

In accordance with Section 3 of the Federal Law on the Restitution of Art Objects from Austrian Federal Museums and Collections (Art Restitution Act), Federal Law Gazette (BGBl. I) No. 181/1998 as amended by BGBl. I No. 117/2009, at its meeting on 28 November 2023, the Art Restitution Advisory Board adopted the following

DECISION

It is recommended to the Federal Minister for Arts, Culture, Public Service and Sports to transfer the objects mentioned in the appendices from the Österreichische Nationalbibliothek (Austrian National Library) to the Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus (National Fund of the Republic of Austria for Victims of National Socialism) for utilisation in accordance with Section 2. (1). 2 of the Art Restitution Act.

I. 4 incunabula, Department of Manuscripts and Rare Books, Appendix ./A

II. 58 manuscripts and 2 autographs, Department of Manuscripts and Rare Books, Appendix ./B

III. 70 music manuscripts, Department of Music, Appendix ./C

FOUNDATIONS

The Advisory Board recommended the transfer of numerous objects to the National Fund of the Republic of Austria for Victims of National Socialism in its resolutions of 11 September 2009, 15 May 2014, 5 October 2016, 6 March 2020, 29 June 2021, 30 March 2022, and 29 June 2023, respectively, also concerning the Austrian National Library. Based on the dossier from the Commission for Provenance Research 06/2023 titled "134 Objects from the Department of Manuscripts and Rare Books and the Department of Music from Anonymous Ownership", the Board now establishes the following facts to be relevant to the decision.

In the Department of Manuscripts and Rare Books, as well as in the Department of music of the Austrian National Library, there are four incunabula, 58 manuscripts, two autographs and 70 music manuscripts that cannot be unequivocally attributed to specific previous owners. Regarding their provenance, some objects were brought into the National Library by the Gestapo Vienna during the Nazi era, while others were integrated into the library by the Federal Ministry of Property Control and Economic Planning or the Federal Ministry of Finance in the post-war period.

I. The two incunabula, Ovidius Naso, Opera, Venice 1486 (Ink. 4.C.19.) and Virgilius Maro, Opera, Venice 1499 (Ink. 4.C.20), were assigned to the manuscript collection during the wartime of 1939–1945, according to the accession book. However, they were officially included in the manuscript collection only in 1948 with the entry number and note H 18/48 "(for preservation)". The note "for preservation" indicates that at the time of their acquisition, these two works, like many others, were to be deposited, in favour of the German Reich, in the National Library for safekeeping until they ultimately decayed. The other two incunabula—Petrus de Palude, Sermones thesauri novi de tempore, Basel 1485 (Ink. 18.B.23) and Vincentius Bellocensis, Speculum morale, Venice 1493 (Ink. 21.B.14)—were added to the National Library in 1950. They were recorded in the accession book IV with the information "BM f. Vermögenssicherung" and "Vermögenssicherungsamt", although this ministry was actually dissolved at the end of 1949, and its responsibilities were transferred to the Department 34 in the Federal Ministry of Finance. The Federal Ministry of Property Control and Economic Planning was

[unofficial translation]

the authority responsible for the restitution of private assets belonging to Jewish persecuted persons under the restitution laws, as well as the sale or lease of goods classified as ownerless after the war.

II. Thirteen manuscripts from the listed objects in Appendix ./B are indicated in the library with abbreviations such as "Gestapo", "P 38", "Police 1938", "P 41", or "P 1943", or titles such as "confiscated in criminal proceedings in favour of the Reich" or "seized". Another 30 manuscripts were assigned to the National Library between 1938 and 1945 but were inventoried only in 1948 during the processing of the existing collections, thus, like two of the aforementioned incunabula, also recorded in the accession book IV: "From old stock, assigned to the manuscript collection during the wartime of 1939–1945 (for preservation)." Another 15 manuscripts and two autographs were also assigned to the Austrian National Library as "ownerless goods" by the Federal Ministry of Property Control Security in August 1950.

III. The 70 music manuscripts (Appendix ./C) were also signed with "P 1940", "P 1941", "P 1942", and "Office for Property Control" and are still located in the Department of Music of the Austrian National Library.

The re-examination of the aforementioned incunabula, manuscripts and autographs revealed that, due to either no or today no longer decipherable indications of previous owners, each cannot be assigned to a specific person. Therefore, the Board concludes that the transfer of all 134 objects listed in Appendices ./A, ./B, and ./C to the National Fund of the Republic of Austria for Victims of National Socialism is recommended according to Section 2. (1). 2 of the Art Restitution Act.

Vienna, 28 November 2023

Univ.-Prof. Dr. Clemens JABLONER (Chairman)

Members:

Assoz. Univ.-Prof.in
Dr.ⁱⁿ Birgit KIRCHMAYR

Ministerialrätin
Dr.ⁱⁿ Eva B. OTTILLINGER

A.o. Univ.Prof.in
Dr.ⁱⁿ Sabine PLAKOLM-FORSTHUBER

Hofrat d. VwGH
Dr. Franz Philipp SUTTER

Alternates:

Richterin
Mag.^a Eva REICHEL

Hofrat
Dr. Christoph HATSCHEK

[unofficial translation]