

Federal Act on the Establishment of the Fund for the Restoration of the Jewish Cemeteries in Austria, original version: [BGBl. \[Federal Law Gazette\] I no. 99/2010](#) (NR [National Council]: XXIVth GP [legislative period], [IA \[legislative motion\] 1313/A](#), [AB \[Committee Report\] 990 p. 83](#), BR [Federal Council]: [AB \[Committee Report\] 8409, p. 790.](#))

Amendment

[BGBl. \[Federal Law Gazette\] I no. 157/2023](#) (NR [National Council]: XXVIIth GP [legislative period], [IA \[legislative motion\] 3537/A](#), [AB \[Committee Report\] 2301, p. 241](#), BR [Federal Council] [11339, AB \[Committee Report\] 11350, p. 960.](#))

Preamble/Promulgation Clause

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Establishment and Objective of the Fund

Section 1.

- (1) A fund shall be established at the National Council to support and secure the restoration of the Jewish cemeteries in Austria. It shall bear the name "Fund for the Restoration of the Jewish Cemeteries in Austria".
- (2) The Fund shall have its own legal personality and shall exclusively serve non-profit purposes.

Resources of the Fund

Section 2.

- (1) The Federal Government shall allocate to the Fund an amount of 1.2 million euros annually to perform its tasks. Starting in 2011, these funds shall be transferred to the Fund by the Federal Government on a pro rata basis at the beginning of each quarter, provided that the Fund can credibly demonstrate to the Federal Government an irrefutable need thereof no later than one month prior to the beginning of the quarter. Funds not transferred by the Federal Government owing to a lack of credible evidence of irrefutable need do not lapse, but may be claimed by the Fund from the Federal Government in one of the subsequent quarters, subject to the provision of credible evidence of irrefutable need. Funds remaining with the Federal Government at the end of the year may be claimed in subsequent years upon provision of credible evidence of irrefutable need. This notwithstanding, additional funds may also be transferred to the Fund by the Federal Government within the parameter of the first sentence of this paragraph in the event of a credibly demonstrated increased need in any one quarter. There shall be no obligation on the part of the Federal Government to make additional allocations.
- (2) The amount specified under paragraph (1) shall be value-protected on the basis of the 2005 consumer price index published monthly by *Statistik Austria* or an index published in its place. The initial starting point for value protection shall be the last index figure published for the month of December 2010. The value protection of the annual allowance shall be calculated by comparing the index

level of the last published calendar month with the index level of the base month. The increase in the annual allocation takes effect when the 3 % threshold is reached. Fluctuations in the index figure up to and including 3 % shall be disregarded. If the fluctuation exceeds 3 %, the entire variation shall be taken into account. The new index figure forms the basis for calculating further adjustments.

- (3) The Fund may receive third-party funding.
- (4) Contributions to the Fund may be claimed as business expenses.
- (5) Legal transactions required to carry out the tasks of the Fund shall be exempt from federal legal fees.

Activities of the Fund

Section 3.

- (1) The Fund shall, at the request of the owner of the Jewish cemetery in need of restoration and subject to available resources, make monetary awards to the owner of the Jewish cemetery in need of restoration or to third parties commissioned by the owner with the general restoration of one or more Jewish cemeteries or other related activities. These monetary awards may only cover the costs of restoration work and the planning and execution work required in that regard, not, however, the associated costs incurred by the owner of the Jewish cemetery for administrative activities.
- (2) The owners of the Jewish cemeteries and/or third parties commissioned by them pursuant to Sec. 3 (1) shall contribute a sum for the purpose of restoring the Jewish cemeteries, proven to the Federal Government to be at least one quarter of the total amount allocated to the Fund by the Federal Government pursuant to Sec. 2 (1) and (2), including services rendered free of charge. All third-party funds raised since 1 January 2010 shall be offset for this purpose. If a minimum of 75 % of these third-party funds has not been raised over a five-year period, future transfers by the Federal Government pursuant to Sec. 2 (1) and (2) shall be reduced until the 75 % mark is reached. Funds not transferred shall not lapse, but may also be transferred subsequently in accordance with the preceding sentence.
- (3) Payments from the Fund shall be contingent upon the written undertaking of the respective local authority to ensure the continued upkeep of the cemetery in question for a period of at least 20 years.
- (4) Payments from the Fund shall be made through the private-sector administration.
- (5) More detailed provisions on application requirements, minimum standards and general conditions for funding applications, as well as on the provision of payments by the Fund, shall be set out in the Guidelines of the Fund.

Administration and Organs of the Fund

Section 4.

- (1) The organs of the Fund shall be the Board of Trustees and the Managing Board of the National Fund, as well as the Advisory Board pursuant to Sec. 5.
- (2) The administrative tasks of the Fund and the public representation of the Fund shall be carried out in accordance with the principles of the Federal Law on the National Fund of the Republic of Austria for Victims of National Socialism, [Federal Law Gazette no. 432/1995](#), as amended.
- (3) The resources of the Fund shall be administered by the National Fund within the framework of a separate accounting system.

Advisory Board

Section 5.

- (1) The Advisory Board of the Fund for the Restoration of Jewish Cemeteries in Austria shall comprise:
 1. one representative each from the Federal Chancellery, the Federal Ministry for European and International Affairs, the Federal Ministry of Finance, the Federal Ministry of the Interior and the Federal Monuments Office;
 2. two representatives nominated by the Provincial Governors' Conference;
 3. one representative each of the Austrian Association of Cities and Towns and the Austrian Association of Municipalities;
 4. two representatives of the Jewish Community Vienna.
- (2) The Advisory Board may admit two historians as additional Members. If required for its work, the Advisory Board may call upon additional experts to attend its meetings as required. These experts shall carry out their work in an honorary capacity.
- (3) The Advisory Board shall advise the Board of Trustees in its decisions on the allocation of funds and monitor the projects for the restoration of the Jewish cemeteries in Austria. The functions on the Advisory Board shall be exercised in an honorary capacity. The functions on the Advisory Board shall be exercised in an honorary capacity.
- (4) The Members of the Advisory Board shall be informed of the progress of the restoration work at the meetings of the Advisory Board, which shall be held at least every six months.
- (5) The Advisory Board shall take its decisions by majority vote. In the event of a tie, the Chair shall have the casting vote.
- (6) The Advisory Board shall adopt more detailed regulations concerning the conduct of its affairs in its Rules of Procedure.

Final Provisions

Section 6.

- (1) The Fund shall be wound up at the end of the calendar year following its 40th endowment.
- (2) Any residual amount existing at that time shall be transferred to the National Fund for projects that serve the purpose of scholarly research into Nazism and the fate of its victims, recall Nazi injustice or preserve the memory of the victims.

Entry into Force

Section 7.

Sec. 2 (1) first sentence, Sec. 3 (2) first sentence, Sec. 4 (1) and Sec. 6 (1) as amended by the Federal Act published in [Federal Law Gazette I no. 157/2023](#) enter into force on 1 January 2024.