

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 30 March 2022, the Art Restitution Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister of Art, Culture, Civil Service and Sport that the objects listed in annex ./A and ./B be transferred from the Austrian National Library Department of Music to the National Fund of the Republic of Austria for Victims of National Socialism for disposal pursuant to Section 2.(1).2 of the Art Restitution Act.

GROUNDS

In its decisions of 11 September 2009, 15 May 2014, 5 October 2016, 6 March 2020 and 29 June 2021, the Board already recommended the transfer of numerous objects from the Austrian National Library to the National Fund of the Republic of Austria for Victims of National Socialism. On the basis of the Commission for Provenance Research dossier "Sheet music: anonymous owners" (11/2022) it establishes the following facts of relevance to the decision.

The Austrian National Library Department of Music has 810 items of sheet music whose former owners have not yet been identified. They are objects that were assigned to the National Library during the Nazi period or works that were incorporated into the library after the war.

The 653 works listed in annex ./A with shelf numbers between 30821 M.S. and 46131 M.S. were assigned by the Gestapo from 1938 to 1944. They are marked in the acquisitions book as "P. 38", "P. 1938", "Gestapo Sept. 1938", "Gestapo Mai 1939", "P. 1940", "P. 1941", "P. 1942" or "P. 1944". On the file cards next to the entry "Gestapo" and the abbreviation "P 38[-43]" in brackets is also the comment "seized libraries". The National Library saw a considerable increase in its holdings seized by the Gestapo during the Nazi period, mostly from libraries of Jewish private individuals and institutions, such as the Vienna Jewish Community and its affiliated provincial communities, and from disbanded associations and political organizations that opposed the Nazi ideology and were subsequently assigned to the National Library.

The second group (annex ./B) comprises 157 items with shelf numbers 55001 M.S. to 55156 M.S., with the provenance marking "BMV" (Federal Ministry for Securing Property and Economic Planning), the authority dealing with the restitution of private assets to persecuted Jews pursuant to the restitution laws and with the sale or leasing of objects classified as unclaimed after the war. For that purpose, the Book Sorting Department was established in the late 1940s in the Neue Burg in the Vienna Hofburg to store unclaimed books from the Dorotheum in Vienna, Tanzenberg in Carinthia and the National Library, among others. Some of the items, including the 157 works under consideration, that could not be assigned to an individual or institution and could not therefore be restituted, were incorporated by order of the Federal Ministry of Finance, as it had become, in the Austrian National Library, as

[unofficial translation]

confirmed on 30 September 1950. A binding declaration had to be made on acceptance of these objects by the Book Sorting Department that they would be “stored until clarification of ownership or definitive trusteeship” and that “works identified after handover as capable of restitution” would be “returned forthwith”. This process was deemed to have been concluded just four years later when the 157 items of sheet music were inventoried. Moreover, current research confirms the problematic provenance of these objects today.

Of the 810 items of sheet music, 30 objects have not only seizure markings but also provenance markings in the form of annotations of varying quality. In most cases they are dedications without the name (or surname) of the recipient, or very old annotations from long before 1938, or markings that can no longer be clearly deciphered because of the way the book was cut. The autopsy revealed that assignment to a specific individual or institution will probably be impossible in future.

Because of the illegibility of the markings or the absence of indications of the former owners, the 810 sheet music items cannot therefore be assigned to specific persons. Pursuant to Section 2.(1).2 of the Art Restitution Act, they are therefore to be transferred to the National Fund of the Republic of Austria for Victims of National Socialism.

Vienna, 30 March 2022

Univ. Prof. Dr. Clemens Jabloner (chairman)

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