

**FEDERAL LAW GAZETTE
OF THE REPUBLIC OF AUSTRIA**

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Part I

181st Federal Act: Restitution of Works of Art from the Austrian Federal Museums and Collections

(NR: GP XX RV 1390 AB 1464 p. 146, BR: AB 5802 p. 646)

181st Federal Act Concerning the Restitution of Works of Art from the Austrian Federal Museums and Collections

The National Council (“*Nationalrat*”) has passed the following bill:

Sec. 1. The Federal Minister for Finance shall be authorized to transfer, without consideration, to the original owners or their legal successors *causa mortis*, title to works of art from the Austrian federal museums and collections, including the collections of the Austrian Federal Administration of Movable Property (“*Bundesmobilienverwaltung*”), which

1. had been the subject matter of restitutions to the original owners or their legal successors *causa mortis* and, after May 8, 1945, in the course of proceedings according to the Federal Act on the Prohibition of Exports of Objects of Historic, Artistic or Cultural Value, State Law Gazette “*StGBl.*” No. 90/1918, passed into the ownership of the Federal Government without consideration and are still owned by the Federal Government;
2. lawfully passed into the ownership of the Federal Government but had been the subject matter of a legal transaction pursuant to Section 1 of the Federal Act of May 15, 1946 Concerning the Annulment of Legal Transactions and other Legal Acts during the German Occupation of Austria, Federal Law Gazette “*BGBl.*” No. 106/1946, and are still owned by the Federal Government;
3. after the completion of restitution proceedings could not be returned to the original owners or their legal successors *causa mortis* and, without consideration, passed into the ownership of the State as ownerless property and are still owned by the Federal Government.

Sec. 2. (1) The Federal Minister for Education and Cultural Affairs, the Federal Minister for Economic Affairs and the Federal Minister for National Defence shall be authorized to

1. determine the original owners or their legal successors *causa mortis* and to transfer title to the works of art to them;
 2. to transfer title to those works of art pursuant to Section 1 which cannot be restituted to the original owners or their legal successors *causa mortis* because they could not be determined, to the National Fund of the Republic of Austria for Victims of National Socialism, which shall then sell them and use the proceeds of the sale for the purposes listed in Section 2a of the Federal Act on the National Fund of the Republic of Austria for Victims of National Socialism, Federal Law Gazette “*BGBL.*” No. 432/1995.
- (2) Prior to the transfer of title, the above-listed federal ministers shall hear the Advisory Board set up pursuant to Section 3. The provisions of this Federal Act shall not constitute a claim for transfer of title.
- (3) The Federal Minister for Education and Cultural Affairs shall inform the National Council on the transfer of title to works of art in the form of an annual report.

Sec. 3 (1) An Advisory Board, which shall advise the federal ministers listed under section 2 on the determination of the persons to whom title to works of arts shall be transferred, shall be set up at the Federal Ministry for Education and Cultural Affairs.

- (2) The Advisory Board shall be composed of the following members:
1. one representative each of the Federal Ministry for Economic Affairs, the Federal Ministry for Justice, the Federal Ministry for Education and Cultural Affairs and the Federal Ministry for National Defence;
 2. one representative of the Austrian Federal Attorney’s Office (“*Finanzprokuratur*”);
 3. one expert each in the field of history and art history to be nominated by the Austrian Rectors’ Conference (“*Rektorenkonferenz*”).
- (3) For every member, a deputy member shall be appointed.

- (4) The Advisory Board shall be entitled to consult experts and suitable informants.
- (5) The appointment and removal from office of the chairperson and the deputy chairperson from among the members listed under Paragraph 2 and the appointment and removal from office of the other members of the Advisory Board listed under Paragraph 2 shall be the responsibility of the Federal Minister for Education and Cultural Affairs. The members shall be appointed for a term of office of one year. Reappointment shall be permissible.
- (6) The meetings of the Advisory Board shall be convened by the Federal Minister for Education and Cultural Affairs.
- (7) In order to pass resolutions, at least half of the members of the Advisory Board shall be present and a majority of the votes cast shall be required.
- (8) The Advisory Board shall adopt its own rules of procedures by simple majority, which shall then be approved by the Federal Minister for Education and Cultural Affairs. The rules of procedure shall regulate the activities of the Advisory Board as expediently as possible, taking into consideration Paragraph 1. If this requirement is met, the rules of procedure shall be approved.

Sec. 4 The provisions of the Austrian Act Concerning the Protection of Monuments (“*Denkmalschutzgesetz*”), Federal Law Gazette “*BGBL.*” No. 533/1923, as amended by the Federal Act enacted in the Federal Law Gazette “*BGBL.*” No. 473/1990 Concerning the Voluntary Sale of Monuments Which Are the Exclusive Property of the Federal Government and the provisions of the Federal Act Concerning the Prohibition of Exports of Objects of Historic, Artistic or Cultural Value, State Law Gazette “*StGBL.*” No. 90/1918, as amended by the Federal Act enacted in the Federal Law Gazette “*BGBL.*” No. 605/1987, shall not apply, for a period of 25 years starting upon entry into force of this Federal Act, to the transfer of title and the export of objects which are restituted according to the provisions of this Federal Act.

Sec. 5 All payments made as a direct consequence of this Federal Act shall be exempt from all duties.

Sec. 6 The enforcement of this Federal Act shall be entrusted to the following ministers:

1. regarding Sections 1 and 5 the Federal Minister for Finance;

2. regarding Sections 2 and 3 the Federal Minister for Education and Cultural Affairs, the Federal Minister for Economic Affairs and the Federal Minister for National Defence, to the extent their spheres of action are concerned;
3. regarding Section 4 the Federal Minister for Education and Cultural Affairs.

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