



10th Anniversary of the National Fund Figures. Data. Facts.

National Fund of the Republic of Austria for Victims of National Socialism
General Settlement Fund for Victims of National Socialism

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National Fund

"The aim of the National Fund is to acknowledge moral responsibility for the suffering that was caused to people in Austria by National Socialism, and to help the victims in a special way, in the full knowledge that no `reparations´ can ever compensate for the suffering endured."

Federal President Dr. Heinz Fischer
in his capacity at that time as First President of the National Council

Origin

The National Fund of the Republic of Austria for Victims of National Socialism was created on the 50th anniversary of the establishment of the Second Republic. The objective was the moral recognition of the victims of National Socialism.

The first concrete action leading to the creation of the federal law in respect of the National Fund of the Republic of Austria and its establishment originated from a civil initiative to compensate the so-called "Döllersheimer". This group of people was displaced from their villages, "Döllersheimer Ländchen", during the period when the National Socialists were in power in Austria, in order to set up the Allentsteig military training ground (Lower Austria). The decisive and ultimately crucial step for the realisation of the National Fund was taken in the course of the work of the Committee for Petitions of the National Council with this civil initiative. The latter held the view that this problem did not just affect those evicted from the "Döllersheimer Ländchen", but also many other victims of National Socialism. "Therefore Ways ought to be found to help in the most unbureaucratic and humane manner possible all persons who were victims of National Socialism and had not been compensated for the suffering caused to them".¹

After a joint motion for a resolution of the National Council and a number of debates, an initiative motion was proposed in 1995 by Dr. Peter Kostelka and Dr. Andreas Khol – at that time the parliamentary group leaders of the coalition parties – in the National Council "regarding a federal law in respect of the National Fund of the Republic of Austria for Victims of National Socialism". On 1 June 1995 the National Council passed the Federal Law regarding the National Fund of the Republic of Austria for Victims of National Socialism². It was established at the Parliament's offices in order to emphasize its symbolism.

¹Shorthand records, National Council, XVIIIth legislative period, supplement 1350 of the appendices, p. 6.

²Federal Law Gazette No. 432/1995.

432. Federal Act on the National Fund of the Republic of Austria for the Victims of National Socialism
(unofficial translation)

The National Council has decided as follows:

Article I

§ 1.

- (1) A fund for the provision of benefits to the victims of National Socialism shall be established in the context of the National Council. It shall bear the designation "National fund of the Republic of Austria for the Victims of National Socialism".
- (2) It shall be the objective of the Fund to express the particular responsibility towards the Victims of National Socialism.
- (3) The Fund shall be a separate legal entity and shall exclusively serve non-profit purposes. It shall be exempt of all taxes and other fiscal charges.

§ 2.

- (1) The Fund shall ender benefits to persons
 1. who were persecuted by the National Socialist regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, on grounds of physical or mental disability or on grounds of accusations of so called asociality, or who other wise were victims of typical National Socialist injustice or left the country in order to escape such persecution, and
 2. who
 - (a) were citizens of the Federal Republic of Austria and were domiciled in Austria on 13 March, 1938, or
 - (b) had been permanently domiciled in Austria for a period of approximately ten years as per 13 March, 1938, or were born as children as such persons in Austria within that period, or
 - (c) lost their status as citizens of the Federal Republic of Austria or their place of residence of at least approximately ten years before 13 March, 1938, because they left the country due to the imminent march of the German Armed Forces into Austria, or
 - (d) who were born before 9 May, 1945, as children of such persons in concentration camps or under comparable circumstances in Austria.
- (2) In particular, benefits shall be rendered to persons who have not received any or only insufficient benefits, who require special assistance, or in whose case assistance appears to be justified on the basis of their situation in life.
- (3) The Fund may likewise support projects called into life to aid the victims of National Socialism, to contribute to the scientific research of National Socialism and the fate of its victims, to recall National Socialist injustice or to preserve the memory of its victims.
- (4) The Fund shall render one-time-only or recurrent financial benefits. More detailed regulations concerning these benefits may be promulgated in the guidelines of the Fund.

§ 3.

- (1) The organs of the Fund shall be the Board of Trustees (Section 4), the Committee (Section 5) and the Secretary General (Section 6).
- (2) In its outside dealings, the Fund shall be represented by the Chairman of the Board of Trustees.
- (3) The benefits rendered by the Fund shall be administered in the manner of a private enterprise.
- (4) (Constitutional provision) The Fund shall be administered under the auspices of the President of the National Council by the Parliamentary Directorate. The President of the National council may also commission officials of the

Parliamentary Directorate to administer the Fund. The fund may equally delegate the handling of benefits granted by it to the Federal Minister of Labour and Social Affairs.

§ 4. (Constitutional provision)

(1) The board of Trustees shall be the supreme organ of the Fund. In particular, its tasks shall include:

1. Promulgation of the rules of procedure of the Fund.
2. Promulgation of the guidelines of the Fund concerning the granting of benefits.
3. Adoption of the budget.
4. Definition of the benefits to be decided by the Committee.
5. Decisions concerning benefits inasmuch as these decisions are not delegated to the Committee.
6. Adoption of resolutions concerning the investment of the property of the Fund.
7. Monitoring of the use of the property of the Fund in keeping with its purpose.
8. Approval of the statement of accounts.

(2) The Board of Trustees shall have the following members:

1. the President of the National Council,
2. The Federal Chancellor, the Vice-Chancellor, the Federal Minister of Foreign Affairs, the Federal Minister of Labour and Social Affairs, the Federal Minister of Finance and the Federal Minister of Education and Cultural Affairs (or suitably appointed representatives of the individual departments).
3. twelve other members to be elected by the Central Committee of the National Council.

(3) The members to be elected by the Central Committee shall be selected from the members of the National Council and the Federal Council including former members of the National Council and the Federal Council, other distinguished personalities of the public, cultural and scientific life of Austria and representatives of the victims concerned; they shall be elected for one legislative period. Their term of office shall last until the election of new members.

(4) The President of the National Council shall be the Chairman of the Board of Trustees. Acting upon a proposal submitted by the Chairman, the Board of Trustees shall elect a Deputy Chairman. The Board of Trustees shall pass its resolutions with a two-thirds majority in the presence of at least half of its members.

(5) The board of Trustees may decide to consult representatives of the victims concerned or other informants for certain decisions.

(6) Before adopting the guidelines on the granting of benefits, the Chairman of the Board of Trustees shall seek to obtain a statement by the Federal Minister of Finance.

(7) The Chairman of the Board of Trustees shall submit a report on each business year to the Central Committee of the National Council.

§ 5. (Constitutional provision)

(1) The members of the Committee shall include the Chairman of the Board of Trustees or a representative designated by him in the capacity of Chairman, another member designated by the Board of Trustees in the capacity of Deputy Chairman as well as three other members to be appointed by the Chairman of the Board of Trustees with the approval of the Central Committee of the National Council.

(2) Within the scope of its competences (Section 4, para 1, lit. 4), the Committee shall decide on the granting of benefits.

(3) At each meeting of the Board of Trustees, the Chairman of the Committee (or his deputy) shall report to the Board of Trustees on the decisions taken in the meantime by the Committee.

§ 6.

(1) The Secretary General shall support the Chairman of the Board of Trustees in the administration of the Fund and

shall prepare the resolution and decisions of the Board of Trustees and the Committee.

(2) The Secretary General shall be appointed by the President of the National Council after consultation in the Presidential Conference of the National Council.

(3) It shall be a further task of the Secretary General to maintain contacts between Austria and the victims of National Socialism living abroad.

§ 7.

(1) The payments of the Federal Republic to the Fund shall be effected as provided by the annual Federal Finance Act in this context, the President of the National Council shall prepare the preliminary budget on the basis of a joint proposal made by the Chairman and Deputy Chairman of the Board of Trustees and shall submit this preliminary budget, together with all appendices and explanatory notes, to the Federal Minister of Finance. The payments shall be remitted to the Fund in partial amounts in keeping with the actual requirements.

(2) The following exemptions shall apply:

1. Payments made by the Fund shall be exempt from income tax.
2. Gratuitous transfers made to the Fund shall be exempt from inheritance and gift tax.
3. The legal transactions necessary to discharge the tasks of the Fund shall be exempt from legal charges.

§ 8. This Federal Act shall come into force as of 27 April, 1995.

Article II

The Federal Finance Act 1995, BGBl. No. 283, shall be amended as follows:

1. After fig. 24 the dot shall be substituted by a comma and the following fig. 25 shall be added:

“25. (Constitutional provision) On the board of trustees’ of the National Fund of the Republic of Austria for Victims of National Socialism advice concerning the estimate of expenditure 1/02106 up to the amount necessary to cover the required allocations of the National Council the National Fund of the Republic of Austria for Victims of National Socialism.”

2. In the Federal estimate of expenditure (enclosure I) shall be added “1/02106/43 promotions”.

Klestil

Vranitzky

Symbolic payment

The **National Fund Law** assigned to the Fund the remit of acknowledging victims of National Socialism with a symbolic gesture. This acknowledgement is effected in accordance with the directives of the Board of Trustees of the National Fund dated 17 October 1995 in the form of a one-off payment in principle of € 5,087.10 / ATS 70,000. Thereby, the particular responsibility of the Republic of Austria was to be expressed for the suffered injustice.

In special cases where there is great social need there is a possibility of a second or a third payment. The social need is assessed in each individual case by the Committee taking into account an overall impression of the living conditions.

There is currently no deadline for an application under the National Fund Law.

Victim Groups

Who is entitled to apply?

Victims of National Socialism within the meaning of the National Fund Law and therefore entitled to apply are those persons who were persecuted

- on political grounds
- on grounds of origin
- religion
- nationality
- their sexual orientation
- on grounds of a physical or mental disability
- on grounds of accusations of so-called asociality, or
- who otherwise were victims of typical National Socialist injustice, or
- who left the country in order to scope such persecution.

These persons must meet the following further criteria:

on 13 March 1938 have held Austrian citizenship and been registered as living in Austria;
or

up to 13 March 1938 had lived for about 10 years in Austria without interruption or during this period had been born as children of such persons; or

prior to 13 March 1938 had lost Austrian citizenship or their 10 year minimum residency, because they left the country immediately before the invasion of the German Army; or

prior to 9 May 1945 had been born as children of such persons in concentration camps or under comparable circumstances; comparable circumstances are deemed to mean birth in a ghetto, internment camp or under similar circumstances.

In accordance with the definitions of persecution stated in section 2 paragraph 1(1) of the National Fund Law, the following groups of persons are generally considered to be victims of National Socialism:

Persecution on political grounds

This group of victims includes persons who were persecuted above all on the basis of their anti-Nazi stance which was expressed, for example, in comments or actions critical of the regime. The judgements were mostly "undermining military morale", "preparation for high treason" or "breach of the Treachery Act".

Some circles of politically active persons were grouped together by the Committee of the National Fund as special groups, the particular features of which were taken into account when examining their entitlement to claim:

Persons, who because of their **political involvement in the Spanish Civil War** had no residence in Austria in 1938 and following their return from Spain were interned in French camps, and who subsequently were handed over to the German Reich and imprisoned in concentration camps; according to the Committee ruling of 22 February 1996 they are to be considered victims within the meaning of the National Fund Law.

Victims of NS military justice, deserters from the German Army

Currently the group of victims of NS military justice, which include conscientious objectors, those evading military service, those who undermined the morale of the armed forces and those who were sentenced for similar crimes, only comprises about 100 persons in Austria.

Some victims of NS military justice have already been recognised as victims by the National Fund – for example, conscientious objectors and those sentenced for allegedly demoralising the armed forces. This acknowledgement is, however, linked to the existence of clearly recognisable actions of resistance based on religious or political motivation accordingly.

Persecution on grounds of origin

The overwhelming majority of persons persecuted by National Socialism on grounds of origin were Jews. Actions of persecution began immediately after the Anschluss, which entailed the introduction of the "Nuremberg Race Laws". These actions included "wild" (not officially sanctioned) and organised Aryanisation, the payment of discriminating charges, bans from specific schools and professions as well as violent attacks and culminated in the so-called Reichskristallnacht ("Night of Broken Glass"). The policy of expulsion was increasingly followed by systematic deportation to concentration camps and, later, extermination camps.

"First-degree Mischlinge" (half-breeds)

Most persons with one Jewish parent, who consequently were considered "first-degree half-breeds" under the National Socialist race laws, were exposed to concrete actions

of persecution, such as being banned from their school or profession, losing their home as well as being subjected to manifold forms of harassment. As of 1942, there was an increasing danger of being sent to a concentration camp. Such persons were in any case exposed to a general risk because of their partly Jewish descent.

In accordance with the decision of the Committee of 21 October 1997, it is therefore not necessary to submit proof of concrete persecution.

Persons with one Jewish grandparent – **“second-degree half-breeds”** – were not exposed to systematic general reprisals. However, if persecution can be proved, they, too, are regarded as victims under the terms of the National Fund Law.

Persons who emigrated after 12 July 1936 because of the threat of persecution

While interpreting the term of “permanent” residence as of 13 March 1938 had their permanent residence in Austria, the Committee in its session of 29 May 1998 also classified those persons as entitled to benefits who emigrated from Austria for racial or political reasons as of 12 July 1936. 11 July 1936 – the day of the so-called “July agreement” between Austria and the German Reich – was defined as a historic date, as of which the further developments in Austria were foreseeable to an attentive observer of the political situation.

The approx. 11,000 Austrian Roma and Sinti were likewise exposed to systematic persecution as “gypsies”. They were deported to concentration and extermination camps with the accusation of being “asocial”.

The Jenish – mostly landless, itinerant tinkers and traders – were exposed to similar persecution.

Persons persecuted on grounds of religion

As a matter of principle, those persons who were persecuted on the basis of their religious convictions are deemed to be victims within the meaning of the National Fund

Law. In addition to those persons persecuted on the basis of their Mosaic religion, **Jehovah's Witnesses** also belong to this group of victims. They were considered to be enemies of the state because of their religious beliefs and their refusal to participate in state organisations, as well as to refuse the "Hitler salute", oath of allegiance and military service. Up to 1945 around 2,000 Jehovah's Witnesses were interned in concentration camps in Germany, about 250 were executed for conscientious objection.

Persons persecuted on grounds of nationality

The largest group of persons persecuted on the basis of their nationality were the **Carinthian Slovenes**. After the Anschluss, individuals who were Slovene nationals were persecuted, then after Yugoslavia was occupied by German troops systematic persecution began. In 1942 finally 1,076 Carinthian Slovenes were transported to German camps. The farms seized were given to German settlers.

There was another wave of expulsions in 1944 as a reaction to the increasing activity of Yugoslavian partisans, who were supported to some extent by the Slovene population.

Partisans and children of partisans

According to the Committee ruling of 21 October 1997 partisans are also entitled to claim benefits even if they were not imprisoned insofar as they can prove to have been part of an active resistance group.

Applications from the children of partisans are considered by the Committee on an individual basis under the Committee rulings of 19 January 1999 and 21 June 1999. Their situation was comparable to that of the general danger to which "first-degree half-breeds" were exposed – particularly if their parents were imprisoned as partisans and they had to remain alone with relatives.

Persons persecuted on grounds of their sexual orientation

Under the National Socialists the persecution of homosexuality, which had already been considered a criminal act, increased considerably. From 1941 the Reich Criminal Code provided for the imposition of the death penalty for "sex offenders".

Persons persecuted on grounds of their physical or mental disability

From 1939 to 1945, mentally or physically disabled people were murdered through euthanasia programmes. The background to this were racial-cleansing as well as eugenic intentions, in addition to alleged socio-economic interests.

As part of Operation "T4", in 1940 and 1941 patients of psychiatric hospitals and sanatoria were murdered in institutions practising "euthanasia", such as Hartheim Castle in Upper Austria.

From 1940 onwards, at the psychiatric hospitals "Am Spiegelgrund" and "Am Steinhof", children were subjected to medical experimentation and murdered for reasons of racial politics. The Committee decision of 17 January 1997 and 2 March 1998 recognised the **children imprisoned at "Am Spiegelgrund"** for the first time as victims.

Persecution on grounds of accusations of so called asociality

The term "asociality" represented a catch-all set of circumstances, with which the persecution of unpopular persons was substantiated for a variety of reasons – persons accused of being "workshy" or who were social misfits. Often those persecuted came from broken homes or those who indulged in forbidden contact with forced labourers or prisoners of war ("race defilement"), but also Roma and Sinti were often persecuted for being "asocial".

Persons who otherwise were victims of typical National Socialist injustice

The group of "Döllersheimer" should be mentioned here, who between 1938 and 1941 were re-settled from the territory known as the "Döllersheimer Ländchen", in Lower Austria, to make way for the Allentsteig military training ground.

Widows, widowers and children of persons, who died in prison or in concentration camps

Insofar as they have not suffered direct persecution themselves, under the Committee decision of 12 March 1997 and 21 April 1998 these persons are to be considered

as victims within the meaning of the National Fund Law on the basis of the social and political consequences to which they were exposed.

In the Committee ruling of 29 May 1998 it was additionally established that suicide committed in prison or in a concentration camp was equal to murder.

Parents of children who suffered euthanasia,

are to be considered as "victims of typical Nazi injustice" under the Committee ruling of 22 April 1997 and 19 June 1997 within the meaning of the National Fund Law.

Also **children who were born in an initially safe third country** where their parents had sought refuge, but were subsequently subjected to Nazi persecution, were also recognised, in accordance with the Committee's decision of 4 March 1999.

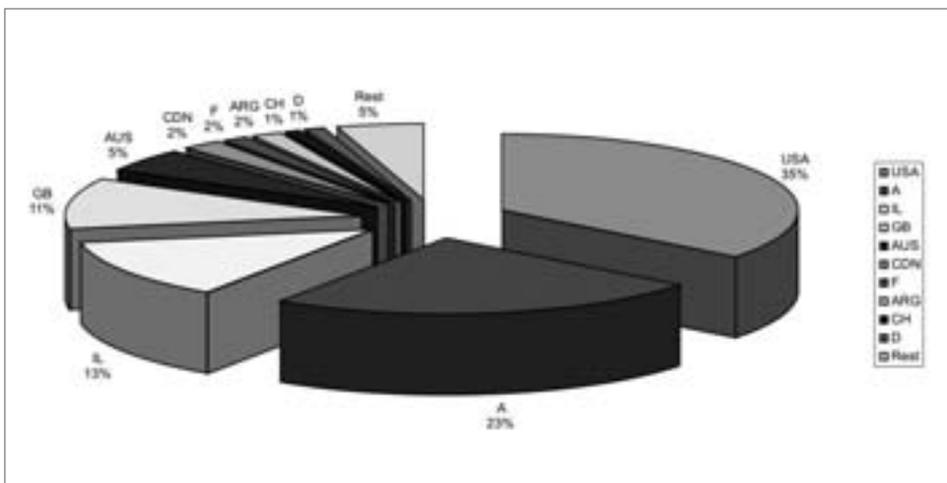
Statistics

In total 32,040³ applications have been made; the National Fund has already made 29,704 payments. Although the filing of an application has been possible for almost 10 years, there is no deadline for submission, new applications are still being received. 367 persons received a second payment on the basis of social need, 60 of whom received a third payment.

³The key date on which all of the statistical data shown in this brochure is based is 16 May 2006, unless otherwise stated.

Year of birth	Payments
1891 - 1900	234
1901 - 1910	3.336
1911 - 1920	8.614
1921 - 1930	12.120
1931 - 1945	5.400
total	29.704

Symbolic payment under the National Fund Law according to years of birth



Symbolic payment under the National Fund Law according to countries

Compensation for tenancy rights

Under the National Socialist regime in Vienna alone around 60,000 rented apartments, business premises, allotments and similar property were seized from their legal owners. The prospect of a statutory ruling on the compensation of claims from tenants or leaseholders of residential and business premises had been held out in the Third Restitution Act in 1947, but to date has never been effected.

In the Federal Law dated 28 February 2001⁴ the legal basis for the immediate and final compensation for these losses of assets was created and a gap in the Austrian restitution and compensation legislation was closed.

Washington Agreement

On 17 January 2001 the Government of the United States and the Austrian Federal Government concluded an agreement on comprehensive settlement of open questions in connection with restitution for assets looted during the National Socialist era. On the one hand this agreement regulates compensation for loss of apartment and small business leases, household property and personal valuables, and on the other it provides for the establishment of a General Settlement Fund. The National Fund has been entrusted in this respect with carrying out what is known as compensation for loss of apartment and business leases, and administrative support for the General Settlement Fund.

Section 2b National Fund Law

In implementing the provisions of the Washington Agreement regarding the compensation for loss of apartment and small business leases a new section 2b was inserted into the National Fund Law.

⁴Federal Law Gazette No. 11/2001

Amendment 2001

11. Federal Law amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism (Federal Law Gazette I No. 11/2001) (unofficial translation)

The National Council has resolved:

The Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette No. 432/ 1995, as last amended by the Federal Law, Federal Law Gazette I No. 131/1999, shall be amended as follows:

1. § 2b shall be designated § 2c.

2. The new § 2b shall read as follows:

§ 2b. (1) Without prejudice to the contributions under § 7, the Federal Government shall contribute to the Fund an amount the total of which shall correspond to the equivalent in Schillings as of 24 October 2000 of 150 million US Dollars and be allocated [to the Fund]. This amount shall be accounted for by the Fund in a special account for benefits paid under Paragraph 2.

(2) This amount shall be used for benefits to be paid to victims of National Socialism as defined in Paragraph 3 as a final compensation for the following categories of losses of property:

- a) apartment and small business leases;
- b) household property;
- c) personal valuables and effects.

The present Federal Law shall be without prejudice to the in rem return of works of art according to statutory provisions.

(3) Persons as defined in § 2 Paragraph 1 Subparagraph 2 who were persecuted by the National Socialist regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, on grounds of physical or mental disability or on grounds of accusations of so called asociality, or who left the country to escape such persecution, and who themselves, or whose parents, suffered a loss of property in one of the categories mentioned in Paragraph 2 as a result of, or in connection with, events in the territory of the present-day Republic of Austria between 13 March 1938 and 9 May 1945 shall be entitled to such benefits. There is no legal right to benefits by the Fund.

(4) The Fund may, subject to the availability of funds, award equal payments of benefits (Paragraph 6) to persons who, or whose parents, do not meet the requirements set forth in § 2 Paragraph 1 Subparagraphs 2(b) and (c) as to the duration of residence, or in Subparagraph 2(d) as to the place of birth in Austria, provided that all other requirements for entitlement to benefits under Paragraph 3 are met (hardship cases). The details of conditions for awarding such benefits shall be laid down in the Regulations of the Fund (§ 2 Paragraph 4).

(5) A prerequisite for payment shall be that the entitlement to benefits under Paragraph 3 is evident from documents in the possession of the Fund when the present Federal Law enters into force, or is substantiated in any other suitable way to the Fund within one year after the entry into force of the present Federal Law.

(6) The amount mentioned in Paragraph 1 shall be distributed in equal parts among those entitled to benefits. Payments shall start immediately after the entry into force of the present Federal Law. In order to assure equal payments

of benefits to all those entitled, a portion of up to 5 per cent of the amount mentioned in Paragraph 1 may be held in reserve. If this portion of the amount was not, or not fully, used within one year after the entry into force of the present Federal Law, the remaining amount shall also be distributed in equal parts to those entitled to benefits.

(7) The condition for the payment of benefits under § 2b of the present Federal Law shall be a statement to be made by the recipient of the benefit that by receiving a benefit under the present Federal Law he/she will for himself/herself and his/her heirs renounce the right to present any claim whatsoever for losses of property in any of the categories mentioned in Paragraph 2 suffered as a result of, or in connection with, events in the territory of the present-day Republic of Austria between 13 March 1938 and 9 May 1945 against the Republic of Austria, Austrian companies as defined in § 5 Paragraph 2 of the Federal Law for the Fund for Voluntary Payments by the Republic of Austria to Former Slave Laborers and Forced Laborers of the National Socialist Regime (Reconciliation Fund Law), Federal Law Gazette I No. 74/2000, (with the exception of claims against the Dorotheum Auktions-, Versatz- und Bank-Gesellschaft m.b.H.) as well as citizens of the Republic of Austria.

(8) Should the person entitled to benefits have passed away on or after 24 October 2000, his/her heirs under the respective national law shall take his/her place."

3. The present wording of § 8 shall be designated "Paragraph 1".

4. **(Constitutional Provision)** To § 8 the following Paragraph 2 shall be added:

"(2) **(Constitutional Provision)** § 2b as amended by the Federal Law, Federal Law Gazette I No. 11/2001, shall come into force as soon as the Government of the United States of America and the Austrian Federal Government have agreed that the financial benefits accorded under § 2b of the present Federal Law are to be considered a "suitable potential remedy" as defined in the Agreement between the Austrian Federal Government and the Government of the United States of America concerning the Austrian Fund "Reconciliation, Peace and Cooperation (Reconciliation Fund)" for losses of property in the categories mentioned in Paragraph 2 of the persons entitled to benefits. The Federal Government shall announce the day of the entry into force of the present Federal Law in the Federal Law Gazette I."

Klestil
Schüssel

Federal Law with which the Federal Law regarding the National Fund of the Republic of Austria for Victims of National Socialism is amended

Implementation

In accordance with Section One of the Washington Agreement, the Federal Law on the National Fund was amended on 23 February 2001. As part of the new Section 2b of the National Fund Law there is provision for settlement of losses from

- apartment and small business leases
- household property
- and personal valuables

In total a sum of USD 150 million has been made available. Compensation is effected for each person entitled to receive it in the form of the payment of a one-off lump sum of € 7,630 or USD 7,000.

Under Section 2b National Fund Law those persons are entitled to receive the payment who themselves or whose parents suffered a loss of assets in one of the above categories as a result of or in connection with events between 13 March 1938 and 9 May 1945 on the territory of the current Republic of Austria and who in addition meet the application requirements of Section 2 Paragraph 1 National Fund Law.

Section 2b National Fund Law also provides a limited inheritability rule. If the person entitled to benefits has passed away on or after 24 October 2000, the heirs shall take his or her place, governed in accordance with the respective national law.

Hardship clause

Within the scope of the hardship clause under the directives of the Board of Trustees of 15 February 2001, persons shall be taken into consideration who have been refused compensation by the National Fund, but who, on the basis of their persecution or their current living situation, have suffered a particular hardship.

According to this provision persons who themselves or whose parents do not meet the requirements in Section 2 Paragraph 1 (2b) and (2c) regarding the period of residency or in (2d) regarding the place of birth in Austria are also entitled to receive a payment, as far as all other requirements for payment entitlement under Paragraph 3 are met.

Deadlines

The original statutory submission deadline ended on 22 February 2002. As it became apparent that a further opportunity to apply was needed, the Board of Trustees of the National Fund was authorised in the course of the amending statute to Section 2b National Fund Law of 25 April 2003⁵, to extend the submission deadline to 31 December 2004 at the latest.

⁵BGBl. Nr. 19/2003.

The Board of Trustees used this opportunity by extending the deadline for submission several times, lastly until 30 June 2004. The submission deadline for applications for compensation of loss of assets in the categories apartment and small business leases, household property and personal valuables and effects therefore finally expired on 30 June 2004.

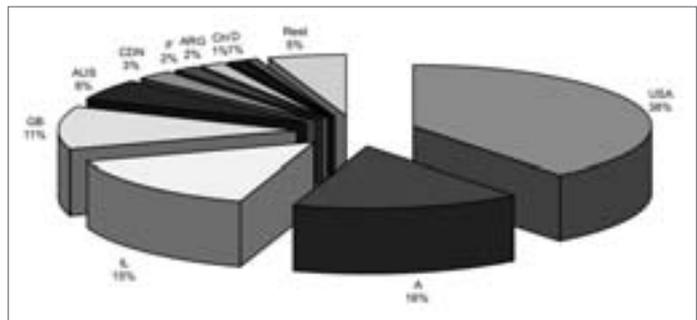
Supplementary payment

Under Section 2b Paragraph 6 National Fund Law the residual amount remaining after all applications received have been processed shall be distributed equally to all those entitled to receive a payment or their heirs. Persons entitled to receive this supplementary payment are all those who have already received a payment within the scope of the compensation for loss of apartment and small business leases.

Under the ruling of the Board of Trustees of 8 September 2004, the amount of this supplementary payment for each entitled person is € 1,000.

Year of Birth	Payments
1891 - 1900	32
1901 - 1910	1.315
1911 - 1920	5.522
1921 - 1930	9.350
1931 - 1945	4.046
total	20.265

Payments under § 2b National Fund Law according to years of birth



Payments under § 2b National Fund Law according to countries

Restitution of works of art

In the course of the work commenced in the 90s on the topic of theft and restitution of art and cultural artefacts and due to actual cases it was decreed in January 1998 that the archives of the Federal Museums and Collections as well as those of the Federal Office for Monuments are to be systematically searched for and evaluated. The Federal Ministry for Education, Science and Cultural Affairs set up the Commission for Research of Provenances, to catalogue works of art acquired during the National Socialist era and to clarify ownership of the same.⁶

On the basis of the initial results of the Commission for Research of Provenances the Federal Law regarding the return of works of art from Austrian Federal Museums and Collections⁷ was passed on 4 December 1998.

This Federal Law entrusted the National Fund with effecting the restitution of the artworks. The object is the subsequent return of each work of art and cultural artefacts which illegally passed to the Austrian Federal Museums and which still remain in their possession. The function of the National Fund is to auction those items which can no longer be returned to their former owners or heirs.

The proceeds from realization are intended to benefit people originating from Austria, or who were driven from it, or who have a similar connection with Austria and who, as a consequence of National Socialist persecution directed at them, have suffered impaired health, loss of freedom, loss of assets or income. Furthermore the National Fund has the option of supporting projects with the proceeds from realization.

In order to ensure that as many works of art as possible are returned to their rightful owners or their heirs, the National Fund supports institutions such as the "Anlaufstelle der Israelitischen Kultusgemeinde" [Holocaust Victims' Information and Support Center] and the Austrian Museums and Collections in searching for heirs. The National Fund obtains information from a database which accesses linked historical personal data.

⁶Shorthand records, National Council, XXth legislative period, supplement 1464 of the appendices, p. 1.

⁷Federal Law Gazette I No. 181/1998.

**181. Federal Law on the Restitution of Works of Art from Austrian Federal Museums and Collections
(unofficial translation)**

The National Council has resolved:

§ 1. The Federal Minister for Finances shall be authorized to transfer the ownership of works of art from Austrian federal museums and collections, to which the collections of the Federal Administration of Movables also belong, gratuitously to the original owners or their heirs and legatees of works of art, which

1. were subject of restitutions to the original owners or their heirs and legatees after 8 May 1945, during a procedure in accordance with the Federal Law on the Prohibition of the Exportation of Objects of Historical, Artistic or Cultural Importance, StGBL. No. 90/1918, gratuitously passed into the ownership of the Federal State and are still under the ownership of the Federal State;
2. have passed lawfully into the ownership of the Federal State, but had previously been subjects of a legal transaction in accordance with § 1 of the Federal Law of 15 May 1946 on the Declaration of Rescission of Legal Transactions and other Legal Acts, which took place during the German occupation of Austria, and passed into the ownership of the Republic of Austria, BGBl. No. 106/1946, were and still are under the ownership of the Federal State;
3. could not be restituted to the original owners or their heirs and legatees after the conclusion of the restitution proceedings, and gratuitously passed into the ownership of the Federal State as unclaimed property or still are under the ownership of the Federal State.

§ 2

(1) The Federal Minister for Education and Culture, the Federal Minister for Economics and the Federal Minister for Defence shall be authorized,

1. to identify the former owners or their heirs and legatees and transfer the ownership of the works of art to them;
2. to transfer the ownership of works of art according to § 1, from which the ownership can not be transferred back to the formal owners or their heirs and legatees, as they cannot be identified, to the National Fund of the Republic of Austria for Victims of National Socialism for realization, who shall use the profit on realization for the purposes mentioned in § 2a of the Federal Law on the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette No. 432/1995.

(2) Before the transference, the designated Federal Ministers shall have a hearing with the advisory board established in accordance with § 3. No claims to transference are validated through the regulations of this Federal Law.

(3) The Federal Minister for Education and Cultural Matters shall inform the National Council on the executed transference of art objects through a yearly report.

§ 3. (1) An advisory board, which shall advise the Federal Ministers designated in § 2 on the finding of these persons, to whom works of art are to be transferred to, shall be established with the Federal Ministry for Education and Cultural Matters.

(2) Members of the advisory board are:

1. one representative each for the Federal Ministry for Economy, the Federal Ministry for Justice, the Federal Ministry for Education and Cultural Matters, as well as the Federal Ministry for National Defence;
2. a representative of the State Financial Procurator;
3. one expert each in the fields of history, as well as art history, which are to be nominated by the Rector's Conference.

(3) A substitute is to be appointed for each Member.

- (4) Further, the advisory board has the possibility to call in experts and adequate informants.
- (5) The appointment and recall of the chairman and his representative from the circle of Members designated in Abs. 2 as well as the appointment and recall of the further Members of the advisory board designated in Abs. 2 is incumbent upon the Federal Minister for Education and Cultural Matters. In each case, the appointment is effected for a year. Repeated appointments are authorized.
- (6) The Federal Minister for Education and Cultural Matters or the Chairman summon the advisory board for meetings.
- (7) The presence of at least half of all the Members and the majority of all cast votes are necessary for a decision by the advisory board.
- (8) The advisory board passes its rules of procedure, which shall be approved by the Federal Minister for Education and Cultural Matters, by a simple majority. Upon consideration of Abs. 1 the rules of procedure shall regulate the activity of the advisory board as suitably as possible. The rules of procedure shall be approved if they correspond to this condition.
- § 4. The regulations of the Law on the Protection of Historical Buildings and Monuments, BGBl. No. 533/1923, in the edition of the Federal Law BGBl. No. 473/1990 on the voluntary sale of monuments, which are under the sole ownership of the Federal State, as well as the regulations of the Federal Law on the Ban on the Export of Objects of Historical, Artistic or Cultural Importance, StGBL. No. 90/1918, in the edition of the Federal Law BGBl. No. 605/1987, shall not be applied to the transference as well as the export of objects, which according to the regulations of this Federal Law are being turned over, for the duration of 25 years after the introduction of this Federal Law.
- § 5. The allocations directly arranged by this Federal Law shall be exempted from all taxes.
- § 6. Entrusted with the execution of this Federal Law shall be the following:
1. with regard to §§ 1 and 5, the Federal Minister for Finances;
 2. with regard to §§ 2 and 3, the Federal Minister for Education and Cultural Matters, the Federal Minister for Economy and the Federal Minister for National Defence, as long as their sphere of activity is affected;
 3. with regard to § 4, the Federal Minister for Education and Cultural Matters.

Klestil
Klima

After the Commission for Research of Provenances has completed its work, those items remaining without an owner from various museums shall be transferred to the National Fund for legal sale.

Project development

In accordance with its legal mandate the National Fund supports projects which not only benefit the victims of National Socialism, but also promote academic research on National Socialism and the fate of its victims as a reminder of National Socialist injustice or to preserve the memory of the victims.⁸

In addition, in 1998 the opportunity was created by a law⁹ for the National Fund to manage the moneys from the International Fund for Victims of National Socialism ("looted gold") transferred to it. Under the directives of the Board of Trustees of April 1999, besides individual payments to Holocaust survivors in need, projects were also supported from these funds which guarantee help and support to individual victims or to communities particularly severely affected by National Socialist persecution.

Section 2a National Fund Law

In implementing the Federal Law regarding grants to the International Fund for Victims of National Socialism, Section 2a was inserted into the National Fund Law.¹⁰

⁸cf. Section 2 Paragraph 3 National Fund Law.

⁹Federal Law Gazette I No. 182/1998.

¹⁰Federal Law Gazette I No. 183/1998.

183. Federal Law amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism (unofficial translation)

The National Council has resolved:

The Federal Law on the Establishment of the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette No. 432/1995, Federal Law Gazette I No. 131/1999, shall be amended as follows:

After Section 2 the following § 2a shall be added:

Section 2a. (1) The Fund shall have the following further tasks:

1. The realization of works of art of which the ownership had been transferred according to Section 2 Para. 1 lit. 2 of the Federal Law on Restitution of Works of Art from the Austrian Federal Museums and Collections, BGBl. No. 181/1998.
2. awarding benefits from the profit on realization according to lit. 1 to persons, who suffered health injuries or losses of freedom, property or income in connection with National Socialist persecution and came from Austria or were expelled from or had a comparable connection to Austria.
3. awarding benefits out of means according to the Federal Law on contributions from the International Nazi Persecutee Relief Fund, BGBl. No. 182/1998, to persons as defined by lit. 2.

(2) Means according to Abs. 1 can also be used for projects in connection with helping measures and assistance for victims of National Socialist persecution, especially projects helping communities heavily affected by National Socialist persecution.

(3) The Fund shall be allowed to receive contributions from legal entities, which make contributions to the International Nazi Persecutee Relief Fund (Section 1 Para. 2 of the Federal Law on Contributions from the International Nazi Persecutee Relief Fund, BGBl. I No. 182/1998), to assistance projects according to Para. 2 and to award benefits to victims of National Socialist persecution and to accept and to make a contract for this reason, which should regulate especially the type of benefits and projects.

(4) Means according to Para. 1 shall not be used for benefits, which have already been awarded according to Section 2."

Klestil
Klima

Federal Law by which the Federal Law regarding the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette No. 432/1995, is altered

Emphasis

Emphasis is placed on four main groups of supported projects:

1. Socio-medical Projects:

Particular attention is given to the promotion of projects which directly benefit surviving victims of National Socialism. Experience has shown that in particular projects with social and medical content ensure support in accordance with the needs of victims living in Austria and abroad.

2. Academic Projects:

Under the National Fund Law a further focus of the project promotion shall include academic research of National Socialism and the fate of its victims. This covers, for example, research projects which shed more light on the persecution measures of the National Socialist regime, or which push the perspective of the victims into the foreground.

3. Remembrance/Memory:

In this connection, projects are financed which are dedicated to remembrance and the memory of the victims of National Socialism. Enterprises within this remit are memorial events or cultural projects in the fields of theatre, documentaries, music and the fine arts, which examine the injustices of National Socialism; as well as those which link remembrance of the victims of National Socialism with positive action to resolve current political and social problems.

4. School Projects/Education:

The promotion of projects in the area of education (schools, adult education etc.) also represents an important area. For example, teacher-training seminars are proposed which would include teaching on the subject of National Socialism in all its aspects to the next generation, as well work on it.

Supported Projects – Overview from 1996 to 2004

1996

1. **"Lagergemeinschaft des KZ Ravensbrück":**
Support of particularly needy and aged survivors from the Ravensbrück concentration camp
2. **AMCHA – National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation:**
"Ramat Gan Social Services-Club and Volunteers" – Israeli Centre for the Psychosocial Support of Holocaust Survivors in Israel

1997

3. **"Verein Zigeunerfriedhof Lackenbach":**
Development and annual maintenance of the gypsy cemetery, Lackenbach
4. **"ESRA" – Initiative for psychosocial, socio-therapeutic and socio-cultural integration:** Symposium 1997 "Überleben der Shoah und danach"
5. **"Dokumentationsarchiv des österreichischen Widerstandes":**
record of the names of Austrian Holocaust victims – Part I

1998

6. **"Stadt Graz":**
Erection of the synagogue in Graz
7. **Yad Vashem - The Holocaust Martyrs' and Heroes' Remembrance Authority:**
"Remembering Austrian Jewry" – Computerization of the Hall of Names
8. **"Stadtgemeinde Allentsteig":**
Memorial – 60 years resettlement in Waldviertel

9. "Dokumentationsarchiv des österreichischen Widerstandes":

Record of the names of Austrian Holocaust victims – Part II

10. Cultural Association of Austrian Roma:

Documentation archive

11. Verein "Shalom" – association for the restoration

and maintenance of Jewish cemeteries in Vienna: Guide

12. Leo Baeck Institute:

Project "Austrian Heritage Collection"

1999

13. "Härteausgleichsprojekt":

Compensation payments for persons who meet the requirements for a payment from the National Fund to a certain extent, but not completely

14. "Verein Wien Heldenplatz":

"Myths and Masses" – Exhibition and publication

15. Simon Wiesenthal Center:

"Friedl Dicker-Brandeis" – Exhibition

16. "Arche Plattform für interkulturelle Projekte":

"Die Lebendigkeit der Geschichte" [The Vividness of History] at the University of Vienna – International conference

17. "Dokumentationsarchiv des österreichischen Widerstandes"

Record of the names of Austrian Holocaust victims – Part III

18. American Jewish Committee:

Opinion poll in Austria in 2000 regarding Jews and the Holocaust, and regarding teaching materials for schools

19. "Volkshochschule der Burgenländischen Roma":

"Roma 2000" – Exhibition

20. "Dokumentationsarchiv des österreichischen Widerstandes"

New edition of the remembrance book (book of the dead) Theresienstadt

21. **"Waldorf Schule Innsbruck":**
"Buchenwald" – School project
22. **Lagergemeinschaft Ravensbrück:**
"Wege nach Ravensbrück" [The Road to Ravensbrück] – Exhibition
23. **"Österreichisches Kulturzentrum Palais Palfy":**
"Stumme Zeugen" – [Silent Witnesses] - Exhibition
24. **"Dokumentationszentrum des Wiener Schulwesens":**
"Die Kinder vom Spiegelgrund" – Theatre performance
25. **Verein "Shalom" – Association for the restoration and maintenance of Jewish cemeteries in Vienna:**
Remaining amount for the project from 1998 (guide for Jewish cemeteries)
26. **"Aktionsradius Augarten":**
Karajangasse Memorial
27. **Leo Baeck Institute:**
Project "Austrian Heritage Collection"
28. **"Kulturverein Penzing":**
"Kinder vom Spiegelgrund" – Theatre performance
29. **"Österreichisch-Israelitische Gesellschaft":**
Jewish cemetery in Mikulov – Restoration
30. **Cemetery and monument, Bikernieki-Forest/Riga:**
Building of a memorial
31. **Extrafilm GmbH:**
"Gedächtnis der Frauen"[Memory of the Women] – Film project
32. **"Jüdisches Spital in Budapest":**
X-ray exhibition
33. **AMCHA – National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation:**
Development of the psychotherapeutic network in Israel
34. **The Central Committee of Jews from Austria in Israel:**
Support for the needy

 2000

35. **"Visionen aus dem Inferno":**
 "Kunst gegen Vergessen" – [Art Lest We Forget] Exhibition
36. **"Verein "Shalom" – Association for the restoration and maintenance of Jewish cemeteries in Vienna:**
 Guide (2nd. edition)
37. **"Verband der Kärntner Partisanen und Freunde des antifaschistischen Widerstandes":**
 Peršman-Museum in Unterpetzen
38. **"Bundesgymnasium Wien 20":**
 Memorial, Karajangasse 14
39. **"Paul Grüninger Hauptschule":**
 Cultural festival
40. **"Institut für Geschichte der Juden in Österreich":**
 Autobiography of Marco Feingold (in the series "Spuren in der Zeit")
 – Printing costs
41. **"Arbeitsgemeinschaft Requiem":**
 "Requiem. Den Verschwiegenen" – Theatre production
42. **"Verein Arbeitsgemeinschaft Informations- und Medienforschung":**
 Remigration in the period immediately after the war
43. **"Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus":**
 "In die Tiefe geblickt" [Looking into the Abyss] – Brochure
44. **"Kulturverein Österreichischer Roma":**
 Photo and document exhibition
45. **Alisa Douer:**
 "Kladovo Transport" – Exhibition and catalogue
46. **"Arche – Plattform für interkulturelle Projekte":**
 "The Presence of the Absence – Die Lebendigkeit der Geschichte" –
 Conference volume
47. **"Promedia":** Buchprojekt "Lebenserinnerungen" – Documentation about imprisoned Austrian women in the women's concentration camp, Ravensbrück

48. **"Österreichische Exilbibliothek im Literaturhaus":**
 "Hörbuch- und Buchreihe 2001" [Audiobook and book series 2001]
49. **"Institut für Geschichte der Juden in Österreich":**
 Magazine "Juden in Mitteleuropa. Gestern. Heute" – Printing costs
50. **Edition Lex Liszt 12:**
 Brochure "Die Roma von Oberwart" [The Roma in Oberwart] – Printing costs
51. **Bundesrealgymnasium Wien 18:**
 Memorial plaque for the school project
52. **"Höhere Bundeslehranstalt f. wirtschaftl. Berufe":**
 Reissue of the brochure on the project: "... where are YOU?"
53. **"Bundesgymnasium und Bundesrealgymnasium Wien 1":**
 Project with contemporary witness Ernst Allerhand
54. **"Verein zur Erforschung nationalsozialistischer Gewaltverbrechen und ihrer Aufarbeitung":**
 Remembrance and reminders in Lower Austria, in Burgenland and in Styria.
 Memorials to the resistance and persecution, exile, liberation – documentation project
55. **Claudia Heckl:**
 Documentary on the Austrian exile in Bolivia
56. **Old people's home "Gil Ad" (Israel):**
 Purchase of wheelchairs
57. **Ohel Rahel (Vienna):**
 Social support for Holocaust survivors
58. **"KZ-Gedenkstätte und Widerstandsmuseum Ebensee":**
 Contemporary history museum in the concentration camp memorial
59. **"Gedenkdienst-Komitee Gusen":**
 International remembrance weekend St. Georgen/Gusen 2000
60. **"ESRA" – Initiative for psycho-social, social-therapeutic and socio-cultural integration:**
 Care for the survivors of National Socialist persecution
61. **"Offenes Haus Oberwart":**
 Culture and theatre projects (past and present)

62. **"Sanatorium Maimonides" (Vienna):**
Purchase of electronic care beds
63. **Thomas Frankl:**
"Visionen aus dem Inferno" [Visions from the Inferno] – Exhibition
64. **"Dokumentationsarchiv des österreichischen Widerstandes":**
Record of the names of the Austrian Holocaust victims – Part IV
65. **"Israelitische Kultusgemeinde, Wien":**
Renovation of Jewish cemeteries in Vienna, Lower Austria and Burgenland
66. **"Orpheus Trust" – Association for the researching and publishing of Expelled and Forgotten Art:**
"Klangwege", 1st. tranche
67. **Central Europe Center:**
"Das jüdische Erbe" [The Jewish Heritage] – Multimedia project
68. **"Österreichischer Freundeskreis Givat Haviva":**
Holocaust seminar for Austrian teachers in Israel
69. **"Standbild Verein zur Förderung audiovisueller Medienkultur":**
"Vergessene Opfer" [Forgotten Victims]
70. **Charity Jewish Hospital of Hungary:**
Easy diagnostic system for the x-ray department of the Jewish hospital in Budapest
71. **AMCHA – National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation:**
Development of the field office and increase in the support network
72. **Kibbutz Lavi (Israel):**
Purchase of medical equipment for the nursing ward
73. **The Central Committee of Jews from Austria in Israel:**
Social support payments for Austrian Holocaust survivors in Israel, Part I
74. **Beth Hatfusoth (Israel):**
"A visual multimedia documentation and representation of the Austrian Jewish History and Heritage/Beth Hatfusoth Virtual exhibition on Austrian Jewish Communities"

 2001

75. **"Österreichische Nationalbibliothek":**
Promotion of Austrian Jewish authors (18th - 20th century)
76. **"Kulturinitiative Momo":**
"100 Jahre österreichische Zeitgeschichte 1899-1999"
77. **"Österreichische Lagergemeinschaft Ravensbrück":**
Commemoration
78. **"Gedenkdienst":**
Interview project with Austrian emigrants in Buenos Aires
79. **Verein "Niemals Vergessen":**
Jehovah's Witnesses in the women's concentration camp, Ravensbrück
80. **"Institut für Geschichte der Juden in Österreich":**
Participation in the historical volume "Geschichte der Juden in Österreich"
81. **Christa Scheuer:** Editing, adding to and translating the book
"Nur Narren fürchten nichts" [Only Fools Fear Nothing] by Georg Scheuer
82. **"Verein Romano Centro":**
Issue of a symposium publication
83. **"Mandelbaum Verlag" – German language edition:**
"Letzter Walzer in Wien" [Last Waltz in Vienna] by George Clare
84. **"Arbeitsgemeinschaft der KZ-Verbände
und Widerstandskämpfer Österreichs":**
Official handover of the Riga-Bikernikie Memorial
85. **"Verlag Zwischenwelt":** Focus booklet
"Kindheit im Rauch der Flammen" [Childhood in the Smoke of Flames]
86. **Alisa Douer:** Video on the exhibition "Kladovo, eine Flucht Wien – Palästina"
87. **"Dokumentationsarchiv des österreichischen Widerstandes":**
Record of names of the victims of political persecution 1938-45 – Part I
88. **"Israelitische Kultusgemeinde Salzburg":**
Cemetery renovation
89. **"Artemis Generationentheater in Klagenfurt":**
"Wege nach Ravensbrück" [The Roads to Ravensbrück] – Travelling exhibition

90. **"Volkshochschule Hietzing"**:
 "Juden in Hietzing" [Jews in Hietzing] – Research project
91. **"Dokumentationsarchiv des österreichischen Widerstandes"**
 Record of names of the Austrian Holocaust victims – Part V
92. **"Verein für Geschichte der Arbeiterbewegung"**:
 Czech and Slovak resistance in Austria 1934-1945
93. **Verein "Shalom" – Association for the Restoration and Maintenance of Jewish Cemeteries in Vienna**: commemoration
94. **Frederick Baker**:
 "Siegmond Nissel und die heilende Kraft der Kaiserhymne" [Siegmond Nissel and the Healing Power of the Kaiser Hymn]– Documentary
95. **"Verein zur Förderung und Erforschung der antifaschistischen Literatur"**:
 printed material for conference volume
96. **"Initiative Riga" – Association for the establishment of a memorial**:
 Riga-Bikernikie Cemetery and Memorial
97. **Tobias Natter, Wolfgang Förster**:
 "Der andere Blick" – [The Other View] Gay and Lesbian Identities in Vienna since 1897. Academic work and documentation in book form about the persecution of homosexuals, especially by the National Socialists in Austria
98. **"Homosexuelle Initiative Wien"**:
 "Die NS-Verfolgung der Homosexuellen auf dem Gebiet des ehemaligen Österreich" [The National Socialist Persecution of Homosexuals on the Territory of Former Austria] – Exhibition
99. **Prof. Karl Stojka**: Promotion of the book "Mein Name im Dritten Reich – Z.5742"
100. **"Israelitische Kultusgemeinde/Sozialabteilung"**:
 Concept for intensifying the care for survivors of National Socialist persecution in Austria
101. **"Sanatorium Maimonides-Zentrum. Elternheim, Pflege-Wohnheim, Tagesstätte und Krankenanstaltsverwaltungs GmbH" of the Jewish Community**:
 Psychotherapeutic care for Holocaust survivors
102. **"Institut für Geschichte der Juden in Österreich"**:
 "Man kann ja nichts dafür, dort geboren zu sein" – Printing costs

103. **"Vereinigung Raoul Wallenberg in Budapest":**
Memorial plaque for Raoul Wallenberg
104. **"KZ-Gedenkstätte und Zeitgeschichte Museum in Ebensee":** Expansion and extension of the contents of the concentration camp memorial Ebensee
105. **"Verein der Russischen Juden in Wien":**
Cultural work for Holocaust survivors
106. **World Jewish Relief:**
"Für das Kind" – "For the child" Remembering the child transports to England during the National Socialist period – Memorial
107. **Art Brut – Film project:**
"Eine lästige Gesellschaft" – [A Tiresome Society] a search for traces of a murdered grandmother – "Zigeunerschicksal" [Gypsy Fate]
108. **Kulturforum Hallein:** "Nicht stillhalten, wenn Unrecht geschieht. Die Jahre des Widerstands der Agnes Primocic". [Do Not Remain Silent When Injustice Occurs. The Resistance Years of Agnes Primocic.] – Film portrait
109. **"Verein für Geschichte und Sozialkunde":**
Translation work
110. **"Arche – Plattform für interkulturelle Projekte":**
"Z 2000" Roma-Theatre Pralipe
111. **Simon Wiesenthal Center:**
"Friedl Dicker-Brandeis" – Travelling exhibition
112. **Beit Terezin (Israel):**
Archive of the Holocaust - Memorial
113. **American Council for Equal Compensation of Nazi Victims from Austria:**
Assistance for the applicants to the National Fund
114. **American Jewish Joint Distribution Committee:**
Social support for Holocaust survivors in Czernowitz (Ukraine)
115. **Organisation "Self Help":**
Programme to support the Austrian Holocaust survivors in New York
116. **AMCHA – National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation:**
Promotion of psychotherapeutic support and social services

2002

117. **"Internationales Personenkomitee Gusen":**
Concentration camp memorial Gusen – Establishment of a memorial for victims of National Socialism
118. **Prof. Jacob Allerhand:**
Yiddish textbook and reader – Printing costs
119. **AJDC – American Jewish Joint Distribution Committee:**
Social assistance for Holocaust survivors in the Ukraine
120. **"Heinrich Böll Stiftung Tel-Aviv":**
The Czernowitz Book
121. **"Orpheus Trust" – Association for the Researching and Publishing of Expelled and Forgotten Art:**
"Klangwege", 2nd. tranche
122. **The Central Committee of Jews from Austria in Israel:** Social assistance for Austrian Holocaust survivors in Israel, Part II
123. **The Central Committee of Jews from Austria in Israel:** Translation and adaptation of the video "Verlorene Nachbarschaft" [Lost Neighbourhood]
124. **American Jewish Joint Distribution Committee:**
Out-Patient Clinic in Kraków
125. **"ESRA" – Initiative for psychosocial, socialtherapeutic and sociocultural integration:** Accompanying survivors of National Socialist persecution in the last phase of life
126. **"Verein Gedenkdienst":**
"Emigration-Immigration" – Exhibition
127. **Kazmierczyk Olivia:**
Voluntary sponsorship for former forced labourers and those from Central and Eastern Europe damaged by the National Socialists
128. **Agudas Israel Housing Ass. Ltd.:**
"Nursing Home and Day Centre for Alzheimer Patients"
129. **"Verein Gedenkdienst":**
Commemoration conference 2001 "Heilen und Töten" [Healing and Killing]

130. **Claims Conference – Conference on Jewish Material Claims Against Germany:**
Medical projects in Romania, Hungary and Slovakia
131. **Beth Lochame Haghetaot:**
Ghetto Fighters House
132. **The Central Committee of Jews from Austria in Israel:**
Riga Commemoration
133. **"Gusen Internat. Personenkomitee":**
Concentration Camp Memorial
134. **The International Commission for the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania:**
Holocaust conference
135. **"HOSI – Homosexuelle Initiative Linz":**
Series of events "Homosexuellenverfolgung im Nationalsozialismus"
[Homosexual Persecution under National Socialism]
136. **"Zeitgeschichte Museum und KZ-Gedenkstätte Ebensee":**
Memorial "Reichsstraßenbau Wohnlager Traunsee"
137. **"KZ-Verband Hainburg":**
Memorial renovation
138. **"KZ-Verband Oberösterreich":** Two memorial plaques
139. **Theodor Kramer Gesellschaft:**
Memorial plaque
140. **AMCHA – National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation:**
Beer Sheba
141. **"Artemis Generationentheater in Klagenfurt": "Gespräche mit Zeitzeuginnen"**
[Conversations with contemporary witnesses]
142. **"Maimonides-Zentrum":**
Consultative Liaison – Therapeutic care for Holocaust survivors
143. **CEC – The Central Europe Center – Centre for research and documentation of Jewish life in Eastern and Central Europe:**
Internet project

144. **"Standbild – Verein zur Förderung audiovisueller Medienkultur":**
 "Vergessene Opfer" [Forgotten Victims] – Contemporary witness interviews
145. **"Österreichische Exilbibliothek im Literaturhaus":**
 "From Vienna, Exile Cabaret in New York 1938 to 1950" – Exhibition
146. **"Institut für Geschichte der Juden in Österreich":** "Juden in Mitteleuropa. Gestern. Heute" [Jews in Central Europe, Yesterday. Today.] – Printing costs
147. **Dokumentationsarchiv des österreichischen Widerstandes:**
 "Der Krieg gegen die Minderwertigen. Zur Geschichte der NS-Medizin in Wien" [The War Against the "Inferior". On the history of National Socialist medicine in Vienna.] – Exhibition
148. **"Verein Gedenkdienst":**
 Conference (8 to 11 May 2002) Ten years of remembrance
149. **"Anlaufstelle der IKG-Wien für Opfer des Nationalsozialismus":**
 The transfer of the revised papers, documents and data records of those concerned to the National Fund Archive
150. **B'nai B'rith Europe:**
 "Jewish Resistance to the 'Final Solution' 1939-1945" – exhibition
151. **Leo Baeck Institut:**
 "Austrian Heritage Collection"
152. **Claims Conference – Conference on Jewish Material Claims Against Germany, Argentina:**
 Social and medical assistance for Austrian Holocaust survivors
153. **Claims Conference – Conference on Jewish Material Claims Against Germany:** Out-patient medical care in Sarajevo
154. **R.E.F.U.G.I.U.S.:**
 Conference and commemoration
155. **Österreichische Botschaft Belgrad:**
 Commemorative event on the "Kladovo-Transport"
156. **Turia & Kant Verlag:**
 "Vertreibungsschicksale" [Expulsion Fates]– Printing costs
157. **Höhere Bundeslehranstalt für wirtschaftliche Berufe Wien XIX:** School project "Antifaschismuskalender"[Anti-Fascist Calendar] – Printing costs

158. **Prof. Karl Stojka: "Gas", "Mein Name im Dritten Reich"**
[My Name in the Third Reich] – printing costs for two books
159. **Höhere Landwirtschaftliche Bundeslehranstalt Francisco-Josephinum:**
"Die jüdische Gemeinde und der jüdische Friedhof Ybbs" – [Ybbs Jewish Community and Jewish Cemetery] CD-Rom and presentation
160. **Friedrich Probst: "Mein Leben im Widerstand" [My Life In The Resistance] –**
Printing costs
161. **"Koordinationsausschuss für christlich-jüdische Zusammenarbeit":**
Renovation of the graves of "Jewish-Christians", Gate IV
162. **The Central Committee of Jews from Austria in Israel:**
Contemporary witness interview on DVD, Part I

2003

163. **Yad Vashem – The Holocaust Martyrs' and Heroes' Remembrance Authority:**
"Austrian Holocaust Documentation - Collection & Cataloguing"
164. **"Jüdisches Museum Wien":**
"Karl Duldig (1902-1986) – Skulpturen und Zeichnungen" – [Sculptures and Drawings] printing costs for the exhibition catalogue
165. **Renata Erich:** Archiving of film material
166. **IKG Wien:**
CD-Oberkantor Shmuel Barzilai – Gedenklieder [commemorative songs]
167. **"Illustrierte Neue Welt":**
"Flucht und Neubeginn" [Flight and a New Start] – Book project
168. **"Ludwig Boltzmann Institut für Geschichte und Gesellschaft":**
"Das schlimmste ist, dass eine Idee sterben soll" – [The worst thing is that an idea should die] research project about Irene Harand
169. **"Nationalsozialismus und Holocaust: Gedächtnis und Gegenwart":**
Teaching project for teachers,
lecturers, school book authors – 2nd. central seminar

170. **"Institut für Geschichte der Juden in Österreich":** "Juden in Mitteleuropa. Gestern. Heute" [Jews in Central Europe. Yesterday. Today]– Printing costs
171. **"büro trafo. K" – art culture communication:** Study on the topic of: "Nationalsozialismus im Gedächtnis von Jugendlichen in Österreich" [National Socialism in the Minds of Young People in Austria] – printing costs
172. **Irgun Oleg Merkas Europa:**
Purchase of wheelchairs for the Elternheim Anita Mueller-Cohen
173. **"Jüdisches Institut für Erwachsenenbildung":**
"Visa retten Leben" (Visas for Life) – Travelling exhibition
174. **AMCHA - National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation:**
Psychosocial support for Holocaust survivors
175. **"Österreichische Lagergemeinschaft Ravensbrück":**
Conference of the International Committee
176. **The Central Committee of Jews from Austria in Israel:**
Contemporary witness interviews on DVD, Part II
177. **BRG XIV, Linzerstrasse 146:**
School project "Past to Present" – CD-ROM and posters
178. **"Verein Lernen aus der Geschichte":**
Project: "A Letter To The Stars" – Printing costs
179. **"Verein zur Förderung und Erforschung der antifaschistischen Literatur":**
Memorial plaque for the resistance fighter Josef Muzak
180. **"Österreichische Exilbibliothek im Literaturhaus":**
"Geteilte Erinnerung/A Shared Memory" – Exhibition, printing costs
181. **"Verein zur Erforschung nationalsozialistischer Gewaltverbrechen und ihrer Aufarbeitung":** Documentation project "Gedenken und Mahnen in Niederösterreich und der Steiermark" [Remembrance and Reminders in Lower Austria and Styria]
182. **"Kulturverein Österreichischer Roma" – Prof. Rudolf Sarközi, Dr. Florian Freund, Gerhard Baumgartner:** „Namentliche Erfassung der im Nationalsozialismus ermordeten Roma und Sinti" – [Record of the names of Roma and Sinti murdered under National Socialism] research project, Part I

183. **CEC – The Central Europe Center – centre for the research and documentation of Jewish life in Eastern and Central Europe:**
"Witness to a Jewish Century" in Vienna – Internet project
184. **"Institut Staatswissenschaft und vergleichende Gesellschaftswissenschaft der Universität Wien" (Univ. Prof. Dr. Walter Manoschek):**
„Österreichische Opfer der NS-Militärgerichtsbarkeit" – [Austrian victims of the National Socialist military jurisdiction] printing costs
185. **"Volkshochschule Hietzing":**
"Standpunkt Geschichte" – A memorial for the destroyed synagogue
186. **Edition Lex Liszt 12:**
"Ich war nicht in Auschwitz" [I was not in Auschwitz] – Printing costs and CD
187. **Extrafilm - Arbeitsgemeinschaft Film&Video GesmbH:**
"Gray Matter" – documentary by Joe Berlinger
188. **Edition Lex Liszt 12: "Die jüdische Kultusgemeinde in Frauenkirchen"**
[The Jewish Community in Frauenkirchen] by Dr. Herbert Brettl – Printing costs
189. **Edition Lex Liszt 12: „Wo sind sie geblieben" [Where are they now] by Prof. Karl Stojka – Printing costs**
190. **Böhlau Verlag Wien: "Hitlers langer Schatten" [Hitler's Long Shadow] by Christian Thonke – Printing costs**
191. **"Institut für Geschichte der Juden in Österreich": "Juden in Mitteleuropa. Gestern. Heute" [Jews in Central Europe. Yesterday. Today] – Printing costs**
192. **"Kulturverein Österreichischer Roma" – Prof. Rudolf Sarközi, Dr. Florian Freund, Gerhard Baumgartner:**
"Namentliche Erfassung der im Nationalsozialismus ermordeten Roma und Sinti" [Record of the names of the Roma and Sinti people murdered under National Socialism] – Research project, Part II
193. **The Central Committee of Jews from Austria in Israel: Social assistance for Austrian Holocaust survivors in Israel, Part III**
194. **Klub Zwei: "Things. Places. Years. Das Wissen jüdischer Frauen" [The Knowledge of Jewish Women] – Printing costs**
195. **Czernin Verlag: "The Austrian Centre in London 1939-1947 – Return Ticket Vienna-London" – Printing and translation costs contribution**

196. **Fundación Memoria del Holocausto in Buenos Aires, Argentina:**
Meeting place for Austrian Holocaust survivors
197. **"Mauthausen Komitee Österreich":**
"The Song of Terezin" – Visualised oratorio
198. **The Central Committee of Jews from Austria in Israel:**
Contemporary Interviews on DVD, Part III
199. **"Jüdische Gemeinde in Estland":** "Projects for research and commemoration of the Victims of Concentration/Labor Camps and of Jewish and Holocaust Sites in Estonia" – Memorial project
200. **"Verein der Russischen Juden in Wien":**
Cultural work for Holocaust survivors
201. **Vaizdo ir Garso Studija, Vilnius:**
"The Soldier of the XXI. Century" – Documentary
202. **Beit Theresienstadt:**
Catalogue for the picture album "AZ (Arbeitszentrale)" – Printing costs
203. **"Deutscher Kulturverband Region Brunn – Bildungs- und Begegnungszentrum":** memorial plaque and publication – Ludwig Czech

2004

204. **"Zeitgeschichte Museum und KZ-Gedenkstätte Ebensee":** Data base project (to record by name all prisoners of the Ebensee concentration camp)
205. **Theodor Kramer Gesellschaft:** "Glück im Unglück. Erinnerungen und andere Geschichten" [A Blessing in Disguise. Memories and other Stories] – Book project by Bruno Schwebel
206. **"Nationalsozialismus und Holocaust: Gedächtnis und Gegenwart":**
Training project for teachers at Austrian schools – 3rd. central seminar
207. **"Verein für Geschichte und Sozialkunde":**
Book 4 of the magazine: "Historische Sozialkunde: Geschichte – Politische Bildung – Fachdidaktik" [Historical Social Science: History – Political Education – Teaching Methodology] – printing costs

208. **"Institut für Geschichte der Juden in Österreich":**
Research on Jewish communities in Lower Austria 1938 to 1945
209. **Magistratsabteilung 14:** Memorial for the Spiegelgrund Victims at
210. **Böhlau Verlag:** Maria Fritsche – "Entziehungen. Österreichische Deserteure und Selbstverstümmeler in der Deutschen Wehrmacht" [Evasions. Austrian Deserters and Self-Mutilators in the German Wehrmacht] – Printing costs
211. **Leo Baeck Institute:** "Austrian Heritage Collection"
212. **"Personenkomitee Gusen":** "Historisches Film- und Bildmaterial zum Lager Gusen" [Historical Photographic and Film Material on the Camp at Gusen] – Exhibition in the visitor centre at the concentration camp memorial Gusen
213. **"Volkhochschule Simmering":** Online-Atlas "NS-Verbrechen in Wien" [Nazi Crimes in Vienna] – Expansion of the Internet platform www.ns-verbrecchen.at
214. **"KZ-Verband Oberösterreich"** "Meine Rechnung geht bis Anfang Mai" [My calculations go as far as the beginning of May] – Biography of the resistance fighter Sepp Teufl (1904 - 1945)
215. **Bernhard Rammerstorfer:** "Nein statt Ja und Amen" [No instead of Yes and Amen] – Second revised edition of the concentration camp prisoner's biography and of a DVD in English and German
216. **"HOSI – Homosexuelle Initiative Wien":** Publication of a German translation regarding the Danish SS-doctor Carl Vernet
217. **United States Holocaust Memorial Museum – Washington:**
Completion of the on-going microfilming of the Holocaust-relevant archive inventory in the archive of the IKG Vienna
218. **United States Holocaust Memorial Museum – Washington:**
Microfilming of the so-called emigration questionnaires ("Auswanderungs-Fragebögen") from 1938 and 1939 of the archive of the IKG Vienna in the Central Archives for the History of the Jewish People in Jerusalem
219. **Orpheus Trust – Association for the Researching and Publishing of Expelled and Forgotten art:**
"Frankreich als Exil- und Durchgangsland für vom NS-Regime verfolgte Musikschaffende/Frankreich-Festival" ["France as a country of exile and transit for musicians persecuted by the National Socialists/France-Festival"]

220. **"Nationalsozialismus und Holocaust":** Gedächtnis und Gegenwart – "Das Vermächtnis" – DVD with testimonies of Austrian survivors of the Holocaust (cooperation with the Visual History Foundation, Los Angeles)
221. **HBLA 19 – Höhere Bundeslehranstalt für Wirtschaftliche Berufe Wien XIX:** Project "Die Annäherung an das Thema Nationalsozialismus über Literatur" [Getting closer to the subject of National Socialism through literature]
222. **Christian Gmeiner:** "Mobiles Erinnern" – Commemorative events of the death marches of Hungaro-Jewish forced workers 1944 to 1945
223. **Christian Klösch, Kurt Scharr, Erika Weinzierl:** "Gegen Rassenhass und Menschennot. Leben und Werk einer ungewöhnlichen Widerstandskämpferin" [Against Racial Hatred and Human Misery. Life and Work of an Unusual Resistance Fighter] – Printing costs
224. **"Koordinierungsausschuss für Christlich-Jüdische Zusammenarbeit":** Completion of the renovation of graves of Christians and those without religious beliefs in the Jewish cemetery – Gate IV in Vienna
225. **"Jüdisches Institut für Erwachsenenbildung":** Yiddish Theatre Week 2004
226. **"Österreichische Liga für Menschenrechte":** Travelling exhibition "Die Deportation" [Deportation]
227. **"Institut für Geschichte der Juden in Österreich":** School project – Learning workshop (BRG and BORG St. Pölten)
228. **"Verein Schloss Hartheim":** Alteration and construction of the educational and commemorative centre Schloss Hartheim as a permanent institution in respect of the development of the pedagogic and educational work on the history of National Socialist euthanasia and the murders of ill concentration camp prisoners from Mauthausen and Dachau 1940–1944
229. **"Verein Schloss Hartheim":** Investigation on victims of National Socialist euthanasia in 1940–1945 in Austria for the purpose of exploring the history of National Socialist euthanasia in Austria and support in applying for compensation under the Federal Law: National Fund of the Republic of Austria for Victims of National Socialism
230. **Langbein & Skalnik Media:** "Zeitzeugen des NS-Regimes. Schüler machen Geschichte" – Interactive DVD for contemporary history lessons

231. **Studien Verlag:** "NS-Kunstraub in Österreich und seine Folgen"
[Nazi Art Theft in Austria and its Consequences] by Gabriele Anderl/
Alexandra Caruso – Printing costs
232. **"Burgenländische Forschungsgesellschaft":** "Vertrieben – Erinnerungen burgenländischer Juden und Jüdinnen" [Exiled – Memories of Jewish People from the Burgenland] by Gert Tschögl, Barbara Tobler, Alfred Lang – printing costs
233. **Mandelbaum Verlag:** "Sexualisierte Gewalt" [Sexualised violence] – Female experiences of the National Socialist concentration camps by Helga Amesberger, Katrin Auer, Brigitte Halbmayr – Printing costs
234. **"Zeitwerkstatt":** "Verfemt und verbrannt" [Condemned and burned] – prominent people read burned books
235. **"Bezirksmuseum Währing":**
Exhibition of the school project "Spuren-Suche" [Looking for Traces]
236. **"Universität Salzburg – Institut für Geschichte":** Book about the artist Charlotte Lichtblau by Prof. Dr. Paul Lichtblau – Printing costs
237. **Edition Lex Liszt 12/Peter Wagner:** "Stefan Horvath, Zigeuner aus Oberwart" – [Stefan Horvath, Gypsy from Oberwart] Documentary
238. **Böhlau Verlag:** "Wie es war, war es schon richtig"
[The way it was, was quite right] by Anny Robert – printing costs
239. **SELF HELP:** Programme for social support of Austrian Holocaust survivors in New York
240. **"Verein Exil":** "Auschwitz ist mein Mantel" [Auschwitz is my coat] – Roma artist and contemporary witness – Ceija Stojka: Exhibition and concert
241. **Kurt Yakov Tutter:** "Shoah Gedenkstätte" – Memorial for the Austrian Jews murdered in the Holocaust
242. **"Institut für Geschichte – Abteilung Zeitgeschichte, Graz":**
"Reparation? Contact of the Second Republic with the victims of National and "corporate state" , on the example of the victim care in Styria from 1945 to 1964"
243. **"LICRA – Österreich – Internationale Liga gegen Rassismus und Antisemitismus":**
Production of radio broadcasts on the subject of: Women in the resistance against National Socialism

244. **"Verein Lernen aus der Geschichte":**
 Project: "A Letter To The Stars", Part II – "Die Überlebenden, die Nachgeborenen" – Printing costs
245. **Yad Vashem – The Holocaust Martyrs' and Heroes' Remembrance**
 Authority: "Austrian Holocaust Documentation – Collection and Cataloguing"
246. **ACOA – American Council for Equal Compensation of Nazi Victims from Austria:** Social support of the Austrian victims of National Socialism
247. **AMCHA – National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation:**
 "Psychotherapeutic and Psychosocial Services" – Social support for the victims of National Socialism
248. **The American Jewish Joint Distribution Committee Jewish Religious Communities in the Slovak Republic (UZZNO):**
 – Maintenance of the old people's home "Ohel David Old Age Home" in Bratislava; Daily outpatient care in Kosice for Holocaust survivors
249. **CEANA – Argentinian Historian Commission for Nazi Crimes, Ignacio Klich:**
 Translation and printing costs for the book by Oliver Rathkolb "Revisiting the National Socialist Legacy" into Spanish
250. **The American Jewish Joint Distribution Committee:**
 "Hesed Shpira – Ushgorod", social and medical care for Holocaust survivors in the Ukraine
251. **The Conference on Jewish Material Claims Against Germany:**
 Jewish Charity Hospital in Budapest
252. **The Conference on Jewish Material Claims Against Germany:**
 Support of the Jewish charity UNIBES (Uniao Israelita Brasileira de Bem Estar Social) in Brazil
253. **Givat Haviva – Moreshet Institut – Havatzelet, Cultural & Educational Institution:** Archive support of "The Mordechai Anielewicz Memorial Holocaust Study and Research Center" in Israel
254. **Central Europe Center for Research and Documentation (CEC – Centre for the Research of Jewish life in Eastern and Central Europe):**
 "Witness to a Jewish Century" – "Mini Documentaries" on DVD

255. **"OHO – Offenes Haus Oberwart"**: Series of events "Identitäten I – Die Kultur des Erinnerns" [Identities I – The Culture of Remembrance] – Two memorial plaques
256. **Orpheus Trust – Association for the Researching and Publishing of Expelled and Forgotten Art**: "Frankreich als Exil- und Durchgangsland für vom NS-Regime verfolgte Musikschaffende/Frankreich-Festival" [France as a country of exile and transit for musicians persecuted by the National Socialist regime/France Festival] 2005; Part 2
257. **"Slowenischer Kulturverband"**:
"Für das Leben gegen den Tod" [For Life Against Death] – The resistance in Carinthia against National Socialism – Documentary by Andrina Mracnikar
258. **"Österreichische Gesellschaft für Exilforschung (ÖGE)"**:
Symposium "Brüche und Umbrüche: Exilforschung – wie und für wen?" [Exile research – how and for whom?]
259. **"Volkshochschule Hietzing"**: "Denkmal Information. Die Geschichte der Juden von Krems als Internetplattform" [Memorial information. The history of the Jews by Krems as internet platform]
260. **Edition Lex Liszt 12**: "Burgenland-Roma: Lebensgeschichten" [Burgenland Roma: Life Stories] by Erich Schneller– Printing costs
261. **Edition Lex Liszt 12**: "Arzt im Gran Chavo – Eine Vertreibung aus Österreich" [Doctor in Gran Chavo – Driven out of Austria] by Lutz E. Popper – Printing costs
262. **Mandelbaum Verlag**: "Die Sternfeld" by Sabine Mayr – printing costs
263. **"Ludwig Boltzmann-Institut für Historische Sozialwissenschaft"**: Research project "Medical Experiments in Nazi Concentration Camps" by Prof. Dr. Gerhard Botz
264. **Ephelant Verlag**:
"Mauthausen" by Jacobos Kampanellis – Translation and printing costs
265. **Mandelbaum Verlag**: "Gespräche mit Opfern, Tätern und Mitläufern des Nationalsozialismus", [Conversations with Victims, Perpetrators and Fellow Travellers of National Socialism] by Prof. Dr. Gerhard Botz – Printing costs
266. **BRG Stubenbastei – school project**: "Das blieb vom jüdischen Wien" – [This is what remained of Jewish Vienna] pictorial volume
267. **"KZ-Landesverband OÖ"**: Event on the occasion of "60 Jahre Befreiung Österreichs" [60 Years Liberation of Austria]

268. **"KZ-Landesverband OÖ"**: Memorial plaque in the Hartheim Memorial
269. **"Jüdischer Synagogenverein Baden"**:
"Mein Herz ist voll Wehmut" – [My Melancholic Heart] – Printing costs
270. **Verein "Erinnern" [Remember] – Association to tackle the suppressed history of Villach**: Restoration of the "Denkmal der Namen" [Monument of Names] in Villach
271. **"Verein zur Erforschung nationalsozialistischer Gewaltverbrechen und ihrer Aufarbeitung"**: Symposium "Martin Buber – Denken und Wirken. Eine Retrospektive", 2 to 5 December 2004 in Vienna
272. **Roma Association in Oberwart**:
Lackenbach Commemoration
273. **"Verein Anne Frank in Österreich in Zusammenarbeit mit dem Anne Frank Haus in Amsterdam"**: "Wien Mosaik" ("Anne Frank – eine Geschichte für Heute") – [Vienna Mosaic (Anne Frank – a History for Today)] School project for ten schools in Vienna
274. **Givat Haviva – Moreshet Institute – Havatzelet, Cultural & Educational Institution**: "Gesichter des Widerstands – Frauen im Holocaust"
[Faces of the Resistance – Women in the Holocaust]– Exhibition
275. **"Israelitische Kultusgemeinde Innsbruck (für die Bundesländer Tirol und Vorarlberg)"**: Promotion of historical projects
276. **"OHO – Offenes Haus Oberwart"**: Roma-Aktionswochen [Roma Week]
"Romani Sor" (21 January to 5 February 2005 in Oberwart)
277. **"KZ-Vereinigung Buchenwald" – Association of former political prisoners of the Buchenwald concentration camp**: Commemoration on the occasion of the 60th anniversary of the liberation of the Buchenwald concentration camp
278. **"Österreichische Lagergemeinschaft Ravensbrück"**: Commemoration on the occasion of the 60th anniversary of the liberation of the Ravensbrück concentration camp
279. **"Kulturraum 10 – Verein für Alltags- und Bezirkskultur"**: Memorial for deported Sinti, Roma and Lovara in the 10th district
280. **"Israelitische Kultusgemeinde Wien"**:
Synagoge Baden

Hardship Fund

In the session of 11 May 1999, the Board of Trustees of the National Fund approved the creation of a so-called Hardship Fund. In accordance with the directives of the Board of Trustees, those persons should be taken into account for the Hardship Fund who have been harmed by National Socialism and who have applied to the National Fund, for whom, despite meeting most (but not all) of the requirements for a payment from the National Fund, the refusal by the National Fund represents a particular hardship.

In particular, this affects applicants who just missed the deadline set in the Law, applicants who left Austria early insofar as they can prove that they were also persecuted by the National Socialists at their subsequent place of residence, or applicants whose persecution is credible but which cannot be proven on account of their circumstances.

Consideration should also be given to persons who have been exposed to a particular risk based on a continuing or repeated assistance to those persecuted by National Socialism or if there are other circumstances in which the refusal of an application is seen as a particular hardship, insofar as the fundamental intention of the Law is met.

The Hardship Fund was endowed with ATS 7 million from project funds of the National Fund and is therefore handled as a project of the National Fund.

Year of birth	Payments
1901 - 1910	13
1911 - 1920	25
1921 - 1930	27
1931 - 1945	18
total	83

The Committee shall decide the amount of the allocation in each individual case.

Payments of the "Hardship Fund" project according to the year of birth

Looted gold

In the Federal Law dated 12 April 1998¹¹, the National Fund was entrusted with the distribution of the moneys from the Nazi Persecutee Relief Fund. This is supplied by funds released as a result of various countries waiving their residual share of what is known as looted gold. The National Fund administers that part of these moneys which was allotted to the Republic of Austria. This concerns a sum of around € 7.9 million/ATS 109 million. Under the directives of the Board of Trustees dated April 1999, individual payments are also made from these funds to Holocaust survivors in need, in addition to the promotion of projects.

182. Federal Law on Contributions from the International Nazi Persecutee Relief Fund (unofficial translation)

The National Council has resolved:

Section 1.

(1) The Austrian Central Bank shall be authorized to make contributions to the International Nazi Persecutee Relief Fund up to the equivalent value of the share of gold resources, which have, on the occasion of their liquidation, been transmitted from the Tripartite Gold Commission, to the amount of ATS 102.108.516,42.

(2) The International Nazi Persecutee Relief Fund is, together with the appropriate agreements, an account at the Federal Reserve Bank of New York, which has been established by the Government of the United Kingdom and Northern Ireland on 1 December, 1997, in order to support the victims of National Socialism.

(3) Contributions according to Subparagraph 1 shall be exempt from all taxes, duties and other revenue charges. The legal transactions necessary to discharge the tasks of the Fund shall be exempt from all charges.

Section 2.

(1) The Federal Minister of Foreign Affairs shall be authorized to make statements to the International Nazi Persecutee Relief Fund in agreement with the Federal Minister of Finance, which are necessary in connection with the tasks according to Paragraph 1.

(2) The National Fund of the Republic of Austria for the Victims of National Socialism shall be the legal entity to which the resources contributed to the International Nazi Persecutee Relief Fund fall, and which is obliged to use them according to the provisions of the Federal Act on the National Fund of the Republic of Austria for the Victims of National Socialism, Federal Law Gazette No. 432/1995 in the current version, and to the Statutes of the International Nazi Persecutee Relief Fund.

Section 3.

With regard to Paragraph 1 the Federal Minister of Finance is charged with the implementation of this federal law, with regard to Paragraph 2 the Federal Minister of Foreign Affairs in agreement with the Federal Minister of Finance.

Klestil
Klima

Federal Law regarding allocations to the International Fund for Victims of National Socialism

¹¹Federal Law Gazette I No. 182/1998.

Implementation

Under the directives, persons who meet the following requirements are proposed for an award:

- ☐ Persons, who do not meet the requirement of 10 years' continuous residence within the terms of the National Fund Law, but who however have stayed at least four years continuously in Austria and who left Austria after 11 July 1936, the date of the so-called "July Agreement", in order to escape from persecution or those affected who were born during this period as children of such persons in Austria

- ☐ Persons with Austrian citizenship who did not have a legal residence in Austria on 13 March 1938, insofar as it can be proven that they were persecuted by National Socialism.

Year of birth	Payments
1901 - 1910	1
1911 - 1920	11
1921 - 1930	19
1931 - 1945	15
total	46

Individual payments from "looted gold"
Funds according to years of birth

In accordance with the Statutes of the International Fund for Victims of National Socialism, the award of a payment depends upon the applicant living in difficult personal or social circumstances and to date not having received any compensation. The social need depends upon the standard of the country in which the applicant has permanent residence.

The greater part of the "looted gold" money was used by the National Fund in accordance with the directives for the promotion of projects, which offer assistance and support to individual victims or communities particularly severely affected by National Socialist persecution.

Task Force for International Cooperation on the Holocaust: Education, Research and Remembrance

The Task Force for International Cooperation on Holocaust Education, Remembrance and Research was founded in 1998 on the initiative of the Swedish Prime Minister Göran Persson. The objective of the Task Force is to inform cross-border on activities in the field of Holocaust education, remembrance and research. Moreover, countries which have not yet developed a programme on Holocaust education are to be supported, in cooperation with experts and NGOs in creating one.

Since 2001, Austria has been an active member of this international Task Force. The coordination office for Austria is located at the National Fund. Government representatives from France, Germany, Israel, Italy, the Netherlands, Poland, Sweden, the United Kingdom and the USA currently belong to the Task Force. The member states must get involved in implementing programmes to support education and research in the field of the Holocaust and remembrance at a national level. Furthermore, they must acknowledge the Declaration of the Stockholm International Forum on the Holocaust.

Declaration of the Stockholm International Forum on the Holocaust (as of: October 2003)

"We, the High Representatives of the Governments at the Stockholm International Forum on the Holocaust, declare that:

1. The Holocaust (Schoah) fundamentally challenged the foundations of civilization. The unprecedented character of the Holocaust will always hold universal mea-

ning. After half a century, it remains an event close enough in time that survivors can still bear witness to the horrors that engulfed the Jewish people. The terrible suffering of the many millions of other victims of the Nazis has as well left an indelible scar across Europe.

2. The magnitude of the Holocaust, planned and carried out by the Nazis, must be forever seared in our collective memory. The selfless sacrifices of those who defied the Nazis, and sometimes gave their own lives to protect or rescue the Holocaust's victims, must also be inscribed in our hearts. The depths of that horror, and the heights of their heroism, can be touchstones in our understanding of the human capacity for evil and for good.
3. With humanity still scarred by genocide, ethnic cleansing, racism, anti-Semitism and xenophobia, the international community shares a solemn responsibility to fight those evils. Together we must uphold the terrible truth of the Holocaust against those who deny it. We must strengthen the moral commitment of our peoples, and the political commitment of our governments to ensure that future generations can understand the causes of the Holocaust and reflect upon its consequences.
4. We pledge to strengthen our efforts to promote education, remembrance and research about the Holocaust, both in those of our countries that have already done much and those that choose to join this effort.
5. We share a commitment to encourage the study of the Holocaust in all its dimensions. We will promote education about the Holocaust in our schools and universities, in our communities and encourage it in other institutions.
6. We share a commitment to commemorate the victims of the Holocaust and to honour those who stood against it. We will encourage appropriate forms of Holocaust remembrance, including an annual Day of Holocaust Remembrance in our countries.

7. We share a commitment to throw light on the still obscured shadows of the Holocaust. We will take all necessary steps to facilitate the opening of archives in order to ensure that all documents with bearing on the Holocaust are available to researchers.

8. It is appropriate that this, the first major international conference of the millennium, declares its commitment to plant the seeds of a better future in the soil of a bitter past. We empathise with the victims' suffering and draw inspiration from their struggle. Our commitment must be to remember the victims who perished, respect the survivors still with us, and reaffirm humanity's common aspiration for mutual understanding and justice."

Countries working on the programmes for education on the Holocaust and who wish to expand the information and activities already going on in this respect are invited to work together with the Task Force. To this end, liaison projects can be set up with these countries for long-term cooperation. Austria started the first liaison project in 1999 with the Czech Republic. A national teaching training programme was developed at the Terezín memorial. In addition, Czech teachers took part in further training at the Anne Frank House in Amsterdam, the United States Holocaust Memorial Museum in Washington and the Yad Vashem Memorial in Jerusalem. The project also includes cooperation with cultural organisations of the Roma. There is also cooperation with Argentina, Latvia, Lithuania, Romania and the Slovak Republic. The Task Force has set up working groups for each of these countries in respect of memorials, information projects, research and educational measures.

General Settlement Fund

"No amount of money can replace what people had taken from them by force during the years of National Socialism. And as with all victims, we must face the fact that, ultimately, nothing can compensate for the pain and injustice which has been suffered."

Federal Chancellor Dr. Wolfgang Schäussel

Origin

In recent years, the debate concerning the injustices suffered under National Socialism and the associated issue of restitution of or compensation for assets seized during the years of National Socialism has flared up in numerous European countries. In the United States, actions were brought against the Republic of Austria and Austrian companies. This development showed the necessity for Austria to take measures to remedy still-existing shortcomings in the area of restitution and compensation.

In May 2000, ambassador Dr. Ernst Sucharipa was appointed special envoy for restitution issues. Following eight months of intensive negotiations with the United States, represented by Stuart Eizenstat, representatives of the Conference of Jewish Material Claims, the Jewish community in Austria, Austrian companies and plaintiffs' lawyers, a joint declaration was signed in Washington on 17 January 2001. The "Washington Agreement" provides for various measures for improving the situation of victims of National Socialism – the so-called compensation for loss of apartment and small business leases as an immediate measure to assist survivors, the setting-up of the General Settlement Fund as well as additional measures in the area of social benefits.

Joint Statement¹

(17 January 2001)

The Governments of the Republic of Austria ("Austria") and the United States of America ("United States"),
Austrian companies,
The Conference on Jewish Material Claims (including the Central Committee of Jews from Austria in Israel and the American Council for Equal Compensation of Nazi victims from Austria),
The Austrian Jewish Community,

¹Federal Ministry for Foreign Affairs (publ.), International Documentation. Austrian Measures for Restitution and Compensation of Victims of National Socialism (2001), 102 et seq.

As further participants, the undersigned attorneys,
Noting that through the General Settlement Fund (providing for a Claims Committee and an Arbitration Panel), to be established under Austrian federal law and funded by contributions from Austria, including Austrian companies, Austria and Austrian companies acknowledge in accordance with the declaration of the Austrian Federal Government of February 3, 2000 the moral responsibility arising out of the tragic history of the 20th century and the horrendous crimes and injustices of the National Socialist era and reaffirming the commitment to a self-critical scrutiny of the National Socialist past.

Noting that in the same declaration the Austrian Federal Government committed itself to ensure unreserved clarification, exposure of the structures of injustice of National Socialism and the transmission of this knowledge to coming generations as a warning for the future, as well as to Austria's facing up to the light and dark sides of its past and to the deeds of all Austrians, good and evil, as its responsibility.

Noting the statement by Federal President, Thomas Klestil of October 24, 2000 at the occasion of the signing of the Agreement to settle the forced and slave labor issue,

Taking into account all measures of restitution, compensation and social welfare benefits for victims of National Socialism that have already been carried out by Austria in the past, while at the same time acknowledging that there were certain gaps and deficiencies in such measures,

Recalling the statement by Federal Chancellor Wolfgang Schuessel, on the occasion of the 55th anniversary of the re-establishment of the Republic of Austria, at the meeting of the Council of Ministers on April 28, 2000, affirming that Austrians stand by the onerous heritage of their country and acknowledging that, when it comes to questions of restitution, compensation, and material reparation, the Second Republic was often too hesitant,

Considering Austria's legal status during the period of occupation by Nazi-Germany in 1938 and liberation by the Allied Powers in 1945, and further noting all provisions of the 1943 Moscow Declaration by the Allied Powers, Recalling the relevant provisions of the 1955 State Treaty for the Re-establishment of an Independent and Democratic Austria, the 1959 Exchange of Notes Constituting an Agreement between the United States of America and Austria relating to the Settlement of Certain Claims under Article 26 of the Austrian State Treaty of May 15, 1955,

With a view to obtaining all-embracing and enduring legal peace with respect to all claims that have been or may be asserted against Austria and/or Austrian companies, as defined in Annex B, arising out of or related to the National Socialist era or World War II, excluding claims covered by the Reconciliation Fund, in respect of which the Agreement between the Austrian Federal Government and the Government of the United States of America concerning the Austrian Fund "Reconciliation, Peace, and Cooperation" ("Agreement") shall continue to govern, and further excluding in rem claims for works of art, and achieving legal closure of such claims, in accordance with Articles 2(2), 2(3), and 3(3) of the Agreement,

Understanding that insofar as the sum of USD 210 million to be made available by Austria and Austrian companies (including the Austrian insurance industry) for the General Settlement Fund is concerned, that sum is both a ceiling and a final amount and that all payments made from, and all costs incurred in connection with the General Settlement Fund shall be financed from that sum and the interest thereon, this with the exception of the administrative costs normally incurred by the National Fund.

Determined to secure by measures enumerated in Annex A a final global resolution and closure concerning all Austrian Jewish Communal properties, assets and interests that were seized liquidated or rendered defunct during the National Socialist era and its aftermath,

Recognizing that it would be in the participants' interest for the General Settlement Fund to be the exclusive forum for the resolution of all claims that have been or may be asserted against Austria and/or Austrian companies arising out of or related to the National Socialist era or World War II, excluding claims covered by the Reconciliation Fund, in respect of which the Agreement shall continue to govern, and further excluding in rem claims for works of art,

Recognizing that the establishment of the General Settlement Fund does not create a basis for claims against Austria and/or Austrian companies,

Declare as follows:

1. All participants welcome and support, and declare their agreement with, the provision of immediate compensation for survivors pursuant to Annex A, paragraph 1, the establishment of the General Settlement Fund, established in conformity with the principles set forth in Annex A, paragraphs 2 and 3, and the measures for victims of National Socialism set forth in Annex A, paragraphs 4-9. The interests of those who suffered losses or damages arising out of or related to the National Socialist era or World War II, and their heirs, have been duly taken into account. Based on the circumstances, the participants consider the overall result fair to the victims and their heirs.

2. Given the advanced age of the victims concerned, the primary humanitarian objective of the provision of immediate compensation for survivors pursuant to Annex A, paragraph 1, and the General Settlement Fund, the participants will work to show results as soon as possible. All participants will work together in a cooperative, fair, and non-bureaucratic manner to ensure that the payments reach the victims quickly.

3. The participating Governments and other participants will proceed as follows:

a. Austria will propose the necessary legislation to establish the General Settlement Fund in conformity with the principles set forth in Annex A, paragraphs

2 and 3, seek the changes in the laws that address social benefits for victims of National Socialism in conformity with Annex A, paragraph 4, and make good faith progress on the implementation of the additional measures for victims of National Socialism set forth in Annex A, paragraphs 5-9,

- b. Austria and the United States will exchange notes. Such exchange contains the commitments undertaken by Austria to propose legislation by April 30, 2001 to establish the General Settlement Fund and to make good faith progress on the implementation of additional measures for victims of National Socialism. Such exchange of notes also contains the commitment undertaken by the United States to consider the provision of immediate compensation for survivors pursuant to Annex A, paragraph 1, the General Settlement Fund, established in conformity with the principles set forth in Annex A, paragraphs 2 and 3, the changes in the laws that address social benefits for victims of National Socialism in conformity with Annex A, paragraph 4, and the making of good faith progress on the implementation of the additional measures for victims of National Socialism set forth in Annex A, paragraphs 5-9, to constitute a "suitable potential remedy", as understood by Articles 2(2) and 3(3) of the Agreement, for all claims that have been or may be asserted against Austria and/or Austrian companies, as defined in Annex B, arising out of or related to the National Socialist era or World War II, excluding claims covered by the Reconciliation Fund, in respect of which the Agreement shall continue to govern, and further excluding in rem claims for works of art.
- c. Austria and Austrian companies (including the Austrian insurance industry) will contribute to the General Settlement Fund a total amount of US \$ 210 million. The amount of US \$ 210 million plus interest, as set out below in paragraph 1, is in addition to the US \$150 million that will be distributed by the Austrian National Fund in accordance with paragraph 1 of Annex A.
- d. The contribution of US \$ 210 million shall be due and payable to the General Settlement Fund once (1) the Exchange of Notes enters into force and (2)

30 days have passed since all pending claims against Austria and/or Austrian companies, as of June 30, 2001, arising out of or related to the National Socialist era or World War II, including those lawsuits listed in Annex C, have been dismissed with prejudice, excluding claims covered by the Reconciliation Fund, in respect of which the Agreement shall continue to govern, and further excluding in rem claims for works of art. Once the contribution has been made, distribution will begin in accordance with the procedures laid down in Annex A.

- e. From the due date of the contribution interest at the Euribor rate shall accrue on the funds available at any given time until the General Settlement Fund has paid all approved claims. Austria will make available reasonable advanced funding to provide appropriate publicity concerning the establishment of the General Settlement Fund.
- f. The undersigned counsel for plaintiffs will file motions or stipulations to dismiss with prejudice all claims, excluding claims covered by the Reconciliation Fund, in respect of which the Agreement shall continue to govern, and further excluding in rem claims for works of art, they have filed in U.S. courts against Austria and/or Austrian companies arising out of or related to the National Socialist era or World War II, including those listed in Annex C. They will also cooperate in seeking the dismissal with prejudice of all other such claims.
- g. Austria and the United States will exchange notes and the United States will thereupon take appropriate steps in accordance with Articles 2(2), 2(3) and 3(3) of the Agreement to assist Austria and Austrian companies in achieving legal peace for all claims that have been or may be asserted against Austria and/or Austrian companies arising out of or related to the National Socialist era or World War II, excluding claims covered by the Reconciliation Fund, in respect of which the Agreement shall continue to govern, and further excluding in rem claims for works of art,

Annex A²

The Exchange of Notes between the Government of the United States and the Austrian Federal Government provides that the principles governing the operation of the General Settlement Fund will be set forth in Annex A. The Exchange of Notes also provides that Austria will make good faith progress on the implementation of the additional measures for victims of the National Socialist era set forth in Annex A. This Annex reflects key elements of the General Settlement Fund ("GSF") (providing for a Claims Committee and an Arbitration Panel) and the additional measures for victims of National Socialism that form the basis for the Exchange of Notes between the United States and Austria.

1. Immediate Compensation for Survivors:

The Austrian Government will make a US \$150 million contribution to the National Fund, which will be distributed in its entirety on an expedited basis to all Holocaust survivors originating from or living in Austria as defined in the Federal Law amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism which will include a hardship clause. This amount will cover 1) apartment and small business leases; 2) household property; 3) personal valuables and effects. This amount will not cover potential claims against Dorotheum (which will be covered by the GSF, see *infra* para. 2) or in rem claims for works of art. This amount will be credited against the final cap for the GSF.

The amount of US \$150 million will be allocated to the Austrian National Fund according to the Federal Law amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism and the Committee Report thereto. Payments to survivors will begin immediately after entry into force of the Federal Law. Austria will provide such funding as may be required to enable the Austrian National Fund effectively to process applications for and distribute these funds to all approved applicants.

²Federal Ministry for Foreign Affairs (publ.), International Documentation. Austrian Measures for Restitution and Compensation of Victims of National Socialism (2001), 102 et seq.

2. Establishment of a General Settlement Fund:

The Austrian Federal Government will propose the necessary legislation¹ to the National Council by April 30, 2001 to establish a GSF. Austria will undertake its best efforts to ensure that this legislation is passed by June 30, 2001. The legislation will enter into force once all contributions have been made available. The GSF will be a voluntary fund that will provide ex gratia payments to certain applicants. The GSF will include both a "claims-based" and an "equity-based" component. The GSF will be capped at US \$210 million plus interest, at the Euribor rate, accruing to it beginning 30 days after all claims, pending as of June 30, 2001, against Austria and/or Austrian companies arising out of or related to the National Socialist era or World War II are dismissed with prejudice, and such interest shall continue to accrue on the funds available at any given time until the GSF has paid all approved claims. The US \$210 million contribution by Austria and Austrian companies (including the Austrian insurance industry)+ interest, under the terms described supra, will be in addition to the US \$150 million referred to supra in para. 1. The distribution of payments by the GSF will be based on decisions of the independent Claims Committee.

- a. The GSF legislation will establish an independent three-member Claims Committee ("Committee") for all property/aryanization claims, and all other claims not covered by the Reconciliation Fund and the Arbitration Panel referred to infra in paragraph 3 that have been or may be asserted against Austria and/or Austrian companies arising out of or related to the National Socialist era or World War II, excluding in rem claims for works of art. The United States and Austria will each appoint one member; these two members will appoint a Chairperson. In the event that the Austrian and the United States designees are unable to agree upon and designate the Chairperson within 60 days after the entry into force of the GSF legislation, the United States and Austria will enter into consultations to name a Chairperson. The Committee will work under the auspices of the Austrian National Fund, which will provide technical and administrative support to the Committee.

¹The term legislation as used in this Annex refers to Federal Laws to be passed by the Austrian National Council, the legislative history including all explanatory notes, and any bylaws to be adopted and governing the operation of any bodies established under such Federal Laws.

- b. The GSF legislation will provide that 50% of the funds allocated for distribution from the GSF will be reserved for a "claims-based" process and 50% of such funds will be reserved for an "equity-based" process. The GSF legislation will provide that the GSF will distribute the funds allocated for the "claims-based" process on a pro-rata basis and the funds allocated for the "equity-based" process on a per-household² basis.
- c. The GSF legislation will require the Committee to establish simplified procedures, including simplified and expedited internal appeals for decisions made under the "claims-based" process. Such procedures will permit the attendance of observers to the "claims-based" process under circumstances to be defined and under strict rules of confidentiality. The GSF legislation will provide that decisions made under the "equity-based" process are not appealable. The GSF legislation will provide that the Committee will review all applications using relaxed standards of proof.
- d. The General Settlement Fund is intended to benefit victims of National Socialism as defined in the Federal Law amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism. The GSF legislation will provide that such persons (including their heirs, as defined *infra* in paragraph 2(e)) and victims' communal organizations who/which suffered losses or damages as a result of or in connection with events having occurred on the territory of present-day Austria during the Nazi era or World War II are eligible to receive payment(s) from the GSF, provided that the criteria in *infra* paragraphs 2(f) or 2(g) are satisfied. The GSF legislation will also provide that the Committee will not have the authority to reopen cases that have been finally decided by an Austrian court or administrative body under Austrian restitution legislation or that have been settled after 1945. However, recognizing that there may have been certain gaps and deficiencies in the prior restitution legislation and further recognizing the *ex gratia* nature of the GSF, the Committee may award payments in the exceptional circumstances where the Committee unanimously determines that such decision or settlement constituted extreme injustice.

²Household on the present-day territory of the Republic of Austria between March 12, 1938 and May 9, 1945.

- e. Definition of "heirs": The GSF legislation will provide that heirs as defined under the Austrian General Civil Code (ABGB) are eligible for payments.
- f. "Claims-Based" Process: The GSF legislation will provide that the Committee may receive claims for payment for losses or damages as a result of or in connection with events having occurred on the territory of present-day Austria during the National Socialist era or World War II in the following categories:
- liquidated businesses including licenses and other business assets
 - real property
 - bank accounts, stocks, bonds, mortgages
 - moveable property not covered by the US \$150 million referred to in paragraph 1
 - insurance policies (see infra paragraph n)

To be eligible for payment, claimant must show, under relaxed standards of proof (by submission of supporting material; if no relevant evidence is available, the claimant's eligibility can be made credible in some other way) the following:

- ownership of property at time of confiscation/ aryanization/liquidation and
- claim was never previously decided under prior restitution legislation or settled by agreement (if no contradictory evidence is presented, an affidavit asserting such, including plausible explanation for why claim was never decided or settled will be deemed sufficient), or that such decision or settlement constituted extreme injustice (see supra paragraph d) or
- claim was denied under prior legislation because of failure to produce required evidence, where such evidence was inaccessible to claimant but has since become available (affidavit asserting such, including plausible reason for inaccessibility will be deemed sufficient)

The GSF legislation will provide that the Committee may award a payment of no more than US \$2 million for any approved claim.

The GSF legislation will provide that in reviewing claims, the Committee will take into account prior restitution and compensation measures, including the US \$150 million referred to in paragraph 1, measures under the German Foundation "Remembrance, Responsibility and the Future," or claims paid under ICHEIC claims-handling procedures, and the Bank Austria Settlement, to ensure that the claimant does not receive a payment under the "claims-based" process for same property for which compensation was paid under prior measures.

The GSF legislation will provide that the Committee may either award claimant pro-rata amount of capped amount allocated for "claims-based process" or, where Committee determines that claimant is unable to satisfy evidentiary requirements, Committee must either reject claim or refer claim to "equity-based process" for per-household payment.

The GSF legislation will provide that if any funds remain after all approved claims have been paid, such excess funds will be transferred to the Austrian National Fund to be used for programs to benefit victims of the Holocaust, including Roma.

g. "Equity-Based" Process: The GSF legislation will provide that the Committee will make per-household, "equity-based" payments

- for any of the categories covered by supra paragraph 3(f) where claimant is not able to document specific claim(s), even under relaxed standards of proof, but panel has reason to assume that valid case of loss of property or
- for any of the categories covered by supra paragraph 3(f) where claim was previously decided or settled under prior restitution legislation, but majority of Committee has reason to believe decision or settlement was inadequate or
- where majority of Committee has reason to believe claimant was not adequately compensated for occupational or educational losses during the Nazi era on the territory of present-day Austria or

- for any claims arising out of or related to the National Socialist era or World War II not covered by the Reconciliation Fund or the Arbitration Panel

The GSF legislation will provide that "equity-based" payments will be made on a per-household basis. The GSF legislation will provide that the Committee will award no more than one payment per household.

The GSF legislation will provide that applicants for "equity-based" payments must indicate on their application, to the extent possible, the address or location of the household for which they are seeking a payment, and the members of the household, including the heirs of those who have not survived, who are entitled to share the payment.

The GSF legislation will provide that "household" shall consist of survivors who lived in the "household" during this period and the heirs, as defined supra in paragraph e,

The GSF legislation will provide that if any funds remain after all approved claims have been paid, such excess funds will be transferred to the Austrian National Fund to be used for programs to benefit victims of the Holocaust, including Roma.

- h. Submission of Claims/Payments:** The GSF legislation will provide that a claimant may submit an application to the Committee either under the "claims-based" process, which may include multiple properties, or under the "equity-based" process. If the entire claim is rejected under the "claims-based" process claimant may submit an application under the "equity-based" process.
- i. Filing Periods:** The GSF legislation will allow applications to be made to the GSF for 24 months after the entry into force of the GSF law.
- j. Waivers:** The GSF legislation will provide that each applicant for a GSF payment will be required to state that, upon receipt of a payment from the GSF,

he or she will, for him/herself and his/her heirs, waive any and all alleged claims against Austria and/or Austrian companies arising out of or related to the National Socialist era or World War II. Such a waiver will not preclude claimant from bringing an action against Austria and/or Austrian companies for the in rem return of a specifically identified piece of art or an action for in rem restitution for property owned by Austrian provinces and municipalities in accordance with infra para. 10.

The GSF and Panel legislation will provide that nothing therein will be deemed to waive any right of Holocaust survivors and heirs in any prior class action settlement reached in courts in the United States.

- k. **Eligibility for Social Security and Other Public Benefits:** The GSF legislation will make clear that receipt of payment from GSF funds will not affect the recipient's eligibility for social security or other public benefits.
- l. **Publicity:** The GSF legislation will require that the GSF, in conjunction with the Austrian National Fund, provide appropriately extensive publicity concerning the benefits that the GSF will offer and how to apply. The Austrian National Fund will consult with the United States regarding its proposed publicity plan. In addition, the GSF legislation will authorize and encourage the Austrian National Fund to utilize existing databases of Austrian survivor populations from other sources.
- m. **Costs:** The GSF legislation will provide that the administrative costs for the "claims-based" and "equity-based" processes will be covered from the budget provided for the Austrian National Fund and the GSF.
- n. **Insurance:** The GSF legislation will reaffirm the commitment of the Austrian Federal Government to ensure that all insurance claims that come within the scope of claims-handling procedures adopted by the International Commission on Holocaust Era Insurance Claims (including those concerning valua-

tion, standards of proof, and decisions of the Chairman) and are made against Austrian insurance companies not defined as "German companies" within the German Foundation Law, and not otherwise covered under ICHEIC, will be solely decided by the Committee and distributed by the GSF on the basis of such procedures. The Austrian Insurance Association will make the lists of Holocaust era policy holders publicly accessible, to the extent available.

The GSF legislation will provide that when an insurance claim is approved for payment, the Committee will promptly notify the Austrian National Fund. The Austrian National Fund will authorize the payment of that claim from the GSF funds (at a capped amount of US \$ 25 million within the GSF, which amount includes interest on US \$ 210 million) allocated for such payments out of the GSF.

In the event that the amount allocated for insurance claims under this paragraph is exhausted, and the Claims Committee certifies, in consultation with representatives of the plaintiffs' attorneys recommended by the United States, an amount of up to US \$ 5 million from the amount allocated to the "claims-based" process, as set forth supra in para. 2 (b), may be used to pay insurance claims under this paragraph. All funds used to pay approved insurance claims will be distributed on a pro rata basis.

The GSF legislation will provide that if any funds allocated for insurance remain after all approved claims have been paid, such excess funds will be transferred to the Austrian National Fund to be used for programs to benefit victims of the Holocaust, including Roma.

3. Arbitration Panel for In Rem Restitution of Publicly Owned Property:

- a. Austria will seek to provide, in accordance with the procedures described below, on a case by case basis, in rem restitution of publicly-owned property. Particular attention will be given to the issue of property formerly owned by

Jewish communal organizations, taking into account the particular situation of the Austrian Jewish Community.

- b. In connection with the establishment of the GSF, the Austrian Federal Government will propose the necessary legislation to the Austrian Parliament by April 30, 2001 to establish, fund, and authorize a three-member Arbitration Panel ("Panel") to address the in rem return of publicly-owned property, including property formerly owned by Jewish communal organizations. Austria will undertake its best efforts to ensure that this legislation is passed by June 30, 2001.
- c. The implementation of in rem restitution of publicly-owned property will have to be in conformity with Austrian constitutional law and Austria's international obligations.
- d. The Panel legislation will provide that the United States, with prior consultation with the Conference on Jewish Material Claims, the Austrian Jewish Community, and attorneys for the victims, and Austria will each appoint one member; these two members will appoint a Chairperson. All members of the three-person panel should be familiar with the relevant regulations both under Austrian and international law (in particular, the European Convention on the Protection of Fundamental Freedoms and Human Rights). In the event that the Austrian and the United States designees are unable to agree upon and designate the Chairperson within 60 days after the entry into force of the Panel legislation, the United States and Austria will enter in to consultations to name a Chairperson. The Panel legislation will provide for an expert to serve as a liaison between the Panel and the Austrian Historical Commission.
- e. The Panel legislation will provide that the Panel will consider, on a case by case basis, claims for the in rem restitution of publicly-owned property.
- f. The Panel legislation will provide that the Panel will not have the authority to

reopen or reconsider cases that were previously decided under prior restitution legislation, or settled by agreement, or where claimant or relative has otherwise received compensation or other consideration for the property in question, except in the limited circumstances described infra in paragraph 3(g).

g. For the purposes of restitution in rem, the notion of "publicly-owned property" covers exclusively real estate/ immovable property/buildings which:

- between March 12, 1938 and May 9, 1945 was taken from the previous owners, whether without authorization or on the basis of laws or other orders, on racial, national, or, alternatively, other grounds in connection with the assumption of power by National Socialism; and

- was never subject of a claim that was previously decided by an Austrian court or administrative body under prior restitution legislation or a settlement by agreement, or where claimant or relative has never otherwise received compensation or other consideration for the property in question, except in exceptional circumstances where the Panel unanimously determines that prior settlement constituted an extreme injustice; and

- on January 17, 2001, was exclusively and directly, owned by the Federation ("Bund") or any legal person, agency, or subsidiary wholly-owned, directly or indirectly, by the Federation

h. The Panel legislation will provide that the Panel will make recommendations on the basis of evidence submitted by the claimant and submissions of the Austrian Federal Government, as well as any relevant findings of the Austrian Historical Commission. A representative of the Austrian Federal Government will ask the Austrian Historical Commission, as a matter of high priority, to examine, identify and report to the Panel such information as it may obtain concerning property and other assets that may be the subject of in rem restitution.

- i. The Panel legislation will provide that the Panel will make recommendations to the competent Austrian Federal Minister for in rem restitution. The Panel legislation will provide that where in rem restitution, although merited, is not practical or feasible, the Panel may make recommendations that the claimant be awarded a comparable property to be recommended by the Panel, in consultation with the competent Austrian Federal Minister. The Panel legislation will provide that such recommendations will be made publicly available (e.g., on the internet).
- j. The Austrian Parliament will pass a resolution indicating its expectation that the recommendations will be expected to be approved by the competent Austrian Minister(s). The Austrian Federal Government will support such a resolution.
- k. The Panel legislation will provide that the Panel will make its determinations within six (6) months of receiving any claim.
- l. The Panel legislation will provide that the Panel will establish its own rules of procedure.
- m. The Panel legislation will provide that individual claimants (former owners or their heirs, as defined supra in paragraph 2(e)) are eligible to receive in rem restitution (or another appropriate remedy referred to supra in paragraph 3(h)) provided that the following criteria are satisfied:
 - property is currently publicly-owned as defined supra in paragraph 3(g); and
 - proof of ownership of property at time of loss; and
 - claim was never previously decided or settled under prior restitution legislation or claimants or relative has never otherwise received compensation or other consideration for the property in question except in the exceptional circumstances where the Panel unanimously determines that prior settlement constituted extreme injustice; or

- claim was denied under prior legislation because of failure to produce required evidence, where such evidence was inaccessible to claimant but has since become accessible
- n. The Panel legislation will provide that Jewish communal organizations, including the Israelitische Kultusgemeinde ("IKG"), are eligible to receive restitution in rem (or another appropriate remedy referred to supra in paragraph 3(i)) for losses of immovable and tangible moveable property (e.g. cultural or religious items) provided that the following criteria are satisfied:
- property is currently publicly-owned as defined supra in paragraph 3(g) (i)-(iii); and
 - property was owned, at the time of loss, by the Jewish communal organization or in case of defunct Jewish communal organization, its legal predecessor; and
 - claim was never previously decided or settled under prior restitution legislation or claimants or relative has never otherwise received compensation or other consideration for the property in question except in the exceptional circumstances where the Panel unanimously determines that prior settlement constituted extreme injustice; or
 - claim was denied under prior legislation because of failure to produce required evidence, where such evidence was inaccessible to claimant but has since become accessible.
- o. The Panel legislation will allow applications to be made to the Panel for 24 months after the enactment of the Panel legislation or until one year after the date the Austrian Historical Commission issues its final report, whichever date is later.
- p. The Austrian Federal Government will undertake its best efforts to identify publicly owned property as defined supra in paragraph 3(g).

- q. The Austrian Federal Government will undertake its best efforts to ensure the adoption of similar procedures and processes at the provincial and municipal levels and to secure such restitution at said levels.
- r. The in rem return of works of art will be excepted from the scope of the Panel legislation.
- s. The Government of the United States and the Government of Austria will consult on a regular basis concerning the implementation of the Panel recommendations.

4. Additional Social Benefits to Survivors:

- a. Austria will pass the necessary legislation to allow disbursement of "Pflegegeld" of categories up to 7 to victims of National Socialism living abroad as soon as possible.
- b. Austria will, as soon as possible, make the following changes in the laws that address social benefits for victims of National Socialism:
 - amend the Victims Assistance Act so as to abolish the six years' age limit provided for in §1 (2) lit f of the Victims Assistance Act;
 - amend paragraph 11 of the Victims Assistance Act to allow for pensions for persons who were Austrian citizens as of March 13, 1938, or who had during the period of 10 years prior to that date their residence on the territory of the Republic of Austria and were not Austrian citizens if they fulfill the other requirements of the Victims Assistance Act.
 - amend the definition of "imprisonment" in §1 (1) of the Victims Assistance Act to include those who were confined in concentration camp-like facilities, e.g., Sammellager ("Collection Camps);
 - amend § 502 (6) of the General Pension Law (ASVG) to the effect that all

those born on the present-day territory of the Republic of Austria between January 1, 1933 and March 12, 1938 will be eligible to buy into the Austrian pension system under the conditions of § 502(1,4,6).

5. Restitution of Works of Art:

Art restitution will proceed on an expedited basis pursuant to the Federal Law of December 4, 1998 concerning the works of art from Austrian Federal Museums and Collections. The Austrian Federal Government will undertake its best efforts to address the issue of the return of works of art from Austrian companies and Austrian public entities not covered by the Federal Law. The Austrian Federal Government will undertake its best efforts to encourage the adoption of similar procedures at the municipal and provincial levels. To this end, the Austrian Federal Chancellor will write a letter to governors and mayors urging them to adopt such measures, recalling the resolution by the Austrian Parliament of 1998 urging provincial and municipal museums to research the provenance of the art works in their possession and to return all such art looted during the National Socialist era to the rightful owners.

6. Hakoah Sports Club:

The former Hakoah sports field was a leasehold property of the Hakoah Sport Club located in the Prater in Vienna. The City of Vienna is prepared to offer to lease to the IKG, on a reasonable and mutually acceptable long-term basis similar to that of the original lease, a similar piece of land in the vicinity of the former location. A contribution of US \$8 million will be made available for the construction of an appropriate sports facility. This will be the final amount for this purpose.

7. State Archives:

Austria will provide additional resources to the Austrian State Archives to allow better access to the files. Austria will do its utmost to ensure that requests to the Austrian State Archives for information are handled in an expedited and non-bureaucratic manner.

8. Jewish Cemeteries:

Austria will provide additional support for the restoration and maintenance of Jewish cemeteries, known or unknown, in Austria.

9. Subsidies to the Annual Holocaust Education Program at the Salzburg Seminar:

Austria will contribute to such a program.

10. Legal Closure:

The establishment of the GSF in conformity with the principles set forth in supra paragraphs 2 and 3, the passage of the legislation necessary to provide victims of National Socialism with the additional benefits referred to supra in paragraph 4, and the good faith progress in the implementation of the commitments referred to supra in paragraphs 5 to 9, confirmed by a diplomatic note from Austria to the United States, will lead to the dismissal with prejudice of all claims arising out of or related to the National Socialist era or World War II that have been or may be asserted against Austria and/or Austrian companies, excluding claims covered by the Reconciliation Fund, in respect of which the Agreement shall continue to govern, and further excluding in rem claims for works of art, by the plaintiffs' attorneys who have signed the Joint Statement and to the United States taking appropriate steps in accordance with Articles 2(2), 2(3) and 3(3) of the Agreement between the Government of the United States of America and the Austrian Federal Government concerning the Austrian Fund "Reconciliation, Peace and Cooperation" (Reconciliation Fund) to assist Austria and Austrian companies in achieving legal closure for all such claims. The term "works of art" is understood to include tangible movable cultural or religious objects.

Austrian provinces and municipalities will not benefit from legal closure, as set forth in Article 3(3) of the Agreement, in relation to claims for in rem restitution of publicly-owned property, applying mutatis mutandis, the principles set forth in supra para. 3(g), unless or until the Austrian Federal Government no-

tifies the Government of the United States that such province or municipality has adopted similar procedures for in rem restitution of publicly-owned property or agrees to accept recommendations of the Arbitral Panel established supra in paragraph 3.

Annex B³

"Austrian companies" as used in this Joint Statement and the Annexes thereto are defined as follows:

1. Enterprises that, at any given time, had or have their headquarters within the borders of the present-day Republic of Austria as well as their parent companies (past or present, direct or indirect), even when the latter had or have their headquarters abroad.
 2. Enterprises situated outside the borders of the present-day Republic of Austria in which Austrian enterprises as described in Sentence (1), at any given time, had or have a direct or indirect financial participation of at least 25 percent.
- a. An "enterprise" or "company" means any entity, whether organized under public or private law as a corporation, partnership, sole proprietorship, association of business entities, society, community, cooperative, non-profit organization or otherwise as well as any municipality, private or other public law entity. Any enterprise (in the above meaning) incorporated or otherwise organized under Austrian law shall be deemed for all purposes of this definition to have its headquarters in Austria. An enterprise (in the above meaning) includes its successors, predecessors, former parents, assigns, officers, directors, employees, agents attorneys, heirs, executors, administrators, personal representatives, and current or former shareholders. Any branch office, place of business, establishment or place of work of a non-Austrian company or enterprise (in the above meaning) located within the borders of the present-day Republic of Austria shall be deemed to be a company or enterprise

³Federal Ministry for Foreign Affairs (publ.), International Documentation. Austrian Measures for Restitution and Compensation of Victims of National Socialism (2001), 102 et seq.

(in the above meaning) that had or has its headquarters in Austria, and any such non-Austrian company or enterprise (in the above meaning) shall be deemed to be a parent or former parent as the case may be, with respect to actions or inactions of such branch or place of business.

- b. A "parent company" means any company that owns or owned a direct or indirect participation of at least 25 percent in any enterprise that had or has its headquarters in the present-day Republic of Austria.

The definition of "Austrian companies" does not include foreign parent companies with headquarters outside the present-day territory of the Republic of Austria in which the sole alleged claim arising from National Socialist injustice or World War II has no connection with the Austrian affiliate and the latter's involvement in National Socialist injustice, unless there is a pending discovery request by plaintiff(s), of which the United States is provided by the defendant with copy to plaintiff(s), seeking discovery from or concerning National Socialist or World War II actions of the Austrian affiliate.

The definitions in the Exchange of Notes and the Joint Statement are meant to be identical (as are the words "company" and "enterprise") and should be interpreted in an identical manner.

Following ratification of the results of the Washington negotiations by the Council of Ministers on 23 January 2001, an exchange of diplomatic notes took place in the Ministry for Foreign Affairs. In this way, the agreement between the Government of the United States and the Austrian Federal Government was finally cemented. The exchange of diplomatic notes represents an agreement under international law between the two governments to which the details of the outcome of the negotiations are attached in form of an annex.⁴ In addition, the content of this agreement was also to be embodied in the form of a Federal Law.

By the implementation of the Washington Agreement, the Federal Law on the establishment of the General Settlement Fund was passed on 28 February 2001.⁵

⁴cf. Federal Law Gazette III No. 121/2001.

⁵Federal Law Gazette I No. 12/2001.

12. Federal Law on the Establishment of a General Settlement Fund for Victims of National Socialism and on Restitution Measures (General Settlement Fund Law), as well as on an Amendment to the General Social Security Law and the Victims Assistance Act (Federal Law Gazette I No. 12/2001) (unofficial translation)

The National Council has resolved:

Article 1

Federal Law on the Establishment of a General Settlement Fund for Victims of National Socialism and on Restitution Measures (General Settlement Fund Law)

Part 1

General Settlement Fund

Title 1

Establishment of the General Settlement Fund

Establishment and Purpose of the Fund

§ 1. (1) In order to comprehensively resolve open questions of compensation of victims of National Socialism for losses and damages as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era, the General Settlement Fund (in short: Fund) shall be established.

(2) The Fund's purpose shall be to acknowledge, through voluntary payments, the moral responsibility for losses and damages inflicted upon Jewish citizens and other victims of National Socialism as a result of or in connection with the National Socialist Regime. The return of works of art shall be governed by the special legislation presently in force.

(3) The Fund shall be an institution of the Republic of Austria, subject to Austrian law, shall be an independent legal entity, and shall exclusively serve non-profit purposes. The Fund shall have its headquarters in Vienna. It shall be exempt from all federal taxes and duties. The payments provided by the Fund shall be governed by the principles guiding the public administration acting under private law.

(4) The Fund shall be regarded as dissolved once its tasks are fully completed.

Capital of the Fund

§ 2. (1) To carry out its tasks, the Fund shall be endowed with an amount of 210 million US Dollars. This amount shall be made available, at the latest, 30 days after all claims in the United States pending as of June 30, 2001 against Austria or Austrian companies arising out of or related to the National Socialist era or World War II have been dismissed. Excepted therefrom are claims covered by the Reconciliation Fund, Federal Law Gazette I, No. 74/2000, claims for the return of works of art, as well as claims for in rem restitution against provinces or municipalities, unless or until the latter have availed themselves of the option under § 38. Furthermore, the Fund may dispose of the interest that will accrue at the 3-month Eu-

ribor rate from investment by the Fund, starting with the date cited above and continuing for the entire duration of the Fund. The endowment of the Fund shall thus be complete. There shall be no obligation for additional funding.

(2) Contributions to the Fund shall not be subject to inheritance and gift taxes or similar financial burdens having the same purpose or effect. They may be treated as company expenditures.

(3) Yields from the Fund's capital and other revenues shall be used exclusively for the Fund's purposes. This includes the necessary costs for personnel, material and administration of the Fund, including the costs of the Claims Committee, in so far as these cannot be covered by the budget of the National Fund.

(4) The legal transactions necessary for carrying out the Fund's tasks shall be exempt from federal legal fees.

Organs of the Fund

§ 3. (constitutional provision) The organs of the Fund shall be the organs of the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette I, No. 432/1995, as amended, that is, the Board of Trustees and the Secretary General. The Claims Committee specified in § 4 shall take the place of the Committee. Unless the present Federal Law provides otherwise, the administrative tasks of the Fund and its external representation 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.

Claims Committee

§ 4. (1) An independent Claims Committee shall be set up to decide on claims for payments from the Fund. The Claims Committee shall take its decisions by a majority vote, unless unanimity is specifically prescribed.

(2) **(constitutional provision)** Members of the Claims Committee shall be: 1. one member to be appointed by the Government of the United States of America;

2. one member to be appointed by the Austrian Federal Government

3. one member to be appointed by the above members as chairperson.

(3) In the event that the members appointed according to Subparagraphs. 1 and 2 are unable to agree upon the chairperson within 60 days after the entry into force of the present Federal Law, the Government of the United States of America and the Federal Government [of Austria] will enter into consultations to name a chairperson.

(4) The members of the Claims Committee shall serve in an honorary capacity.

(5) The National Fund shall provide technical and administrative support to the Claims Committee, making use to the greatest extent possible of its administrative infrastructure. The National Fund shall be reimbursed for the resulting additional costs in accordance with the first sentence of § 2 (3).

Title 2
General Provisions

Distribution of Funds

§ 5. (1) Of the funds available for payments to entitled persons one half shall be reserved for payments in the claims-based process, and one half for payments in the equity-based process.

(2) Of the funds available for payments to entitled persons, the equivalent in Schillings of 25 million US Dollars shall be allocated for payments for insurance policies. In the event that this amount is exhausted, and this is certified by the Claims Committee, in consultation with representatives of the plaintiffs' attorneys recommended by the Government of the United States, an amount of up to 5 million US Dollars from the amount allocated to the claims-based process may be used to pay insurance claims.

(3) After expiration of the filing period, the Board of Trustees shall, following consultation with the Claims Committee, calculate the total amount of funds available for payments to entitled persons after deduction of the Fund's expenditures.

(4) After completion of the tasks of the Fund, any remaining funds shall be transferred to the National Fund of the Republic of Austria for Victims of National Socialism. These funds shall be used for programs to benefit victims of National Socialism, including members of the Roma community.

Eligibility

§ 6. (1) Persons (in the claims-based process also associations), who/ which were persecuted by the National Socialist regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, or of physical or mental handicap or of accusations of so-called asociality, or who left the country to escape such persecution, and who suffered losses or damages as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era shall be eligible to file an application.

(2) In addition, applying mutatis mutandis the provisions of the [Austrian] General Civil Code, heirs of eligible claimants as defined in Paragraph 1 shall also be eligible to file an application. In case of a defunct association, an association which the Claims Committee regards as the legal successor shall be entitled to file an application as well.

General Conditions for Payments

§ 7. The payments shall be awarded as a final compensation for losses and damages as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era. There shall be no legal right to these payments.

Filing Period

§ 8. Applications for payments are to be filed in writing no later than 24 months after the entry into force of the present Federal Law.

Multiple Applications

§ 9. Applications for compensation for damages and losses as defined in § 7 may be filed either under the claims-based or the equity-based process. In the respective processes, only one application may be filed, which may include losses and damages in multiple categories (§§ 14 and 19). Simultaneous applications in both processes based on the same loss or damage are, however, inadmissible. If an application is entirely and finally rejected under the claims-based process, the Claims Committee shall consider the application under the equity-based process.

Consideration of Prior Restitution Measures

§ 10. (1) Unless the present Federal Law provides otherwise, no payments shall be made for claims regarding losses and damages which have been finally decided by an Austrian court or administrative body or which have been settled by agreement.

(2) In the exceptional circumstances where the Claims Committee unanimously determines that such decision or settlement constituted an extreme injustice, a payment may exceptionally be awarded. (§ 15, Paragraph 1(2)).

Waiver

§ 11. (1) The condition for a payment from the Fund shall be a statement to be made by the recipient of the payment that upon receipt of a payment he or she will, for him/herself and his/her heirs, waive any and all claims against Austria and/or Austrian companies arising out of or related the National Socialist era or World War II.

(2) Such a waiver shall not preclude the claimant from bringing an action against Austria and/or Austrian companies for in rem restitution of a specifically identified piece of art or an action for in rem restitution against provinces or municipalities, unless or until the latter have availed themselves of the option under § 38. Such a statement shall not include a waiver of any right in any prior settlement reached in courts in the United States of America.

Rules of Procedure and By-Laws

§ 12. The Claims Committee shall issue and publish rules of procedure and by-laws, in particular regarding:

1. relaxed standards of proof;
2. a simplified and expedited internal appellate procedure in the claims-based process;
3. the attendance of observers at individual procedural stages of the claims-based process under strict rules of confidentiality.

Taxes, Fees and Social Benefits

§ 13. (1) Applications to, and payments from, the Fund shall be exempt from all federal taxes and fees.

(2) (constitutional provision) Payments from the Fund shall not affect the recipient's claims to any Austrian social benefits.

**Title 3
Claims-Based Process**

Categories of Property

§ 14. In the claims-based process, applications may be filed for awarding payments for losses or damages in the following categories of property: 1. liquidated businesses, including licenses and other business assets; 2. real property, unless in rem restitution pursuant to Part 2 of the present Federal Law has been granted; 3. bank accounts, stocks, bonds, mortgages; 4. movable property, unless such property losses have been compensated by payments based on the Federal Law amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette I, No. .../2001; 5. insurance policies.

Conditions for Claims and Standards of Proof

§ 15. (1) The claimant must show, under relaxed standards of proof according to Paragraph 2, proof or convincing evidence of ownership of property in one of the categories listed in § 14 or entitlement based on insurance policies at the time of confiscation/Aryanization/liquidation as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era, and that

1. such property claim was never previously finally decided by Austrian courts or administrative bodies, or settled by agreement, or
2. such a decision or settlement by agreement constituted an extreme injustice, or
3. such property claim was denied by Austrian courts or administrative bodies because of failure to produce required evidence, where such evidence was inaccessible to the claimant at that time, but has since become available.

(2) The Claims Committee shall review all applications using relaxed standards of proof. In the claims-based process, claimants must as a rule produce supporting evidence to establish eligibility. If no relevant evidence is available, eligibility for payments may also be made credible in some other way. In cases relating to Paragraph 1, Subparagraphs 1 and 3, if no contradictory evidence is presented, an affidavit, including a plausible explanation for why this claim was never decided or settled, or why the necessary evidence was inaccessible to the claimant, shall be deemed sufficient.

Decisions of the Claims Committee

§ 16. (1) If the Claims Committee determines - in the case of § 15 Paragraph 1, Subparagraph 2 unanimously - that the claimant satisfies the evidentiary requirements mentioned in § 15, the Claims Committee shall establish the total amount of all the claimant's approved claims (claimed amount). For each application only one claimed amount shall be established. After expiration of the filing period according to § 8 and decision of all applications, the Claims Committee shall award each claimant a proportionately reduced amount (pro rata) on the basis of the established claimed amounts and according to the funds allocated for the claims-based process pursuant to § 5 (awarded amount). The amount awarded for each application may not exceed 2 million US Dollars. More detailed regulations shall be laid down in the by-laws and rules of procedure.

(2) In order to ensure that no claimant shall receive payments for those losses or damages for which compensation has been paid on the basis of other measures, the Claims Committee, when establishing the claimed amount, shall take particularly into account the following restitution and compensation measures:

1. Payments based on the Federal Law amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette I, No. .../2001;
2. Payments and measures of the German Foundation "Remembrance, Responsibility and Future", German Federal Law Gazette I, No. 38/2000;
3. Settlement of claims under the Insurance Reconstruction Act, Federal Law Gazette No. 185/1955, the Insurance Indemnification Act, Federal Law Gazette No. 130/1958, or on the basis of claims settlement procedures of the "International Commission on Holocaust Era Insurance Claims" (ICHEIC); or
4. Settlement of claims on the basis of the Bank Austria Settlement.

Appeal for a New Decision

§ 17. In the event of a negative decision by the Claims Committee on the claimed amount, the claimant may file an appeal for a new decision. Such an appeal shall specify the reasons why a revised decision would be justified. In particular, such reasons may include references to new circumstances or errors in fact or in law in the decision of the Claims Committee. More detailed regulations shall be laid down in the by-laws and rules of procedure.

Insurance Claims

§ 18. (1) Within the framework of the claims-based process, the Claims Committee shall decide on all insurance claims (§ 14, Subparagraph 5) against Austrian companies, unless these claims are directed at companies which

1. are considered "German companies" under the German Law for the Establishment of the Foundation "Remembrance, Responsibility and Future", German Federal Law Gazette I No. 38/2000; or
2. are already covered by ICHEIC.

(2) In taking decisions on insurance policies (§ 14, Subparagraph 5), the Claims Committee shall apply *mutatis mutandis* the ICHEIC claims-handling procedures, including those pertaining to valuation, standards of proof, and relevant decisions by the chairperson. In doing so, particularly prior compensation measures shall be taken into account according to § 16 Paragraph 2.

(3) If the Claims Committee determines that all conditions for the approval of an insurance claim are met, it shall authorize in accordance with the principles of § 16 Paragraph 1 the disbursement of a payment from the capital of the Fund allocated pursuant to § 5 Paragraph 2. All funds used to pay approved insurance claims shall be distributed on a pro rata basis.

(4) The Austrian Insurance Association shall, to the extent available, make the lists of policyholders who are possible victims of National Socialism as defined in § 6, Paragraph 1, publicly accessible.

Title 4 Equity-Based Process

Categories

§ 19. In case the claimant is not able, under the standards of proof of the claims-based process, to document specific claims or make them credible, applications may be submitted to the Claims Committee in the equity-based process for awarding payments for losses or damages in the following categories:

1. for any of the categories of property mentioned above in § 14;

2. for occupational or educational losses as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era; or

3. for any other claims for losses or damages arising as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National-Socialist era, unless those claims are covered by the Federal Law concerning the Fund for Voluntary Payments by the Republic of Austria to Former Slave Laborers and Forced Laborers of the National Socialist Regime, Federal Law Gazette I No. 74/2000, or by the provisions on in rem restitution of publicly-owned property pursuant to Part 2 of the present Federal Law.

Special Conditions for Payments

§ 20. If the Claims Committee has reason to believe that

1. there is a valid case of loss of property in any of the categories of property listed in § 14, or ? where such claim was finally decided by Austrian courts or administrative bodies, or settled by agreement ? that such a decision or settlement was inadequate;
2. the claimant was not adequately compensated for losses as defined in § 19 Subparagraph 2; or
3. a claim raised pursuant to § 19 Subparagraph 3 is justified, the Claims Committee may award an equity-based payment.

Payment per Household

§ 21. (1) Equity-based payments of the Fund shall be made on a per-household basis. The Claims Committee may not award more than one equity-based payment per household. More detailed regulations shall be laid down in the by-laws and rules of procedure.

(2) The term "household", as used in the present Federal Law, shall mean any household-like shared living quarters on the territory of the present-day Republic of Austria between March 12, 1938 and May 9, 1945. A household consists of survivors who shared living quarters in a household-like fashion at the time, and of heirs of those members of the household who did not survive.

(3) Applicants in the equity-based process shall, to the extent possible, indicate the address or location of the household for which they seek an equity-based payment, as well as the other members of the household including the heirs of those who did not survive, who are entitled to share the equity-based payment.

Exclusion of Appeal

§ 22. Decisions made by the Claims Committee under the equity-based process cannot be appealed.

Part 2

In rem Restitution

Title 1

Arbitration Panel for in rem Restitution

Establishment of the Arbitration Panel

§ 23. (1) An Arbitration Panel for the examination of applications for in rem restitution of publicly-ow-

ned property shall be established with the Fund.

(2) (constitutional provision) Members of the Arbitration Panel shall be:

1. one member to be appointed by the Government of the United States of America;
2. one member to be appointed by the Austrian Federal Government;
3. one member to be appointed by the above members as chairperson.

(3) The members should be familiar with the relevant rules and provisions of Austrian and international law, in particular with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(4) In the event that the members appointed according to Paragraph 2, Subparagraphs 1 and 2 are unable to agree upon the chairperson within 60 days after the entry into force of the present Federal Law, the Government of the United States of America and the Federal Government [of Austria] will enter into consultations to name a chairperson.

(5) The members of the Arbitration Panel shall serve in an honorary capacity. Any expenses incurred by the members as well as the necessary costs for personnel and material shall be borne by the Federation [Bund], making use to the greatest extent possible of the administrative infrastructure of the Fund.

By-Laws and Rules of Procedure

§ 24. The Arbitration Panel shall establish and publish by-laws and rules of procedure, in particular about requirements for applicants regarding burden of proof and rules of evidence.

Liaison with the Historical Commission

§ 25. The chairperson of the Austrian Historical Commission shall appoint a liaison person to the Arbitration Panel.

Title 2 Settlement of Claims

Case-by-Case Examination

§ 26. The Arbitration Panel shall examine applications for in rem restitution of publicly-owned property on a case-by-case basis.

Eligibility

§ 27. (1) Persons and associations who/which were persecuted by the National Socialist regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, or of physical or mental handicap, or of accusations of so-called asociality, or who left the country to escape such persecution, and who suffered losses or damages as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era shall be eligible to file an application.

(2) In addition, applying mutatis mutandis the provisions of the [Austrian] General Civil Code, heirs of eligible claimants as defined in Paragraph 1 shall also be eligible to file an application. In case of a defunct association, an association which the Arbitration Panel regards as the legal successor shall be entitled to file an application as well.

Publicly-Owned Property

§ 28. (1) For the purposes of in rem restitution, the notion of "publicly-owned property" shall cover exclusively real estate (land) and buildings (superstructures) which

1. between March 12, 1938 and May 9, 1945, were taken from the previous owners whether without authorization or on the basis of laws or other orders, on political grounds, on grounds of origin, religion, nationality, sexual orientation, or of physical or mental handicap, or of accusations of so-called asociality, in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era; and

2. were never the subject of a claim that was previously decided by an Austrian court or administrative body, or settled by agreement, and for which the claimant or a relative has never otherwise received compensation or other consideration; except in exceptional circumstances where the Arbitration Panel unanimously determines that such a decision or settlement constituted an extreme injustice; and which

3. on January 17, 2001 were exclusively and directly owned by the Federation [Bund], or any legal person under public or private law wholly-owned, directly or indirectly, by the Federation.

(2) For the purposes of in rem restitution to Jewish communal organizations, the notion of "publicly-owned property" shall furthermore cover tangible movable property, particularly cultural and religious items, which

1. between March 12, 1938 and May 9, 1945, was taken from the previous owners whether without authorization or on the basis of laws or other orders, on political grounds, on grounds of origin, religion, nationality, sexual orientation, or of physical or mental handicap, or of accusations of so-called asociality, in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era; and

2. was never the subject of a claim that was previously decided by an Austrian court or administrative body, or settled by agreement, and for which the claimant or a relative has never otherwise received compensation or other consideration; except in exceptional circumstances where the Arbitration Panel unanimously determines that such a decision or settlement constituted an extreme injustice; and which

3. on January 17, 2001 was exclusively and directly owned by the Federation [Bund], or any legal person under public or private law wholly-owned, directly or indirectly, by the Federation.

Filing Period

§ 29. Applications to the Arbitration Panel are to be filed in writing no later than 24 months after establishment of the Arbitration Panel or one year after the date the Austrian Historical Commission issues its final report at the latest.

Basis of Examination

§ 30. The Arbitration Panel shall make recommendations on the basis of evidence submitted by the claimant and submissions of the Austrian Federal Government, as well as any relevant findings of the Austrian Historical Commission.

Status of Ownership

§ 31. If the claimant asserts that a property is publicly-owned, the Arbitration Panel shall verify in cooperation with the Federal Government whether this is the case.

Prior Measures

§ 32. (1) As a matter of principle, the Arbitration Panel shall not have the authority to reopen or reconsider cases that were previously decided by Austrian courts or administrative bodies, or settled by agreement. Neither the claimant nor a relative (in the case of an association also its legal predecessor) must have otherwise received compensation or other consideration for the property in question.

(2) Excepted therefrom are only cases where

1. the Arbitration Panel unanimously determines that a prior settlement constituted an extreme injustice; or
2. the claim was denied because of failure to produce required evidence, where such evidence was inaccessible to the claimant at the time but has since become accessible.

Examination Period

§ 33. The Arbitration Panel shall issue recommendations and dismissals within six (6) months of the Fund's receiving an application.

Recommendations and Dismissals

§ 34. After examination of the application, the Arbitration Panel shall make a recommendation to the competent Austrian Federal Minister for in rem restitution, or dismiss the claim. Where in rem restitution, although merited, is not practical or feasible, the Arbitration Panel may recommend, in consultation with the competent Austrian Federal Minister, that the claimant be awarded a comparable property.

Taxes and Fees

§ 35. Applications to the Arbitration Panel and awards based on its recommendations shall be exempt from all federal taxes and fees.

Obligation to Publish Recommendations

§ 36. Recommendations by the Arbitration Panel shall be published.

Disposition of Federal Property

§ 37. (1) If the Arbitration Panel recommends in rem restitution or the conveyance of a comparable property, the Federal Minister of Finance shall be authorized, to the extent of the recommendation, to dispose of parts of the immovable or movable federal property irrespective of the estimated value by voluntary conveyance.

(2) If a property is exclusively and directly owned by a legal person under public or private law wholly-owned, directly or indirectly, by the Federation (§ 28 Paragraph 1, Subparagraph 3 and Paragraph 2, Subparagraph 3), the executive bodies of such a legal person have to comply with the proprietary instructions of the respective competent Federal Minister, in concert with the Federal Minister of Finance, regarding the voluntary conveyance of such property.

(3) Dispositions of property may only be made after expiry of the filing period according to § 29.

Provinces and Municipalities

§ 38. If and as far as provinces and municipalities provide for in rem restitution of publicly-owned property, they may provide for the Panel to examine applications for in rem restitution, applying mutatis mutandis the above provisions. The costs incurred therefrom shall be borne by the respective province or municipality.

Part 3 Entry into Force and Final Provisions

Publicity Measures

§ 39. Within two months of entry into force of the present Federal Law, the Fund shall assure adequate worldwide publicity of the payments that may be made pursuant to the present Federal Law. Such publication shall, in particular, include information about the Fund, the conditions for payments, filing periods and the necessary examination of data.

Provision of Information

§ 40. (1) The Fund and its organs established according to the present Federal Law shall be authorized to obtain from public authorities and other public institutions all information necessary to fulfill its tasks. Information may only be withheld if prohibited by specific statutory provisions or if the protected interest for secrecy of the affected person outweighs the legitimate interest for information of the Fund and its organs.

(2) Any information obtained may only be used for purposes according to the present Federal Law; a claimant's personal data may only be used for the purpose of payments or awards. The use of these data for other purposes shall be permissible only upon explicit consent of the claimant.

Gender-Related Terms

§ 41. The terms used in the present Federal law relating to individuals apply equally to women and men, wherever this is relevant.

International Agreements

§ 42. International Agreements dealing with the consequences of the National Socialist era or World War II, in particular the State Treaty for the Re-establishment of an Independent and Democratic Austria, Federal Law Gazette No. 152/1955, as well as the Exchange of Notes of 1959 between the United States of America and Austria relating to the Settlement of Certain Claims under Article 26 of the Austrian State Treaty, shall not be affected by the present Federal Law. Thus, there shall be no legal right to payments or awards under the present Federal Law.

Entry into Force

§ 43. (constitutional provision) The present Federal Law shall enter into force once it has been ensured

that the capital mentioned in § 2 will be available in its entirety. The Federal Government shall announce the day of entry into force of the present Federal Law in the Federal Law Gazette I.

Dismissal of Claims

§ 44. (1) Payments and awards under the present Federal law may be made only after all claims under § 2, Paragraph 1, have been dismissed. The Federal Government shall announce that day in the Federal Law Gazette I.

(2) The expression "Austrian companies", as used in the present Federal Law, is defined in the Annex to this Federal Law.

Annex

Definition of the Expression "Austrian Companies"

The expression "Austrian companies", as used in the present Federal Law, is defined as follows:

1. Enterprises that, at any given time, had or have their headquarters within the borders of the present-day Republic of Austria as well as their parent companies (past or present, direct or indirect), even when the latter had or have their headquarters abroad.

2. Enterprises situated outside the borders of the present-day Republic of Austria in which Austrian enterprises as described in Sentence (1), at any given time, had or have a direct or indirect financial participation of at least 25 percent.

3. a. An "enterprise" or "company" means any entity, whether organized under public or private law as a corporation, partnership, sole proprietorship, association of business entities, society, community, cooperative, non-profit organization or otherwise as well as any municipality, private or other public law entity. Any enterprise (in the above meaning) incorporated or otherwise organized under Austrian law shall be deemed for all purposes of this definition to have its headquarters in Austria. A company (in the above meaning) includes its successors, predecessors, former parents, assigns, officers, directors, employees, agents attorneys, heirs, executors, administrators, personal representatives, and current or former shareholders. Any branch office, place of business, establishment or place of work of a non-Austrian company or company (in the above meaning) located within the borders of the present-day Republic of Austria shall be deemed to be a company or enterprise (in the above meaning) that had or has its headquarters in Austria, and any such non-Austrian company or enterprise (in the above meaning) shall be deemed to be a parent or former parent as the case may be, with respect to actions or inactions of such branch or place of business.

b. A "parent company" means any company that owns or owned a direct or indirect participation of at least 25 percent in any enterprise that had or has its headquarters in the present-day Republic of Austria.

The definition of "Austrian companies" does not include foreign parent companies with headquarters outside the present-day territory of the Republic of Austria in which the sole alleged claim arising from National Socialist injustice or World War II has no connection with the Austrian affiliate and the latter's involvement in National Socialist injustice, unless there is a pending discovery request by plaintiff(s), of which the United States is provided by the defendant with copy to plaintiff(s), seeking discovery from or concerning National Socialist or World War II actions of the Austrian affiliate.

Article 2
Amendment of the General Social Security Act

The General Social Security Act, Federal Law Gazette No. 189/1955, amended last by the Federal Law, Federal Law Gazette I No. 5/2001, shall be amended as follows:

1. In § 502, Paragraph 6, the expression "in calendar year 1938 and earlier has completed six years of age" shall be replaced by the expression "was born on March 12, 1938 at the latest."
2. Following § 592 the following § 593 shall be added:

"Final Provision to Article 2 of the Federal Law, Federal Law Gazette I No. 12/2001

§ 593. (1) § 502, Paragraph 6, as amended by the Federal Law, Federal Law Gazette I No. 12/2001 shall enter into force on the first day of the month following the day announced by the Federal Government pursuant to § 44 of the General Settlement Fund Law, Federal Law Gazette I No. 12/2001.

(2) (constitutional provision) For persons who only on the basis of § 502, Paragraph 6, as amended by the Federal Law, Federal Law Gazette I No. 12/2001, are able to pay retroactive contributions for the time of emigration, § 502, Paragraph 4, shall apply on the understanding that also for the time after March 31, 1959, contributions may be paid retroactively for a maximum of 180 months altogether.

(3) Persons who only on the basis of § 502, Paragraph 6, as amended by the Federal Law, Federal Law Gazette I No. 12/2001, are entitled to a pension payment under the present Federal Law, shall receive such payment as of the month of entry into force of the present Federal Law, provided an application is filed within one year of the entry into force of the present Federal Law, otherwise as of the first day of the month following the filing of the application. In case the applicant is still living abroad as a consequence of emigration for the reasons stated in § 500, Paragraph 1, at the time of the filing of the application, the eligibility for the entitlement to payments shall, notwithstanding § 223, Paragraph 2, be reviewed at the time of occurrence of the insured event."

Article 3
Amendment of the Victims Assistance Act

The Victims Assistance Act, Federal Law Gazette No. 183/1947, last amended by the Federal Law, Federal Law Gazette I No. 16/1999, shall be amended as follows:

1. § 1, Paragraph 1, Item e shall read as follows:

"e) have been proven to have been confined for political reasons for a minimum of one year, in cases where the confinement involved particularly severe physical or mental suffering, a minimum of six months, or have suffered a kind of restriction of liberty as defined in § 1, Paragraph 2, Item i of a minimum of one year."

2. In § 1, Paragraph 2, Item f, the expression "after completion of six years of age" shall be deleted.
3. § 4, Paragraph 6 shall be deleted.
4. § 5a, Paragraph 2, first sentence shall read:

"Persons as defined in Subparagraphs 1 to 6 of § 3, Paragraph 1 of the Federal Law on Nursing Allowance (BPGG) who emigrated during the time and for the reasons stated in § 500 of the General Social Security Act (ASVG), Federal Law Gazette No. 189/1955, shall upon application and under the other preconditions set forth in the Federal Law on Nursing Allowance (BPGG) be entitled to a monthly benefit corresponding to the respective amount of a nursing allowance of categories 1 to 7, provided their habitual residence for reasons of such emigration is abroad."

5. § 11, Paragraph 14 shall read:

"(14) The entitlement to a pension shall also exist if the right to being issued an official certificate does not exist or has not existed exclusively for lack of Austrian citizenship after April 27, 1945."

6. § 18, Paragraph 8 shall read:

"(8) Victims identification documents which have been awarded by way of indulgence because the victim had not completed the age of six years at the time of the forced emigration shall be deemed as awarded by way of legal title pursuant to § 1, Paragraph 2, Item f, as of the entry into force of the present Federal Law."

7. § 18, Paragraph 9 shall read:

"(9) Official certificates pursuant to § 4, Paragraph 6 shall be deemed as official certificates pursuant to § 1, Paragraph 1, Item e or § 4, Paragraph 5, as of the entry into force of present Federal Law."

8. § 18, Paragraph 10 shall read:

"(10) If applications for the granting of payments pursuant to § 5a, Paragraph 2 and § 11, Paragraph 14 are being filed within one year of the entry into force of the present Federal Law, payments shall be granted as of the time of fulfillment of all preconditions, however, as of the entry into force of present Federal Law at the earliest. Payments granted for the period prior to the entry into force of the present Federal Law pursuant to § 5a, Paragraph 2, shall remain unaffected."

9. The former Paragraph 8 of § 18 shall be renamed Paragraph "(11)."

10. To § 19 the following Paragraph 7 shall be added:

"(7) § 1, Paragraph 1, Item e, Paragraph 2, Item f, § 5a, Paragraph 2, first sentence, § 11, Paragraphs 14 and 18, Paragraphs 8 to 11, as amended by the Federal Law, Federal Law Gazette I No. 12/2001 as well as the deletion of § 4, Paragraph 6 shall enter into force on the day announced by the Federal Government pursuant to § 44 of the General Settlement Fund Law, Federal Law Gazette I No. 12/2001."

Federal Law regarding the Establishment of a General Settlement Fund for Victims of National Socialism and on Restitution Measures (General Settlement Law), as well as on an Amendment to the General Social Security Law and the Victims Assistance Act

An amending statute to the Settlement Fund Law regarding institutional liability was introduced in April 2001.⁶

40. Federal Law amending the General Settlement Fund Law (Federal Law Gazette I No. 12/2001), the Federal Finance Act 2001 (BGBl. I No. 1/2001) and the Reconciliation Fund Law (Federal Law Gazette I No. 74/2000) (unofficial translation)

The National Council has resolved:

Article 1
Amendment of the General Settlement Fund Law

The Federal Law on the Establishment of the General Settlement Fund for Victims of National Socialism and on Restitution Measures (General Settlement Fund Law), BGBl. I No. 12/2001, shall be amended as follows:

§ 2 shall be extended by the following Abs. 1a:

“(1a) An amount of up to 60 million US dollars shall be contributed to the Fund from the amounts which flow into the Federal Government under § 69 Abs. 3 Nationalbank Law 1984, BGBl. No. 50/1984, in the version of the Federal Law BGBl. I No. 60/1998 as of the financial year 2000. The amount of 210 million US dollars mentioned in paragraph 1 by these means stays as it was.”

After § 3 the following § 3a shall be added:

“§ 3a. The Fund and the National Fund of the Republic of Austria for Victims of National Socialism and their organs do not guarantee claims for compensation, which are based on the safeguarding of duties und the Federal Laws establishing these Funds.”

Article 2
Amendment of the Federal Finance Act 2001

The Federal Finance Act 2001, BGBl. No. 1/2001 in the version of the Federal Law BGBl. I No.

⁶Federal Law Gazette I No. 40/2001.

32/2001, shall be amended as follows (2. BFG-amendment 2001):

1. In Article VI Abs. 1, the item after Z 20 shall be substituted by a semicolon. The following Z 20 shall be added:

“21. to the estimate of expenditure 1/02118 up to an amount of 920 million Austrian Schillings for the payments on account of the General Settlement Fund Law, BGBl. I No. 12/2001, in the version of the Federal Law BGBl. I No. 40/2001, if the cover can be secured through surplus earnings with the estimate of expenditure 2/54074.”

2. After Z 21 the following Z 22 and 23 shall be added:

“22. to the estimate of expenditure 1/40108 up to an amount of 100 million Austrian Schillings for the acquisition of modern night-sight technology and for the improvement of the infrastructure with regard to the surveillance of the EU external frontiers in the East if the cover can be secured through expenditure economies and/or surplus earnings;

23. to the estimate of expenditure 1/61208 up to an amount of 45 million Austrian Schillings for measures concerning nuclear power plants situated near the frontiers if the cover amounting to 20 million Austrian Schillings can be secured through expenditure economies and/or surplus earnings in the departmental field and up to an amount of 25 million Austrian Schillings through other expenditure economies and/or other surplus earnings.”

Article 3

Amendment of the Reconciliation Fund Law

The Federal Law concerning the Fund for Voluntary Payments by the Republic of Austria to Former Slave Laborers and Forced Laborers of the National Socialist Regime (Reconciliation Fund Law), BGBl. I No. 74/2000, shall be amended as follows:

§ 15 shall be extended by the following Abs. 3:

“(3) The Fund and its organs are not liable for compensation claims based on the safeguarding of the duties of this Federal Law, particularly the decision on the award of benefits and the choice of audits.”

Klestil
Schüssel

Federal Law amending the General Settlement Fund Law 2001 (Federal Law Gazette I No. 12/2001), the Federal Finance Act 2001 (Federal Law Gazette I No. 1/2001) and the Reconciliation Fund Law (Federal Law Gazette I No. 74/2000)

Functions and organisation

The General Settlement Fund was established "in order to resolve comprehensively outstanding issues relating to the compensation of victims of National Socialism for losses and damages suffered as a consequence of or in connection with events which occurred within the territory of the present-day Republic of Austria during the National Socialist era" (§ 1 of the General Settlement Fund Law). It has the purpose of recognising moral responsibility for these losses and damages inflicted on Jewish citizens as well as the other victims of National Socialism by means of ex gratia payments.

The Settlement Fund possesses its own legal personality. The National Fund, namely the Board of Trustees and the General Secretary, function as its executive organs. In addition, the Law provides for the establishment of a Claims Committee to decide on applications for payments from the Fund and an Arbitration Panel to examine applications for in rem restitution. The Claims Committee and Arbitration Panel are assisted by the employees of the Settlement Fund.

Legal closure

On 7 December 2005 the last remaining lawsuit in the USA with relevance to the General Settlement Fund was finally dismissed. Thereby, "legal closure" has been achieved and the Fund could be endowed with the USD 210 million earmarked for it. In the context of the provision of this money, the Austrian Parliament has amended the General Settlement Fund Law and the remaining legal requirements have been met for the disbursement of initial payments (advance payments) from the General Settlement Fund. This allows for compensation payments to be made to those applicants whose applications have already been decided, even though not all claims have yet been assessed.

Eligibility to file an application

Persons (in the claim-based process, also associations) who were persecuted by the National Socialist regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, physical or mental disability or due to accusations of so-called "asocial" behaviour, or who left the country in order to escape such persecution, and who suffered losses or damages as a result of or in connection with events which occurred within the territory of the present-day Republic of Austria during the National Socialist era are eligible to file an application with the General Settlement Fund. In addition, heirs of such entitled persons are entitled to file an application, whereby the provisions of the Austrian General Civil Code apply analogously. In the case of an association which has been dissolved, an association can also be entitled to file an application if they are regarded by the Claims Committee or the Arbitration Panel as being the former association's legal successor.

Claims Committee

The Claims Committee of the Settlement Fund was constituted on 12 November 2001. Its members are Sir Franklin Berman, as Chairman, Prof. Vivian Curran, who was nominated by the American government and who succeeded Prof. Robert Rosenstock, who died in September 2004, in this function, and the former Vice President of the Austrian Supreme Court, Dr. Kurt Hofmann, who was nominated by the Austrian government.

The rules of procedure of the Claims Committee were adopted on 2 July 2002, published on 23 August 2002 and amended on 26 February 2004. The latest amendment was made on 13 December 2005 and published on 17 May 2006.

Rules of Procedure

Part 1 - General

Sect. 1 Adoption and Publication of the Rules of Procedure

(1) The Rules of Procedure of the Claims Committee of the General Settlement Fund ("the Rules") are adopted by the Claims Committee pursuant to Section 12 of the General Settlement Fund Law ("the Law"). The Rules may be amended by decision of the Claims Committee.

(2) On adoption, the Rules as well as any amendment to them shall be published in the Amtsblatt zur Wiener Zeitung and simultaneously on the Home Page of the General Settlement Fund.

Sect. 2 Use of terms

(1) Terms used have the same meaning in the Rules as in the Law.

(2) Personal expressions used in the Rules apply, according to the context, equally to men and to women.

Sect. 3 Committee Secretariat

(1) In accordance with Section 4, paragraph 5 of the Law, the National Fund of the Republic of Austria provides the technical and administrative support for the Claims Committee.

(2) The Secretary General and the administrative apparatus of the General Settlement Fund shall act as the Secretariat of the Claims Committee.

(3) The Secretary General shall appoint a person to be Secretary of the Claims Com-

mittee who shall be present at all Sessions of the Committee. The duties of the Secretary shall in particular be: the preparation of Sessions, the distribution of papers and supporting documents to Committee Members, the establishment of the Agenda and the preparation of the Record in accordance with Section 7, paragraph 6. A member of the staff of the National Fund or the General Settlement Fund may substitute for the Secretary in the execution of any of the latter's duties.

Sect. 4 Confidentiality

(1) The Members of the Claims Committee, the members of the Secretariat and other persons employed by the General Settlement Fund, as well as all other persons, including experts, observers and witnesses, present at Sessions of the Claims Committee, or engaged in the preparation of such Sessions or in the handling of Applications, shall maintain strict confidentiality of the information that comes to their knowledge in the course of such activities.

(2) Observers nominated by the bodies referred to in Section 19 paragraph 1 are obliged to make a written declaration accepting this obligation of confidentiality before they are admitted to any Session of the Claims Committee.

(3) The bodies entitled to nominate observers under Section 19 are bound by the obligation of strict confidentiality laid down in Section 12 of the Law and have to make arrangements for handling reports received from their nominated observers which conform to the requirements of that Section.

Part 2 - The Claims Committee

Sect. 5 Composition

(1) The Claims Committee is composed of one Member each appointed by the Governments of the United States of America and the Austrian Federal Government, together with a Chairman appointed pursuant to Section 4, paragraph 2 of the Law.

(2) A vacancy caused by the incapacity or resignation of a Member shall be filled by applying mutatis mutandis the provisions of Section 4 of the Law.

Sect. 6 Status and Functions of the Claims Committee

(1) Functions on the Claims Committee shall be carried out in a personal capacity.

(2) The Claims Committee and its Members shall be independent in the exercise of their functions and not bound by any instructions.

(3) The Claims Committee shall decide on all matters necessary for the exercise of its functions under the Law.

Sect. 7 Sessions of the Claims Committee

(1) In principle, all Sessions of the Claims Committee shall be held at the Seat of the Fund. In exceptional cases, however, where the fulfilment of the Committee's functions so requires, Sessions may also be held at other places by unanimous decision of the Committee.

(2) Sessions of the Claims Committee shall be convened by the Chairman, taking into account in particular the quantity of pending work and the need for its efficient despatch. A Session shall also be convened by the Chairman upon request of the other two Committee Members. The Secretary General may propose to the Chairman the convening of a Session.

(3) A Session of the Claims Committee requires the presence of all three of its Members.

(4) The Chairman shall preside over the Sessions of the Claims Committee.

(5) Sessions of the Claims Committee shall be held in private; neither claimants nor their representatives shall be present. Apart from the Committee Members themselves and the members of the Secretariat, there shall be admitted to the Sessions

those persons whose presence is required for the conduct of the business as well as for the technical and administrative support of the proceedings. In accordance with Sections 10, 14 and 19 the Claims Committee may grant other persons admission to particular segments of its proceedings.

(6) A Record shall be maintained of each Session of the Claims Committee. The Record shall be signed by the Chairman.

Sect. 8 Working Languages

(1) The working languages are English and German. Interpretation shall be provided for all Sessions of the Claims Committee.

(2) All communications addressed to the Claims Committee and documents shall be submitted in one of the working languages. If a document is not available in one of the working languages, the Applicant shall furnish a translation. In exceptional cases, the Claims Committee may require a sworn translation.

(3) If documents remain untranslated even after an express request to that effect, the Claims Committee may decide to leave those documents out of account in handling the Claim.

Sect. 9 Decision-making within the Claims Committee

(1) Except insofar as the Law or the Rules expressly provide for unanimity, the Claims Committee shall take its decisions by simple majority with the participation of all its Members. Each Member of the Committee shall be required to cast a vote.

(2) In accordance with Section 10, paragraph 2 and Section 16, paragraph 1, taken together with Section 15, paragraph 1, subparagraph 2 of the Law, unanimity shall be required for a decision by the Claims Committee that a previous decision of an Austrian court or administrative authority constituted an extreme injustice.

(3) Decisions of the Claims Committee may be taken through a procedure by cor-

respondence, in which the vote of each Member of the Claims Committee is cast in writing on one or more specific questions. A Record shall be kept of all decisions reached through the correspondence procedure. The Record shall be communicated to all Members of the Claims Committee and shall be signed by the Chairman.

Part 3 - Applications

Sect. 10 Eligibility

(1) In accordance with Section 6, paragraph 1 of the Law, persons (and, in the claims-based procedure, associations) shall be eligible to file Applications if they were persecuted by the National Socialist regime on political grounds, on grounds of origin, religion, nationality, sexual orientation, on the ground of physical or mental handicap, or on the ground of an accusation of so-called asociality, or if they left the country to escape such persecution, and suffered loss or damage as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era.

(2) In accordance with Section 6, paragraph 2 of the Law, heirs of persons who would, but for their death, have been eligible claimants pursuant to paragraph 1 shall be eligible to file Applications; for this purpose the provisions of the General Civil Code shall be applied *mutatis mutandis*. In the case of a dissolved association, an association which the Claims Committee regards as the legal successor shall be entitled to file an Application.

Sect. 10a Co-heirs

(1) In cases in which it appears that the Applicant is claiming on behalf of one or more of his co-heirs as well as himself, the Applicant (called hereafter the original Applicant) will be entitled to payment of the inheritance shares of the co-heirs in addition to his own share. All Applicants shall be informed of this rule. They have then the opportunity to apply to the General Settlement Fund within three months.

(2) The prerequisites for the payment of additional inheritance shares according to

paragraph 1 shall be:

1. a written application to that effect by the original Applicant no later than three months after notification by the General Settlement Fund, which must be accompanied by a written declaration stating that the co-heirs assign all their rights to payment out of the General Settlement Fund to the original Applicant;
2. the inheritance title of the co-heirs has to be proved according to the standards of proof laid down in Section 16 paragraph 2 of the Rules of Procedure.

Sect. 11 Applicants and their representatives

- (1) Applicants may be represented. Representatives of Applicants must produce a power of attorney establishing their status.

- (2) Applicants and their representatives shall have the right to have access to the file with the exception of records of deliberations and decision-making by the Claims Committee.

Sect. 12 Quantification of the loss or damage suffered

- (1) It shall lie with the Claims Committee to determine the Claim Value.

- (2) Claims Values shall be based on the historic value of the loss or damage suffered, uprated to present day values by a factor to be determined by the Claims Committee.

- (3) Applicants may put forward their own estimate for the historic values but these are not binding on the Claims Committee.

Sect. 13 Time limits

- (1) Applications must be submitted not later than 28th May 2003.

- (2) The time limit for Applications shall also be regarded as met if either the post-card distributed by the Fund to request Application forms, or a comparable written item, has been received by the General Settlement Fund by the date specified in

paragraph 1. In such cases, Application forms will be taken into consideration if submitted to the General Settlement Fund not later than six months after the date specified in paragraph 1.

(3) In exceptional cases where evidence exists to show that the Application form was completed and dispatched before the expiry of the time limit or in which the Applicant, on grounds of ill-health, was genuinely unable to complete the Application, Application forms received immediately after the closing date by the General Settlement Fund may nevertheless be considered.

(4) Co-heirs of Applicants who submitted a timely Application according to paragraphs 1 and 2 can file an Application in their own name within six months after the date specified in paragraph 1, provided that their names were on record with the General Settlement Fund by the closing date of 28th May 2003.

(5) Applications transferred to the Claims Committee under Section 22 of the Rules of Procedure of the Arbitration Panel will also be considered, provided that they have been received by the General Settlement Fund by the date specified in paragraph 1 and have been transferred to the Claims Committee not later than six months from that date.

(6) Insurance claims transferred to the General Settlement Fund under the Agreement concluded on 26th November 2003 between the International Commission on Holocaust Era Insurance Claims (ICHEIC) and the General Settlement Fund will also be considered, provided that they have been transferred to the General Settlement Fund not later than six months from the date specified in paragraph 1.

Part 4 - Procedure

Sect. 14 Taking of evidence

(1) The Claims Committee may decide to hear evidence from witnesses, including

from Applicants or their representatives so far as they are being heard as witnesses. The Claims Committee may also decide to hear experts either on general issues or in relation to particular claims.

(2) Witness and other evidence may be given either orally or in writing, as the Claims Committee may decide.

(3) If the Claims Committee hears witness evidence or expert evidence on a particular claim, the Applicant shall be informed and will have access to the record of the evidence on the file.

Sect. 15 Choice of procedure

In accordance with Section 9 of the Law, compensation for loss or damage within the meaning of Section 7 of the Law may be claimed under either the claims-based or the equity-based procedure. Only one Application may be made in either procedure, which may encompass loss and damage falling within several categories. It is however not permissible to make simultaneous Applications under both procedures for one and the same loss or damage. Should there be sufficient evidence, the Claims Committee may consider under the claims-based procedure a claim which has been submitted under the equity-based procedure, after notification of the Applicant. Should there be sufficient evidence, the Claims Committee will consider under the claims-based procedure a claim which has been submitted under the equity-based procedure. The Applicant will be so notified.

Sect. 16 Evidence and burden of proof

(1) The Applicant is required to produce all of the evidence available to him which tends to establish the credibility of his claim. The Applicant may at any time be requested to furnish further evidentiary material.

(2) As provided in the Law, the Claims Committee shall determine individual claims on the basis of the available evidence in accordance with relaxed standards of proof. The Claims Committee shall for that purpose decide what weight to attach to

any given item of evidence.

The Claims-based Procedure

Sect. 17 Claim and Payment Values

(1) (a) If the Claims Committee comes to the conclusion that an Applicant fulfils the conditions laid down in Section 15 of the Law, it shall establish a consolidated sum representing all of the accepted claims put forward by the Applicant (Claim Value). The Applicant shall be so notified.

(b) In the event, however, that procedures which have to be taken into account according to Section 16, paragraph 2 of the Law are not yet concluded, the Claims Committee will not for the time being proceed to establish a Claim Value. The Applicant shall be so notified.

(2) If the Claims Committee comes to the conclusion that a claim fails on the merits, it shall reject the Application. The Applicant shall be so notified with a statement of the reasons. In accordance with Section 9 of the Law, following complete and final rejection of an Application under the claims-based procedure the Claims Committee will deal with the Application under the equity-based procedure.

(3) After expiry of the period for Applications in accordance with Section 8 of the Law and determinations have been reached on all Applications, the Claims Committee shall establish for each Applicant a pro rata reduced sum (Payment Value) on the basis of the total of established Claim Values in relation to the total amount set aside for the claims-based procedure under Section 5 of the Law.

(4) In accordance with Section 16 of the Law, no Payment Value may exceed 2 million US Dollars.

(5) If new evidence, in particular concerning inheritance, has been produced, the

Claims Committee may reopen the establishment of a Claim Value at any time before the Payment Values have been established under paragraph 3. The Applicant shall be so notified and shall be given opportunity to comment.

Sect. 18 Recourse

(1) An Applicant may, in the event of the rejection of his Application and its transfer to the equity-based procedure, make an Application for a fresh determination. The Applicant may similarly apply if the Claims Committee has assigned a historic value which is lower by more than 20% from the historic value estimated by the Applicant. The Applicant shall put forward the grounds in favour of an alteration of the original determination. Reference to new circumstances or to factual or legal errors in the determination by the Claims Committee shall in particular rank as such grounds.

(2) The notice to the Applicant of the determination of his claim by the Claims Committee shall include an explanation of the rights of recourse open to him. The notice shall be signed by the Chairman of the Claims Committee.

(3) If the Applicant is resident in Austria, the time limit for the right of recourse shall be 30 days from the delivery of the notice. If the Applicant is resident outside Austria, the time limit for the right of recourse shall be 60 days from delivery of the notice.

(4) The Claims Committee will consider all Applications under this section as soon as possible. The Applicant will be notified of the outcome.

Sect. 19 Observers

(1) The Claims Committee may decide pursuant to Section 12, paragraph 3 of the Law to invite legal persons who, in accordance with their statutes, represent the interests of the groups of persons specified in Section 6 of the Law to nominate observers to attend designated Sessions of the Committee. Each organisation may nominate one observer only.

(2) Observers duly nominated under paragraph 1 shall have the possibility to attend at their own expense those general deliberations designated by the Claims Committee, but not under any circumstances determinations or decisions by the Claims Committee. Observers will be notified of the date of all designated Sessions and the Agenda.

(3) Observers shall have no right of access to files.

Sect. 20 Decisions in respect of insurance policies

(1) In accordance with Section 18, paragraph 1 of the Law, the Claims Committee shall apply, mutatis mutandis, in respect of insurance policies, the International Commission on Holocaust Era Insurance Claims (ICHEIC) Rules for the decision of claims, including those concerning valuation, the standard of proof and the corresponding decisions of the Chairman; for this purpose, the rules in question shall be those established by ICHEIC as at the time of the adoption of these Rules.

(2) Legal succession in respect of insurance policies shall however be determined in accordance with Section 6 paragraph 2 of the Law.

The Equity-based Procedure

Sect. 21 Payments by household

(1) Equitable payments from the Fund will be allocated by household. The Claims Committee may not award more than one equitable payment to any household. Payments will be lump sums at three different levels. The size of these sums will be decided by the Claims Committee taking into account the number of claims in the equity-based procedure. The amount available for the equity-based procedure pursuant to Section 5 of the Law shall be divided by the number of those persons who lived in domestic units between 12th March 1938 and 9th May 1945. Only those domestic units will be taken into account in respect of which a valid Application has been submitted.

(2) There shall rank as a household within the meaning of Section 21, paragraph 2 of the Law any freely chosen domestic unit on the territory of the present-day Republic of Austria.

Sect. 21 Equity-based Payments

If the Claims Committee has reason to believe that the requirements of Section 20 of the Law are fulfilled, the Claims Committee will award the Applicant an equity-based payment.

Sect. 22 Recourse

There shall be no right of recourse against decisions of the Claims Committee in the equity-based procedure.

Part 5 - Handling of Files and Carrying out of Decisions

Sect. 23 Handling of files

The Claims Committee shall lay down an internal division of responsibilities, according to which a Member of the Claims Committee will be designated the Reporting Member for each Application. It shall be the duty of the Reporting Member to submit to the Claims Committee in writing a draft determination. Procedural decisions may be taken either by the Reporting Member or by the responsible member of the staff of the General Settlement Fund to whom the Application has been allocated.

Sect. 24 Carrying out of decisions

The Secretary General is responsible for carrying out the decisions and determinations of the Claims Committee.

Part 6 - Data Protection

Sect. 25 Data protection

Personal data relating to persons who have approached the Fund shall be protected in accordance with the applicable legislation, and may only be used within the framework of the fulfilment of functions in the implementation of the Law.

The procedure in front of the Claims Committee is directed towards monetary compensation. It is possible to assert losses and damages in the following categories of property: liquidated businesses including concessions and other business property; real estate, as long as in rem restitution is not being achieved; bank accounts; stocks; debentures; mortgages; movable property, as long as such property losses have not already been compensated for in accordance with § 2b of the National Fund Law as well as insurance policies; and exclusively in the equity-based process: occupational and educational losses as well as other losses and damages

A distinction is made between two forms of procedure, the claim-based process and the equity-based process, depending on the standard of proof required. In the claim-based process, the Claims Committee examines the application on the basis of relaxed standards of proof, whereby it is up to the applicant to submit proof or convincing evidence that the prerequisites for disbursement are fulfilled. Claims which are not documented, or not adequately documented, according to the standards of proof applied in the claim-based process can be presented in the equity-based process.

Half of the funds available to those eligible for compensation will be disbursed through the claim-based process and half through the equity-based process. In the claim-based process, the total amount of all approved claims by the applicant will be established, the "claimed amount". After all applications have been decided on, each applicant will receive a proportionate (pro rata) share of this amount, the "awarded amount". In the equity-based process, payments are made on a historical household basis (persons who lived together as a household during the National Socialist era).

Statistics

(as of: 24 May 2006)

Enquiries received:	around 24.500
Questionnaires sent out:	around 26.700
Questionnaires received:	19.746
Questionnaires received after expiry of the deadline:	241

Deadlines

The deadline for the filing of applications for compensation for losses or damages in accordance with the Settlement Fund Law expired on 28 May 2003.

Arbitration Panel

The Arbitration Panel, which was constituted on 5 October 2001, consists of the following members: Prof. Dr. Josef Aicher as Chairman, Prof. Dr. August Reinisch, LL.M., nominated by the American government, and former Ambassador Prof. Dr. Dr.h.c. Erich Kussbach, LL.M., who was nominated by the Austrian government.

The Rules of Procedure of the Arbitration Panel were adopted on 11 April 2002 and published on 23 August 2002.

Rules of Procedure

Part I - Creation and Members

§ 1 Seat

The Arbitration Panel is established with the General Settlement Fund located in Vienna.

§ 2 Members

The Arbitration Panel consists of three members, of which one member is appointed by the Government of the United States of America, one member by the Austrian Federal Government, and a chairperson chosen by these two members.

§ 3 Term of Office

The members shall be appointed for the duration of the activity of the Arbitration Panel.

§ 4 Freedom from Instructions

The Arbitration Panel and its members shall be independent in the exercise of their function and not bound by any instructions.

§ 5 Termination of Membership

Membership shall end by resignation, death or permanent inability to participate.

§ 6 Obligation to Confidentiality

The members of the Arbitration Panel shall be obliged to observe confidentiality, especially with regard to person-related data that come to the members' attention in the course of their activity.

§ 7 Bias

If a member states that he may be biased, or if a party involved asserts that a member is biased, the other two members shall decide the matter. If a member of the Arbitration Panel is biased, he shall refrain from his office.

Part II - Tasks of the Arbitration Panel**§ 8 Tasks**

(1) The Arbitration Panel shall examine and decide on applications, filed in time (sec. 29 of the General Settlement Fund Law), of persons and associations eligible to submit applications (sec. 27 of the General Settlement Fund Law), in the form of a recommendation for an in rem restitution of publicly-owned property (sec. 28 of the General Settlement Fund Law), or for an award of a comparable property, to the competent Federal Minister, or it shall dismiss the claim (sec. 34 of the General Settlement Fund Law).

(2) Reasons shall be given for recommendations and dismissals.

(3) The Arbitration Panel shall publish its recommendations, together with the reasons given, on the homepage of the General Settlement Fund, set up with the Austrian National Fund. After the filing period has expired (sec. 29 of the General Settlement Fund Law), the Arbitration Panel shall publish these in a separate publication. The data shall be published in an anonymous form, unless the applicant consents to the disclosure of his name.

Part III - Voting Procedure and Decisions

§ 9 Decisions

- (1) The Arbitration Panel shall take its decisions by resolutions (recommendations, dismissals, rejections for lack of competence and referrals, as well as other procedural dispositions, unless they are taken by the Chairperson in accordance with sec. 14)
- (2) Resolutions shall be brought to the attention of the parties involved.

§ 10 Voting Procedure Used by the Arbitration Panel

- (1) Resolutions shall be taken during sessions or, upon agreement, by circulatory procedure.
- (2) All members must be present if a resolution is to be taken during a session.
- (3) The Arbitration Panel shall take its resolutions by simple majority, unless the General Settlement Fund Law or the present Rules of Procedure expressly require unanimity. Abstentions shall not be admitted. Concurring or dissenting opinions are not permissible.

Part IV - Internal Organization

§ 11 Secretariat

The Secretary General and the administrative apparatus of the General Settlement Fund shall act as Secretariat of the Arbitration Panel.

§ 12 General Obligation to Confidentiality

All persons who participate or have participated in some form in the proceedings or parts thereof shall observe confidentiality.

§ 13 Sessions

The sessions of the Arbitration Panel shall be internal meetings of the Members or hearings. The sessions of the Arbitration Panel shall serve to prepare decisions and to take decisions. They are not open to the public. Minutes shall be drawn up on

the internal meetings. The minutes shall be drawn up by a member of the Secretariat attending the meetings.

§ 14 Tasks of the Chairperson

(1) The Chairperson shall preside over the sessions of the Arbitration Panel. He shall convene the sessions and invite the Members within an appropriate period, indicating the time and venue, as well as a preliminary agenda.

(2) Every Member may ask for additional items to be put on the agenda. In case of hearings, the parties involved shall be notified in time.

(3) The Chairperson shall be responsible for preparing the files for sessions and hearings, in cooperation with the Secretariat. When dealing with applications, he shall act as rapporteur.

(4) It is upon the Chairperson to invite the parties involved, the witnesses and the information-providers.

(5) The Chairperson shall obtain any information from authorities and all other public institutions which the Arbitration Panel requires in order to be able to fulfil its tasks.

Part V - Procedure

§ 15 Representation

Persons and associations eligible to submit applications may be represented by any person enjoying their confidence, provided that they present a professional or an authenticated power of attorney.

§ 16 Initiating a Procedure

(1) A procedure is initiated with the receipt of an application by the Secretariat. The receipt of an application shall be decisive for observing the deadline according to sec. 29 of the General Settlement Fund Law.

(2) For the purpose of determining the beginning of the period according to sec. 33 of the General Settlement Fund Law, an application shall be given when a claim is sufficiently precise so that the Arbitration Panel is able to take a decision in the

matter concerned.

(3) The Arbitration Panel may ask applicants to provide additional information to complete an application, if necessary, and will support them in doing so.

§ 17 Hearings

(1) Hearings shall be sessions with the parties involved.

(2) Participants in a hearing shall be obliged to observe confidentiality.

(3) A record shall be drawn up on the course of a hearing. This shall include, in particular:

1. the time, place and subject of the hearing and - in the event of previous sessions on the pertinent matter - a brief outline, if necessary, of the status of the matter;

2. the names of the participating persons;

3. written submissions, if any, as enclosures, of the rapporteur as well as of the parties involved;

4. the motions by the parties involved, which the parties sustain at the time of decision-making;

5. all decisions taken, in full text;

6. the signatures of the Chairperson as well as of the record-keeper.

(4) The record shall be submitted to the Members for reviewing and shall then be brought to the attention of the parties involved. Any objections to the record shall be addressed to the Secretariat in writing and without delay, however, at the latest within one week after the record has been communicated; otherwise, a record shall be deemed to have been approved.

(5) The record shall be drawn up by a member of the Secretariat attending the meeting.

Part VI - Proof and Evidence

§ 18 Free Assessment of Evidence

The Arbitration Panel decides on the basis of a free assessment of the evidence.

§ 19 Proof of Persecution

(1) The applicant must establish a substantiated credible case of the circumstances of his persecution in accordance with sec. 27 para. 1 of the General Settlement Fund Law. The arbitration panel will for that purpose take into consideration the known historical circumstances and contexts. The same applies to proving the linkage between persecution and losses or damages.

(2) The following, in particular, may serve as evidence: documents on civil status (e.g. birth certificates, marriage certificates, etc.), excerpts from the land register, court decisions and official orders, documents relating to earlier compensations, witness testimonies and statements by the parties involved, lists of the Jewish Property Declaration Office (Vermögensverkehrsstelle), deeds (purchase and sales agreements, etc.), correspondence, photographs, other documents.

§ 20 Proof of Status as Heir

(1) Applicants, who are heirs to persons eligible to apply for compensation, shall give evidence for their status as heirs.

(2) The following, in particular, may serve as evidence: documents on civil status (e.g. birth certificates, marriage certificates, etc.), wills and contracts documenting the entire hereditary succession, inheritance documents (transfers of estate by court order, certificates of inheritance, probates), marriage contracts, other documents.

§ 21 Further Themes of Evidence

(1) In the case of sec. 28 para. 1, subpara. 2, 1st sentence, of the General Settlement Fund Law, the applicant must state that the object, for which restitution is claimed, was never the subject of a claim that was previously decided by an Austrian court or administrative body, or settled by agreement, and for which the applicant or a relative has never otherwise received compensation or other consideration.

(2) In the event that the property was the object of a claim according to sec. 28 para. 1, subpara. 2, 2nd sentence of the General Settlement Fund Law, and in the event that this claim was rejected for lack of evidence, the applicant shall submit evidence that has become accessible in the meantime.

(3) If an applicant maintains that a decision or a settlement by agreement constituted an extreme injustice, he shall give the reasons thereof and present circum-

stances that indicate such an injustice.

(4) Applicants shall state that on 17 January 2001 the property item was owned exclusively and directly by the Federation or a legal person under public or private law wholly-owned, directly or indirectly, by the Federation. The Federal Government shall cooperate in the statement concerning the public ownership of the property item.

Part VII - Final Provisions

§ 22 Referral

In the event that the Arbitration Panel has no competence for processing a claim that is received prior to 28 May 2003, it may refer the claim to the Claims Committee, upon reaching agreement thereon with the Claims Committee and giving due consideration to the latter's By-Laws and Rules of Procedure.

§ 23 Costs of the Procedure

No reimbursement is made for costs incurred in connection with procedures.

§ 24 Official Procedural Languages

(1) The official procedural languages shall be German and English. Whenever necessary, an interpreter shall be called in for procedures of the Arbitration Panel.

(2) Certified translations shall be produced of documents written in any other than the official procedural languages.

§ 25 Amendments to the Rules of Procedure

The Rules of Procedure shall be amended by unanimous vote.

§ 26 Provinces and Municipalities

If and as far as provinces and municipalities provide for in rem restitution of publicly-owned property according to sec. 38 of the General Settlement Fund Law, the provisions of these rules of procedure shall apply mutatis mutandis.

§ 27 Person-Related Expressions

The terms used in the present Rules of Procedure relating to individuals apply equally to women and men, whenever this is relevant.

The subject of applications for in rem restitution are properties and buildings which were unlawfully expropriated during the National Socialist era and which were, on 17 January 2001, in the ownership of the Federal Government.⁹

After examining an application, the Arbitration Panel must either make a recommendation regarding in rem restitution – under certain preconditions also regarding the claim to comparable assets – to the competent Federal Minister or reject the application. The Arbitration Panel's recommendations are to be published. Accordingly, the content of decisions previously made by the Arbitration Panel can be viewed on the website of the National Fund/Settlement Fund at www.nationalfonds.org.

Deadlines

The deadline of 27 January 2004¹⁰ for the filing of applications for in rem restitution which was originally set was extended to 31 December 2004 by Federal Law of 10 August 2004. The latest amendment of the General Settlement Fund dated 13 December 2005 extended the filing period to 31 December 2006.

Statistics

(as of: 24 May 2006)

Received applications:	1.617
Dispatched/prepared requests for amendment:	784
Currently being processed:	542
Decided applications/refusals:	24
Decided applications/rejections:	103
Decided applications/recommendations:	22
Withdrawn applications:	105

⁹According to § 38 of the Settlement Fund Law, the City of Vienna, the federal provinces of Upper Austria, Carinthia, Salzburg, Lower Austria, Vorarlberg, Burgenland and Styria and the local authorities of Bad Ischl, Eisenstadt, Stockerau and Vöcklabruck have also declared the Arbitration Panel to be responsible for examining applications for in rem restitution.

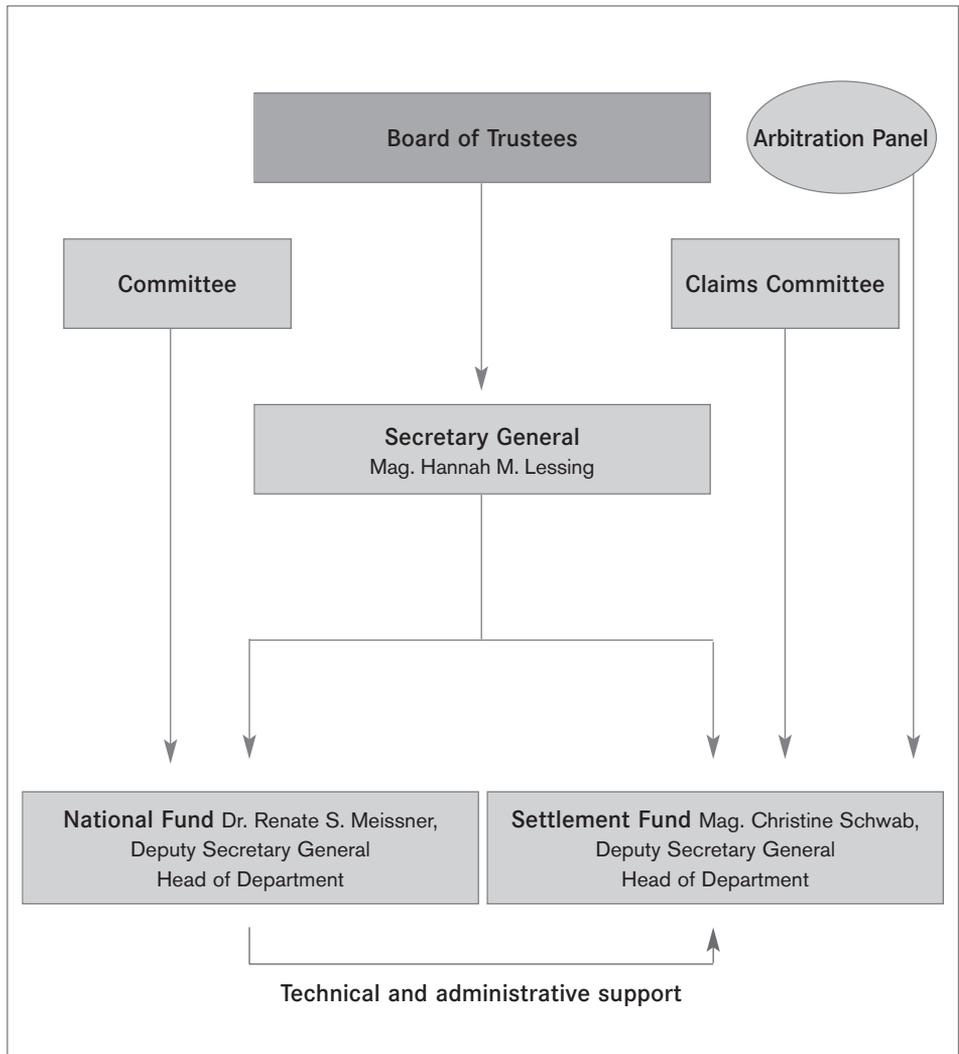
¹⁰The deadline was set for one year following the submission of the report by the Austrian Historical Commission, since this report was expected to provide important findings in relation to the work of the Arbitration Panel.

¹¹Federal Law Gazette I No. 108/2004.

Annex

Annex

Structure of both funds



Board of Trustees

of the National Fund of the Republic of Austria and the General Settlement Fund
(as of: January 2005)

Univ. Prof. Dr. Andreas Khol	First President of the National Council (Chairman)
Mag. Barbara Prammer	Second President of the National Council
Dipl. Ing. Thomas Prinzhorn	Third President of the National Council
Dr. Wolfgang Schüssel	Federal Chancellor
Hubert Gorbach	Vice Chancellor
Ursula Haubner	Federal Minister of Social Affairs and Generations
Dr. Ursula Plassnik	Federal Minister for Foreign Affairs
Mag. Karl-Heinz Grasser	Federal Minister of Finance
Elisabeth Gehrler	Federal Minister for Education, Science and Cultural Affairs
Dr. Gertrude Brinek	Member of the National Council, ÖVP
Mag. Therezija Stoists	Member of the National Council, Greens
Dr. Helene Partik-Pablé	Member of the National Council, FPÖ
Prim. Dr. Elisabeth Pittermann	Head of the III. Med. Dept. of the Haematology Outpatients Department at the Hanuschkrankenhaus
Univ. Prof. Dr. Clemens Jabloner	President of the Supreme Administrative Court
Dipl. Vw. Dr. Ludwig Steiner	Former Secretary of State, former Ambassador
Univ. Prof. Dr. Erika Weinzierl	Institute for Contemporary History
Prof. Rudolf Sarközi	Chairman of the Cultural Association of Austrian Roma
HR Dr. Franz Danimann	Chairman of the Lagergemeinschaft Auschwitz
Dr. Ariel Muzicant	President of the [Israelitische Kultusgemeinde] Jewish Community
HR Paul Grosz	Jewish Community
DDr. Helmut Krätzl	Suffragan bishop
Prof. Dr. Udo Jesionek	Former President of the Juvenile Court

Original composition (as of: July 1995)

Univ. Prof. Dr. Heinz Fischer	First President of the National Council (Chairman)
Dr. Heinrich Neisser	Second President of the National Council
Mag. Herbert Haupt	Third President of the National Council
Dkfm. Dr. Franz Vranitzky	Federal Chancellor
Dr. Wolfgang Schüssel	Vice Chancellor and Federal Minister for Foreign Affairs
Dr. Andreas Staribacher	Federal Minister of Finance
Elisabeth Gehrler	Federal Minister for Education, Science and Cultural Affairs
Dr. Erwin Hirschnall	Third President of the Vienna Regional Assembly
Dr. Peter Kostelka	Parliamentary Club Chairman of the SPÖ
Dr. Walter Schwimmer	Member of the National Council, ÖVP
Dr. Volker Kier	Member of the National Council, Liberal Forum
Dr. Johannes Voggenhuber	Member of the National Council, Greens
Dr. Edgar Schranz	Former Member of the National Council
Dipl. Vw. Dr. Ludwig Steiner	Former Secretary of State, former Ambassador
Univ. Prof. Dr. Clemens Jabloner	President of the Supreme Administrative Court
Paul Grosz	President of the Jewish Community
DDr. Helmut Krätzl	Suffragan bishop
Mag. Gertraud Knoll	Superintendent
Dr. Berta Regner	Working group of the Concentration Camp Associations and Austrian Resistance Fighters
Prof. Rudolf Sarközi	Cultural Association of Austrian Roma
Univ. Prof. Dr. Erika Weinzierl	Institute for Contemporary History

Committee of the National Fund of the Republic of Austria

(as of: June 2006)

Univ. Prof. Dr. Andreas Khol	First President of the National Council (Chairman)
Mag. Barbara Prammer	Second President of the National Council
Dipl. Ing. Thomas Prinzhorn	Third President of the National Council
Dr. Wolfgang Schallenberg	Former Ambassador
Univ. Prof. Dr. Alexander Van der Bellen	Federal Spokesperson for the Greens
Dr. Susanne Janistyn	Parliamentary Councillor (coopted member)

Original composition (as of: September 1995)

Univ. Prof. Dr. Heinz Fischer	First President of the National Council (Chairman)
Dr. Heinrich Neisser	Second President of the National Council
Dr. Wolfgang Schallenberg	Former Ambassador
Dr. Susanne Janistyn	Parliamentary Councillor
Gerda Themel-Sterk	Councillor

Claims Committee of the General Settlement Fund

(as of: June 2006)

Sir Franklin Berman, KCMG QC (Chairman)

Dr. Kurt Hofmann, former Vice President of the Austrian Supreme Court

G. Jonathan Greenwald, Vice President of the International Crisis Group

(Prof. Vivian Curran was member of the Claims Committee from September 2004 until May 2006)

Original composition (as of: November 2001)

Sir Franklin Berman, KCMG QC (Chairman)

Dr. Kurt Hofmann, former Vice President of the Austrian Supreme Court

Prof. Robert Rosenstock, deceased on 20 September 2004

Arbitration Panel of the General Settlement Fund

(as of: June 2006)

Univ. Prof. Dr. Josef Aicher (Chairman)

Prof. DDr.h.c. Erich Kussbach LL.M., former Ambassador

Univ. Prof. MMag. Dr. August Reinisch LL.M.

Information trips by the Secretary General

In addition to the announcements in numerous print media, the lecture tours by the Secretary General played an important part in informing those affected for the first time about the National Fund and the General Settlement Fund, as well as the proposed possibilities for filing applications. Furthermore, it was and is a major concern of the two Funds also to establish and maintain personal contacts with applicants living abroad.

To this end, the Secretary General has since 1995 undertaken numerous information trips to countries where possible applicants live. She has already visited the USA, Israel, Great Britain, France, Italy and Sweden several times. Her information trips also took her to Argentina, Australia, Denmark, Germany, Latvia, Lithuania, Uruguay, the Czech Republic, Hungary, the Netherlands and Slovakia.

The information events received a positive response. Audiences of approximately a thousand attended in New York, Tel Aviv and London. But even in smaller countries such as Uruguay, over a hundred people attended the General Secretary's speeches.

National statistics

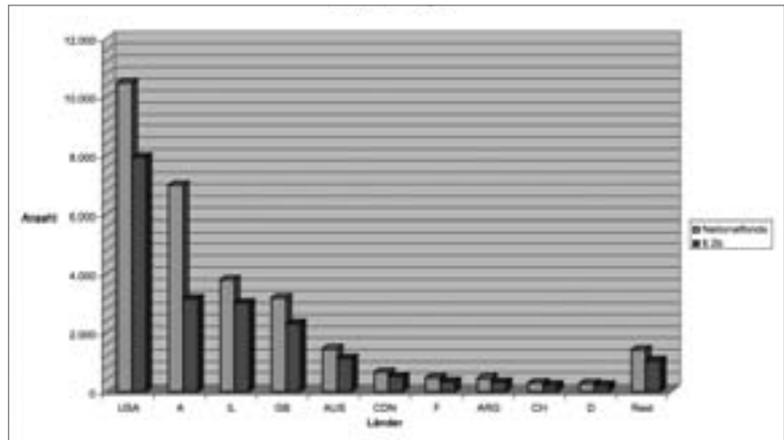
Countries:	Data sets:	Disbursements:		
		Symbolic payments:	§ 2b:	Supplementary payments:*
USA	14.495	10.514	7.967	6,733
Austria	10.877	7.105	3.151	2.680
Israel	6.299	3.844	3.041	2.653
Great Britain	4.553	3.199	2.321	1.953
Australia	2.129	1.460	1.129	965
Canada	1.083	662	517	447
France	829	462	341	280
Argentina	824	454	318	266
Switzerland	447	290	213	178
Germany	652	280	208	185
Sweden	275	177	138	113
Brazil	261	171	124	100
Belgium	238	155	115	99
Uruguay	163	100	73	62
Italy	191	98	70	57
Chile	133	95	70	57
Venezuela	80	61	38	30
New Zealand	106	54	39	33
Netherlands	139	53	41	33
Czech Republic	155	49	36	29
Mexico	71	47	37	28
Hungary	186	41	34	27

*See page 22 regarding supplementary payment in accordance with § 2b of the National Fund Law

Countries:	Data sets:	Disbursements:		
		Symbolic payments:	§ 2b:	Supplementary payments:*
Colombia	58	40	26	21
South Africa	56	38	24	20
Spain	59	35	28	25
Denmark	44	30	24	2
Slovenia	113	23	13	12
Bolivia	23	20	17	13
Peru	36	18	17	14
Ecuador	17	16	11	8
Norway	38	14	10	8
Slovakia	39	8	6	6
Ireland	18	8	6	4
Costa Rica	7	7	5	5
Monaco	12	7	6	4
Dominican Republic	7	6	3	0
Bulgaria	14	5	2	2
Portugal	11	5	3	2
Cyprus	4	4	4	3
Zimbabwe	4	4	2	2
China	5	3	3	2
India	4	3	2	2
Philippines	3	2	2	1
Turkey	3	3	3	3
Thailand	3	3	2	2
Kenya	3	3	0	0
Croatia	14	2	1	1
Panama	5	2	1	1
Japan	3	2	2	2
Haiti	1	1	1	1

Countries:	Data sets:	Disbursements:		
		Symbolic payments:	§ 2b:	Supplementary payments:*
Poland*	147	1	0	0
Romania	42	2	2	2
Ukraine*	21	1	1	1
Greece	7	2	2	2
Singapore	5	2	3	2
Liechtenstein	3	1	1	1
Malta	3	1	1	1
Belarus	3	1	1	0
Bosnia-Herzegovina	2	1	1	1
Guatemala	2	1	1	1
Iceland	2	1	1	1
Luxembourg	2	1	1	1
Andorra	1	1	1	1
Malawi	1	1	1	1
Namibia	1	1	1	1
Seychelles	1	1	1	1
Trinidad-Tobago	1	1	1	1
Bangladesh	1	1	0	0
Serbia and Montenegro*	651	0	0	0
Estonia*	13	0	0	0
Russia*	10	0	0	0
Morocco	3	0	0	0
Paraguay	3	0	0	0
Lithuania	1	0	0	0
Puerto Rico	1	0	0	0
Senegal	1	0	0	0
Antigua and Barbuda	1	0	0	0
Taiwan	1	0	0	0

*Primarily applications by forced labourers



Ratio of disbursements from the National Fund: symbolic payments – § 2b

Worldwide Notice

According to Section 39 of the General Settlement Fund Law, the General Settlement Fund was required, within two months of the Settlement Fund Law coming into force, to ensure that appropriate "worldwide notice" was given of the payments possible under this federal law. In total, the "worldwide notice" of the General Settlement Fund was published in 18 languages, in 29 countries and in 138 print media, which were selected on the basis of their wide circulation and relevant readership. In addition, information letters were sent out to the affected persons known to the National Fund who appeared on their database. In addition to the information trips by the General Secretary, the cooperation with victims' organisations within Austria and abroad made an important contribution to publicising the Settlement Fund and its planned measures.

REPUBLIC OF AUSTRIA
GENERAL SETTLEMENT FUND FOR
VICTIMS OF NATIONAL SOCIALISM

Allgemeiner Entschädigungsfonds für Opfer des Nationalsozialismus

HAVE YOU BEEN A VICTIM OF NATIONAL SOCIALISM?

The Republic of Austria has established a General Settlement Fund endowed with USD 210 million, which will be administered by the National Fund of the Republic of Austria. The purpose of the Fund is to acknowledge, through voluntary payments, the moral responsibility for losses and damages inflicted upon Jewish citizens and other victims of National Socialism as a result of or in connection with the National Socialist regime.

Eligibility: Persons and associations who/which were persecuted by the National Socialist regime or who left the country to escape such persecution and who suffered losses or damages as a result of or in connection with events having occurred on the territory of the present-day Republic of Austria during the National Socialist era are eligible to file an application. Heirs of such persons and legal successors of defunct associations are also eligible.

Categories of property: Applications for compensation of losses or damages may be filed in the following categories:

1. liquidated businesses, including licenses and other business assets
2. real property
3. bank accounts, stocks, bonds and mortgages
4. movable property unless such property losses are covered by the payments for apartment and small business leases, household property and personal valuables and effects
5. insurance policies
6. occupational or educational losses
7. any other claims for losses or damages unless those claims are already covered by the Austrian Reconciliation Fund for former slave and forced labourers or by in rem restitution

in rem restitution: Applications for in rem restitution of real estate (land) and buildings (in case of Jewish organizations also tangible movable property) which on January 17, 2001, were owned by the Federal Government or the City of Vienna may be filed with an Arbitration Panel established with the Fund.

Deadlines for applications: You may file applications for monetary compensation in writing **until May 28, 2003**. Applications for in rem restitution may be filed in writing **until January 27, 2004**.

For **additional information and application forms** please contact the General Settlement Fund at:

ALLGEMEINER ENTSCHÄDIGUNGSPONDS
FÜR OPFER DES NATIONALSOZIALISMUS

Parlament – 1017 Wien
 Österreich

Telephone: +43/ 1/ 408 12 63

www.nationalfonds.org

Fax: +43/ 1/ 310 00 88

ADDITIONAL SOCIAL BENEFITS:

For further information please contact:

Pensions/Pflegegeld:

- Pensionsversicherungsanstalt der Angestellten
Friedrich-Hilgenst-Straße 1, A-1021 Wien *Öze*
- Pensionsversicherungsanstalt der Arbeiter
Rufbauer Lände 3, A-1090 Wien *Öze*
- Sozialversicherungsanstalt der gewerblichen Wirtschaft
Wiedner-Hauptstraße 84-86, A-1053 Wien

„Opferrenten“:

Amt der Wiener Landesregierung
 MA12 – Referat Opferfürsorge
 Schottenring 24, A-1010 Wien



REPUBLIK ÖSTERREICH

**Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus
lt. Bundesgesetzblatt-Nr. 432/1995**

**FRAGEBOGEN-QUESTIONNAIRE
gleichzeitig/also serving as
ANTRAGSTELLUNG-APPLICATION FORM**

I. Der Fonds erbringt Leistungen an:

Personen, die aus politischen Gründen, aus Gründen der Abstammung, Religion, Nationalität, sexuellen Orientierung, aufgrund einer körperlichen oder geistigen Behinderung oder aufgrund des Vorwurfes der sogenannten Asozialität verfolgt wurden, auf andere Weise Opfer typisch nationalsozialistischen Unrechts geworden sind; oder das Land verlassen haben, um einer solchen Verfolgung durch das nationalsozialistische Regime zu entgehen.

Diese Personen müssen folgende weitere Voraussetzungen erfüllen:

- a) Am 13. März 1938 die österreichische Bundesbürgerschaft und einen Wohnsitz in Österreich besessen haben; oder
- b) bis zum 13. März 1938 durch etwa zehn Jahre hindurch ununterbrochen ihren Wohnsitz in Österreich gehabt haben bzw. in diesem Zeitraum als Kinder von solchen Personen in Österreich geboren worden sein; oder
- c) vor dem 13. März 1938 die österreichische Bundesbürgerschaft oder ihren zumindest etwa zehnjährigen Wohnsitz verloren haben, weil sie wegen des unmittelbar bevorstehenden Einmarsches der deutschen Wehrmacht das Land verlassen haben; oder
- d) vor dem 9. Mai 1945 als Kinder von solchen Personen im Konzentrationslager, oder unter vergleichbaren Umständen geboren worden sind; als vergleichbare Umstände gelten jedenfalls Geburt in einem Ghetto, Internierungslager oder unter ähnlichen Beschränkungen.

The Fund shall render benefits to persons

1. who were persecuted by the National Socialist régime for political reasons, for reasons of birth, religion, nationality, sexual orientation, because of physical or mental disability or on the basis of accusations of allegedly antisocial attitudes, or who on other way fell victim to typically National Socialist injustice or left the country to escape such persecution, and
2. who
 - (a) were citizens of the Federal Republic of Austria and were domiciled in Austria on 13 March, 1938, or
 - (b) had been permanently domiciled in Austria for a period of approximately ten years as per 13 March, 1938, or were born as children of such persons in Austria within that period, or
 - (c) lost their status as citizens of the Federal Republic of Austria or their place of residence of at least approximately ten years before 13 March, 1938, because they left the country due to the imminent march of the German Armed Forces into Austria, or
 - (d) who were born before 9 May, 1945, as children of such persons in concentration camps or under comparable circumstances.

TEIL I/PART I:

1. Familienname/surname		Vorname/first name	
Geburtsname bei Frauen/maiden name		frühere Namen oder andere Schreibweisen former names or different spelling	
ständiger Wohnsitz / Straße, Nr./permanent residence/street/no.:			
Ort/city		Postleitzahl/zipcode	Land/country
Bezirk/Bundesstaat/district/federal state		Telefon Nr./tel.no.	
geboren am/born on		in/in	Land/country
Geschlecht/sex		männlich/male	weiblich/female
frühere Staatsbürgerschaft/bis wann? former citizenship/till when		jetzige Staatsangehörigkeit present citizenship	
Kontonummer/account no.		Bank/bank	

2. Wohnort bei Beginn der Verfolgung/place of residence at the beginning of persecution:		
Adresse/address	Land/country	seit wann/since when
_____	_____	_____
3. Grund der Verfolgung, der Emigration oder des erlittenen Unrechts reason for persecution, emigration oder typical injustice:		
a) Politische Gründe/political reasons:		
b) Abstammung/racial origins:		
c) Religion/religion:		
d) Nationalität/nationality:		
e) sexuelle Orientierung/sexual orientation:		
f) körperliche oder geistige Behinderung/physical or mental disablement:		
g) Vorwurf der Asozialität/accusation of antisocial attitude:		
h) Sonstiges/further reasons:		

4. Aufenthalt während der Verfolgung/Periods of stay during the persecution:

Ort der Verfolgung
im genannten Zeitabschnitt

Place of persecution in the mentioned period
of time:

von -bis: ..

Art der Verfolgung
(z.B.: KZ, Ghetto, Emigration versteckt
gelebt, Leben unter haftähnlichen
Bedingungen):

Way of persecution(eg. concentration camp,
ghetto, emigration, having lived in hiding, life
under prison-like conditions):

Eventuell Beiblatt verwenden.
If necessary please use an
additional sheet

<p>5. Falls Sie Inhaber eines Opferausweises oder einer Amtsbescheinigung sind, bitte Nr. angeben (Fotokopie beifügen)/If you are in possession of a „Opferausweis“ or a „Amtsbescheinigung“, please state it's no. (please add photocopy):</p>			
Opferausweis Nr.	_____		
Amtsbescheinigungs Nr.	_____		
<p>6. Erhalten Sie eine Rente aus dem österreichischen Opferfürsorgegesetz? Do you receive a pension under the title of the Austrian Opferfürsorgegesetz?</p>			
a) Opferrente Victims pension	ja/yes	nein/no	
b) Unterhaltsrente Subsistence pension	ja/yes	nein/no	
c) Hinterbliebenenrente Surviving dependant's pension	ja/yes	nein/no	
<p>7. Erhalten Sie eine Pensionsleistung aus Österreich? Do you receive an Austrian pension?</p>			
	ja/yes	nein/no	
<p>Nur ausfüllen, wenn ja/only complete if yes</p>			
a)	von der PVA der Angestellten Insurance comp. for retired employees	ja/yes	nein/no
	von der PVA der Arbeiter Insurance comp. for retired workers	ja/yes	nein/no
	von der Versicherungsanstalt der Gewerblichen Wirtschaft Insurance comp. of Trade and Industry	ja/yes	nein/no
	Sonstiges/further _____		

b)	Bitte Sozialversicherungsnummer angeben Please state your social security number		
<p>8. Erhalten Sie eine Witwen- oder Witwerpension? Do you receive a widow's or a widower's pension?</p>			
	ja/yes	nein/no	

TEIL 2/PART 2:

Die folgenden Fragen beziehen sich auf Ihre soziale und gesundheitliche Situation. Sie sind jedoch nicht verpflichtet, diesen Teil auszufüllen.

The following questions refer to your social and health situation. However you are not obliged to complete this part.

9. Beschreibung der derzeitigen Lebensverhältnisse und des derzeitigen Gesundheitszustandes:

Description of your present circumstances of life and of your present state of health:

**10. Beschreibung der Verfolgung, der Emigration oder des erlittenen Unrechts:
Description of the persecution, the emigration or typical injustice:**

11. Bitte geben Sie die Höhe folgender Bezüge an: Please state the amount of the following income:		
	in Euro	seit wann/since when
a) Pension Pension		
b) Opferrente Victim's pension		
c) Unterhaltsrente Subsistence pension		
d) Hinterbliebenenrente Surviving dependant's pension		
e) Witwen/er Pension widow(er)'s pension		

Danke für Ihre Angaben/Thank you for your information

Ich erkläre, daß alle vorstehenden und beigelegten Erklärungen richtig sind und nehme zur Kenntnis, daß Leistungen, die aufgrund unrichtiger Angaben zur Auszahlung gelangt, jederzeit zurückgefordert werden können.
 I declare all the above and added declarations to be correct and take note that benefits which are paid based on false information can be demanded back any time

Ich ermächtige den Generalsekretär oder einen Vertreter des Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus alle mich betreffenden Akten bei Rechtsträgern des öffentlichen Rechts einzusehen.
 I authorize the Secretary General or a representative of the „Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus“ to inspect all files concerning me at legal entities of public law.

 Ort/place

 Datum/date

 Unterschrift/signature

Dieser Fragebogen, der gleichzeitig einen Antrag an den "Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus" darstellt, ist zu senden an:
 This questionnaire also serving as application form to the „Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus“ should be sent to:

Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus
A-1017 Wien - Parlament
Parteienverkehr Mo - Do von 09.00 Uhr - 12.00 Uhr Tel.: 408 12 63

Application form for the National Fund – symbolic payment

**LEBENSBSCHNEINIGUNG
CERTIFICATE OF LIFE**

Name : _____

Am heutigen Tag hat mich Frau/Herr
On the present day Mrs./Mr.

aufgesucht und sich mit nachstehendem Dokument ausgewiesen:/has called on me and
has proved her/his identity with the following document

* Passnummer/Passport no.: _____

* anderer Personalausweis/other identity card: _____

Ort und Datum/place and date: _____

Unterschrift des Antragstellers/signature of the applicant:

Name des Bestätigenden/name of the certifying person:

Unterschrift des Bestätigenden/Signature of the certifying person:

Name der Behörde/Institution/name of the authority/the institution:

Stampiglie der Behörde/Institution/office stamp of the authority/institution:



REPUBLIK ÖSTERREICH

Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus
lt. Bundesgesetzblatt-Nr. 432/1995 i.d.g.F.

FRAGEBOGEN-QUESTIONNAIRE
gleichzeitig / also serving as
ANTRAGSTELLUNG-APPLICATION FORM
lt. Bundesgesetzblatt I Nr. 11/2001 i.d.g.F.
(siehe Anhang / see annex)

ACHTUNG:

Die ursprüngliche Einreichfrist 22. Februar 2002 wurde aufgrund BGBl. I Nr. 19/2003 verlängert.
Maßgeblich für die Auszahlung ist nunmehr, dass die Leistungsberechtigung bis zum
30. Juni 2004

gegenüber dem Nationalfonds glaubhaft gemacht wird.

ATTENTION:

The deadline which originally ended on February 22, 2002 has been extended based on Federal Law
(BGBl. I Nr. 19/2003).

Critical for benefits is that the eligibility for payment is substantiated to the National Fund till
30 June 2004.

1. Persönliche Daten / personal details		
Familienname / surname		Vorname / first name
Geburtsname bei Frauen / maiden name		frühere Namen oder andere Schreibweisen / former names or different spellings
derzeitiger Wohnsitz / Straße, Nr. / present residence / street, no.:		
Ort / city	Postleitzahl / zip code	Land / country
Bezirk / Bundesstaat / district / federal state		Telefon Nr. / tel.no.
geboren am / born on		in / in Land / country
Geschlecht / sex	männlich / male <input type="checkbox"/>	weiblich / female <input type="checkbox"/>
frühere Staatsbürgerschaft / bis wann? former citizenship / till when ?		jetzige Staatsangehörigkeit / present citizenship
Kontonummer / account no.		Bank / bank
Bankleitzahl / Sortcode / BSB / ABA / Routing No.		

Application form for the National Fund – compensation for tenancy rights

2. Daten der Eltern / personal details of your parents:			
Vater / father:			
Vorname / first name		Familienname / surname	
geboren am / born on		gestorben am / deceased on	
Mutter / mother:			
Vorname / first name	Familienname / surname	Mädchenname / maiden name	
geboren am / born on		gestorben am / deceased on	
3. Grund der Verfolgung und des daraus resultierenden Vermögensverlustes/ Reason for persecution and for loss of property resulting from this: (Sollten Sie schon eine Leistung aus dem Nationalfonds erhalten haben, ist keine diesbezügliche Dokumentation notwendig / If you have already received benefits from the National Fund no further documentation is necessary)			
<input type="checkbox"/> a) Politische Gründe/ political reasons		<input type="checkbox"/> e) sexuelle Orientierung/ sexual orientation	
<input type="checkbox"/> b) Abstammung/ racial origins		<input type="checkbox"/> f) körperliche oder geistige Behinderung/ physical or mental disablement	
<input type="checkbox"/> c) Religion/ religion		<input type="checkbox"/> g) Vorwurf der Asozialität/ accusation of antisocial attitude	
<input type="checkbox"/> d) Nationalität/ nationality		<input type="checkbox"/> h) Sonstiges/ further reasons	
4. VERMÖGENSVERLUST / loss of property (FALLS vorhanden, ersuchen wir Sie Unterlagen beizulegen / IF available, please enclose supporting documents)			
a) BESTANDRECHTE an Wohnungen und gewerblichen Geschäftsräumlichkeiten zum 13. März 1938 / Apartment and small business leases on March 13, 1938 NUR FÜR MIETOBJEKTE / FOR TENANCY RIGHTS ONLY			
Wohnung / apartment	Miete / tenancy	Gemeindewohnung	
<u>Anschrift / address:</u>			
.....			
<u>Mieter / tenant:</u>			
Name/ name:	Verwandtschaftsverhältnis/ relationship:	geboren in/am/ born on/in:	gestorben am/ deceased on:
.....

Bewohner / inhabitants:			
Name/ name:	Verwandtschaftsverhältnis/ relationship:	geboren am/in/ born on/in:	gestorben am/ deceased on:
.....
.....
.....
.....
Geschäftsräumlichkeit / business premises			
<u>Anschrift / address:</u>			
<u>Mieter / tenant:</u>			
Name/ name:	Verwandtschaftsverhältnis/ relationship:	geboren in/am/ born on/in:	gestorben am/ deceased on:
.....
<u>Art bzw. Branche des Geschäfts / kind of business:</u>			
weitere Mietobjekte / further leased objects:			
b) HAUSRAT / household property:			
ja / yes (allgemeine Beschreibung / general description)			nein / no
.....		
c) PERSÖNLICHE WERTGEGENSTÄNDE / personal valuables and effects: wie z.B. Schmuck, Juwelen, Bargeld, Münz- und Briefmarkensammlungen und Bilder (AUSGENOMMEN Kunstgegenstände – siehe Seite 5 oben) / e.g. jewellery, cash, numismatic and stamp collections and paintings (EXCEPT works of art – see page 5 above)			
ja / yes (Beschreibung / description)			nein / no
.....		

Application form for the National Fund – compensation for tenancy rights

Anmerkungen / comments:

Die Rückgabe von Kunstgegenständen auf Grund gesetzlicher Regelungen wird durch dieses Bundesgesetz nicht berührt. / *The in rem return of works of art according to statutory provisions will not be affected by this Federal Law.*

VERZICHTSERKLÄRUNG

Ich erkläre, mit Erhalt einer Leistung nach diesem Bundesgesetz für mich und meine Erben auf die Geltendmachung sämtlicher Forderungen für auf Grund von oder im Zusammenhang mit Vorgängen zwischen dem 13. März 1938 und dem 9. Mai 1945 im Gebiet der heutigen Republik Österreich erlittene Vermögensverluste in einer der im Fragebogen genannten Kategorien (Bestandrechte an Wohnungen und gewerblichen Geschäftsräumlichkeiten/Hausrat/persönliche Wertgegenstände) gegen die Republik Österreich, österreichische Unternehmen im Sinne des § 5 Abs. 2 des Bundesgesetzes über den Fonds für freiwillige Leistungen der Republik Österreich an ehemalige Sklaven- und Zwangsarbeiter des nationalsozialistischen Regimes (Versöhnungsfonds-Gesetz), BGBl. I Nr. 74/2000 (ausgenommen soweit sie sich gegen die Dorotheum Auktions-, Versatz- und Bank-Gesellschaft m.b.H. richten) sowie Staatsbürger der Republik Österreich zu verzichten.

WAIVER

Upon receipt of a payment under this Federal Law I state for myself and my heirs to renounce the right to present claims whatsoever for losses of property in any of the categories mentioned in the questionnaire (apartment and small business leases/household property/personal valuables and effects) suffered as a result of, or in connection with, events between March 13, 1938 and May 9, 1945 in the territory of present-day Republic of Austria against the Republic of Austria and Austrian companies as defined in § 5 Abs. 2 of the Federal Law for Voluntary Payments by the Republic of Austria to Former Slave and Force Laborers of the National Socialist Regime („Reconciliation Fund Law“), BGBl. I Nr. 74/2000 (with the exception of claims against the Dorotheum Auktions-, Versatz- und Bank-Gesellschaft m.b.H.) as well as citizens of the Republic of Austria.

Ort / place

Datum / date

Unterschrift / signature

Danke für Ihre Angaben / Thank you for your information

Ich erkläre, dass alle vorstehenden und beigefügten Erklärungen richtig sind und nehme zur Kenntnis, dass Leistungen, die auf Grund unrichtiger Angaben zur Auszahlung gelangen, jederzeit zurückgefordert werden können.

Ich ermächtige den Generalsekretär oder einen Vertreter des Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus, alle mich betreffenden Akten bei Rechtsträgern des öffentlichen Rechts einzusehen.

I declare all the above and added declarations to be correct and take note that benefits which are paid based on false information can be demanded back at any time.

I authorize the Secretary General or a representative of the „National Fund of the Republic of Austria for Victims of National Socialism“ to inspect all files concerning me at legal entities of public law.

Ort / place	Datum / date	Unterschrift / signature

Dieser Fragebogen ist zu senden an / This questionnaire should be sent to:

**Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus
A-1017 Wien – Parlament**

Zur Erleichterung finden Sie anbei ein Retourkuvert / Enclosed you will find a reply envelope

Parteienverkehr Mo-Do von 09.00 Uhr-12.00 Uhr, Tel.: 408 12 63

LEBENSBESCHEINIGUNG CERTIFICATE OF LIFE	
Am heutigen Tag hat mich Frau/Herr On the present day Mrs./Mr. _____	
aufgesucht und sich mit nachstehendem Dokument ausgewiesen: has called on me and has proved her/his identity with the following document:	
<input type="checkbox"/> Passnummer/Passport no.: _____	
<input type="checkbox"/> anderer Personalausweis/other identity card: _____	
Ort und Datum/Place and date: _____	
Unterschrift des Antragstellers: Signature of the applicant: _____	
Name des Bestätigenden: Name of the certifying person: _____	
Unterschrift des Bestätigenden: Signature of the certifying person: _____	
Name der Behörde/Institution: Name of the authority/the institution: _____	
Stampiglie der Behörde/Institution: Office stamp of the authority/institution: _____	

Annex

Through the Federal Law (BGBl. I Nr. 11/2001) amending the Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism, BGBl. Nr. 432/1995, as last amended by the Federal Law BGBl. I Nr. 19/2003, a final compensation for the losses of property is provided in the following categories:

- a) apartment and small business leases;
- b) household property;
- c) personal valuables and effects.

The in rem return of works of art according to statutory provisions will not be affected by this Federal Law.

Persons who were persecuted by the National Socialist regime for political reasons, for reasons of birth, religion, nationality, sexual orientation, because of physical or mental disability or on the basis of accusations of allegedly antisocial attitudes, or who left the country to escape such persecution, and who themselves, or whose parents suffered loss of property in one of the above mentioned categories as a result of, or in connection with, events in the territory of present-day Republic of Austria between March 13, 1938 and May 9, 1945 are eligible.

There is no legal right to benefits by the Fund (§ 2b Abs. 3).

A further requirement according to § 2 Abs. 1 Z 2 of the Federal Law on the National Fund is that these persons

- a) were citizens of the Federal Republic of Austria and were domiciled in Austria on March 13, 1938 or
- b) had been permanently domiciled in Austria for a period of approximately ten years as per March 13, 1938 or were born as children of such persons in Austria within that period or
- c) lost their status as citizens of the Federal Republic of Austria or their place of residence of at least approximately ten years before March 13, 1938 because they left the country due to the imminent march of the German Armed Forces into Austria, or
- d) were born before May 9, 1945 as children of such persons in concentration camps or under comparable circumstances as well in Austria.

Critical for benefits is that the eligibility for payment is evident from documents in the possession of the Fund at the time of entry into force of this Federal Law or is substantiated in any other suitable way to the National Fund until 30 June 2004.

The condition for the payment of benefits under this Federal Law shall be a statement to be made by the recipient of the benefit for him/herself and his/her heirs that by receiving a benefit under the present Federal Law he/she will renounce the right to present claims whatsoever for losses of property in any of the above mentioned categories suffered as a result of, or in connection with, events in the territory of present-day Republic of Austria between March 13, 1938 and May 9, 1945 against the Republic of Austria and Austrian companies as defined in § 5 Abs. 2 of the Federal Law for Voluntary Payments by the Republic of Austria to Former Slave and Force Laborers of the National Socialist Regime („Reconciliation Fund Law“), BGBl. I Nr. 74/2000 (with the exception of claims against the Dorotheum Auktions-, Versatz- und Bank-Gesellschaft m.B.H.) as well as citizens of the Republic of Austria (§ 2b Abs. 7).

Should the person entitled to benefits have passed away on or after October 24, 2000, his/her heirs under the respective national law shall take his/her place (§ 2b Abs. 8).

Please read this carefully before filling in the application form!

EXPLANATORY NOTES
regarding the
APPLICATION FORM
of the
GENERAL SETTLEMENT FUND FOR VICTIMS OF
NATIONAL SOCIALISM

This application form is to be used when filing an official application with the General Settlement Fund. Previously filed applications sent to the National Fund (purple questionnaire) are a different matter and remain unaffected by the present application.

We would therefore like to kindly ask you to complete all sections of this new application form if you wish to file an application for the following categories of property:

- 1.) Immovable property: e.g. land, buildings, flats, etc.
- 2.) Movable property: e.g. vehicles, sports equipment, etc.
- 3.) Liquidated businesses: e.g. one-man businesses (sole proprietorships), partnerships (general or limited commercial partnerships), incorporated firms (limited-liability companies, corporations), liberal professions (e.g. physicians, lawyers), etc.
- 4.) Stocks: e.g. participation certificates, interest coupons, registered mining shares, etc.
- 5.) Debentures: e.g. government bonds, treasury papers, tax-reserve certificates, obligations, mortgage bonds, bills of exchange, checks, loans receivable, etc.
- 6.) Mortgages: e.g. mortgages, rights of usufruct, etc.
- 7.) Insurance policies: e.g. life insurance policies, life annuities, endowment insurances, daughters' endowment insurances or educational endowment insurances, etc.
- 8.) Bank accounts: e.g. deposit accounts/savings books, postal giro accounts, current accounts officially "blocked" or "security accounts" of authorities, deposits in securities account, etc.
- 9.) Occupational and educational losses: e.g. uncompleted school attendance, inability to practise the occupation/profession, etc.
- 10.) Other claims for losses and damages
- 11.) IN REM RESTITUTION for immovable property: only possible if the immovable property belonged to the Federal Government or provinces/counties (currently only Vienna and Upper Austria) on 17 January 2001.
- 12.) IN REM RESTITUTION for tangible movable property of Jewish communal organizations: only possible if the movable property belonged to the Federal Government or provinces/counties (currently only Vienna and Upper Austria) on 17 January 2001.

If you, as a claimant, file an application for yourself, please complete the form "Individuals".

If you wish to file an application for an association, please complete the form "Associations and other legal bodies".

The application form should be completed in as much detail as possible in all sections. Please be aware that each application sheet consists of two pages.

Please do not forget to sign on the 1st and 3rd or 5th page!

What does the application form consist of?

Page 1: Cover sheet containing acceptance of extension. Please make sure you do fill in this sheet.

Page 2/4: Particulars of claimant

Page 3/5: Previously awarded payments: Have you already received payments resulting from previous measures? If so, please state the amount.

Pages 6 to 29: Different application sheets for the different categories of property.

Page 30: If you file a claim as an heir and not as an injured person: Please indicate all other heirs who are also entitled to a share in the injured person's estate.

The different application sheets:

There are altogether 12 application sheets, each consisting of two pages, at your disposal. Please fill in **only** those sheets for the categories of assets where you have suffered a loss.

All sheets have a similar layout.

In **Section One** of every application sheet, the confiscated property should be described in as much detail as possible. Please give your own estimate of its value at the time.

In **Section Two** of most application sheets, you are asked whether you wish to file your claim under the **claims-based process** or the **equity-based process**. The difference between the two processes lies in the **different requirements for providing proof**, those for the **equity-based process** are **more relaxed**.

"Other claims" and "educational losses" may **only** be claimed by means of the equity-based process.

Please provide information about previously handled processes/settlements and documents thereof whenever possible.

Section Three of every application sheet: Please tick those documents of which you are enclosing copies with your application. If you present **documents that are not listed**, please mention these under "Others".

Section Four of every application sheet: Please provide the data of the **injured person**. We need this information in order to be able to handle your application. **Please complete this section in as much detail as possible.**

In **Section Five**, which is the last section of every application sheet, please indicate whether you are the **injured person** or whether you are an **heir** to the injured person.

If you are an heir, please list all heirs between the injured person and yourself. Please also enclose all relevant documents. This is of particular importance since payments to heirs can only be made if there is evidence for a succession ab intestato (uninterrupted succession).

Please provide us with all information that is available to you. Whenever possible, please also describe the circumstances leading to the loss of the property values.

WE THANK YOU FOR YOUR COOPERATION!!

Please return the completed application form to the address indicated below:

General Settlement Fund

Parliament – A-1017 Vienna, Austria

Should you wish to see us personally, please be advised that this is only possible by appointment, from Mondays to Thursdays between 09.00 and 12.00 hrs.

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

CLAIMANT:

Last Name:
First Name:
Street, No.:
City:
State:

This application form serves the purpose of making an application for compensation under the General Settlement Fund. Please read the explanatory notes carefully before completing the application form.

Please be aware of the corresponding deadlines:

application for compensation **May 28, 2003** (Page 6 – Page 25)
in rem application **in any event until October 5, 2003** (Page 26 – Page 29)

We are aware of the difficulties you might face in providing us with detailed information after such a long period of time has passed and would thus like to seize the opportunity to express our appreciation for your efforts.

If further documents should be found through research, which substantiate additional losses, I consent to the extension of my application

Date:

Signature:

Please make sure you also do sign on page 3.

A-1017 Vienna, Austria – Parliament
Tel.: +43/ 1/ 408 12 63 Telefax: +43/ 1/ 310 00 88

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

APPLICATION FORM
"Associations and other legal bodies"

Associations and other legal bodies, as well as their legal successors, can only assert claims for in rem restitution and/or in the claims-based process (i.e. not in the equity-based process).

Please complete this application form as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. The questionnaires for the individual categories of assets (stocks, real estate, movable property ...) may contain the claims of one injured association only. *Should you wish to make claims for several injured associations in the same category of assets, please copy the questionnaire corresponding to the relevant category.*

Please fill out a questionnaire only for those categories of assets for which you wish to assert a damage or loss. Should you need more space to answer a question, please continue on a separate sheet of paper (please attach).

Particulars of the claimant Association:

Name:	Former Names or Different Spelling:
Form of the Association (Society, Foundation, Fund, etc.):	Purpose of the Association:
Seat/Address of the Association:	
Date of Incorporation (founding):	
Please attach the statutes/by-laws of your association as well as – in case of succession – the statutes/by-laws of the injured association. Please also attach all other available documents (notice of dissolution, etc).	
Name, Address and Phone Number of Authorized Officer:	

Please note the following when filling out the questionnaires: Where information about the "Injured Owner" is asked for in the questionnaires, please provide information about the injured association or other legal bodies with particular emphasis on name, seat, date of incorporation and the reason for persecution.

<p>Have you or another person already previously asserted the present claims or already received payments?</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES, under the following measures:</p>		
<p><u>Compensation Measures since 1995:</u></p> <p><input type="checkbox"/> Compensation from the National Fund for Loss of Leases, Household Property and Personal Valuables in the amount of USD 7,000 (purple questionnaire);</p> <p><input type="checkbox"/> Payments by and measures of the German Foundation „Remembrance, Responsibility, and the Future“;</p> <p><input type="checkbox"/> Compensation under the claims settlement procedure of the „International Commission on Holocaust Era Insurance Claims“ (ICHEIC);</p> <p><input type="checkbox"/> Satisfaction of claims under the Bank-Austria settlement.</p>		
<p><u>Earlier Compensation Measures:</u></p> <p><input type="checkbox"/> Compensation for assets on bank accounts, securities, cash, mortgage claims, and discriminatory taxes (1961 Compensation Fund Act);</p> <p><input type="checkbox"/> Compensation for household property or occupational utensils (1958 Law on Material Damage Resulting from War and Persecution);</p> <p><input type="checkbox"/> Compensation for claims under insurance policies (1955 Insurance Reconstruction Act, 1958 Insurance Indemnification Act);</p> <p><input type="checkbox"/> Compensation for injuries to health, occupational injuries, and detriments to education (1956, 1968 Assistance Fund Acts).</p>		
<p><u>Other measures (other compensation and restitution measures, settlements, etc.):</u></p> <p><input type="checkbox"/></p>		
<p>Please attach the relevant documents and/or statements which indicate the amount and currency of compensation received, or if not possible, indicate the (estimated) amount of compensation received:</p> <p>.....</p>		
<p>Declaration:</p>		
<p>I hereby declare that all the information given in this Application and in the individual Questionnaires is correct, to the best of my knowledge and belief, and I acknowledge that payments made by virtue of incorrect information can be reclaimed at any time.</p>		
<p>I authorize the Secretary-General or a representative of the National Fund or of the General Settlement Fund to inspect, obtain, process, and retain all files and documents pertaining to my claims.</p>		
<p>I authorize corporations under public law as well as public and private institutions, which maintain archives and documentary collections, to forward all files, documents and data concerning my person to the General Settlement Fund.</p>		
Place:	Date:	Signature:

Application form for the General Settlement Fund

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

APPLICATION FORM
"Associations and other legal bodies"

Associations and other legal bodies, as well as their legal successors, can only assert claims for in rem restitution and/or in the claims-based process (i.e. not in the equity-based process).

Please complete this application form as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. The questionnaires for the individual categories of assets (stocks, real estate, movable property ...) may contain the claims of **one** injured association only. **Should you wish to make claims for several injured associations in the same category of assets, please copy the questionnaire corresponding to the relevant category.**

Please fill out a questionnaire only for those categories of assets for which you wish to assert a damage or loss. Should you need more space to answer a question, please continue on a separate sheet of paper (please attach).

Particulars of the claimant Association:

Name:	Former Names or Different Spelling:
Form of the Association (Society, Foundation, Fund, etc.):	Purpose of the Association:
Seat/Address of the Association:	
Date of Incorporation (founding):	
Please attach the statutes/by-laws of your association as well as – in case of succession – the statutes/by-laws of the injured association. Please also attach all other available documents (notice of dissolution, etc).	
Name, Address and Phone Number of Authorized Officer:	

Please note the following when filling out the questionnaires: Where information about the "Injured Owner" is asked for in the questionnaires, please provide information about the injured association or other legal bodies with particular emphasis on name, seat, date of incorporation and the reason for persecution.

<p>Has this association or another person already previously asserted the present claims or already received payments?</p> <p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES, under the following measures:</p> <p><u>Compensation Measures since 1995:</u></p> <p><input type="checkbox"/> Compensation from the National Fund for Loss of Leases, Household Property and Personal Valuables in the amount of USD 7,000 (purple questionnaire);</p> <p><input type="checkbox"/> Payments by and measures of the German Foundation „Remembrance, Responsibility, and the Future“;</p> <p><input type="checkbox"/> Compensation under the claims settlement procedure of the „International Commission on Holocaust Era Insurance Claims“ (ICHEIC);</p> <p><input type="checkbox"/> Satisfaction of claims under the Bank-Austria settlement.</p> <p><u>Earlier Compensation Measures:</u></p> <p><input type="checkbox"/> Compensation for assets on bank accounts, securities, cash, mortgage claims, and discriminatory taxes (1961 Compensation Fund Act);</p> <p><input type="checkbox"/> Compensation for household property or occupational utensils (1956 Law on Material Damage Resulting from War and Persecution);</p> <p><input type="checkbox"/> Compensation for claims under insurance policies (1955 Insurance Reconstruction Act, 1958 Insurance Indemnification Act).</p> <p><u>Other measures (other compensation and restitution measures, settlements, etc.):</u></p> <p><input type="checkbox"/></p> <p>Please attach the relevant documents and/or statements which indicate the amount and currency of compensation received, or if this is not possible, indicate the (estimated) amount of compensation received:</p> <p>.....</p>		
<p>D e c l a r a t i o n o f A u t h o r i z e d R e p r e s e n t a t i v e :</p>		
<p>I hereby declare that all the information given in this Application and in the individual Questionnaires is correct, to the best of my knowledge and belief, and I acknowledge that payments made by virtue of incorrect information can be reclaimed at any time.</p> <p>I authorize the Secretary-General or a representative of the National Fund or of the General Settlement Fund to inspect, obtain, process, and retain all files and documents pertaining to the Associations claims.</p> <p>I authorize corporations under public law as well as public and private institutions, which maintain archives and documentary collections, to forward all files, documents and data concerning the Association to the General Settlement Fund.</p>		
Place:	Date:	Signature:

Application form for the General Settlement Fund

IMMOVABLE PROPERTY

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide about the property (as of 1938)?																													
Please indicate the address where the property was located (city, zip code, district, street, number).																													
Category:	<table style="width: 100%; border: none;"> <tr> <td style="width: 30px;">- Apartment Building</td> <td style="width: 100px;">Share:</td> <td style="width: 30px;"></td> <td></td> </tr> <tr> <td>- Single-family House</td> <td>Share:</td> <td></td> <td></td> </tr> <tr> <td>- Proprietary Interest</td> <td></td> <td></td> <td></td> </tr> <tr> <td>- Business Premises</td> <td></td> <td>- Factory</td> <td></td> </tr> <tr> <td>- Garage</td> <td></td> <td>- Building Land/Plot</td> <td></td> </tr> <tr> <td>- Land without Building</td> <td></td> <td>- Individual Apartment</td> <td></td> </tr> <tr> <td>- Other:</td> <td></td> <td></td> <td></td> </tr> </table>	- Apartment Building	Share:			- Single-family House	Share:			- Proprietary Interest				- Business Premises		- Factory		- Garage		- Building Land/Plot		- Land without Building		- Individual Apartment		- Other:			
- Apartment Building	Share:																												
- Single-family House	Share:																												
- Proprietary Interest																													
- Business Premises		- Factory																											
- Garage		- Building Land/Plot																											
- Land without Building		- Individual Apartment																											
- Other:																													
Please provide detailed information about the property (surface area, number of floors, number of apartments, number of rooms, etc.).																													
Please name the cadastral municipality and plot number in the land register .																													
Under what circumstances - when, how, and by whom - was the property taken or the damage caused?																													
Can you assess the damage caused by the deprivation of the immovable property at that time (please indicate also the currency)?																													

2. Which type of process (claims-based or equity-based process) do you opt for?	
_ I assert my claim in the claims-based process and therefore declare as follows:	
<input type="checkbox"/> My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled.	
<input type="checkbox"/> My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has become available in the meantime. <small>(Please enclose relevant proof. Should such proof not be available, it will be sufficient to provide a sworn affidavit, including the reasons why the claim was never decided or settled, or why the necessary evidence was not available.)</small>	
<input type="checkbox"/> My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice. <small>(Please enclose relevant proof. An affidavit only is not sufficient in this case.)</small>	
_ I cannot sufficiently document my claim on the basis of evidence and supporting documents and therefore assert my claim in the equity-based process .	

3. I enclose the following substantive evidence and supporting documents to this claim:	
<input type="checkbox"/> List of the "Jewish Property Declaration Office" (Vermögensverkehrsstelle)	Exhibit No.....
<input type="checkbox"/> Documents (e.g. purchase agreement)	Exhibit No.....
<input type="checkbox"/> Correspondence, photos, etc.	Exhibit No.....
<input type="checkbox"/> Witness statements	Exhibit No.....
<input type="checkbox"/> Securities account statements	Exhibit No.....
<input type="checkbox"/> Documents relating to earlier compensations	Exhibit No.....
<input type="checkbox"/> Other:	Exhibit No.....
4. Information concerning the injured owner :	
First Name:	Last Name:
Citizenship:	Date of Birth:
Maiden Name:	Earlier Names:
Grounds on which the injured owner was persecuted:	
<input type="checkbox"/> Descent <input type="checkbox"/> Religion <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Nationality <input type="checkbox"/> Political Grounds <input type="checkbox"/> Accused of so-called Asociality <input type="checkbox"/> Physical or Mental Disability	
Parents of the injured owner:	
Father (First Name, Last Name):	Date of Birth:
Mother (First Name, Last Name, Maiden Name):	Date of Birth:
Injured owner's last voluntary place of residence in Austria (1938-1945):	
Address:	
Please name all persons who were then living in this household, and their heirs (please indicate also their relationship):	
Name:	Date of Birth:
.....
Name:	Date of Birth:
.....
Name:	Date of Birth:
.....
Name:	Date of Birth:
.....
5. Are you the injured owner or an heir?	
<input type="checkbox"/> I am the injured owner.	
<input type="checkbox"/> I am an heir to the injured owner and enclose the following documents to prove my eligibility:	
<input type="checkbox"/> Documents on civil status (of myself and my relatives respectively), e.g. birth certificates, marriage certificates, etc.	
<input type="checkbox"/> Wills and contracts documenting the entire hereditary succession (e.g. of parents and grand parents)	
<input type="checkbox"/> Inheritance documents (transfer of estate by court order, certificate of inheritance, probates)	
<input type="checkbox"/> Marriage contract	
<input type="checkbox"/> Other:	
Please name all persons who were heirs between the original owner and you (uninterrupted succession) and indicate also their relationship:	
Original owner:	Date of Birth:
Name:.....	Date of Birth:.....
Name:.....	Date of Birth:.....
Name:.....	Date of Birth:.....
Claimant:	Date of Birth:
.....

Application form for the General Settlement Fund

MOVABLE PROPERTY

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide about the movable property (as of 1938)?

What kind of movable property was taken? Can you describe this property?

When was the movable property purchased? Can you give an estimate for the price?

The property was:

- an art object
- a means of transport
- a building on land owned by a third party ("Superädfikat")
- household goods or valuables, unless already covered by compensation under the National Fund for loss of leases, household property and personal valuables
- a collection
- other:

Under which circumstances - when, how, and by whom - was the movable property taken or the damage caused?

Can you assess the damage caused by the deprivation of the movable property at that time (please indicate also the currency)?

2. Which type of process (claims-based or equity-based process) do you opt for?

_ I assert my claim in the **claims-based process** and therefore declare as follows:

My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled.

My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has become available in the meantime.

(Please enclose relevant proof. Should such proof not be available, it will be sufficient to provide a sworn affidavit, including the reasons why the claim was never decided or settled, or why the necessary evidence was not available.)

My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice.

(Please enclose relevant proof. An affidavit only is not sufficient in this case.)

_ I cannot sufficiently document my claim on the basis of evidence and supporting documents and therefore assert my claim in the **equity-based process**.

LIQUIDATED BUSINESSES

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide about the liquidated business (as of 1938)?		
Please indicate the name and the number of the company register of the liquidated business.		
Please indicate the address (business location) where the liquidated business was located.		
Please specify the nature of the liquidated business (trade, craft, industry, banking business).		
Legal Form:	<input type="checkbox"/> Sole Proprietorship/Sole Trader <input type="checkbox"/> Partnership (OHG, KG) Share: <input type="checkbox"/> Corporation (GmbH, AG) Share: <input type="checkbox"/> Liberal Profession (e.g. physician, attorney-at-law) <input type="checkbox"/> Other:	
Size of Business:	<input type="checkbox"/> Small-sized Business (1 – 10 employees) <input type="checkbox"/> Medium-sized Business (11 – 30 employees) <input type="checkbox"/> Large-sized Business (more than 30 employees)	
Assets:	Description (place, type, etc.):	Value (approx. in Reichsmark)
<input type="checkbox"/> Real Estate, Buildings <input type="checkbox"/> Machines <input type="checkbox"/> Inventory <input type="checkbox"/> Concessions, Licenses, etc. <input type="checkbox"/> Stocks (goods in store) <input type="checkbox"/> Accounts receivable <input type="checkbox"/> Other Assets		
Liabilities/Business Debt:	Description (creditor, type, etc.):	Value (approx. in Reichsmark)
Under which circumstances - when, how and by whom - was the business deprived or the damage caused?		
Can you assess the damage caused by the taking of the business at that time (please indicate also the currency)?		
2. Which type of process (claims-based or equity-based process) do you opt for?		
<input type="checkbox"/> I assert my claim in the claims-based process and therefore declare as follows: <input type="checkbox"/> My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled. <input type="checkbox"/> My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has become available in the meantime. (Please enclose relevant proof. Should such proof not be available, it will be sufficient to provide a sworn affidavit, including the reasons why the claim was never decided or settled, or why the necessary evidence was not available) <input type="checkbox"/> My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice. (Please enclose relevant proof. An affidavit only is not sufficient in this case.)		
<input type="checkbox"/> I cannot sufficiently document my claim on the basis of evidence and supporting documents and therefore assert my claim in the equity-based process .		

Application form for the General Settlement Fund

STOCKS/SECURITIES

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide about the stocks/securities (as of 1938)?

In which **business** (company name, seat and activity) did the injured owner hold shares or income shares in the form of stocks or other securities (share certificates, interest coupons, mining shares, etc.)?

How many stocks or other securities (share certificates, interest coupons, mining shares, etc.) did the injured owner hold in the business(es)?

Please indicate the **par value/nominal value** (and currency) of the stocks/securities.

Please indicate the **market price** of the stocks/securities at the time of loss.

Under which **circumstances** – when and how - were the stocks/securities lost or the damage caused?

Can you assess the damage caused by the deprivation of the stocks/securities at that time (please indicate also the currency)?

2. Which type of process (claims-based or equity-based process) do you opt for?

I assert my claim in the **claims-based process** and therefore declare as follows:

My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled.

My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has become available in the meantime.

(Please enclose relevant proof. Should such proof not be available, it will be sufficient to provide a sworn affidavit, including the reasons why the claim was never decided or settled, or why the necessary evidence was not available).

My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice.

(Please enclose relevant proof. An affidavit only is not sufficient in this case.)

I cannot sufficiently document my claim on the basis of evidence and supporting documents and therefore assert my claim in the **equity-based process**.

3. I enclose the following substantive evidence and supporting documents to this claim:			
<input type="checkbox"/> List of the "Jewish Property Declaration Office" (Vermögensverkehrsstelle)	Exhibit No.....		
<input type="checkbox"/> Documents (e.g. purchase agreement)	Exhibit No.....		
<input type="checkbox"/> Correspondence, photos, etc.	Exhibit No.....		
<input type="checkbox"/> Witness statements	Exhibit No.....		
<input type="checkbox"/> Securities account statements	Exhibit No.....		
<input type="checkbox"/> Documents relating to earlier compensations	Exhibit No.....		
<input type="checkbox"/> Other:	Exhibit No.....		
4. Information concerning the injured owner :			
First Name:	Last Name:		
Citizenship:	Date of Birth:		
Maiden Name:	Earlier Names:		
Grounds on which the injured owner was persecuted:			
<input type="checkbox"/> Descent	<input type="checkbox"/> Religion	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Nationality
<input type="checkbox"/> Political Grounds	<input type="checkbox"/> Accused of so-called Asociality	<input type="checkbox"/> Physical or Mental Disability	
Parents of the injured owner:			
Father (First Name, Last Name):	Date of Birth:		
Mother (First Name, Last Name, Maiden Name):	Date of Birth:		
Injured owner's last voluntary place of residence in Austria (1938-1945):			
Address:			
Please name all persons who were then living in this household, as well as their heirs (please also indicate their relationship):			
Name:	Date of Birth:		
Name:	Date of Birth:		
Name:	Date of Birth:		
Name:	Date of Birth:		
5. Are you the injured owner or an heir?			
— I am the injured owner.			
— I am an heir to the injured owner and enclose the following documents to prove my eligibility:			
<input type="checkbox"/> Documents on civil status (of myself and my relatives respectively), e.g. birth certificates, marriage certificates, etc.			
<input type="checkbox"/> Wills and contracts documenting the entire hereditary succession (e.g. of parents and grand parents)			
<input type="checkbox"/> Inheritance documents (e.g. transfer of estate by court order, certificate of inheritance, probates)			
<input type="checkbox"/> Marriage contract			
<input type="checkbox"/> Other:			
Please name all persons who were heirs between the original owner and you (uninterrupted succession) and indicate also their relationship:			
Original owner:	Date of Birth:		
Name:	Date of Birth:		
Name:	Date of Birth:		
Name:	Date of Birth:		
Name:	Date of Birth:		
Claimant:	Date of Birth:		

Application form for the General Settlement Fund

STOCKS/SECURITIES

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide about the stocks/securities (as of 1938)?
In which business (company name, seat and activity) did the injured owner hold shares or income shares in the form of stocks or other securities (share certificates, interest coupons, mining shares, etc.)?
How many stocks or other securities (share certificates, interest coupons, mining shares, etc.) did the injured owner hold in the business(es)?
Please indicate the par value/nominal value (and currency) of the stocks/securities.
Please indicate the market price of the stocks/securities at the time of loss.
Under which circumstances – when and how – were the stocks/securities lost or the damage caused?
Can you assess the damage caused by the deprivation of the stocks/securities at that time (please indicate also the currency)?

2. Which type of process (claims-based or equity-based process) do you opt for?
_ I assert my claim in the claims-based process and therefore declare as follows:
<input type="checkbox"/> My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled. <input type="checkbox"/> My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has become available in the meantime. (Please enclose relevant proof. Should such proof not be available, it will be sufficient to provide a sworn affidavit, including the reasons why the claim was never decided or settled, or why the necessary evidence was not available). <input type="checkbox"/> My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice. (Please enclose relevant proof. An affidavit only is not sufficient in this case.)
_ I cannot sufficiently document my claim on the basis of evidence and supporting documents and therefore assert my claim in the equity-based process .

DEBENTURES

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide about the debenture (as of 1938)?

Please specify the **type** of the deprived debenture (e.g. government bond, treasury paper, tax-reserve certificate, obligation, mortgage bond, draft, cheque, loan receivable, etc.).

Please indicate the **name of the debtor** (in the case of individuals, please indicate name and date of birth; in the case of a company or other legal entity, the name and seat; in case of public debentures - e.g. bonds - the wording of the executory title).

Under which **circumstances** - when and how - was the debenture deprived or the damage caused?

Can you assess the damage caused by the deprivation of the debenture at that time (please indicate also the currency)?

2. Which type of process (claims-based or equity-based process) do you opt for?

I assert my claim in the **claims-based process** and therefore declare as follows:

- My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled.
- My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has in the meantime become available.

(Please enclose relevant proof. Should such proof not be available, it will be sufficient to provide a sworn affidavit, including the reasons why the claim was never decided or settled, or why the necessary evidence was not available).

- My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice.

(Please enclose relevant proof. An affidavit only is not sufficient in this case.)

I cannot sufficiently document my claim on the basis of evidence and supporting documents and therefore assert my claim in the **equity-based process**.

MORTGAGE CLAIMS

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter "not known". If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. Which information can you provide about the mortgage claim (as of 1938)?
For which real estate was the mortgage claim registered (address, place, city, zip code, street, number, plot number and cadastral municipality in the land register)?
What was the outstanding amount of the mortgage claim at the time of the loss?
Who was the debtor of the mortgage-secured claim?
Under which circumstances - when and how - was the mortgage claim deprived or the damage caused?
Can you assess the damage caused by the deprivation of the mortgage claim at that time (please indicate also the currency)?

2. Which type of process (claims-based or equity-based process) do you opt for?
_ I assert my claim in the claims-based process and therefore declare as follows:
<input type="checkbox"/> My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled. <input type="checkbox"/> My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has become available in the meantime. (Please enclose relevant proof. Should such proof not be available, it will be sufficient to provide a sworn affidavit, including the reasons why the claim was never decided or settled, or why the necessary evidence was not available.) <input type="checkbox"/> My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice. (Please enclose relevant proof. An affidavit only is not sufficient in this case.)
_ I cannot sufficiently document my claim on the basis of evidence and supporting documents and therefore assert my claim in the equity-based process .

OCCUPATIONAL OR EDUCATIONAL LOSSES

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide concerning occupational or educational losses?

Losses Related to Profession:

Which **profession** was the injured person practicing at the time of the injury?

For **how long** was the practice of the profession interrupted?

Losses Related to Education:

Which **uncompleted and/or interrupted educational qualification** forms the basis of this claim?

Which **degree/qualification** was aspired (was to be completed)?

What **educational qualification and profession** did the injured person's **parents** have?

Damage sustained due to losses related to profession or education:

What did the occupational/educational loss consist of? How and when was the damage caused?

Can you assess the damage at that time (please indicate also the currency)?

2. I assert my claim in the equity-based process and enclose the following evidence and supporting documents:

- | | |
|---|------------------|
| <input type="checkbox"/> List of the "Jewish Property Declaration Office" (Vermögensverkehrsstelle) | Exhibit No. |
| <input type="checkbox"/> Documents (e.g. purchase agreement) | Exhibit No. |
| <input type="checkbox"/> Correspondence, photos, etc. | Exhibit No. |
| <input type="checkbox"/> Witness statements | Exhibit No. |
| <input type="checkbox"/> Securities account statements | Exhibit No. |
| <input type="checkbox"/> Documents relating to earlier compensations | Exhibit No. |
| <input type="checkbox"/> Other: | Exhibit No. |

CLAIMS FOR LOSSES AND DAMAGES NOT COVERED BY THE OTHER ENCLOSED QUESTIONNAIRES

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. Is there any other loss or damage not covered by the other enclosed questionnaires for which you would like to make a claim?

What is the nature of the loss or damage? Can you describe it in detail?

Under which circumstances - when and how - were the losses sustained or what caused the damage?

Please estimate the amount of the loss or damage sustained, as at the time (please also indicate the currency).

2. I assert my claim in the equity-based process and enclose the following evidence and supporting documents:

- | | |
|---|------------------|
| <input type="checkbox"/> List of the "Jewish Property Declaration Office" (Vermögensverkehrsstelle) | Exhibit No. |
| <input type="checkbox"/> Documents (e.g. purchase agreement) | Exhibit No. |
| <input type="checkbox"/> Correspondence, photos, etc. | Exhibit No. |
| <input type="checkbox"/> Witness statements | Exhibit No. |
| <input type="checkbox"/> Securities account statements | Exhibit No. |
| <input type="checkbox"/> Documents relating to earlier compensations | Exhibit No. |
| <input type="checkbox"/> Other: | Exhibit No. |

IN REM RESTITUTION IMMOVABLE PROPERTY/ BUILDING (SUPERSTRUCTURE)

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured owner please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide concerning the immovable property?	
Please indicate the address where the immovable property was located (city, zip code, district, street, number):	
Category:	<ul style="list-style-type: none"> - vacant property - developed property - building/superstructure („Superlidifikat“)
Was the property under sole ownership or joint ownership (including proprietary interest: so-called "Stockwerkseigentum")?	
Which purpose did the property serve (e.g. one-family house, business premises, farming area, factory, garage, etc.)?	
Please provide detailed information about the immovable property (surface area, number of floors, number of apartments, number of rooms, etc.)	
Who was the owner of the immovable property on 17.1.2001?	
Please name the cadastral municipality and plot number in the land register :	
Under which circumstances - when, how, and by whom - was the immovable property taken?	
2. In rem restitution	
I assert my claim in the in rem restitution process and therefore declare as follows	
<input type="checkbox"/> My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled.	
<input type="checkbox"/> My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice.	
(Please enclose relevant proof.)	
<input type="checkbox"/> My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has become available in the meantime.	
(Please enclose relevant proof.)	

Application form for the General Settlement Fund

3. I enclose the following substantive evidence and supporting documents to this claim:

- | | |
|---|------------------|
| <input type="checkbox"/> List of the "Jewish Property Declaration Office" (Vermögensverkehrsstelle) | Exhibit No. |
| <input type="checkbox"/> Documents (e.g. purchase agreement) | Exhibit No. |
| <input type="checkbox"/> Correspondence, photos, etc. | Exhibit No. |
| <input type="checkbox"/> Witness statements | Exhibit No. |
| <input type="checkbox"/> Documents relating to earlier compensations | Exhibit No. |
| <input type="checkbox"/> Other: | Exhibit No. |

4. Information concerning the injured owner :

First Name:	Last Name:
Citizenship:	Date of Birth:
Maiden Name:	Earlier Names:
Grounds on which the injured owner was persecuted:	
<input type="checkbox"/> Descent <input type="checkbox"/> Religion <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Nationality <input type="checkbox"/> Political Grounds <input type="checkbox"/> Accused of so-called Asociality <input type="checkbox"/> Physical or Mental Disability	
Parents of the injured owner:	
Father (First Name, Last Name):	Date of Birth:
Mother (First Name, Last Name, Maiden Name):	Date of Birth:
Injured owner's last voluntary place of residence in Austria (1938-1945):	
Address:	

5. Are you the injured owner or an heir?

I am the injured owner.

I am an heir of the injured owner and enclose the following documents to prove my eligibility:

Documents on civil status (of myself and my relatives respectively), e.g. birth certificates, marriage certificates, etc.

Wills and contracts of inheritance concerning the entire succession (e.g. of parents and grand parents)

Inheritance documents (transfer of estate by court order, certificate of inheritance, probates)

Marriage contract

Other:

Please name all persons who were heirs between the originally injured person and you (uninterrupted succession) and indicate also their relationship:

Original owner:	Date of Birth:
Name:	Date of Birth:
Name:	Date of Birth:
Name:	Date of Birth:
Claimant:	Date of Birth:

IN REM RESTITUTION FOR JEWISH COMMUNAL ORGANISATIONS: TANGIBLE MOVABLE PROPERTY

Please complete this questionnaire as thoroughly as possible. Should you not know the answer to a question, please enter 'not known'. If you wish to fill in applications for more than one injured Jewish communal organisation please copy this page.

Should you require more space than provided, please enclose a sheet of paper.

1. What information can you provide about the tangible movable property?	
The tangible movable property was:	<input type="checkbox"/> cultural item <input type="checkbox"/> religious item <input type="checkbox"/> other item:
Which tangible movable property was taken? Please describe it:	
Who was the owner of the tangible movable property on 17.1.2001?	
Under which circumstances - when, how, and by whom - was the tangible movable property taken?	
2. In rem restitution	
<p>The claimant communal organisation asserts its claim in the <i>in rem restitution</i> process and therefore declares as follows:</p> <input type="checkbox"/> My claim has never before been finally decided by Austrian courts or administrative authorities, or consensually settled. <input type="checkbox"/> My claim was dismissed by Austrian courts or administrative bodies for lack of evidence. The evidence that was not available then has in the meantime become available. (Please enclose relevant proof.) <input type="checkbox"/> My claim was finally decided by Austrian courts or administrative authorities, or consensually settled, but the decision/settlement then obtained constitutes an extreme injustice. (Please enclose relevant proof.)	

Application form for the General Settlement Fund

Other possible heirs: (Please complete the application forms concerning individual categories of assets first!!)	
Are you aware of any other possible heirs with respect to the asserted claims?	
<p>In the affirmative, please indicate underneath the category of assets and the other possible heirs regarding this claim. Should you wish to make claims in more than one category of assets, please copy this page. If you assert several claims within one category of assets, please indicate - besides the category of assets - further characteristics which enable us to classify the claim (for example, name of the business, number of insurance policy, bank-account number and name of the bank, etc.)</p>	
Please complete this form only with respect to those categories of assets, in which you are not the injured person.	
Claim:	
Category:	Further characteristics:
Possible Heirs:	
Last Name:	First name:
Current Address: Street, No., City and Zip Code:	
District/State:	Telephone No.:
Last Name:	First name:
Current Address: Street, No., City and Zip Code:	
District/State:	Telephone No.:
Last Name:	First name:
Current Address: Street, No., City and Zip Code:	
District/State:	Telephone No.:
Last Name:	First name:
Current Address: Street, No., City and Zip Code:	
District/State:	Telephone No.:

Austrian Restitution Legislation (1945-1998)¹

I. Legislation relating directly to restitution issues

Law on the appointment of public administrators and public supervisors of 10 May 1945; State Law Gazette/StGBI 1945/9 (last amended in Federal Law Gazette 1967/11).

Law on the registration of Aryanised and other assets seized in connection with the assumption of power by the National Socialists, 10 May 1945; State Law Gazette/StGBI 1945/10 (as amended by the 4th Seized Property Registration Amendment).

Repatriation Act: Law on the repatriation of public property of 10 May 1945, State Law Gazette 1945/11.

Annulment Act, Federal Law of 15 May 1946 concerning the annulment of legal transactions and other legal acts during the German occupation of Austria; Federal Law Gazette 1946/106.

First Restitution Act: Federal Law of 26 July 1946 concerning the restitution of seized property at present administered by the Federal Government or the Provincial Governments; Federal Law Gazette 1946/156.

Second Restitution Act: Federal Law of 6 February 1947 concerning the restitution of seized property at present held by the Republic of Austria; Federal Law Gazette 1947/53.

Third Restitution Act: Federal Law of 6 February 1947 concerning the annulment of property seizure; Federal Law Gazette 1947/54.

¹Results of the Austrian Historical Commission, online WWW under URL: <http://www.bmaa.gv.at>
[as of: October 2000]

Fourth Restitution Act: Federal Law of 21 May 1947 concerning company names altered or deleted under National Socialist coercion; Federal Law Gazette 1947/143.

Fifth Restitution Act: Federal Law of 22 June 1949 concerning the restitution of property seized from legal persons in business which lost their legal personality under National Socialist coercion; Federal Law Gazette 1949/164.

Sixth Restitution Act: Federal Law of 30 June 1949 concerning the restitution of industrial property rights; Federal Law Gazette 1949/199.

Seventh Restitution Act: Federal Law of 14 July 1949 concerning the assertion of claims arising from service contracts with private employers; Federal Law Gazette 1949/207.

First Restitution Claims Act: Federal Law of 19 November 1947 concerning the assertion of restitution claims of the dissolved Austrian consumer co-operatives; Federal Law Gazette 1947/156 (last amended by Federal Law Gazette 1955/201).

Second Restitution Claims Act: Federal Law of 11 July 1951 concerning the transfer of claims for the restitution of assets of certain legal persons which lost their legal personality during the German occupation of Austria and later regained it; Federal Law Gazette 1951/176 (last amended by Federal Law Gazette 1955/201).

Third Restitution Claims Act: Federal Law of 16 December 1953 concerning the transfer of claims for the restitution of assets of further legal personalities who lost their legal personality during the German occupation of Austria and did not subsequently regain it, and on the amendment and supplementation of the Second Restitution Claims Act; Federal Law Gazette 1954/23 (last amended by Federal Law Gazette 1954/252).

Fourth Restitution Claims Act: Federal Law of 17 May 1961 concerning the registration of claims by receiving organisations for the restitution of property under the

Restitution Acts; Federal Law Gazette 1947/13 (last amended by Federal Law Gazette 1952/199).

First Return of Assets Act: Federal Law of 6 February 1947 concerning the restoration of property of dissolved or prohibited democratic organisations; Federal Law Gazette 1947/55.

Second Return of Assets Act: Federal Law of 22 June 1949 concerning the claims for restoration of property of dissolved or prohibited democratic organisations as lease-holders; Federal Law Gazette 1949/165.

Third Return of Assets Act: Federal Law of 14 July 1949 concerning the assertion of claims arising from private service contracts and which were lost between March 1933 and March 1938; Federal Law Gazette 1949/208 (last amended by Federal Law Gazette 1953/180).

First Artistic and Cultural Assets Settlement Act: Federal Law of 27 June 1969 concerning the settlement of ownership of works of art in the custody of the Federal Monuments and Fine Arts Service; Federal Law Gazette 1969/294.

Second Artistic and Cultural Assets Settlement Act: Federal Law of 13 December 1985 concerning the release and disposal of formerly unclaimed works of art held by the Federal Government; Federal Law Gazette 1986/2.

War- and Persecution-Related Material Damage Act: Federal Law of 25 June 1958 concerning the award of compensation for damage to household equipment or occupational utensils incurred as a result of war or political persecution; Federal Law Gazette 1958/127.

Insurance Indemnification Act: Federal Law of 26 June 1958 concerning the settlement of life insurance claims confiscated by the German Reich; Federal Law Gazette 1958/130.

Insurance Reconstruction Act: Federal Law of 8 September 1955 concerning the reconstruction of the contractual insurance system; Federal Law Gazette 1955/185.

Federal Law of 4 December 1998 concerning the return of works of art from Austrian federal museums and collections; Federal Law Gazette 1998/I/181.

II. Measures taken under the State Treaty

Compensation Fund Act, Federal Law of 22 March 1961 providing federal funds for the establishment of a fund to compensate property losses of victims of political persecution; Federal Law Gazette 1961/100.

Receiving Organisations Act: Federal Law of 13 March 1957 on the creation of receiving organisations pursuant to Article 26, para. 2, of the State Treaty, Federal Law Gazette 1955/152; 1957/73 (last amended by Federal Law Gazette 1966/149).

Law on the distribution of funds held by "collecting points": Federal Law of 5 April 1962; Federal Law Gazette 1962/108.

Collecting Points Settlement Act: Federal Law of 7 July 1966 concerning the settlement of claims of "collecting points"; Federal Law Gazette 1966/150.

III. Compensation going beyond restitution

Victims Welfare Act: Federal Law of 4 July 1947 concerning the provision of welfare assistance to victims of the struggle for a free and democratic Austria and victims of political persecution; Federal Law Gazette 1947/183 (last amended by Federal Law Gazette 1995/830).

Public Servants Compensation Act: Federal Law of 18 July 1952 concerning awards of compensation for political victimisation in the public service; Federal Law Gazette 1952/181.

Assistance Fund Act: Federal Law of 18 January 1956 providing federal funds to assist victims of political persecution not residing in Austria; Federal Law Gazette 1956/25.

Financial Settlement Treaty; also known as Bad Kreuznach Agreement: Treaty concluded between the Republic of Austria and the Federal Republic of Germany to indemnify displaced persons, resettlers and victims of persecution, and concerning further financial and social issues; Federal Law Gazette 1962/283.

Honorary Grants and Assistance Fund Act: Federal Law of 23 March 1988 concerning non-recurring honorary grants and gifts to resistance fighters and victims of political persecution on the occasion of the 50th anniversary of Austria's occupation, including amendments to the Federal Finance Act 1988 and the Victims Welfare Act; Federal Law Gazette 1988/197.

Federal Law to Establish the National Fund of the Republic of Austria for Victims of National Socialism; Federal Law Gazette 1995/432.

List of abbreviations:

ABGB	Allgemeines Bürgerliches Gesetzbuch [Austrian General Civil Code]
Abs. [para.]	Absatz [paragraph]
ATS	currency code for the Austrian Schilling
BGBI.	Bundesgesetzblatt [Federal Law Gazette]
bzw.	beziehungsweise [and/or]
d.B.	der Beilagen [of the appendices]
d.h. [i.e.]	das heißt [that is, id est]
EntschädigungsfondsG	Entschädigungsfondsgesetz [Settlement Fund Law]
etc.	et cetera (and so on)
FPÖ	Freiheitliche Partei Österreichs [Austrian Freedom Party]
GP	Gesetzgebungsperiode [legislative period]
i.R.	im Ruhestand [retired]
ICHEIC	International Commission on Holocaust Era Insurance Claims
iSd	im Sinne des [according to]
iVm	in Verbindung mit [in conjunction with]
KPÖ	Kommunistische Partei Österreichs [Austrian Communist Party]
lit.	litera (Buchstabe) [item]
Mio.	Millionen [millions]
NGO	Non-governmental organization
NÖ	Niederösterreich [Lower Austria]
NR	Nationalrat [National Council]
OSE	Oeuvre de Secours aux Enfants (jüdisches Kinderhilfswerk) [Children's Aid Society; Jewish Society for Children's Welfare]
ÖVP	Österreichische Volkspartei [Austrian People's Party]
RAD	Reichsarbeitsdienst [Reich Labour Service]
SPÖ	Sozialistische (seit 1991 Sozialdemokratische) Partei Österreichs [Austrian Socialist Party, since 1991: Austrian Social Democratic Party]
StGB	Strafgesetzbuch [Criminal Code]
StGBI.	Staatsgesetzblatt [National Law Gazette]
u.a.	unter anderem [inter alia, among other things]
USD	currency code for the US dollar
Z	Ziffer [number, subsection]
ZK	Zentralkomitee [Central Committee]

Other publications by the National Fund:

In die Tiefe geblickt Lebensgeschichten

[Looking into the Abyss – Personal Stories]

3rd edition 2003, 80 pages.

Publication on the occasion of the fifth anniversary
of the establishment of the National Fund.

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10 Jahre Nationalfonds Einblicke. Ausblicke.

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General Settlement Fund; personal stories.

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