

[unofficial translation]

In accordance with Section 3 of the Federal Act of 4 December 1998, Federal Law Gazette I 181, at its meeting on 23 January 2001, the Advisory Board unanimously adopted the following

DECISION

It is recommended to the Federal Minister for Education, Science and Culture that the following art objects from Austrian federal museums, namely

1. from the Kunsthistorisches Museum, a red-figure clay pot, Attic, 5th century, inv.no. IV 3448 and
2. from the Albertina's Prints and Drawings Department, a watercolour by Moritz von Daffinger "Portrait of a Mother with Child" Albertina - Inv. No. 29241

be transferred to the heirs of Albert Pollak. An expert opinion on the succession will be obtained from an expert in private international law, which will provide information regarding to whom the property can be transferred.

FOUNDATIONS

The subject matter of this report is art objects that came into the possession of the Federal Government from the Albert Pollak Collection. These artworks are listed in the attached list compiled by the Commission for Provenance Research under the name "Dossier Albert Pollak". The Advisory Board assumes that this list is correct and complete.

In 1938, the Albert Pollak Art Collection was confiscated as Jewish property by the National Socialist ruling powers and, after the dissolution of the "Central Depot for Seized Possessions", was administered by the Institute for Monument Protection.

On 24 and 29 November 1941, the head of the Collection of Classical Antiquities of the Kunsthistorisches Museum confirmed that he had received 14 antique vessels, including a red-figure pot, Attic, 5th century, with athletes, from the Pollak Collection.

With the decision of the Financial Directorate for Vienna, Lower Austria and Burgenland of 14 July 1948, Zl. 20951/32/48, the 14 antique vessels listed above were restituted to the heirs of Albert Pollak, in addition to numerous other works of art. However, in a handwritten note from the head of the Collection of Classical Antiquities, the red-figure pot is described as having been "reacquired in 1951 as a levy for the export release of the other objects".

Among the confiscated art objects was also a watercolour sketch by Moritz Michael Daffinger, which was handed over by the Institute for Monument Protection to the Albertina along with four other objects in November 1941 and was also restituted by the above-mentioned decision of the Financial Directorate of Vienna, Lower Austria and Burgenland on 14 July 1948.

According to a memorandum dated 4 September 1951, in negotiations with Dr. Petracek, the legal representative of the heirs, not only the red-figure Attic pot mentioned above, which was handed over to the Collection of Classical Antiquities of the Kunsthistorisches Museum on 13 October 1951, but also the watercolour sketch "Seated Lady with Boy" by Daffinger was handed over to the Albertina on 21 October 1951.

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On 6 September 1951, Dr. Petracek sent the following letter to the Federal Monuments Office: "On behalf of the heirs of Mr. Albert Pollak, Mrs. Gisela Klauber, London, Helene Bruckner, Buenos Aires, Stella Szamek, London, and Charles Pollak, Roubaix, France", I hereby declare, in grateful recognition of the permission to export the rest of the art collection of Mr. Albert Pollak inherited by us to our new homeland, to dedicate the following objects of the above art collection to the Federal Monuments Office free of charge for the benefit of interested Austrian museums:

- 1.) No. 83, Daffinger: unfinished watercolour sketch,
- 2.) No. 104, Rud. v. Alt: Landhaushof in Graz,
- 3.) No. 324, lidded goblet with silver mounting, rock crystal,
- 4.) No. 356 Small post horn made of green glass,
- 5.) No. 448 Glass joke vessel in the shape of a rat;
- 6.) No. 449 " " in the shape of a hammer,
- 7.) No. 467 " " in the shape of a lizard,
- 8.) No. 468 " " in the shape of a bear,
- 9.) No. 477 Glass mug, "Maria Theresa", cut,
- 10.) No. 517 Glass lidded jug with pewter foot and pewter lid,
- 11.) No. 630 Glass pot in the shape of a Turkish coffee pot, thin bluish glass,
- 12.) No. 631, Glass pot in the shape of a Turkish coffee pot, lobe wing, moss green glass,
- 13.) No. 688, single-handled pot, red-figure style, 2 young athletes, Attic.
- 14.) No. 811 double-handled mortar made of brass, inscription "Jorg MDL XVIII".

Objects 2.) - 12.) and 14.) went to the Volkskundemuseum (Museum of Folk Life and Folk Art) and to museums in the provinces.

Both the antique pot and the watercolour sketch by Daffinger were restituted to the legal successors of the original owner Albert Pollak after a restitution procedure had been carried out and transferred to federal ownership free of charge after the export of the other art objects of the Pollak Collection had been approved. The causal link between this dedication and the approval of the export of other art objects is expressly recorded in the documents. The requirements of the first element of Section 1 of the Restitution Act are thus fulfilled in the case of both art objects and the above-mentioned recommendation for restitution had to be issued.

Among the objects restituted in 1948 were also three porcelain objects, which were exchanged on 6 December 1950 on behalf of the heirs of Albert Pollak for five inventory numbers from the Austrian Museum of Applied Arts, whereby this exchange is described in the files as being very advantageous for the museum.

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Already in the above cited official note of the Federal Office for the Protection of Monuments from 4 September 1951, it is stated that "Director Schlosser (Museum of Applied Art) has informed us by telephone that none of the objects of decorative art reported for export are of interest to him, as he has already reached an exchange agreement with Mr. Blumka" and in the above-cited letter from Dr. Petracek, dated 6.9.1951, there is no reference to a connection between the exchange transaction carried out and the export of other art objects, so it is to be assumed that this transaction met with the approval of the owners.

Restitution in accordance with the first element of Section 1 of the Restitution Act is not possible, as the criterion of the gratuitousness of the acquisition of ownership by the Federation is missing. A possible restitution of the porcelain objects, which the Advisory Board cannot recommend, would in any case have to be made dependent on the restitution of the art objects from the holdings of the Austrian Museum of Applied Arts that were given in exchange.

Vienna, 23 January 2001

Chairman:

Rudolf WRAN

Members:

Ministerialrat Dr. Peter PARENZAN, Bundesministerium für Wirtschaft und Arbeit

Vizepräsident Dr. Manfred KREMSER, Finanzprokurator

Mag. Christoph HATSCHEK, Heeresgeschichtliches Museums

Generalanwalt Dr. Peter ZETTER, Bundesministerium für Justiz

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