

DISCLAIMER: This document constitutes an uncertified/non-official English translation of the Federal Act on the Restitution of Works of Art and Other Movable Cultural Assets from Austrian Federal Museums and Collections and Other Federal Property (Art Restitution Act – ARA). For legal purposes, only the authentic text of the Federal Act, as it appears in the Federal Gazette, should be used. Whilst every effort was made to provide accurate information, The Federal Chancellery cannot take responsibility for the accuracy or linguistic quality of the text.

Complete Statutory Regulation concerning the Art Restitution Law as amended on 25 January 2011

Full title

Federal Act on the Restitution of Works of Art and Other Movable Cultural Assets from Austrian Federal Museums and Collections and Other Federal Property (Art Restitution Act – ARA)
(NR: GP XX RV 1390 AB 1464 S. 146. BR: AB 5802 p. 646.)
StF: BGBl. I Nr. 181/1998

Amendment

BGBl. I Nr. 117/2009 (NR: GP XXIV RV 238 AB 349 p. 40. BR: AB 8187 p. 777.)

Text

Objects liable to restitution

§ 1. (1) The Federal Minister of Finance shall be empowered to return free of charge to their original owners or their legal heirs, those art objects and other movable cultural assets from Austrian federal museums and collections, including the collections of the Federal Administration of Moveable Objects (*Bundesmobilienverwaltung*), and other directly owned federal property that

1. were the subject of restitution to their original owners or their heirs or were to be restituted under the regulations at the time and that became the property of the Federal State after 8 May 1945 in direct connection with proceedings under the provisions of the Federal Law on the Prohibition of Export of Objects of Historical, Artistic or Cultural Significance (StGBI. No. 90/1918) and that remain State property;
2. that legally became the property of the State but that had been previously the object of a legal transaction or legal act under § 1 of the Federal Law on the Declaration of Annulment of Legal Transactions and Other Legal Acts Occurring During the German Occupation of Austria (BGBl. No. 106/1946) and are still State property;
- 2a. that legally became the property of the State but that had been the object of a legal transaction or legal act under § 1 of the Federal Law on the Declaration of Annulment of Legal Transactions and Other Legal Acts Occurring During the German Occupation of Austria (BGBl. No. 106/1946) between 30 January 1933 and 8 May 1945 in a territory of the German Reich outside the present Republic of Austria, that was comparable with legal transactions or legal acts taking place during the German occupation of Austria and are still State property;
3. that were not returned to the original owners or their legal heirs on conclusion of restitution proceedings and without payment became the property of the State as abandoned goods and are still State property.

(2) If the Federal State made payment for the transfer of title under para. 1 line 1, this amount or its value at the time of the restitution shall be returned by the original owners or their legal heirs before restitution. Amounts are to be adjusted in accordance with the consumer price index published by Statistics Austria. Payments under § 2b of the Federal Law on the National Fund of the Republic of Austria for Victims of National Socialism (BGBl. Nr. 432/1995) as most recently amended shall not be refunded.

Transfer of title

§ 2. (1) The Federal Minister of Education, Art and Culture, the Federal Minister for Economic Affairs, Family and Youth, the Federal Minister of Defence and Sport and the otherwise responsible member of the Federal Government shall be empowered

1. to determine the original owners or their legal heirs and to transfer the objects indicated in § 1 to them;
2. to transfer to the National Fund of the Republic of Austria for Victims of National Socialism for sale those objects indicated in § 1 that cannot be returned to their original owners or their legal success because they cannot be determined, the proceeds of the sale then being used for the purposes designated in § 2a of the Federal Law on the National Fund of the Republic of Austria for Victims of National Socialism (BGBl. No. 432/1995).

(2) The specified Federal Ministers shall consult the committee established under § 3 before the transfer of title. The provisions of this Federal Act do not establish a claim to transfer.

(3) The Federal Minister of Education, Art and Culture shall submit an annual report to the National Council on the transfer of objects under § 1.

Committee

§ 3. (1) A committee shall be established in the Federal Ministry of Education, Art and Culture to advise the Federal Ministers designated in § 2 on determining the persons to whom the objects indicated in § 1 are to be transferred.

(2) Members of the committee shall be:

1. one representative each of the Ministry of Finance, the Ministry of Economic Affairs, Family and Youth, the Ministry of Justice, the Ministry of Education, Art and Culture, and the Ministry of Defence and Sport;
2. one representative of the State Attorneys (*Finanzprokurator*) in an advisory capacity;
3. one expert each in the fields of history and art history to be nominated by Universities Austria;
4. one representative of the appropriate Federal Ministry in so far as the committee is consulted on the return of an object that is not within the responsibility of any of the Federal Ministries indicated in para. (2)1.

(3) An alternate shall be nominated for each member.

(4) The committee shall make its recommendations on the basis of reports by the Commission for Provenance Research of the Federal Ministry of Education, Art and Culture. It may also consult other experts and suitable persons to provide information.

(5) The Federal Minister of Education, Art and Culture shall appoint and recall the chairman and his/her deputy from among the members (alternates) designated in para. (2) and shall appoint and recall the other members (alternates) designated in para. (2). The appointment shall be for three years at a time. Reappointment shall be permissible. A member (alternate) may be recalled by the Federal Minister of Education, Art and Culture after consultation with the notifying body only on his/her own request or if he/she is no longer in a position on account of physical, mental or other serious reasons to carry out his/her tasks conscientiously and impartially.

(6) The Federal Minister for Education, Art and Culture or the chairman shall convene meetings of the committee.

(7) The presence of at least half of the members and a majority of the votes cast shall be required for the adoption of a decision by the committee.

(8) The committee's rules of procedure shall be adopted by simple majority and must approved by the Federal Minister of Education, Art and Culture. They shall govern the operation of the committee as expediently as possible with account taken of para. (1) and are to be approved if they comply with this requirement.

Exceptions to the Federal Act on the Protection of Monuments Due to Their Historic, Artistic or Other Cultural Significance

§ 4. (1) The provisions of the Federal Act on the Protection of Monuments Due to Their Historic, Artistic or Other Cultural Significance (*Denkmalschutzgesetz*, BGBl. No. 533/1923) as most recently amended on voluntary sale and shipment abroad shall not apply to objects transferred under the provisions of this Federal Act for twenty-five years after their transfer.

(2) Moveable cultural assets transferred on the basis of a provincial law or other decision by a municipal body under conditions in compliance with this Federal Act shall come under the exceptions indicated in para. 1 if the municipal body responsible for the transfer notifies the Federal Monuments Authority (*Bundesdenkmalamt*) and the approval for voluntary sale under § 6 of the Federal Act on the Protection of Monuments Due to Their Historic, Artistic or Other Cultural Significance (BGBl. No. 533/1923) as most recently amended and export under § 17 of that Law is not refused within six weeks of receipt of the notification.

Commission for Provenance Research

§ 4a. The Commission for Provenance Research shall be established within the Federal Ministry of Education, Art and Culture. It shall act exclusively by order of the Federal Minister of Education, Art and Culture. Its tasks shall include in particular:

1. the description of the provenance of objects designated in § 1 in so far as it can form the basis for recommendations by the committee indicated in § 3;
2. research into the historical circumstances, in so far as this could be of significance for determining the provenance and for recommendations by the committee;
3. the collection, processing and archiving of the results of this research.

Exemption from levies

§ 5. The payments directly occasioned by this Federal Act shall be exempt from all levies.

Implementation clause

§ 6. The following shall be responsible for implementation of this Federal Act:

1. for §§ 1 and 5: the Federal Minister of Finance;
2. for § 2: the Federal Minister of Education, Art and Culture, the Federal Minister of Economic Affairs, Family and Youth, and the Federal Minister of Defence and Sport or the otherwise responsible member of the Federal Government in so far as it is within the scope of his/her responsibilities;
3. for § 3: the Federal Minister of Education, Art and Culture, the Federal Minister of Economic Affairs, Family and Youth, the Federal Minister of Justice, and the Federal Minister of Defence and Sport or the otherwise responsible member of the Federal Government in so far as it is within the scope of his/her responsibilities;
4. for §§ 4 and 4a: the Federal Minister of Education, Art and Culture.