

National Fund Law

Federal Act on the National Fund of the Republic of Austria for the Victims of National Socialism [unofficial translation]*

The National Council has decided as follows:

Article I

Section 1.

(1) A fund for the provision of benefits to the victims of National Socialism shall be established in the context of the National Council. It shall bear the designation "National fund of the Republic of Austria for the Victims of National Socialism".

(2) It shall be the objective of the Fund to express the particular responsibility towards the victims of National Socialism.

(3) The Fund shall be a separate legal entity and shall exclusively serve non-profit purposes. It shall be exempt of all taxes and other fiscal charges.

Section 2.

(1) The Fund shall render benefits to persons

1. who were persecuted by the National Socialist regime political grounds, grounds of origin, religion, nationality, sexual orientation, on grounds of a physical or mental handicap or on grounds the basis of accusations of so called asociality, or who in other way fell victim to typically National Socialist injustice or left the country to escape such persecution, and

2. who

(a) were citizens of the Federal Republic of Austria and were domiciled in Austria on 13 March, 1938, or

(b) had been permanently domiciled in Austria for a period of approximately ten years as per 13 March, 1938, or were born as children as such persons in Austria within that period, or

(c) lost their status as citizens of the Federal Republic of Austria or their place of residence of at least approximately ten years before 13 March, 1938, because they left the country due to the imminent march of the German Armed Forces into Austria, or

(d) who were born before 9 May, 1945, as children of such persons in concentration camps or under comparable circumstances in Austria.

(2) In particular, benefits shall be rendered to persons who have not received any or only insufficient benefits, who require special assistance, or in whose case assistance appears to be justified on the basis of their situation in life.

(3) The Fund may likewise support projects called into life to aid the victims of National Socialism, to contribute to the scientific research of National Socialism and the fate of its victims, to recall National Socialist injustice or to preserve the memory of its victims.

(4) The Fund shall render one-time-only or recurrent financial benefits. More detailed regulations concerning these benefits may be promulgated in the guidelines of the Fund.

Section 3.

- (1) The organs of the Fund shall be the Board of Curators (Section 4), the Committee (Section 5) and the Secretary General (Section 6).
- (2) In its outside dealings, the Fund shall be represented by the Chairman of the Board of Curators.
- (3) The benefits rendered by the Fund shall be administered in the manner of a private enterprise.
- (4) (Constitutional provision) The Fund shall be administered under the auspices of the President of the National Council by the Parliamentary Directorate. The President of the National Council may also commission officials of the Parliamentary Directorate to administer the Fund. The fund may equally delegate the handling of benefits granted by it to the Federal Minister of Labour and Social Affairs.

Section 4. (Constitutional provision)

- (1) The board of Curators shall be the supreme organ of the Fund. In particular, its tasks shall include:
 1. Promulgation of the rules of procedure of the Fund.
 2. Promulgation of the guidelines of the Fund concerning the granting of benefits.
 3. Adoption of the budget.
 4. Definition of the benefits to be decided by the Committee.
 5. Decisions concerning benefits inasmuch as these decisions are not delegated to the Committee.
 6. Adoption of resolutions concerning the investment of the property of the Fund.
 7. Monitoring of the use of the property of the Fund in keeping with its purpose.
 8. Approval of the statement of accounts.
- (2) The Board of Curators shall have the following members:
 1. the President of the National Council,
 2. The Federal Chancellor, the Vice-Chancellor, the Federal Minister of Foreign Affairs, the Federal Minister of Labour and Social Affairs, the Federal Minister of Finance and the Federal Minister of Education and Cultural Affairs (or suitably appointed representatives of the individual departments).
 3. twelve other members to be elected by the Central Committee of the National Council.
- (3) The members to be elected by the Central Committee shall be selected from the members of the National Council and the Federal Council including former members of the National Council and the Federal Council, other distinguished personalities of the public, cultural and scientific life of Austria and representatives of the victims concerned; they shall be elected for one legislative period. Their term of office shall last until the election of new members.
- (4) The President of the National Council shall be the Chairman of the Board of Curators. Acting upon a proposal submitted by the Chairman, the Board of Curators shall elect a Deputy Chairman. The Board of Curators shall pass its resolutions with a two-thirds majority in the presence of at least half of its members.
- (5) The board of Curators may decide to consult representatives of the victims concerned or other informants for certain decisions.
- (6) Before adopting the guidelines on the granting of benefits, the Chairman of the Board of Curators shall seek to obtain a statement by the Federal Minister of Finance.
- (7) The Chairman of the Board of Curators shall submit a report on each business year to the Central Committee of the National Council.

Section 5. (Constitutional provision)

- (1) The members of the Committee shall include the Chairman of the Board of Curators or a representative designated by him in the capacity of Chairman, another member designated by the Board of Curators in the capacity of Deputy Chairman as well as three other members to be appointed by the Chairman of the Board of Curators with the approval of the Central Committee of the National Council.
- (2) Within the scope of its competences (Section 4, para 1, lit. 4), the Committee shall decide on the granting of benefits.
- (3) At each meeting of the Board of Curators, the Chairman of the Committee (or his deputy) shall report to the Board of Curators on the decisions taken in the meantime by the Committee.

Section 6.

- (1) The Secretary General shall support the Chairman of the Board of Curators in the administration of the Fund and shall prepare the resolution and decisions of the Board of Curators and the Committee.
- (2) The Secretary General shall be appointed by the President of the National Council after consultation in the Presidential Conference of the National Council.
- (3) It shall be a further task of the Secretary General to maintain contacts between Austria and the victims of National Socialism living abroad.

Section 7.

- (1) The payments of the Federal Republic to the Fund shall be effected as provided by the annual Federal Finance Act in this context, the President of the National Council shall prepare the preliminary budget on the basis of a joint proposal made by the Chairman and Deputy Chairman of the Board of Curators and shall submit this preliminary budget, together with all appendices and explanatory notes, to the Federal Minister of Finance. The payments shall be remitted to the Fund in partial amounts in keeping with the actual requirements.
- (2) The following exemptions shall apply:
 1. Payments made by the Fund shall be exempt from income tax.
 2. Gratuitous transfers made to the Fund shall be exempt from inheritance and gift tax.
 3. The legal transactions necessary to discharge the tasks of the Fund shall be exempt from legal charges.

Section 8. This Federal Act shall come into force as of 27 April, 1995.

* Please be informed that we can not be held responsible for the correctness or completeness of legal norms published on this website. Here you can find the [Federal Law Gazette No. 432/95 in the currently valid form in German](#).