISMUS
General Settlement Fund for Victims of National Socialism

Media Information from the National Fund of the Republic of Austria
and the General Settlement Fund for Victims of National Socialism
(as of February 2009)

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FÜR OPFER DES NATIONALSOZIALISMUS
General Settlement Fund for Victims of National Socialism

1. An overview of the National Fund and General Settlement Fund

The National Fund of the Republic of Austria for Victims of National Socialism was set up in 1995 (Federal Law Gazette No. 432/1995) in order to express Austria's moral responsibility towards the victims of the National Socialist regime. The National Fund makes lump sum recognition payments, so-called "gesture payments", to the surviving victims of National Socialism amounting to 5,087 Euros. Applications can be filed with the National Fund unlimitedly; the Fund's payments are financed by the annual budgetary means (approximately 30,000 payments totalling more than 153 million Euros between 1995 and 2009).

Further tasks of the National Fund are the further use of non-restitutable, so-called heirless "looted art", the support of needy Holocaust survivors, and the raising of awareness of the National Socialist era and its aftermath through the support of projects. In 2001, the National Fund was also entrusted with the so-called "compensation for tenancy rights". 150 million USD have been provided for these lump sum payments to surviving victims of National Socialism.

The National Fund is the first organization explicitly dedicated to recognition as well as to the active commemoration of the victims of the National Socialist regime in Austria, and represents a partner in the international dealing with the Holocaust. Programmes for research and education work on the Holocaust spanning many countries are implemented by the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF). The coordination office for Austria has settled at the National fund. Austria has been presiding over the ITF since 12 March 2008.

The General Settlement Fund for Victims of National Socialism was established on the basis of the Washington Compensation Agreement of 2001 and endowed with 210 million USD (Federal Law Gazette I No. 12/2001). The General Settlement Fund represents the recognition of the moral responsibility for the property losses suffered by those persecuted by the National Socialist regime in Austria by awarding ex gratia payments. These payments do not represent lump sums but are calculated based on the amount of the established property losses and are distributed in relation to the disposable total amount of 210 million USD (pro rata payments).

The filing period for monetary payments of the General Settlement Fund ended on 28 May 2003. Persons personally affected by the National Socialist property confiscation as well as their legal

successors are entitled to file applications. In total, more than 20,000 applications, which are decided by an independent Claims Committee, reached the Fund.

Furthermore, an Arbitration Panel for *In Rem* Restitution is installed with the General Settlement Fund, which decides on applications for property restitution. Possible objects of restitution are real estate or movable property of Jewish communal organizations which had been seized from their owners during the National Socialist period and which on the cut-off date of the agreement, 17 January 2001, were publicly owned (The Federation, provinces and certain municipalities). The general filing period for *in rem* restitution ended 31 December 2007. However, until the end of 2009, it is possible to file applications for the restitution of properties which were owned by the City of Vienna or the province Vorarlberg on the cut off day 17 January 2001.

The National Fund of the Republic of Austria and the General Settlement Fund are organisationally closely linked: the business operation of both funds is led by the General Secretary Mag. Hannah M. Lessing and is subject to the supervision of a board of trustees, chaired by the President of the National Council, Mag. Barbara Prammer. In February 2009, the activities of the National Fund and the General Settlement Fund were borne by 118 permanent and freelance employees, of which 22 subject specialists are allocated to the National Fund and 99 to the General Settlement Fund.



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2. National Fund of the Republic of Austria for Victims of National Socialism

2.1. Victim recognition / Gesture payments

The National Fund was set up in 1995 (Federal Law Gazette No. 432/1995) in order to express Austria's moral responsibility towards the victims of the National Socialist regime. The National Fund makes lump sum recognition payments, so-called "gesture payments", to the surviving victims of National Socialism amounting to 5.087,10 Euros (70.000 Schillings). There is no deadline for filing applications with the National Fund; the lump sum gesture payments are financed from the annual budgetary means. Persons personally affected by the National Socialist regime in Austria are entitled to file applications (this also applies to applications for payments for „compensation for tenancy rights“, read below). Between 1995 und 2009, gesture payments of around 153 million Euros have been made.

Status February 2009:

Applications received:	32.599
Payments:	30.168

2.2. Project Support

The Sponsorship of projects which support survivors of National Socialist persecution as well as serve to raise awareness of the crimes of the National Socialist regime form another field of activities of the National Fund. Since 1996, about 700 commemorative, historical and supportive projects have been supported by the National Fund worldwide. Since March 2008, a database of all projects supported so far has been available on the National Fund website. The total amount raised by the National Fund for the development of projects since 1996 is 16.577.998,- Euro (as of February 2009).

2.3. Restitution of Art

The National Fund is entrusted by law with the further use of publicly owned art objects that are ideal objects for restitution but to which no heirs could be established. The National Fund art database has been available since October 2006 under www.kunstrestitution.at. It is an information platform and forum for the identifying of heirs of formerly seized art objects, which are now in Austrian federal museums and collections. An English version of the art database can be found

under www.artrestitution.at. The Art Database of the National Fund contains information on more than 8.970 objects (February 2009) and is updated continuously.

2.4. Compensation for Tenancy Rights

In 2001, the National Fund was entrusted with making payments for seized leases, household property, personal valuables and effects (amendment of the National Fund Law sec. 2 (b) Federal Law Gazette I 11/2001). In the Washington Agreement of 2001, 150 million USD were provided for the compensation for tenancy rights. This was paid out in lump sum payments of 7,000 USD (or 7,630 Euros) to more than 20,000 applicants. The remaining means will constitute the additional payments of 1,000 Euros to all applicants or their heirs.

Status February 2009:

Applications received by the deadline 30 June 2004: ¹	23.276
Payments:	20.308
Additional payments:	18.736

¹ As a consequence of necessary adjustments in the National Fund's database, minor changes in the annual figures may occur.

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FÜR OPFER DES NATIONALSOZIALISMUS**
General Settlement Fund for Victims of National Socialism

3. General Settlement Fund for Victims of National Socialism

The General Settlement Fund (Federal Law Gazette 12/2001) was established on the basis of the Washington Compensation Agreement of 2001 and endowed with 210 million USD. The General Settlement Fund represents Austria's recognition of its moral responsibility for the property losses suffered by those persecuted by the National Socialist regime in Austria by awarding individual ex gratia payments.

3.1. Monetary Payments of the General Settlement Fund (General Settlement Fund Law/GSF-L Sec. 1 Part 1)

The independent Claims Committee decides on individual monetary payments for compensation claims in several categories of property. The deadline for filing applications was 28 May 2003. The prioritized payments (advance payments) began in December 2005.

Application processing as of 16 February 2009:

Applications received (deadline 28 May 2003)	20.641	100%
Decided by the Claims Committee	20.300	98%
Advance payments transferred²	13.109	64%
Research completed	20.631	99%
Processing completed	20.504	99%

By February 2009 approximately 130 million USD had been assigned for payment to more than 13.000 applicants. The entire amount of 210 million USD is available exclusively for monetary payments as defined in the General Settlement Fund Law. Administrative costs are financed from the interest.

Persons personally affected by National Socialist persecution in Austria as well as their legal successors were entitled to file applications. The compensation payments are calculated on the basis of the individually established losses and are paid out pro rata in relation to the available total amount of 210 million USD. A final calculation of this "compensation ratio" would require the assessment of all applications (and of about 120.000 individual claims!). However, in consideration of the age of many applicants, in December 2005 the GSF-L was amended. This amendment

² The difference between the amount of decided cases and of transferred payments on the one hand results from deadlines starting with the service of the decision and whose expiry has to be awaited before the transfer of payment. On the other hand, a payment is not made if all claims have been rejected. If the granted amount remains beneath 500 USD it is paid out only after the decision of all applications. In cases where in the meantime applicants have died the heirs are searched for.

allows for an advance proportional payment to those applicants whose property losses have already been established by the GSF.

3.2. Applicant Statistics

Age: Around 85 % of the applicants had been born by the year 1945. Approximately 15 % of the applicants were born after World War II.

Origins: Most applicants reside in the USA (approximately 6,800), followed by Austria (approximately 4,000), Israel (approximately 3,200) and the UK (approximately 2,100). Then Australia (approximately 1,200), Canada (approximately 550), Argentina (approximately 530), France (approximately 400), Germany (approximately 350) and Switzerland (approximately 230).

3.3. *In Rem* Restitution of Public Property (GSF-L Sec. 1 Part 2)

The independent Arbitration Panel for *In Rem* Restitution can recommend the restitution of publicly owned formerly confiscated real estate (and movable property of Jewish communal organizations). Assets of the Republic of Austria, the provinces (with the exception of Tirol) and the municipalities Bad Ischl, Eisenstadt, Grieskirchen, Kittsee, Mattersburg, Oberwart, Purkersdorf, Rechnitz, Stockerau, Vöcklabruck and Wiener Neudorf can all qualify for *in rem* restitution, according to the GSF-Law (as of April 2008).

Application processing as of 21 January 2009:

Total number of applications	2.137
Concluded substantive applications ¹	278
Of them recommendations	66
Substantive applications in process	154
Concluded formal applications ²	461

Until date decided substantive applications concerned mainly property owned by the Republic of Austria or by the City of Vienna. As a rule, the applications concerned real estate, only two applications concerned movable property, which formerly had been owned by organizations (decisions 68/2006 and 411/2007).

The general application deadline for *in rem* restitution in accordance with the General Settlement Fund Law (GSF Law) expired on 31 December 2007. With Federal Law Gazette I 89/2008, the legislator has provided the provinces and municipalities that have affiliated themselves with the

¹ Substantive applications satisfy the requirement of public property on the cutoff date of 17 January 2001 and are decided after detailed establishment of facts and a legal examination during a session of the Arbitration Panel.

² As a rule, the requirement „property which was publicly owned on the cutoff date of 17 January 2001“ is not fulfilled or the property asset is not specified.

Arbitration Panel pursuant to Sec. 38 GSF Law (opt-in) with the opportunity to extend the application deadline until 31 December 2009.

Further to this, provinces and municipalities that have not yet affiliated themselves with the *in rem* restitution proceedings can make use of the opt-in until the end of 2009. After this date, an opt-in requires the consent of the Arbitration Panel. In both cases, the applications can be filed within 24 months of the entity's affiliation to the Arbitration Panel. The relevant deadlines are announced on the General Settlement Fund website (www.nationalfonds.org).

With its decision of 1 October 2008, the Vienna Municipal Council made use of the opportunity to extend the application deadline for *in rem* restitution pursuant to the General Settlement Fund Law (GSF Law). The province of Vorarlberg has also extended its deadline. Hence, until the end of 2009, it is possible to file applications for the restitution of properties which were owned by the City of Vienna or the province of Vorarlberg on the cut off day 17 January 2001. The restitution of movable property belonging to Jewish communal organisations can also be applied for by these organisations or their legal successors.

3.4. Further payments pursuant to the Washington Agreement 2001

- Additional social payments as defined in the GSF-L amounting to approximately 112 million USD (GSF-L Sec. 3 and 4)
- Payments to the Hakoah sport center amounting to 8 million USD

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 General Settlement Fund for Victims of National Socialism
Schiedsinstanz für Naturalrestitution

4. Case Statistics of the Arbitration Panel for *In rem* restitution

The applications submitted to the Arbitration Panel that are mentioned in this table include all individual applications of applicants. In some cases, several individual applications may refer to the same property (real estate, Jewish communal property).

4.1. Table

As of 21 January 2009

Applications received	2137
of these substantive applications ¹	432
Substantive applications in process	154
Concluded substantive applications – recommendations ²	66
Concluded subst. applications – rejections ³	89
Concluded subst. applications – dismissals ⁴	123
Formal applications in process ⁵	372
Formal applications under instruction to improve ⁶	724
Concluded formal applications	461
Withdrawn applications	69
Applications without power of attorney	78
Reopenings in process ⁷	1

¹ On preliminary review, these individual applications meet the application requirements, especially those relating to publicly-owned property as at 17 January 2001. These applications require a comprehensive historical and legal (=substantive) examination.

² There are twelve recommendations or partial recommendations relating to 66 applicants (individual applications)

³ There are 30 rejections or partial rejections relating to 89 applicants (individual applications)

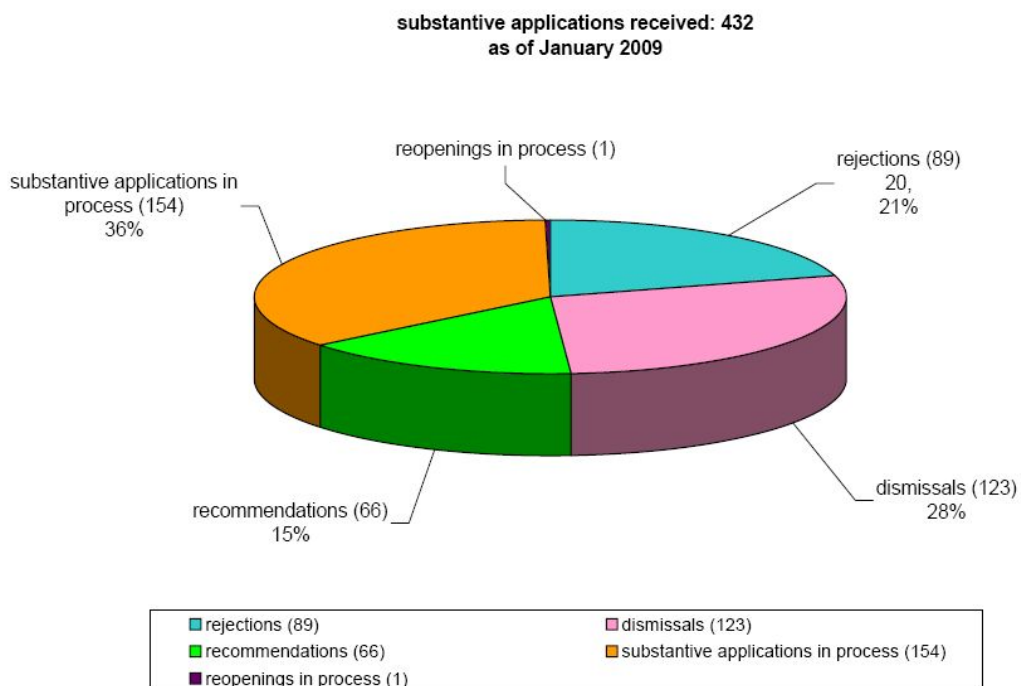
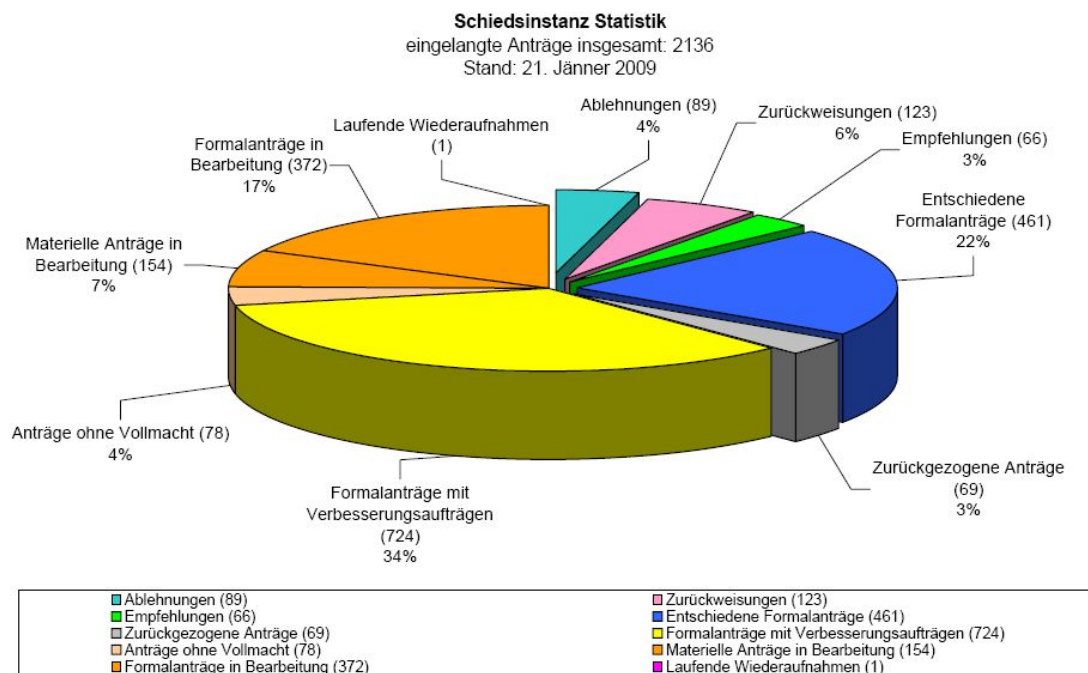
⁴ There are eleven dismissals relating to 123 applicants (individual applications)

⁵ Formal applications are applications to the Arbitration Panel which on preliminary review do not satisfy relevant requirements prescribed by law for *in rem* restitution. In almost all cases, the requirement of publicly-owned property as at 17 January 2001 is not met. Moreover, these applications also include cases in which recommendations may only be addressed to Jewish community organizations but where the respective applications were lodged by individuals.

⁶ The applicants of these formal applications are requested to provide written clarification of facts or are required to supplement their application.

⁷ Reopenings in process do not represent additional applications and consequently do not increase the total number of applications.

4.2. Charts



5. Appendix

[The following is a translation of the original German APA OTS message]

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Thu, 13.Mar 2008

The National Fund website in the light of remembrance =

Wien (OTS) - On the seventieth anniversary of the *Anschluss* Austria's, the National Fund will remember the years of Nazi rule from the perspective of those persecuted. Beginning in March 2008, a series of autobiographical texts, composed by survivors of National Socialist persecution will be published on the National Fund's website.

Since its work began in 1995, thousands of people have visited the National Fund personally. In the course of the application process, life stories were recalled and remembered: stories of individuals deprived of their rights and discriminated against after the National Socialist takeover, expelled from their homes and forced to begin a new life in a different place. Some applicants put pen to paper and consented to the publication of their memories. It is of particular importance to the National Fund that the autobiographical memories of the survivors of the Holocaust and persecution are made accessible to the public and remain as points of reference. In accordance with an emphasis in the memorial year 2008, the series starts with six texts from people who experienced the 1938 *Anschluss* as children or young people.

Project Support and Project Databases

In sponsoring projects, the National Fund supports initiatives dedicated to the critical work of preserving memories and the commemoration of the victims of National Socialism. A particular emphasis is placed on providing help for needy holocaust survivors. Scientific and educational projects for the examination and research of the active mechanisms and consequences of National Socialism are also promoted. Details of all projects supported since 1996 are now published in a project database. In the data collection, which is continuously being updated, details can be found of over 600 projects that are being supported by the means of the National Fund or the International Fund for Victims of National Socialism.

Databases on www.nationalfonds.org

In addition to the project database, further databases from the activities of the National Fund and the General Settlement Fund are available through the homepage at www.nationalfonds.org. This includes the National Fund's Art Database, the Decisions of the Arbitration Panel for In Rem Restitution (Arbitration Panel Database) and the database of seized insurance policies.

Contact details for queries:

National Fund of the Republic of Austria for Victims of National Socialism /
General Settlement Fund for Victims of National Socialism
Parliament, Dr. Karl Renner-Ring 3, 1017 Vienna
T: (43) 1 408 12 63
presse@nationalfonds.org
W: www.nationalfonds.org

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Restitution of publicly owned properties

- **The first seven decisions of the Arbitration Panel for In Rem Restitution are now available as volume 1 of a new bilingual series.**
- **New general conditions for deadline extensions**

In rem restitution of publicly owned properties is among the more recent Austrian measures dealing with the consequences of the National Socialist era. The Arbitration Panel for *In Rem* Retitution, established with the General Settlement Fund in Vienna, decides on the applications for restitution. The Arbitration Panel began its work in October 2001 and by June 2008 had decided on a total of 608 applications. Until now, property assets with an estimated total value of 30 million Euro were able to be restituted through the decisions of the Arbitration Panel.

The Arbitration Panel has developed a case law in accordance with the instructions of the General Settlement Fund Law, which exemplarily presents the consequences of National Socialism in Austria regarding the law of property. The decisions of the Arbitration Panel form a part of the current debate about property seizures during the National Socialist period and restitution practices after 1945.

The first seven decisions available as volume 1 of a new bilingual series

The decisions of the Arbitration Panel will be – beginning in the year of remembrance 2008 – published in a bilingual series by the Facultas publishing house. Volume 1 contains the first seven decisions from the years 2003 and 2004, including the first recommendation for the restitution of a property owned by the Republic of Austria as well as the decisions on the applications of the Habsburg family. The publication of the Arbitration Panel decisions in the German and English languages documents an element of more recent compensatory policies and illuminates an important part of the current restitution judicature. By means of specific cases, the texts of the decisions offer an insight into the historic and legal complexities of the compensatory measures for the victims of National Socialism.

Contact for inquiries as well as material and contact with the publishers:

Sigrid Winter, facultas. Wuv Verlag

Tel. 01-310 53 56-26

Peter Stadlbauer, General Settlement Fund

Tel. 01-408 12 63, presse@nationalfonds.org

New general conditions for deadline extensions

The general application deadline for in rem restitution in accordance with the General Settlement Fund Law (GSF Law) expired on 31 December 2007. With [Federal Law Gazette I 89/2007](#), the legislator has provided the provinces and municipalities that have affiliated themselves with the Arbitration Panel pursuant to Sec. 38 GSF Law (opt-in) with the opportunity to extend the application deadline until 31 December 2009.

Further to this, provinces and municipalities that have not yet affiliated themselves with the in rem restitution proceedings can make use of the opt-in until the end of 2009. After this date, an opt-in requires the consent of the Arbitration Panel. In both cases, the applications can be filed within 24 months of the entity's affiliation to the Arbitration Panel. The relevant deadlines will be announced on the General Settlement Fund website (<http://www.nationalfonds.org/>).