

[unofficial translation]

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 that the Federal Minister for Housing, Arts, Culture, Media and Sport should not transfer the works listed in the dossier of the Commission for Provenance Research 02/2026, 'Helene Heymann and Ilsa Poschacher', from the Albertina), namely

I.

- Johann Evangelist Scheffer von Leonhartshoff, Self-Portrait with Bible (Self-Portrait before Gothic Architecture), Inv. No. 28725
- Johann Evangelist Scheffer von Leonhartshoff, Italian Landscape (The Bay of Gaeta), Inv. No. 28726
- Johann Evangelist Scheffer von Leonhartshoff, The Dying Saint Cecilia, c. 1820/21, Inv. No. 28727
- Johann Evangelist Scheffer von Leonhartshoff, Self-Portrait Drawing in the Forest, Inv. No. 28728
- Johann Evangelist Scheffer von Leonhartshoff, Angel Crowning a Boy Painting (The Artist, Crowned by St Cecilia), Inv. No. 28729
- Johann Evangelist Scheffer von Leonhartshoff, Portrait of Cardinal Salm Seated, 1818 (Cardinal Franz Xaver Salm, Dozing), Inv. No. 28730
- Johann Evangelist Scheffer von Leonhartshoff, Portrait of Cardinal Salm, 1819 (Portrait of Cardinal Franz Xaver Altgraf von Salm-Reifferscheidt), Inv. No. 28731
- Johann Evangelist Scheffer von Leonhartshoff, Madonna and Child with Head Studies, Inv. No. 29558

II.

- Thomas Ender, The Matterhorn seen from the Gornegrat, 1854, Inv. No. 36935

to the legal successors *causa mortis* of Helene Heymann and Ilsa Poschacher,

GROUNDINGS

The Advisory Board has received the aforementioned dossier from the Commission for Provenance Research. The impetus for the research came from an enquiry made by the

[unofficial translation]

[unofficial translation]

Staatliche Graphische Sammlung München to the Commission for Provenance Research. This has established the following facts relevant to the decision:

Helene Marie Heymann was born in Vienna as the eldest of six children of Clara, née Wittelshöffer, and Theodor Junkermann on 23 November 1872, and was baptised in the Lutheran City Church in Vienna's first district in February of the following year. The family lived at Garnisongasse 1 in Vienna's ninth district. In her first marriage, Helene Junkermann was married to the Viennese lawyer Hermann Franz Adolf Suess, with whom she had a son named Theodor Eduard, born in Weissenbach an der Triesting on 1 July 1894. Following the divorce, she married the man of independent means August Lothar Heymann, born in Augsburg on 26 May 1857, at the Lutheran parish of Wien-Landstraße (Vienna's 3rd district) in July 1904. He was the son of Ludwig Heymann, a wholesaler and later banker active in Augsburg and Vienna, and his wife, Rosa Heymann (née Figdor), who was from Vienna and a cousin of the famous art collector and banker Albert Figdor. Rosa and Ludwig Heymann, who had married at the Wiener Stadttempel (Vienna City Temple) in 1854, did not raise their children in the Jewish faith and had them baptised as Protestants in 1859. August Heymann's first marriage was to Marie Theodora Anna Jurié von Lavandal, from 4 February 1893 until the end of 1894. From this marriage came his daughter Ilsa Bertha Emilie Gustavine, born in Vienna on 24 March 1894. Whilst August Heymann is listed as the father in the baptismal register of the Lutheran City Church, dated 27 March 1894, Ilsa is recorded in the population register from 1941 onwards as 'née Köchert'. Theodor Josef Alexander Köchert, a partner in the firm A. E. Köchert, Imperial and Royal Court and Chamber Jeweller, was married to Ilsa's mother from 1895 until his death in 1936. In the probate proceedings, Ilsa is not listed among his children or his descendants, nor was she mentioned in Köchert's will. In 1918, Ilsa Heymann married the industrialist Anton Johann Josef Poschacher, born in Vienna on 5 November 1889. In the marriage register, she is listed as the legitimate daughter of August Heymann and is also cited as his daughter and co-heir in his probate proceedings of 1937.

The couple, Helene and August Heymann, lived at Seilerstätte 11 from 1906 and at Teinfaltstraße 1 in Vienna's first district from 1913. The marriage produced no children, but both spouses had a close relationship with August's daughter from his first marriage, Ilsa. They wrote to and visited each other regularly and were always in close contact – August signed letters to Ilsa as “your Papa” and Helene as “Aunt Helene”.

August Heymann was a renowned art collector whose significant collection of Viennensia was first mentioned in Wilhelm Weckbecker's 'Handbook of Art Conservation in Austria' of 1891 and comprised some 18,000 items by 1902. It was also open to the public as part of the 'Wiener Kunstwanderungen' and enjoyed a high profile in Vienna. Numerous exhibitions were supplemented by loans from August Heymann; his name consequently appears in many catalogues raisonnés. By the time of Heymann's death in 1937, the collection had continued

[unofficial translation]

[unofficial translation]

to grow and ultimately comprised some 40,000 engravings, 1,500 watercolours and drawings, and 300 paintings. The fact that Helene Heymann also owned art was less well known, or indeed known only within relevant circles; for her mother, Clara Junkermann, had bequeathed to her during her lifetime, or upon her death in 1931, a portrait of Theodor Junkermann painted by the Polish artist Jan Bolesław Czedekowski, as well as a work by Gustav Klimt depicting Helene's grandfather, Leopold Wittelshöffer. Whenever August and Helene Heymann loaned their works for exhibitions, these were usually attributed to the 'August Heymann Collection': The exhibition shown at the Upper Belvedere in 1929 under the title 'Watercolours and Drawings from the Collection of Dr August Heymann' names only him as the lender or owner in the accompanying exhibition catalogue. Correspondence preserved in the Belvedere archives confirms that eight of the works on display by Johann Adam Klein actually belonged to Helene. The preface to the exhibition catalogue merely thanked her husband:

"For decades, all exhibitions and publications showcasing the art and culture of Vienna's past have made extensive use of Dr. August Heymann's inexhaustible willingness to support a wide variety of events by lending individual items from the treasures of his collection."

The exhibition 'From Füger to Klimt', organised by the Friends of the Museum Association in Vienna and held in autumn 1923, featured four works on loan from Helene Heymann: "Bellagio" by Rudolf von Alt, "The Birth of Athena" by Heinrich Friedrich Füger, "Donaukai" by Leander Russ and the painting "Motherly Love" by Josef Danhauser.

August Heymann died on 10 March 1937 at the age of 79 and was buried at the Protestant Cemetery in Matzleinsdorf. He had named his wife Helene and his daughter Ilsa Poschacher as joint heirs in equal shares. Apparently due to debts, both were forced to sell parts of the collection; in June 1937, the estate administrator Otto Mayr submitted to the Albertina an inventory of the Heymann collection comprising several lists. He asked for a response as soon as possible, as the collection would otherwise be auctioned at the Künstlerhaus from 27 to 30 October 1937 and "preparations for the auction are already in full swing". As the Albertina was interested only in individual works, preference was given to a bulk purchase by the City of Vienna. In July 1937, the Municipal Collections acquired large parts of the collection. In addition to the library and a self-portrait by Ferdinand Georg Waldmüller, the works by Johann Evangelist Scheffer von Leonhartshoff discussed here were also not part of this acquisition; the museum commented in this regard:

"The municipal collections can do without Waldmüller's self-portrait, as they already own one large and one small self-portrait by this master. The municipal collections attach no value to Scheffer's drawings, as they are merely rough sketches by this lesser-known artist."

Regarding the items not taken over by the City of Vienna, Helene drew on existing contacts; she approached the antiquarian shop Gilhofer & Ranschburg, with whom she and her husband had maintained a business relationship for decades. The library was sold to the antiquarian

[unofficial translation]

[unofficial translation]

shop in October 1937 and put up for auction on 25 and 26 November 1937 under the title “Dr A. H.’s Library” as a “reference library of philosophy and art history”. At the same time, four Scheffer portfolios were also handed over to the managing director, Wilhelm Schab, on consignment, as Helene Ilsa reported in her letter of 9 October 1937:

“Schab had the Baroque portfolio fetched today also the one with the last batch of chaff, and the four Scheffer portfolios from Leonh[ardshoff]. I then went to the shop to discuss possible prices with him [...]”.

Schab, Helene went on to write, had offered to “negotiate with the Albertina regarding the Scheffer portfolios”, as its deputy director, “Hofrath Reichel, was interested in the Scheffers”. The Albertina was ultimately to acquire several Scheffer sheets from the Heymann collection, which are the subject of this dossier, though at a later date via the Neue Galerie Wien (1940) and the Berlin Galerie Luz (1942) respectively.

As the correspondence preserved in the Poschacher private archive in Mauthausen shows, Helene kept Ilsa regularly informed about these final sales and the clearing of the flat in late October/early November 1937 and carried out these tasks in close consultation with her. However, the further course of the consignment sale of the Scheffer sheets that had been handed over can no longer be traced in detail. The women divided the unsold items (such as personal belongings and furniture) among themselves, with some being temporarily stored at Ilsa’s flat in Vienna due to lack of space. Helene had meanwhile moved in with her sister Martha Junkermann in their parents’ former flat on Garnisongasse.

Following the annexation of Austria to the Nazi German Reich in March 1938, Helene Heymann, whose maternal grandparents were Jewish, submitted her declaration of assets to the Property Transaction Office on 16 July 1938 – stating that she was ‘half-Jewish’. Under the heading ‘IV g) Precious metal objects, jewellery and luxury items, works of art and collections’, she declared a total value of RM 25,737.34. The works of art, including books, were listed in an attached list with a total value of RM 19,170; works by Scheffer von Leonhartshoff were not explicitly mentioned, though a vaguely defined ‘½ share in various sketches’ was included.

As it had likely become apparent in the meantime that she was to be regarded as a ‘Jew’ under the ‘First Regulation on the Reich Citizenship Law’ and the ‘Law for the Protection of German Blood and German Honour’, respectively, Helene Heymann attempted to secure an individual exemption in order to avoid possible persecution. Accordingly, on 14 October 1938, she applied to the Office for Pardon Matters of the ‘Chancellery of the Führer’ in Berlin for classification as a ‘first-degree Mischling’:

“I was born in 1872, a Protestant of the Evangelical Church of the Augsburg Confession, resident in Vienna, and was married to Dr. August Lothar Heymann – the marriage was childless. My husband came from a non-Aryan but cultured, wealthy family based in Augsburg, who moved to Vienna around 1860. He was baptised in 1859, and his parents too had adopted the Protestant faith and raised their children as Christians with a German outlook. [...] Even if an individual’s fate is of no significance in these great times, I nevertheless venture, on my own behalf and on behalf of so many in Vienna

[unofficial translation]

[unofficial translation]

affected by the same fate, to turn to you, my Führer, in my despair, to ask you to overlook the provision that applies to such mixed-race individuals who were married to a man of the Jewish race in 1935. [...] The declaration of my assets was a matter I could bear. But now, with the decree revoking my passport, the introduction of the Jewish identity card and the Jewish surname, I am forced to be regarded as a true Jew and to declare myself as such.”

At the end of November 1938, Helene Heymann received notification from the Ministry of Internal and Cultural Affairs that her application had been forwarded to the Vienna City Council’s Marriage Affairs Department for preliminary examination. In January 1939, the ‘Office of Racial Policy’ issued a letter of rejection:

“The half-Jewess was married to a Jew on the cut-off date, i.e. 16 September 1935, and is therefore considered a Jew under Section 5 (2) of the First Implementing Regulation of the BLSCHG. In our view, the intention of the legislature in Section 5 (2) was to eliminate all half-Jews who, having in any way professed Judaism, represent an enormous burden on the state.”

However, the Office was “of the opinion that in the case, as far as the law permits, due consideration should be given to the woman’s advanced age”.

Helene Heymann continued to seek equal treatment with persons classified as ‘Mischlinge’, but her application, submitted via the Ministry of Internal and Cultural Affairs to the Reich Minister of the Interior in Berlin, was rejected. Finally, on 24 April 1939, she resubmitted her plea for clemency to the ‘Führer’s Chancellery’ and asked for leniency,

“I would like to draw attention once again to my application, in which I request equal treatment with a person of mixed race, which is indeed what I am. It is solely through my marriage that I have lost the benefits of my ancestry.”

She pointed out that the marriage had remained childless and that “a favourable decision would benefit only me, an old, distressed woman, cast out from society”. The application was accompanied by letters of support from, for example, the director of the Austrian Gallery, Bruno Grimschitz, and the former Federal President Michael Hainisch. Whether and how the application was processed is not recorded.

On 6 February 1939, Helene Heymann was ordered to pay the so-called ‘Jewish Asset Levy’ amounting to RM 46,800, of which she settled an initial instalment of approximately RM 10,000 from the sale of shares and bank deposits. However, she added:

“I hereby report that, in order to pay the first instalment of the levy amounting to RM 9,746 as of 15 December 1938 [...] I had the sum transferred [...] to the Vienna IX Tax Office. [...] At the same time, I request that you take note that, according to the enclosed photocopy, I am not subject to contributions. Furthermore, I wish to inform you that, on 8 March 1939, in order to cover my living expenses, I had 5 shares in Hütter & Schrantz [sic] sold from my account with the Austrian Credit A.- Wr B’n through that same bank.”

The copy of the document mentioned in the letter, proving that she was not liable for payment, is not included with the declaration of assets; however, in the notification of changes, the amount of the ‘Jewish Asset Levy’ still payable by her was set to zero. On 20 December 1939, a Reich Flight Tax assessment was issued against Helene Heymann in the amount of RM

[unofficial translation]

[unofficial translation]

159,058, of which a quarter, amounting to RM 39,800, was to be paid immediately; the files do not indicate whether she complied with this demand. The file appears to have been closed with a stamp dated 5 January 1940. Subsequently, when the German Reich Registration Ordinance, RGBI. No. 3/1938, came into force on 1 January 1941 in the 'Reichsgaus' as well, new registration forms were introduced which now also required details of the 'ancestry' of the parents of the person required to register. On the surviving registration form for Helene Heymann, the classification 'second-degree Mischling' was noted, with 'first-degree Mischling' noted for the mother. The Vienna Passport Office also issued Helene a *Kennkarte* (identification card) on 6 November 1942. She remained in her parents' flat in Vienna until February 1945; she subsequently moved to Kochel am See in Upper Bavaria to live with her son (from her first marriage), Theodor Suess. On her registration card from early March 1945, 'Aryan' was now noted under 'Ancestry'.

After the end of the war, her sister Martha Junkermann endeavoured to obtain information about the whereabouts of Helene and her son. As the documents held at the Arolsen Archives show, the US authorities reported in December 1945 that Helene was living "in a very comfortable home" and "enjoying good health".

Helene Heymann never returned to Vienna. In 1957, she was granted German citizenship with effect from 27 April 1945. She died in Kochel am See on 4 November 1960 at the age of 87. There are no known applications for restitution.

As mentioned, Ilsa Heymann had married the Mauthausen industrialist Anton Poschacher in 1918; his family was one of the largest suppliers of granite in Austria-Hungary. In 1913, Anton, the only son of the Upper Austrian industrialist Anton Poschacher (1841–1904) and his wife Luise (née Ried, originally Aloisia), had taken over the management of the Poschacher Granitwerke in Mauthausen. He ran the business from Vienna, where the company's headquarters had already been located under his father; the family – the marriage produced four children – lived at Margaretenstraße 30. In May 1938, Anton Poschacher sold "land, including mining rights and the buildings situated thereon, as well as the leasehold rights to the Gusen quarry, to Deutsche Erd- und Steinwerke GmbH (DESt)", which used the site to establish the quarry operations of what would later become the Gusen concentration camp, parts of the SS accommodation and the prisoner camp; The intention to establish a concentration camp in Gusen is evident from the purchase agreement concluded in 1938.

His wife, Ilsa Poschacher, would have been classified as a 'first-degree Mischling' due to the Jewish heritage of her father, August Heymann (who had two Jewish grandparents on his father's side). To counter this classification, Ilsa brought an action to establish paternity, leading to a 'paternity suit' apparently held in 1939, in which Heymann's paternity was overturned. Her father was now deemed to be Theodor Köchert, her mother's second husband, in whose home she had grown up. In 1941, she was thus listed on her registration card as 'née Köchert'. This

[unofficial translation]

[unofficial translation]

was likely also in the interest of her husband Anton Poschacher, who had joined the NSDAP on 1 January 1940. A review of his political reliability conducted by the Gaupersonalamt (personnel office of the Reichsgau Vienna) in April 1939 and again in November 1941 further reveals that he was a member of the Deutsche Arbeitsfront (German Labour Front) the Nationalsozialistische Volkswohlfahrt (National Socialist People's Welfare), the Reichsluftschutzbund (National Air Raid Protection League) and the Nationalsozialistischen Bundes Deutscher Technik (National Socialist Federation of German Technology). After the end of the war, in June 1948, Anton Poschacher submitted a restitution claim to the Restitution Commission at the Linz-Nord Regional Court, demanding "the restitution of these properties under the Third Restitution Act, as the sale had been made under duress". As early as November 1946, reports concerning these properties had been submitted in accordance with the Vermögensentziehungs-Anmeldeverordnung (Asset Expropriation Registration Regulation). In a ruling dated 26 April 1949, the Restitution Commission granted Poschacher's application, declared the purchase contracts null and void, and ordered the restitution. The final decision took effect on 1 June 1949.

I. The works by Johann Evangelist Scheffer von Leonhartshoff from the August Heymann Collection, now housed in the Albertina, were acquired by the Albertina Graphic Collection in 1940 and 1942; as mentioned, they were not purchased from the Heymann estate. Rather, Helene, in agreement with her stepdaughter Ilsa, endeavoured to sell those works that had not been taken by the City of Vienna. Thus, in October 1937, she handed over four portfolios containing works by Scheffer von Leonhartshoff to the manager of the antiquarian shop Gilhofer & Ranschburg, so that he could sell the prints on her behalf. Whether and when the prints in question were sold cannot be ascertained from the sources; towards the end of 1940 – Gilhofer & Ranschburg had in the meantime been 'Aryanised' – they came into the possession of Vita Maria Künstler, then director of the Neue Galerie, as part of a collection comprising 130 items from the former August Heymann collection. The art dealer did not name a direct source but stated that she had been able to acquire "the Scheffer Collection", "whilst the Museum of the City of Vienna has acquired the majority of Dr. Heymann's estate". In the various letters of offer dated December 1940 preserved in the Belvedere's archives, she described the acquisition as having taken place "recently". Together with the Munich art dealer Wilhelm Koeberlin, Künstler offered the Scheffer drawings to various museums, collections and other art dealers – including the Albertina. Consequently, the Albertina acquired seven drawings in December 1940 (Inv. Nos. 28725 to 28731). The Scheffer sheet (Inv. No. 29558), acquired two years later from the Galerie Luz in Berlin, also originates from the collection sold via Vita Künstler and Wilhelm Koeberlin.

II. The work 'The Matterhorn seen from the Gornegrat, 1854' by Thomas Ender (Inv. No. 36935) was acquired by the Albertina from the Nebehay Gallery in April 1976, with funding

[unofficial translation]

[unofficial translation]

from the Federal Ministry of Science and Research. The art dealer Christian M. Nebehay had acquired the print from Otto Hummel at the end of January and immediately offered it to the Albertina. He was the husband of Helene Heymann's granddaughter Olga Helene, née Suess, who had lived with her grandmother in Kochel am See until the latter's death.

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 in accordance with Section 1 of the Nullity Act 1946 may be transferred to the original owners or their legal successors *causa mortis*. According to Section 1 of the Nullity Act 1946, "legal transactions and other legal acts against payment or free of charge during the German occupation of Austria are null and void if they were carried out in the course of the political or economic penetration by the German Reich in order to deprive natural or legal persons of assets or property rights to which they were entitled on 13 March 1938".

The present dossier shows that Helene Heymann, like her husband August, collected art and also acted as a lender. After August Heymann's death on 10 March 1937, Helene Heymann and Ilsa Poschacher, August's daughter from his first marriage, inherited his estate in equal shares. While the majority of his collection was sold to the Municipal Collections of the City of Vienna in July 1937, works by Johann Evangelist Scheffer von Leonhartshoff—including those at issue here—were explicitly excluded from this sale.

Ad I. For the sale of the objects not taken by the City of Vienna, Helene Heymann — in consultation with her co-inheriting stepdaughter — turned to the antiquarian shop Gilhofer & Ranschburg, with which she was familiar. The library of August Heymann was sold directly to the antiquarian shop in October 1937 and auctioned on 25 and 26 November 1937 under the title "Library Dr. A. H." as a "philosophical and art-historical reference library." At the same time, four Scheffer portfolios had been handed over on consignment to the manager Wilhelm Schab; they therefore remained the property of the two heirs of August Heymann. Whether and when the works were sold cannot be traced through the available sources. It is therefore possible that the sale of the Scheffer works had already taken place in 1937 — that is, before the period covered by the Nullification Act.

Seven of the works (Inv. Nos. 28725–28731) were acquired by the Albertina Graphic Collection in December 1940 from the Viennese art dealer Vita Maria Künstler, who stated in various preserved offer letters towards the end of 1940 that she had "recently" taken over the collection of a total of 130 sheets by Johann Evangelist Scheffer von Leonhartshoff. In negotiations with the Albertina, Künstler disclosed that the works in question originated from the estate of Dr. Heymann. The work acquired by the Albertina two years later from the Galerie Luz in Berlin (Inv. No. 29558) also originates from the collection sold via Vita Künstler

[unofficial translation]

[unofficial translation]

and Wilhelm Köberlin.

The mere fact that Helene Heymann listed an unspecified "½ share in various sketches" in her asset declaration of 16 July 1938 does not constitute evidence that the works in question were sold only after the annexation of Austria to the Nazi German Reich. It is possible that these referred to entirely different sketches, or that she declared the half-share as a precaution because she did not know the (possible) exact date of sale of the works previously handed over on consignment to the antiquarian shop Gilhofer & Ranschburg. Only if these works were in fact sold after the annexation of Austria would it be conceivable to deprive Heymann and Poschacher of their rights on the basis of the constituent elements of the Art Restitution Act or the Nullity Act. (The antiquarian shop Gilhofer & Ranschburg was Aryanised in 1939 — no precise inventory of the works still held at that time is available — however, since the consignment goods in question were the property of Heymann and Poschacher, the examination of the expropriation must be conducted with respect to them.) As the Advisory Board has established on several occasions with reference to the case law of the Restitution Commissions, relevant legal transactions by persons belonging to the circle of persecuted individuals are in principle to be deemed void and null within the meaning of Section 1 of the Nullity Act 1946. It was therefore necessary to examine whether Helene Heymann and Ilsa Poschacher are to be counted among the persecuted:

Helene Heymann was initially subject to persecution after the annexation of Austria to the Nazi German Reich. Under the 'Law for the Protection of German Blood and German Honour' in conjunction with the Ersten Verordnung zum Reichsbürgergesetz (First Regulation on the Reich Citizenship Law), the 'Office of Racial Policy' determined in early 1939 that "the half-Jewess", because she "was married to a Jew on the reference date, i.e. 16 September 1935", was to be regarded "as a Jewess", even though Helene sought to be reclassified on a par with persons considered "mixed-race". Only with the introduction of the new registration form in the 'Reich Gaus' in 1941 was she classified as a "second-degree Mischling", and the Vienna passport office issued her a new identity card on 6 November 1942, likewise indicating her changed classification. Helene Heymann subsequently remained in Vienna until February 1945; on her registration card for her new place of residence in Bavaria from March 1945, her "ancestry" was recorded as "Aryan."

Ilsa Poschacher also successfully challenged her classification as 'Mischling' after the annexation of Austria: while August Heymann is listed as her father in the baptismal register of 1894, three days after her birth, she initiated proceedings in 1939 to have his paternity revised through a paternity suit — successfully: Theodor Köchert, the second husband of her mother, was henceforth considered to be her father; this is also reflected accordingly in the registration records from 1941 onwards. Ilsa Poschacher was neither formally nor factually persecuted.

[unofficial translation]

[unofficial translation]

With regard to Helene Heymann, her initial discrimination under the criteria of the 'Nuremberg Laws' should not be overlooked; however, the Advisory Board considers it significant that she too ultimately lived unharmed (in Vienna) until 1945 and — like Ilsa Poschacher, albeit somewhat later — was classified as 'Aryan'.

It is therefore not advisable for the Federal Minister for Housing, Arts, Culture, Media and Sport to transfer ownership of the works in question to the legal successors *causa mortis* of Helene Heymann and Ilsa Poschacher.

Ad II. The Albertina purchased the work 'The Matterhorn' by Thomas Ender (Inv. No. 36935) from the art dealer Christian M. Nebehay in 1976. Since the latter had acquired the work in the same month from a member of Helene Heymann's family — the husband of her granddaughter — the acquisition unambiguously falls outside the period covered by the Art Restitution Act. A transfer of ownership is therefore not recommended in this case either.

[unofficial translation]

[unofficial translation]

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

[unofficial translation]