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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 unanimously adopted the following

DECISION

It is recommended to the Federal Minister of Housing, Arts, Culture, Media and Sport that the portrait of a lady by François-Xavier Fabre from the Austrian Gallery Belvedere, IN 7981, listed in the dossier of the Commission for Provenance Research 1/2026, "Hans (Jean) Engel", is to be transferred to the legal successors *causa mortis* of Jean and Lucie Engel.

GROUNDINGS

The Art Restitution Advisory Board has received the above-mentioned dossier from the Commission for Provenance Research. This dossier contains the following facts which are relevant to the decision:

Hans Sigmund (later Jean Paul) Engel was born in Vienna on 23 May 1887, one of six children of the merchant Hermann Engel (1849–1928) and Julie, née Weiss (1861–1932). On 24 April 1919, he married Lucie Fuchs, who was originally from Prague; she was born as the eldest daughter of Arthur Fuchs (1862–1940) and Margarethe, née Ehrenzweig (1870–1942) on 26 February 1894. Hans and Lucie Engel lived at the Hotel Imperial for a time before moving to 40 Reisnerstraße in Vienna's third district in May 1920. Their son Franz was born on 9 April 1920, followed by Karl Erich on 28 January 1922. Whilst Hans initially remained a member of the Jewish Community, Lucie left Judaism in 1926; in the same year, both sons were baptised as Catholics. Lucie and Hans (Jean) Engel were later baptised in April 1941 whilst in exile in Vichy, France. Their eldest son, Franz, died from complications of appendicitis in 1931 at the age of just eleven; he was buried in accordance with Catholics rites at Döbling Cemetery.

Hans Engel, who held the title of Kommerzialrat (Commercial Councillor), was the sole owner and partner of Kohlen-Verkehrs-Gesellschaft m. b. H. (Coal Transport Company Ltd.) as well as the sole owner and managing director of Socofrada Gesellschaft für den Warenaustausch der Donauländer mit den französischen Kolonien m. b. H. (Socofrada Company for the Exchange of Goods from the Danube Countries with the French Colonies Ltd.), which was founded in 1936. Both companies were based at Rennweg 5, also in Vienna's Landstraße district (3rd District). Due to the persecution measures that began immediately after the

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annexation of Austria to the National Socialist German Reich, the Engel family decided to leave the country promptly and deregistered from their flat on 12 May 1938. Whilst Hans Engel reported to the police at his company's headquarters on Rennweg, Lucie and Karl travelled to Prague to stay with Lucie's parents. Both spouses submitted the "List of Jewish Assets as of 27 April 1938" on 15 July 1938; Lucie's declaration of assets was signed in Prague, whilst Hans's declaration was recorded as having been made in Vienna, although he was likely already in France at that time. By July 1938, all three had arrived in Paris and were granted French citizenship the following year; from then on, Hans called himself Jean. His business connections with France prior to the 'Anschluss' are likely to have helped him build a new life in exile. After they fled to Vichy, presumably following the German Wehrmacht's invasion of Paris, they were granted several temporary visas by the Swiss legation – likely due to Jean's connections in Switzerland – enabling the family to stay in Zurich from 1941 until the end of the war.

There are no records regarding the origins of Hans and Lucie Engel's art collection(s) or their collecting activities prior to the 'Anschluss'. In April 1938, the couple commissioned a photographic record of their home. The resulting images are now held in various archives, including the Federal Monuments Office and the Archives diplomatiques of the French Ministry of Foreign Affairs. The number and content vary slightly; in total, there are approximately 40–45 photographs of individual art objects (paintings, sculptures, porcelain, etc.) as well as around 50 interior photographs. Lucie Engel's declaration of assets lists the furnishings and works of art. An accompanying general valuation, drawn up under the supervision of the Dorotheum's appraiser Ottokar Weigel, covered furniture, carpets, silver, glass, porcelain, knick-knacks, crockery, paintings and jewellery – a total of around 60 items described in extremely vague terms, including several portraits of ladies; Techniques and dimensions are entirely absent; artists and subjects are rarely mentioned, and there are no dates either. In total, the paintings were estimated at a value of RM 8,260. Due to the imprecise descriptions, it is not possible to match them with the works of art recorded in the photographic documentation.

In a letter dated 30 April 1938, Hans Engel received a demand from the Reich Propaganda Office (Reichspropagandaamt) to vacate the flat on Reisnerstraße within two days. It is reasonable to assume that the family had been forewarned of the impending termination of the tenancy and had therefore arranged for the photographic documentation to be compiled in advance. The nature of the documentation suggests that it was intended as a personal memento, particularly as the bathroom and the children's room were also photographed. In the course of the eviction, the household effects were stored with various Viennese removal firms. The bulk of the items was transported to Schenker & Co, whilst some of the furnishings were

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initially taken to the offices on Rennweg, before being placed in the custody of Reitter in January 1940. The firms Wachuda and Lüftschitz AG presumably stored mainly the carpets. Later, during his compensation proceedings, Engel made reference to the time pressure under which he was working to store the entire inventory.

After the family moved out, the house was used as the headquarters of the Vienna Reich Propaganda Office (Reichspropagandamat) and for several departments of the Reich Chamber of Culture (Reichskulturkammer); numerous 'restoration works' in the flat were carried out at Hans Engel's expense. In July 1938, Josef Ebenwaldner, a long-standing employee (and by then authorised signatory), took over the provisional management of Engel's companies. Through the Gesellschaft für Revision und treuhändige Verwaltung GesmbH (Laconia Institut), the Kohlen-Verkehrs-GmbH was wound up by Ebenwaldner on 4 November 1941, whilst Socofrada was 'Aryanised' by Walter Hiedler and Gustav Goll and sold on to Stefan Teklits. It subsequently operated under the name "Ostmärkische Fischkonservenhandelsgesellschaft Stefan Teklits"; Ebenwaldner remained managing director. Hans Engel had initially authorised the "Baron Richthofen Office" to forward his household effects following his move; he also commissioned lawyer Guido Jakoncig to manage his assets. He knew the former Federal Minister for Trade from his work as a major coal supplier to the Austrian Federal Railways at the time, just as he was likely connected through professional ties to the banker and co-founder of the German Democratic Party, Hartmann von Richthofen. No removal certificate or application for the export of the art collection can be found under either of these names or under the name Engel. Jakoncig reported to Engel in January 1946 that he had not succeeded in obtaining the necessary authorisations from the Nazi authorities:

"In order to go ahead with the move, it was necessary for the tax office to issue a so-called 'clearance certificate'. Despite all the attempts and efforts made by both the R.[ichthofen] office and my law firm, it was simply impossible to obtain this certificate, even though all the requirements had been met. [...] In any case, the tax office sabotaged the issuance of the certificate (presumably on internal instructions from the Gestapo), so that the move could not go ahead."

Such efforts are not documented in the files. Jakoncig went on to write that there was no doubt that the Gestapo had taken a particular interest in Engel:

"I myself was summoned to the Gestapo twice and questioned about your departure. [...] In any case, the Gestapo did everything in its power to harm you, having been unable to lay hold of you personally. For this reason, I was so very worried about you during the occupation of France."

Jakoncig made no mention of his own role – as a member of the NSDAP, he was regarded after 1945 as having "minor culpability". In 1960, during the restitution proceedings in Berlin, he stated for the record, contrary to the information he had provided in 1946:

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“Although Mr Engel had already been in possession of a tax clearance certificate in April 1938, this was not accepted for the removal of the household goods [...] and further confirmations were continually demanded, which neither I nor my colleague were able to obtain. In this way, the removal was prevented until, when I once again enquired with the removal firm and the Creditanstalt as to what had become of Engel’s belongings, I learnt that all the items had been handed over to the Gestapo. I went to the Gestapo (Vugesta) but was refused any information.”

The former contents of the Engel family’s home remained in Vienna, divided amongst several haulage firms, and were disposed of for the benefit of the German Reich. Thus, the file of the Chief Finance Commissioner of Vienna contains a list, presumably drawn up for the ‘Gestapo’s Administrative Office for Jewish Household Goods’ or Vugesta for short, dated 30 September 1940, which lists, among other things, the freight forwarder’s claims against Hans Engel as an ‘emigrant of unknown whereabouts’ amounting to RM 5,465. The removal goods stored at Schenker were assigned Vugesta reference number 2202/57, whilst those at Reitter were given number 2046/53. The jewellery held by Jakoncig and von Richthofen in a safe at the Creditanstalt was delivered to the Dorotheum in accordance with Section 14 of the Ordinance on the Use of Jewish Property. By orders dated 15 and 16 November 1940 and 24 May 1941 respectively (in accordance with RGBI. I 1933, p. 480, the Law on the Revocation of Naturalisation and the Withdrawal of German Citizenship), the Engel family’s household effects were confiscated for the benefit of the German Reich. Subsequently, it was sold by Vugesta through private sales and, under the consignment numbers 367, 774 and 212.287 assigned to Hans Engel, at the Dorotheum. Consignment number 367 related to the Vugesta’s acquisition from the Reitter forwarding agency – these items had been delivered to the Dorotheum branch on Schanzstraße in Vienna’s 15th district on 10 May 1941; furthermore, on 17 April 1942, ‘1 painting’ and ‘1 ladies’ saddle by Hans Israel Engel’ were handed over to the main department of the Dorotheum in Spiegelgasse on behalf of Vugesta. According to a statement by lawyer Max Cahn to the Chief Trustee for Restitution Assets in Berlin in March 1958, the items, under consignment number 774, “concerning some antique furniture and all the valuable paintings (almost exclusively museum pieces), [...] for sale at the Dorotheum” and comprised part of the furnishings that Engel had had stored at Schenker. The majority of these were sold by private treaty in the Rotunde in the Prater, whilst carpets that had been stored at Wachuda were sold in the Sophiensäle, also by private treaty. The two Engel consignments, 367 and 774, can be fully reconstructed from object lists. The painting in question was part of consignment 212.287, which can also be attributed to Hans Engel. Unlike the other two consignment numbers, however, no complete inventory was drawn up for this consignment, 212.287. The Dorotheum’s accounting records from that time did not list all the items in this consignment, but only those that were either sold on commission or for which buyer arrears arose.

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Consequently, any works that were paid for in full in cash at the time were not included in the Dorotheum's records.

The full Vugesta statement lists auction proceeds at the Dorotheum of RM 42,680.40 and proceeds from private sales of RM 14,018.22, giving a total of RM 56,698.62. After deducting expenses, claims and administrative fees, RM 44,197.33 was paid to the Nazi tax authorities on 1 April 1943 "for sold removal goods". The "auction of interesting items from all areas of art collecting" held by the Dorotheum's art department on 11 and 12 November 1941 comprised a total of 864 lots; in addition to works of art, furnishings and textiles as well as weapons and decorative arts were sold. The painting in question had presumably arrived at the Dorotheum's art department on 11 August 1941 via the firm Schenker, bearing the entry "VUGESTA, I. Bauernmarkt 24". In the auction catalogue, it was listed as Lot 127 as "François Xaver Pascal Fabre, Portrait of a Young Woman Sewing in the Garden, oil on canvas", with an estimated price of RM 360. It was purchased and paid for directly at the auction on 11 November 1941 by Robert Herzig, owner of the Vienna-based Galerie St. Lucas. On 29 March 1944, the St. Lucas Gallery sold a total of six paintings to the "Sonderauftrag Linz", specifically to the special representative Hermann Voss. The corresponding invoice also lists the painting in question under "François Fabré [sic], Woman Sewing in the Garden, signed and dated 1779 [sic!]", the total sale price for all six paintings was RM 87,500. Together with seven other works intended for the "Linz Special Commission", it arrived at the Dresden State Picture Gallery on 13 April 1944 and was assigned "Linz Number" 3493. From an unknown date onwards, it was kept in the so-called "Führerbau" on Munich's Arcisstraße. With the 11th and final "collective transport from Munich-Führerbau to Altaussee" around 23 April 1945, the painting was taken to the salvage depot in the Altaussee salt mine. Found there by the American art protection units, it arrived at the Central Art Collecting Point (CACP) in Munich on 8 July 1945. The property card noted: "Confiscated by the Vugesta in Vienna" and "Message from the Dorotheum 7 January 1949. Ref. 783: The painting was brought in by the Vugesta on 11 August 1941", and the invoice number from the St. Lucas Gallery for the "Führermuseum" was also listed. In December 1948, following an enquiry from the CACP in Munich, the Federal Monuments Office asked the Dorotheum for information on the painting's provenance.

"The following paintings were identified at the Central Art Collecting Point in Munich; they were acquired at Dorotheum auctions by Galerie St. Lucas and sold to the Linz Art Museum: [...] F.X. Fabre, Portrait of a Lady (acquired 11 November 1941). For the release and return of the paintings to Austria, the American authorities require documentary proof of ownership from the last owner. The BDA requests that the names and addresses of those who submitted the paintings be provided herewith, so that the necessary proof can be obtained from them."

As the file shows, the monument authority made a further enquiry with the Dorotheum, as the latter had provided only the consignment number, but not the previous owner or a Vugesta

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number. The information was not provided. Subsequently, the painting was transferred to Austria in May 1949 and initially stored at the Residenzdepot in Salzburg until it was moved to the Kunsthistorisches Museum in Vienna for safekeeping in September 1963. In March 1965, the Federal Ministry of Education instructed the First Director to include all objects originating from the holdings of the 'Linzer Kunstmuseum' in the inventories. The painting was catalogued at the KHM under GG 9573, but was transferred to the Austrian Gallery pursuant to a decree of the Federal Ministry dated 18 February 1986 and assigned the inventory number 7981

Immediately after the fall of the Nazi regime, the Engel family returned to Paris, and Jean Engel began searching for his household effects. Through his solicitor, Hans Gürtler, he filed a claim on 21 November 1945 "in accordance with French regulations [...] claims regarding all goods stored with the firm Schenker & Co and subsequently confiscated [...] to the French Ministry of Foreign Affairs – Directorate of Foreign Assets." In addition to French and American authorities, the Federal Monuments Office and, above all, the Federal Ministry for the Safeguarding of Assets and Economic Planning (BMfVS) were also involved. The investigations focused particularly on the art collection, partly on the basis of photographs taken in 1938:

"Photographs were taken of 42 of the most important and valuable pieces in his collection, a series of copies of which is already in their possession."

In addition, Engels' authorised representative Hermann Gerhardus personally conducted "interviews" with employees at the Dorotheum. On 3 March 1947, he handed over the information he had gathered to the BMfVS, including "1 complete collection list and 1 auction list." These, amongst other things, correspond with the photographs and reflect the state of knowledge as of March 1947. For the auction of 11–12 November 1941, Gerhardus listed only a pastel by Oskar Larsen from the collection of Hans Engel; he also noted that copperplate engravings had been sold on the second day of the auction. However, provenance research has now established that, in addition to the portrait in question, another painting with the identical consignment number 212.287—attributable to Hans Engel—was offered at this auction: Lot 43, the oil painting 'Duck and Hens in Front of a Copper Cauldron' by a 'German painter from Hamilton's circle', was listed in the catalogue with an estimated value of RM 400; however, it remained unsold and only found a buyer on 16 December 1941. This painting had been photographed in 1938 and is preserved in the photographic documentation of the Engel family's home, which is now held in the diplomatic archives of the French Ministry of Foreign Affairs. The Fabre, however, does not appear in the photographs of the home.

According to a report by the BMfVS dated December 1948, a total of 51 items had been consigned under consignment number 212.287. From this consignment, the French High Commission was able to definitively attribute only eight objects to Hans or Jean Engel by cross-

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referencing the aforementioned records at the Dorotheum (which included only sales via commission agents or buyer's balances) with the photographs taken in 1938. The whereabouts of four of these works remain unknown to this day; the other half, including 'Duck and Hens in Front of a Copper Cauldron', were returned to Engel, as was a portrait of a lady by Thomas Lawrence. Like the present Fabre, this had later found its way to the Munich Art Collecting Point (Munich number 46491). Despite extensive efforts, Jean Engel received only around a dozen objects back; the whereabouts of most of the artworks remained unknown.

Socofrada GmbH, which was under public administration by Hermann Gerhardus from 1945 to 1949, was returned to Engel; the liquidation of Kohlen-Verkehrsgesellschaft mbH was revoked and the company continued in 1949 as Kohlen-Verkehrs-Gesellschaft Hans Engel Gesellschaft mbH.

Of Hans Engel's five siblings, his brother Leo had died in infancy in 1892, whilst Julius had already emigrated to Chile in the early 1930s. His brother Eduard, also a merchant, was murdered in Theresienstadt on 24 October 1943, whilst his sister Sofie Schlesinger was able to flee to the USA with the help of the U.S. Jewish Transmigration Bureau (JDC), and his sister Helene Hahn also managed to flee abroad. Lucie's youngest sister, Vally Weissova, born in 1902, was murdered in Auschwitz in 1943; her sister Anuschka, born in 1895 and married to the Burgtheater actor Ernst Deutsch (stage name Ernest Dorian), survived the Nazi regime in exile in the United States.

Lucie Engel died on 20 February 1953 whilst visiting her son Charles Robert Engel in Canada. Until the mid-1960s, Jean actively searched for his artworks and the rest of his assets confiscated by the Nazi regime. He died on 12 May 1967 in Paris. Lucie and Jean Engel were buried in their son Franz's grave at Döbling Cemetery.

The Advisory Board considered the following:

According 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 within the meaning of Section 1 of the Nullity Act 1946 may be transferred to the original owners or their successors in title by reason of death. According to Section 1 of the 1946 Nullity Act, "legal transactions, whether for consideration or not, 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 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."

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The Engel family was persecuted as Jews following the annexation of Austria to the National Socialist German Reich. In a letter dated 30 April 1938, Hans Engel received a demand from the Reich Propaganda Office to vacate the flat at Reiserstraße 40 within two days. Presumably having been forewarned of the impending eviction, the family is thought to have had a photographic record of the flat and the “most important and valuable items” compiled in April 1938; likely also as a memento. In July 1938, Lucie, Hans and Karl Engel fled to Paris and subsequently took French citizenship, with Hans Engel changing his name to Jean whilst in exile in France. Presumably following the German Wehrmacht’s invasion of France, the Engel family stayed in Vichy, and later in Switzerland due to Jean’s professional connections. After the family moved out of their flat, the building was used as the headquarters of the Vienna Reich Propaganda Office (Reichspropagandamat) and for several departments of the Reich Chamber of Culture (Reichskulturkammer); numerous ‘restoration works’ were carried out at Hans Engel’s expense. His two confiscated companies, Kohlen-Verkehrs-Gesellschaft m. b. H. and Socofrada Gesellschaft für den Warenaustausch der Donauländer mit den französischen Kolonien m. b. H., were returned to him after 1945.

The household effects left behind in Vienna and the family’s removal goods were stored with various Viennese removal firms; by orders dated 15 and 16 November 1940 and 24 May 1941 (in accordance with RGBI. I 1933, p. 480, the Law on the Revocation of Naturalisation and the Withdrawal of German Citizenship), the removal goods were confiscated in favour of the German Reich. Subsequently, it was sold by Vugesta through private sales and at the Dorotheum, under the consignment numbers 367, 774 and 212.287 assigned to Hans Engel. The portrait in question entered the art department of the Dorotheum on 11 August 1941 under number 212.287/47 and was acquired at the auction on 11 November 1941 by Robert Herzig, owner of the Galerie St. Lucas. He sold it on 29 March 1944 to the ‘Sonderauftrag Linz’ in Dresden, from where it subsequently came to Munich and was kept in the Munich ‘Führerbau’. With the 11th and final “collective transport from Munich-Führerbau to Altaussee” around 23 April 1945, it was taken to the salvage depot in the Altaussee salt mine. Found there by US art protection units, the painting arrived at the Munich Central Art Collecting Point on 8 July 1945. It was eventually transferred from Germany to Austria in 1949 and stored in the Salzburg Residenzdepot until it was handed over to the Kunsthistorisches Museum in Vienna for safekeeping in September 1963. Transferred to the Österreichische Galerie by decree in 1986, it was given the inventory number 7981.

Only eight of the 51 works in consignment number 212.287 could be identified after 1945 or attributed to the former ownership of Hans Engel. In the opinion of the Advisory Board, this also applies to the work in question, to which this very consignment was assigned when it was brought to the Dorotheum by Vugesta, even though no photograph of it is available from the photographic documentation of the flat from April 1938. The statement made by Engel’s

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representative in 1947 in a letter to the Federal Ministry for Asset Protection and Economic Planning, according to which photographs were taken of only “42 of the most important and valuable pieces” were photographed, appears credible insofar as the valuation list in Lucie Engel’s declaration of assets lists around 60 paintings – that is, more than were photographed. Consequently, the portrait of a lady by François-Xavier Fabre is to be attributed to the Engel Collection. Accordingly, the Advisory Board considers the requirements of Section 1(1)(2) of the Art Restitution Act to have been met. 9 Although only Hans Engel is listed in the Vugesta documents, whilst the art collection is listed in Lucie Engel’s declaration of assets, the Advisory Board recommends the transfer of ownership to the legal successors upon death of both spouses, namely Jean and Lucie Engel.

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Vienna, 12 May 2026

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

Members:

Brigadier

Stefan KIRCHEBNER, MA

Associate Professor

Dr. Birgit KIRCHMAYR

Associate Professor

Dr. Sabine PLAKOLM-FORSTHUBER

Senior Public Prosecutor

Mag. Eva REICHEL

Counsellor of the Administrative Court

Dr. Franz Philipp SUTTER

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