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Federal Law on the National Fund of the Republic of Austria for Victims of National Socialism (NR: GP XIX IA 251/A AB 229 p. 40. BR: AB 5019 p. 601). Original version: Federal Law Gazette no. 432/1995.

Latest version.

Amendments:

Federal Law Gazette I no. 183/1998
Federal Law Gazette I no. 131/1999
Federal Law Gazette I no. 11/2001
Federal Law Gazette I no. 14/2001
Federal Law Gazette I no. 19/2003
Federal Law Gazette I no. 99/2010
Federal Law Gazette I no. 128/2011
Federal Law Gazette I no. 9/2013
Federal Law Gazette I no. 143/2017

Article I

Section 1. (1) A fund for the provision of benefits to the victims of National Socialism shall be established at the National Council. It shall bear the title „National Fund of the Republic of Austria for Victims of National Socialism“.

(2) It shall be the objective of the Fund to express the special 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.

Section 2. (1) The Fund shall render 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 a physical or mental handicap or on grounds of accusations of so called asociality, or who in 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 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 living circumstances.

(3) The Fund may likewise support projects which benefit the victims of National Socialism, contribute to the scientific research of National Socialism and the fate of its victims, 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 published in the guidelines of the Fund.

Section 2a. (1) Further, the Fund has the following tasks:

1. The utilization of the art objects transferred to the Fund pursuant to Section 2 (1) item 2 of the Federal Law on the Restitution of Art Objects from Austrian Federal Museums and Collections, Federal Law Gazette I no. 181/1998;

2. the disbursement of proceeds from the utilization pursuant to item 1 to natural persons who suffered damage to their health or loss of freedom, assets or income as a result of National Socialist persecution that directly targeted them, if they are of Austrian origin, were expelled from Austria or have a comparable connection to Austria;

3. the disbursement of payments to persons cited in item 2 from monies pursuant to the Federal Law on Allocations to the International Fund for Victims of National Socialism, Federal Law Gazette I no. 182/1998;

4. the handling of the administrative tasks of the Fund for the Restoration of the Jewish Cemeteries in Austria pursuant to Section 4 of the Federal Law on the Establishment of a Fund for the Restoration of the Jewish Cemeteries in Austria, Federal Law Gazette I no. 99/2010;

5. the endowment of the Auschwitz-Birkenau Foundation and the renovation of the building that accommodates the Austrian exhibition at the Auschwitz-Birkenau Memorial (Section 2c), the coordination of the renewal of this exhibition and the guaranteed operation thereof, and management of the previous exhibition. The Federation [Bund] shall provide the administrative support needed to complete these tasks;

6. the provision of support and advice to victims of National Socialism (in particular persons pursuant to Section 2 (1)) and their kin.

7. the promotion and dissemination of knowledge about National Socialism, its consequences and the fate of its victims, and the preservation of the memory of the victims, particularly by:

a) systematically recording and preserving the procedural and persecution documentation produced by the National Fund and General Settlement Fund;

b) collecting, scientifically investigating and documenting autobiographical testimonies by victims of National Socialism;

c) providing and conveying of information about National Socialism and compensation and restitution measures to the public and facilitating access to the relevant materials;

d) responding to inquiries relating to National Socialism and its consequences in Austria;

e) collaborating with national and international organisations and institutions dedicated to remembrance or research.

(2) The monies pursuant to (1) items 1 to 3 may also be used for projects related to the provision of assistance and support for victims of National Socialism, in particular projects which serve to provide assistance to communities deeply affected by National Socialist persecution.

(3) The funds pursuant to (1) items 1 to 3 are not to be used for payments which are being disbursed pursuant to Section 2.

(4) The funds pursuant to (1) item 4 are to be administered within a separate account.

Section 2b. (1) Notwithstanding the allocations pursuant to Section 7, the Federation [Bund] allocates and disburses to the Fund an additional amount in Schilling equivalent to 150 million US Dollars as at 24 October 2000. This amount is to be administered within a separate account and used for payments as defined by (2).

(2) This amount is to be used for the disbursement of payments to victims of National Socialism as defined by (3) in order to conclusively settle losses of assets in the following categories:

- a) Tenancy rights for apartments and commercial business premises;
- b) Household effects;
- c) Personal valuables

The restitution of art objects on the basis of statutory provisions is not affected by this Federal Law.

(3) Persons as defined by Section 2 (1) item 2, who were persecuted by the National Socialist regime for political reasons, on grounds of origin, religion, nationality, sexual orientation, on grounds of a physical or mental handicap or on grounds of the accusation of so called asociality or who left the country to escape such persecution and who suffered losses personally or whose parents suffered a loss of property in one of the categories mentioned in (2) due to or in connection with events having occurred between 13 March 1938 and 9 May 1945 on the territory of the present day Republic of Austria are eligible to receive a payment. There is no legal right to payments from the Fund.

(4) The Fund may render benefits in the same amount, according to the available means (5), to persons who, or whose parents, do not fulfil the criteria in Section 2 (1) letters b and c of item 2 with regard to the duration of residency or in letter d regarding a place of birth in Austria if all other requirements for eligibility pursuant to (3) are met (hardship cases). More detailed conditions for the granting of such benefits are to be set out in the guidelines of the Fund (Section 2 (4)).

(5) In order to receive a payment, eligibility pursuant to (3) must be established on the basis of documentation, which is possessed by the Fund at the time of the entry into force of this Federal Law or otherwise adequately substantiated before the Fund within a period of one year after the entry into force of this Federal Law. The Board of Trustees may permit an extension of the deadline until no later than 31 December 2004.

(6) The sum as defined in (1) is to be distributed among the eligible persons in equal shares. The disbursement of the payments shall commence immediately upon the entry into force of this Federal Law. In order to ensure the payments to all eligible persons are equal in amount, up to 5 % of the sum as defined in (1) may be held back. Should this amount not be required or only partially required

a) by one year after the entry into force of this Federal Law or

b) after the expiry of the deadline as extended by the Board of Trustees pursuant to (5)

the remaining amount is also to be distributed among the eligible persons in equal shares. Any residue shall be used for programs benefitting victims of National Socialism.

(7) The disbursement of a payment pursuant to Section 2b of this Federal Law is subject to the requirement that upon receipt of the payment pursuant to this Federal Law the recipient submit a declaration waiving the assertion of all personal claims and those of his/her heirs against the Republic of Austria, Austrian enterprises as defined by Section 5 (2) of the Federal Law on the Fund for Voluntary Payments from the Republic of Austria to Former Slave and Forced Laborers of the National Socialist Regime (Reconciliation Fund Law), Federal Law Gazette I no. 74/2000 (excepting such directed against the Dorotheum Auktions-, Versatz- und Bank-Gesellschaft m.b.H.) and against citizens of the Republic of Austria, for losses suffered in one of the categories cited in (2) due to or in connection with events having occurred between 13 March 1938 and 9 May 1945 on the territory of the present day Republic of Austria.

(8) Should the eligible person have passed away on or prior to 24 October 2000, his/her heirs shall act in his/her place in accordance with the applicable national laws.

(9) Claims to payments pursuant to § 2b expire after a period of five years from the date of their award by the Committee; however, no earlier than 31 December 2017.

Section 2c. (1) Notwithstanding the payments rendered pursuant to Section 7, the Federation shall render a payment of six million Euro for the renovation and maintenance of the Auschwitz-Birkenau Memorial. This sum shall be used to endow the Auschwitz-Birkenau Foundation and to refurbish the pavilion housing the Austrian permanent exhibition at the Memorial.

(2) The Fund shall conclude an Endowment Agreement with the Auschwitz-Birkenau Foundation that in particular sets out the amounts and the dates payable of the endowment instalments, taking account of the cost of the refurbishment of the pavilion cited in (1), the basic premises for investing the monies, determined in consensus with the Federal Financing Agency Ltd., and fitting Austrian representation on the committees of the Foundation.

(3) The Fund shall conclude agreements on the refurbishment of the pavilion cited in (1), which in particular set out adequate control rights for the Fund within the scope of the refurbishment.

(Remark: (4) repealed by item 3, Federal Law Gazette I no. 143/2017)

(5) The payment by the Federation to the Fund pursuant to (1) shall be remitted to the Fund in partial amounts in keeping with the actual requirements; it is to be administered within a separate account by the Fund.

Section 2d. The National Fund may accept allocations for the granting of benefits to victims of National Socialism and for the support of projects pursuant to (2) from any legal entity and may to this end conclude contracts in which particularly the nature of the payments and projects shall be set out.

Section 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 are granted within the federal government's private sector administration.

(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.

Section 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 Financial Regulations.
4. Definition of the benefits to be decided by the Committee.
5. Decisions concerning benefits if these decisions are not delegated to the Committee.
6. Adoption of resolutions concerning the investment of the assets of the Fund.
7. Monitoring of the use of the assets of the Fund in keeping with their 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 for 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 ministries),
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 academic 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.

Section 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 (1) item 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.

Section 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.

Section 7. (1) The payments of the Federal Republic to the Fund shall be effected as provided by the annual Federal Finance Act, 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.

Section 8. (1) This Federal Law shall come into force as of 27 April 1995.

(2) **(Constitutional provision)** Section 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 consented that the monetary payments defined in Section 2b of this Federal Law are to be considered "within the realms of legal possibility" in the spirit of the Agreement between the Austrian Federal government and the government of the United States of America on the Fund "Reconciliation, Peace and Cooperation (Reconciliation Fund)" for losses suffered by the eligible persons in the categories cited in (2) due to or in connection with events having occurred between 13 March 1938 and 9 May 1945 on the territory of present day Austria. The Austrian Federal Government shall announce the date of the entry into force of this Federal Law in Federal Law Gazette I.

(3) Section 2a (1) item 5, Section 2c and Section 2d, as amended by Federal Law Gazette I no. 128/2011 shall enter into force as of 1 January 2012.

(4) Section 2b (6) and Section 2b (9) as amended by Federal Law Gazette I no. 9/2013 shall enter into force as of 1 January 2013.

(5) Section 2a (1) item 5, Section 2a (1) items 6 and 7, and Section 2c as amended by Federal Law, Federal Law Gazette I no. 143/2017 shall enter into force on 15 October 2017.