

In accordance with Section 3 of the Federal Act on the Restitution of Art Objects and Other Movable Cultural Property from Austrian Federal Museums and Collections and from Other Federal Property (Art Restitution Act-KRG) as amended by Federal Law Gazette (BGBl.) I No. 158/2023, at its meeting on 12 May 2026, the Advisory Board, at the request of the Friends of the Austrian Gallery Belvedere, adopted the following

DECISION

Should the work discussed in Dossier 03/2026, “Ferdinand Georg Waldmüller, Young Gentleman in Black Attire on a Red Armchair, 1842, formerly owned by Eveline Egger-Möllwald”, now be owned by the Federal Government, the Advisory Board would recommend, in accordance with the Art Restitution Act (Federal Law Gazette I No. 181/1998), as amended by Federal Law Gazette I No. 158/2023, the transfer of ownership to the legal successors *causa mortis* of Eveline Egger-Möllwald.

GROUNDINGS

In its decision of 7 December 2007, the Art Restitution Advisory Board had already recommended the transfer of ownership of an item which had previously belonged to the Egger-Möllwald family from the collection of the former Provincial Tax Office for Vienna, Lower Austria and Burgenland,. The Advisory Board has received the aforementioned dossier concerning an object which is currently held there on permanent loan from the Friends of the Austrian Gallery Belvedere. From this the following facts relevant to the decision emerge.

Eveline Egger-Möllwald was born in Vienna on 15 June 1889, the daughter of Michel (also known as Moriz) and Angélique Benies, née Mautner. Her brother Max was born in Prague on 13 November 1894; her sister Margarethe died in early childhood. Michel Benies, together with his brother Heinrich, was the owner of one of the largest sugar companies in the Austro-Hungarian Monarchy. Following Heinrich’s death in 1896, Michel ran the “Gebrüder Benies Lissaer Rohrzuckerfabrik in Litol” on his own. In addition to residences in Prague and Litol (Lysá nad Labem) in Czechoslovakia, the family, who were of the Jewish faith, lived in a flat in the house owned by Michel Benies at 59 Reisnerstraße in Vienna’s third district. Michel Benies acquired this painting by Ferdinand Georg Waldmüller on 23 January 1906 at the 201st art auction held by C. J. Wawra in Vienna, from the collection of the late Dr. Alois Spitzer of Vienna and Mannsberg.

Angelique Benies died in Prague on 8 June 1921; Michel died in Vienna on 5 December 1923. It is evident from his will of 7 November 1909, a copy of which was attached to the probate file, that his paintings, along with other movable valuables, had already been “given and handed over to my beloved wife at the time of the purchase of each individual item”. However, as Angélique Benies had predeceased him, his estate was settled by his children, Eveline Egger-Möllwald and Max Benies in 1924. Thus, the painting in question, together with a number of other works of art, became the property of Eveline. In 1937, she bought out her brother’s

shares in the house on Reisnerstraße; Max Benies, who had managed the company in Bohemia since his father's death, moved his place of residence to Kenya following the German Wehrmacht's invasion of Czechoslovakia, where he managed an estate for Adolph Fürst zu Schwarzenberg. He died there in 1955.

Eveline's first marriage was to the lawyer and historian Heinrich Benedikt (1886–1981). The marriage, which ended in divorce in October 1923, produced two sons: Rudolf, born in Vienna on 13 December 1911, and Michael, born in Lysá nad Labem on 21 May 1914. On 29 May 1924, Eveline married the diplomat Dr. Lothar Egger-Möllwald, born on 26 September 1875, in her second marriage. In 1935, he adopted her sons, who from then on also bore the surname Egger-Möllwald. In addition to a villa in Lysá nad Labem, which served as a summer residence, the family lived in a flat in the building on Reisnerstraße, though they spent periods living in Paris and Rome due to Lothar's work as an envoy. Eveline's art collection, supplemented by works acquired by her husband – whose sister Laura was married to the painter Albin Egger-Lienz – was housed on Reisnerstraße.

Following the annexation of Austria to the National Socialist German Reich, the Egger-Möllwald family was discriminated against and persecuted by the Nazi regime. Although Lothar was not Jewish, he was regarded as critical of the regime and was, moreover, married to a Jew as defined by Nazi laws. When Eveline planned to transfer the property on Reisnerstraße to her husband, who was regarded as "Aryan", in 1939, the Nazi authorities carried out enquiries which led the leadership of the NSDAP's foreign organisation to classify Lothar Egger-Möllwald as an enemy of the regime and a "sympathiser with Jews and Czechs". Although Lothar and Eveline Egger-Möllwald had been in Rome since October 1937, they were required to submit a declaration of assets in accordance with the "Regulation on the Declaration of Assets of Jews" of 26 April 1938; as their place of residence was outside the German Reich, this had to be submitted to the Chief Finance Commissioner for Berlin-Moabit. "Works of art and silverware in the lodgings at Reisnerstraße 59, Vienna III" were valued at RM 9,754.67. On 13 December 1938, the forwarding company Zdenko Dworak, acting on behalf of Lothar Egger-Möllwald, submitted an application for an export licence for art and decorative objects listed in summary form; with the sole exception of a watercolour by Johann Mathias Ranftl from 1849, entitled "Hunter with Woman in a Landscape", which was marked as "deferred". Whether the remaining items, which had been authorised as toll-exempted removal goods, were actually exported cannot be determined due to the absence of carbon copies. In May 1940, the Property Transaction Office approved the transfer of Eveline's ownership rights to the property to her husband in return for the payment of a monthly life annuity, subject to a rent payment and a "Entjudungsauflage" (de-Jewification surcharge) amounting to RM 14,000 for Lothar Egger-Möllwald, to which the couple objected; consequently, the entry was not made in the land register. Rather, the seizure of the property by the Gestapo headquarters in Vienna was recorded in the land register on 16 October 1940. Prior to this, the Gestapo had frozen the entire assets of Mr. and Mrs. Egger-Möllwald by order of 9 October 1940 and had appointed the lawyer Friedrich Zabransky as administrator of their estate. Subsequently, the Gestapo (once again) submitted an application for the revocation of

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Eveline Egger-Möllwald's German citizenship and, in this context, an application for the confiscation of her assets in favour of the German Reich. In a letter to the tax office in Berlin dated January 1941, Zabransky reported on the status of the assets under his administration as of the reference date of 8 July 1938, including an art collection valued at RM 23,980.

Lothar Egger-Möllwald died on 7 August 1941 whilst in exile in Italy. He had already become an Italian citizen in 1939. Shortly before his death, in a will dated 5 July 1941, he had appointed the Italian Elena Baroli, née Edle von Horn – born in Vienna in 1879 and widow of the Italian envoy Carlo Baroli (1862–1912) – as his sole heir; Eveline Egger-Möllwald, on the other hand, was to receive maintenance payments. Her attempts to prevent the seizure of her frozen assets failed. In accordance with the Eleventh Regulation on the Reich Citizenship Law of 25 November 1941, her assets were forfeited to the German Reich; from then on, Elena Baroli was required to transfer the maintenance payments to the Chief Finance Commissioner for Berlin-Brandenburg.

On 18 February 1942, she wrote to her sons Rudolf and Michael, who were by then in exile in Brazil, stating that, as she was now an Italian citizen, she hoped her assets would be released:

“My beloved boys, at last I have found a way to write to you, namely through the daughter of the local Spanish envoy to the Vatican [...]. It is dreadful to be cut off from you, but I will not complain and will be grateful to the Lord God that you are well and safe. [...] So, on 23 January I became an Italian citizen; I am overjoyed [because] I am thus saved. Until I have my passport, I am travelling to Vienna on the ‘Sorgenbrecher’ to sort everything out. Lissa is being sold; as for the house at No. 59, I shall see. They haven't released it yet, but hopefully it will go through now. The furniture hasn't been released either, but I hope it will work now. As you know, I'm a determined sort – and I hope it'll work out. – The Duce sorted it out for me in six months. An unprecedented case. Everything here was in turmoil, as you can imagine. How delighted my Lothar would have been [...].”

However, the Nazi authorities did not subsequently release the assets that had been forfeited to the German Reich. Numerous negotiations took place between Baroli and the German authorities regarding the succession to Lothar Egger-Möllwald's estate. Around two months after his death, on 29 September 1941, the works of art remaining at Reisnerstraße 59 were valued by Franz Polt, the Dorotheum's appraiser. At the top of the list is the oil painting in question by Ferdinand Georg Waldmüller, entitled “Portrait of a Young Man in a Red Armchair”. However, Baroli's representative, the solicitor Wilhelm Marno von Eichenhorst, stated during the inventory of the estate that part of the furnishings belonged to the widow.

Subsequently, by decree of the Reichsführer-SS and Chief of the German Police dated 21 December 1942, the seizure of Lothar Egger-Möllwald's assets was lifted and the property on Reisnerstraße was transferred to Elena Baroli in February 1943. The house had been occupied by the Reich Governor's Office and the Reich Insurance Office in Vienna since around 1939. On 12 October 1943, Lothar Egger-Möllwald's estate was transferred to Elena Baroli; it was not until 10 January 1944 that the Reich Minister of Finance approved the transfer of ownership

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of the property. On 10 March 1944, Eveline Egger-Möllwald died in Rome; Elena Baroli died shortly afterwards, on 25 July.

According to information provided by the former asset manager Zabransky after 1945, the movable property that was in the flat at the time of its handover to Elena Baroli had been divided up. Those items that could be proven to have been owned by Lothar Egger-Möllwald were given to Baroli; the items that had belonged to Eveline were set aside in consultation with lawyer Marno von Eichhorst – these are said to have subsequently been auctioned at the Dorotheum, raising RM 36,000 for the benefit of the German Reich. Although there is no corresponding evidence of a sale at the Dorotheum, the so-called “Möbelverwertungsstelle Krummbaumgasse von Jüdischem Umzugsgut” (“Furniture Utilisation Office for Jewish Household Goods Krummbaumgasse”), known as “Vugesta II”, is likely to have been involved in the realisation of Eveline Egger-Möllwald’s art collection. This agency not only utilised the possessions of deportees, but also cleared the flats of so-called “Reich fugitives” and sold off the items for the benefit of the German Reich.

In December 1945, lawyer Marno von Eichenhorst contacted what was then the State Monuments Authority regarding the Egger-Möllwald Collection. Using the 1941 valuation list (a copy of which he possessed), he began searching for the works of art: according to Marno von Eichenhorst, of the 71 items listed, nine had formerly belonged to Lothar, whilst all the others – including the painting in question here – had belonged to his wife, Eveline Egger-Möllwald, and “were removed by the Gestapo from the flat at Reisnerstrasse 59 for an unknown purpose”. In December 1946, he informed the Office that the paintings had been “collected from the Egger-Möllwald flat by the Vugesta in 1944 and taken to a destination unknown to me”. The Monument Preservation authority suspected that the works had been taken abroad and was in contact with the American authorities, who were securing expropriated works of art at their Central Collecting Points (CCP). The Waldmüller painting in question was also listed on a “claim list” which the Federal Monuments Office forwarded to the CCP in Munich. In November 1948, Eveline Egger-Möllwald’s sons, from Brazil, initiated restitution proceedings concerning the property on Reisnerstraße, which was ruled in their favour. By a ruling of the Restitution Commission at the Vienna Regional Court for Civil Matters dated 23 June 1949, the notarial deed of transfer between Eveline and Lothar Egger-Möllwald from 1940 concerning the property, and subsequently also the bequest to Elena Baroli, were declared null and void. According to a decision dated 21 June 1951, the Provincial Tax Office for Vienna, Lower Austria and Burgenland was required to return the property –which had been destroyed by a bomb strike – to Michael and Rudolf Egger-Möllwald in accordance with the First Restitution Act (BGBl 156/1946). Movable property and works of art were not mentioned in this context, nor was the painting in question.

The next known record of the painting’s whereabouts was found in 1953 on an index card in the Waldmüller Archive at the Österreichische Galerie Belvedere. Bruno Grimschitz, Director of the Österreichische Galerie from 1939 to 1945, had examined the painting whilst working on the Waldmüller catalogue raisonné and, in April 1953, noted, alongside the address “Vienna

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I, Reichsratstrasse 11", "Mrs. Assmann", who was later identified as Johanna Assmann (1902–1983). While little is known about her personally, it was established that her husband, Rudolf Assmann, had been an (illegal) member of the NSDAP even before 1938 and is thought to have amassed wealth during the Nazi era as the owner of the "Conrad Sild" food wholesalers located at Floridsdorfer Spitz. After 1945, investigations were launched against him for violating the Prohibition Act.

A further provenance entry for the year 1988 lists Prof. Richard Steiskal-Paul; in September 1994, the painting was then offered for auction as Lot 428 at the 4th Vienna Art Auction and became the property of the Association of Friends of the Vienna Museums in 1995; as part of this process, the portrait was handed over to the Austrian State Gallery on permanent loan. Since 2004, it has been held on permanent loan from the Friends of the Belvedere Association under inventory number Lg 1091. No sources could be found to explain how or when the painting might have passed from the ownership of Eveline Egger-Möllwald to Johanna Assmann.

The Advisory Board has considered the following:

Pursuant to Section 1(1).2 of the Art Restitution Act, objects owned by the Federal Government which were the subject of a legal transaction or legal act in accordance with Section 1 of the Nullity Act 1946 may be transferred in title to the original owners or their successors *causa mortis*. Pursuant to Section 1 of the Nullity Act 1946, "legal transactions, against payment or free of charge, and other legal acts carried out during the German occupation of Austria are null and void if they were undertaken in the course of the political or economic penetration effected by the German Reich with the aim of depriving natural or legal persons of assets or property rights to which they were entitled on 13 March 1938." Eveline Egger-Möllwald was persecuted as a Jew following the annexation of Austria to the National Socialist German Reich. In order to prevent the National Socialists from seizing her property, she attempted to transfer parts of her assets – foremost among them the house on Reisnerstraße, which she had inherited from her father – to her husband, Lothar Egger-Möllwald. Although the transfer of the property had been approved by the Property Transaction Office in May 1940, on 9 October 1940, the Gestapo secured the entire estate of the Egger-Möllwald couple. Presumably also to safeguard their assets, Lothar Egger-Möllwald, in a will dated 5 July 1941, appointed Elena Baroli, an Italian citizen, as his sole heir, whilst Eveline was to receive maintenance payments. Lothar Egger-Möllwald died on 7 August 1941 whilst in exile in Italy. While the seizure of Lothar Egger-Möllwald's assets was subsequently lifted, meaning that the property on Reisnerstraße was also transferred to Baroli, Eveline Egger-Möllwald's assets were forfeited to the German Reich in accordance with the Eleventh Regulation on the Reich Citizenship Law (RGBl I 133/722) of 25 November 1941. Although the painting in question may be listed on the valuation list in the probate proceedings following Lothar's death, it is in fact her property (which had already been secured at that time); in 1906, it was her father, Michel Benies, who had purchased the work from C. J. Wawra and later

bequeathed it to his daughter Eveline. Baroli's representative had already stated during the inventory taken following Lothar Egger-Möllwald's death in 1941 that some of the items in the flat – which had been valued at that time – belonged to Eveline. In 1945, too, the painting was listed by Baroli's former solicitor not as belonging to Lothar, but to Eveline. The items in the flat had been divided up, with the result that Eveline Egger-Möllwald's possessions were auctioned off, including, indeed, the painting in question by Waldmüller. The "Möbelverwertungsstelle Krummbaumgasse von Jüdischem Umzugsgut", known as 'Vugesta II', is likely to have been responsible for the utilisation, as this office cleared the flats of so-called "Reich fugitives" and utilised their possessions for the benefit of the German Reich.

Although the portrait's subsequent history up to 1953 cannot be substantiated by sources, the Advisory Board sees no reason to assume that the work, as the property of Eveline Egger-Möllwald, did not revert to the German Reich or was not utilised by it.

If the object in question were owned by the Federal Government, the conditions set out in Section 1(1).2I of the Art Restitution Act would therefore be met, and a transfer of ownership to the legal successors of Eveline Egger-Möllwald would be recommended.

Vienna, 12 May 2026

Professor Clemens JABLONER (Chair)

Members:

Brigadier

Stefan KIRCHEBNER, MA

Associate Professor

Dr Birgit KIRCHMAYR

Associate Professor

Dr Sabine PLAKOLM-FORSTHUBER

Senior Public Prosecutor

Mag. Eva REICHEL

Counsellor to the Administrative Court

Dr Franz Philipp SUTTER