

[unofficial translation]

In accordance with § 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 the Art Restitution Advisory Board adopted at its meeting on 27 April 2004 the following

### **DECISION**

It is recommended that the Federal Minister for Education, Science and Culture transfer five printed items, which are more closely identified in the enclosed dossier in the name of "Gina Kaus", from the Austrian National Library to the legal successors *causa mortis* of Gina Kaus.

The subject matter of this report is five print items that were transferred from the library of Gina Kaus to the ownership of the Federal Government. These objects are listed in the attached list compiled by the Commission for Provenance Research under the designation "Gina Kaus". The Board assumes that this list is correct and complete.

### **GROUND**

Gina Kaus was persecuted because of her ancestry and had to emigrate in 1938. The Gestapo confiscated her possessions left behind, including a library. Five print items from the confiscated library ended up in the Austrian National Library, where they can be clearly identified by dedications to Gina Kaus.

The seizure by the Nazi authorities constitutes a null and void legal act according to § 1(1) 2. of the Restitution Act. As a result of the non-assertion of claims under the restitution legislation, the Republic of Austria acquired original ownership thereof. The above-mentioned publications would therefore have to be transferred free of charge to the legal successors of the original owner *causa mortis* in the sense of the cited passage of the law. The Federal Law

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of 4 December 1998, Law Gazette (BGBl. I) No. 181/1998, expressly refers only to "objects of art", but in an extensive interpretation of this term, the Board also subsumed the objects in question under this term.

Vienna, 27 April 2004

Chairperson: Sektionschefin Dr. Brigitte BÖCK

Members:

Vizepräsident Dr. Manfred KREMSER

Ministerialrat Dr. Peter PARENZAN

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