



## Guidelines for awarding funding from the Fund for the Restoration of the Jewish Cemeteries in Austria

The Board of Trustees of the Fund for the Restoration of the Jewish Cemeteries in Austria issued the following guidelines on 24 May 2011 and amended them as per 1 September 2015 and 15 May 2017.

### Preamble

Pursuant to Sec. 2 (1) of the Bundesgesetz über die Einrichtung des Fonds zur Instandsetzung der jüdischen Friedhöfe in Österreich ("Federal Law on the Establishment of the Fund for the Restoration of the Jewish Cemeteries in Austria", Federal Law Gazette I no. 99/2010) in the years 2011 to 2030 the Federation shall allocate to the Fund an annual amount of one million Euro.

The owners of the Jewish cemeteries shall provide regular information to the Federation demonstrating that pursuant to Sec. 3 (2) an amount equaling the Federation's allocation to the Fund is provided by the owners of the Jewish cemeteries and/or third parties contracted by the owners.

Pursuant to Sec. 4 (1), the organs of the Fund for the Restoration of the Jewish Cemeteries in Austria shall be the organs of the National Fund of the Republic of Austria for Victims of National Socialism. Should the term Fund be used in the following, it shall refer to the Fund for the Restoration of the Jewish Cemeteries in Austria.

## Guidelines for awarding funding from the Fund for the Restoration of the Jewish Cemeteries in Austria

Version of 24 May 2011, as amended on 1 September 2015 and 15 May 2017.

Pursuant to Sec. 3 (5) of the Federal Law on the Establishment of a Fund for the Restoration of the Jewish Cemeteries in Austria (Federal Law Gazette I no. 99/2010), the Board of Trustees issues the following guidelines for awarding payments from the Fund for the Restoration of the Jewish Cemeteries in Austria.

### Applicants for funding and type of funding

1. Funding shall be granted for restoration measures implemented in Jewish cemeteries in Austria and the work required for their planning and realization.
2. The owners of the cemeteries in need of restoration shall be eligible to apply for funding.
3. The funding shall take the form of a subsidy.

### Requirements for the receipt of funding

4. Pursuant to Sec. 3 (2) of the Federal Law on the Establishment of a Fund for the Restoration of the Jewish Cemeteries in Austria the owners of the Jewish cemeteries and/or third parties contracted by the owners (as defined in item 4.1.) shall provide third party resources in equal amount to the allocations from the Federation

4.1. The term "contracted third party" in the meaning of item 4 is to be understood as the limited liability partnership (GmbH) established by the Jewish Community Vienna for the purpose of restoring the Jewish cemeteries or any other establishment representing the respective owner of a Jewish cemetery.

4.2. The term "third party resources" is to be understood as those resources which are provided by the applicant in the form of monetary payments, contributions in kind and work performed, or which are to be attributed to the applicant such as third party loans, monetary payments, contributions in kind and work performed, inclusive of services rendered free of charge since 1 January 2010. Confirmation of future services rendered by third parties must be submitted in written form.

4.3. Work performed free of charge is such work as is or was performed within the scope of the restoration.

4.4. Services rendered by private third parties (loans, monetary payments, contributions in kind and work performed) shall only be acknowledged by the funding body once the pertinent documentation issued by the private third party (title of the private third party, description of the services, amount, date, intended purpose, signature of the private third party or the project leader of the institution/association/school undertaking the project).

4.5. Services rendered by or on behalf of the applicant may only be acknowledged upon submission of detailed information on the persons involved and the nature, duration and extent of the service rendered. Services rendered voluntarily that were not subject to remuneration shall be acknowledged in accordance with the valuation guidelines set out in the appendix. Under no circumstances may services rendered by or on behalf of the applicant take a profit or risk margin into account, such as is customarily taken into account in the market prices of commercial undertakings or fee guidelines for freelance services.

5. The written and binding undertaking of the respective municipality to bear the costs for the continued upkeep of the cemetery concerned for a minimum of 20 years (Upkeep Agreement) must be submitted

5.1. Upkeep is defined as work performed to maintain the functional, neat and well-tended state of all installations situated on cemetery grounds in keeping with halakhic laws. It does not include restoration work. When applied to tombs, graves and headstones, upkeep is under no circumstances to include work on the substance of the graves such as stonemasonry or the re-erection of headstones.

#### Subsidizable and non-subsidizable expenditure

6. Subsidies are only awarded for expenditure that is directly related to the funded services, and only to the extent deemed absolutely necessary to achieve the funded objective, including but are not limited to:

6.1. Re-erecting headstones, grave borders and reinforcements

6.2. Renovating, securing and restoring all types of burial sites, headstones and grave borders, decorative elements and other additional components;

6.3. Renovating, securing and restoring all structural installations and paths located on the cemetery grounds and the repair of various wastewater facilities;

6.4. Removing overgrowth, clearing headstones (of overgrowth);

6.5. Felling trees, insofar as this is required for the restoration work and carried out in compliance with the pertinent statutory provisions;

6.6. One-off security cuts, rootstock drilling and replanting, insofar as this is required for the restoration work;

6.7. Securing the historical information inscribed on headstones and tombs;

6.8. Obtaining the services of a civil engineer to ensure the application complies with the guidelines (see item 8).

6.9. Planning services required within the scope of the abovementioned subsidizable services (items 6.1 to 6.7) are also eligible to be subsidized.

6.10. Services are only eligible to be subsidized if the costs thereof were incurred after the decision of the Board of Trustees and the finalization of the Funding Agreement.

7. Services which cannot be subsidized include but are not limited to

7.1. Administrative duties of the Jewish cemetery owner

7.2. Work serving research purposes

7.3. Upkeep.

#### Application

8. The application shall be filed by the owner of the respective Jewish cemetery in need of restoration using an application form to be provided by and submitted to the Fund. This application form shall contain:

8.1. Information on the applicant for funding and on the author(s) of the documents contained in the application.

8.2. A project description: description of the cemetery or part thereof which is to be restored.

8.3. The work to be rendered in each case (e.g. boundary fencing or walls/vegetation/graves etc.).

8.4. Date and signature of the owner's authorized signatory.

9. The owner of the cemetery in question shall undertake to engage a state-certified civil engineer to ensure that the submitted application complies with the guidelines. The civil engineer may be engaged prior to the Board of Trustees' decision.

9.1. The services of the civil engineer shall be commissioned under the following terms and conditions:

9.1.1. A maximum of 40 hours may be commissioned for the civil engineer's examination of the application;

9.1.2. The fees must amount to between 1.5 and (maximum) 2 times the basic rate published by the Federal Chamber of Civil Engineers and Architects.

9.2. The abovementioned civil engineer may not be a bidder in the application in question or be subject to any other conflict of interests.

10. The following must be enclosed with the application:

10.1. A project description of the intended restoration work containing a coherent list of all services and planned expenditure as well as a budget and schedule for the requested project.

Accordingly, the application must contain:

10.1.1. A description of the project, including descriptions of the planning documents and their authors;

10.1.2. Any tender documents as a basis for the price comparison lists;

10.1.3. Proof that at least three authorized bidders were invited to submit a bid; weighted price comparison lists and the bidders' estimates that form the basis for the price comparison list. The applicant for funding must vary the pool of bidders to the greatest extent possible;

10.1.4. An award proposal based on the price comparison list, if necessary containing the reasons for the intended award;

10.1.5. A breakdown of costs for the project overall pursuant to ÖN B 1801-1.

10.1.6. A declaration that the applicant for funding and/or the company commissioned by the applicant for funding to undertake the renovation shall comply with the relevant statutory requirements (obtaining the necessary permits pursuant to the Act on the Protection of Monuments, clearance permits etc.);

10.1.7. The applicant for funding must state any subsidies awarded from public funds, including EU funds, in the three years prior to the submission of the request for funding of the same service, even if the designated purpose was different, and any applications for funding of this nature submitted to another budgetary department of the Republic of Austria or a legal entity, including regional administrative bodies and the European Union, which have not yet been decided or will still be filed.

10.2. The written and binding declaration from the respective local municipality (Upkeep Agreement), undertaking to bear the expenses for the continued maintenance of the cemetery in question for a minimum of 20 years (see item 5.).

10.3. In the event that the owner were to commission a third party to undertake the overall restoration of the respective cemetery pursuant to Sec. 3 (1) of the Federal Law on the Establishment of the Fund for the Restoration of the Jewish Cemeteries in Austria, a written contract for the respective (sub-)project must also be enclosed with the application.

11. The Office of the Secretary General shall advise and assist the applicants for funding if required.

12. The applicant for funding must communicate to the Office of the Secretary General without delay and at its own initiative any events that delay or prevent the performance of the subsidized service or necessitate an amendment to the application for funding or the agreed terms and conditions thereof. The Office of the Secretary General shall determine the subsequent course of action. The communication must detail the reasons and, if applicable, the financial repercussions of these events.

13. Application filing period: the Board of Trustees shall decide bi-annually on applications which have been filed in full. Applications can be filed with the Fund at any time.

13.1. In order for an application to be decided in the spring meeting, it may be submitted no later than 15 January.

13.2. The filing period for the fall meeting expires on 1 September of each year.

#### Examination of the application by the Office of the Secretary General

14. The Office of the Secretary General shall examine the applications as to their completeness, and prepare them for consideration by the Advisory Board.

15. The statements made by the applicant for funding in his/her/its application must be substantiated with the relevant documentation, and their plausibility shall be assessed by the Office of the Secretary General.

16. The Office of the Secretary General can request the applicant for funding to supplement or amend the application or to provide more specific information. The extent and nature of the required supplementation/amendment shall be set out in writing.

17. The Office of the Secretary General shall acknowledge receipt of the proof submitted by the owners of the Jewish cemetery regarding the resources provided by the owner or by a contracted third party as defined by item 4.2.

18. Once the Office of the Secretary General has completed its examination of applications, it shall be submitted to the Advisory Board.

#### Recommendation for funding

19. The Advisory Board advises the Board of Trustees in its decisions on awarding funding. To do this, it examines the submitted applications and makes recommendations as to the extent of the funding to be awarded in each case.

20. The Advisory Board can request the applicant for funding to improve his/her/its application. Such requests shall be forwarded to the applicant by the Office of the Secretary General.

21. When reaching its decisions on the submitted projects, the Advisory Board shall take all submitted projects into account. In its recommendations, special attention shall be paid to ensure that the distribution of the available means occurs in accordance with the urgency of the restoration required by the projects.

22. The recommendations resolved in the meetings of the Advisory Board shall be conveyed to the Board of Trustees as the basis for its decisions.

23. As a rule, the meetings of the Advisory Board shall take place bi-annually. They shall be scheduled in such a way that the Board of Trustees can decide on the projects in its subsequent meeting.

24. The right to decide on the submitted applications is reserved for the Board of Trustees.

#### Funding Agreement

25. Once the application has been approved by the Board of Trustees, the Fund shall prepare a Funding Agreement between the Fund and the applicant for funding. It shall be signed by the Secretary General on behalf of the Fund, and by the authorized signatory on behalf of the owner.

26. Subject of the Funding Agreement are the services approved for funding by the Board of Trustees on the basis of the submitted project concept; the rights and obligations of the parties to the Agreement; the methods of payment and settlement of account.

27. A Funding Agreement template is appended to the Guidelines and forms an integral part of these Guidelines.

#### Payment of funding

28. Payments from the Fund to the applicant for funding or contracted third parties (as defined by item 4.1.) shall be rendered – following the positive decision of the Board of Trustees on the project application and the conclusion of a Funding Agreement – in quarterly installments in accordance with the progress of the project. A minimum of ten percent of the total amount granted shall be held back until it is established that the project has been duly implemented. The payment of the remaining ninety percent of the awarded amount shall be paid in quarterly installments in accordance with the foreseeable demand in the following quarter, subject to the restriction that seventy-five percent of this foreseeable demand is disbursed at the beginning of the respective quarter. The remaining amount of up to twenty-five percent according to demand shall not be disbursed until a proof of use has been submitted for the amount already received. This shall be governed in further detail in the Funding Agreement.

#### Settlement of account

29. Within three months of the completion of the (sub-)project subsidized by the Fund the applicant for funding must submit a statement of account that demonstrates that the funds have been used for their designated purpose. Any necessary permits must also be submitted at this time. In addition, upon completion of all restoration work carried out on a cemetery, an overall settlement of account shall be submitted demonstrating the appropriate use of the funding.

#### Completion of the project

30. Upon completion of a subsidized sub-project the Office of the Secretary General must determine, if necessary with expert assistance, that the respective project has been duly realized in order to ensure that the purpose for which funding was granted has been met. The Office of the Secretary General shall then report back to the Advisory Board and, subsequently, the Board of Trustees.

31. Upon completion of all measures serving the restoration of a cemetery or areas of a cemetery in Vienna or Graz the Advisory Board and staff of the Fund shall determine, with expert assistance, that the restoration measures have been duly executed.

32. The Office of the Secretary General shall provide the applicant for funding with written declaration that all restoration measures pertaining to a cemetery or an area of a cemetery in Vienna or Graz have been completed. This written declaration can then be submitted to the local municipality and effectuates the entry into effect of the Upkeep Agreement. The Office of the Secretary General shall inform the Board of Trustees that the written declaration has been issued.

33. An entire project is deemed completed once the due execution of the restoration measures has been determined pursuant to items 30 and 31, an overall settlement of account has been submitted demonstrating the use of the funds for their designated purpose and the Upkeep Agreement has entered into effect (see item 32). This in no way invalidates the Maintenance Agreement with the City of Vienna (supplement).

#### Repayment

34. In the case that the obligations contained in the Funding Agreement are not met, the applicant for funding undertakes in the Funding Agreement to reimburse the funds received. The specific terms can be gathered from the Funding Agreement template.

#### Miscellaneous provisions

35. Requests for means: a requirement for the assignment of means to the Fund is the credible demonstration by applicant for funding of an “irrefutable need” for restoration and the conclusion of a Funding Agreement. After examination of the application by the Advisory Board and approval by the Board of Trustees, in the case of irrefutable need the Office of the Secretary General shall request the Parliamentary Administration to transfer the means owing for the following quarter in accordance with the Funding Agreement.

36. The Advisory Board shall decide on the value of the services rendered free of charge (as meant by item 4.2) on the basis of e.g. the terms of collective labor agreements or standard hourly rates and submit its recommendation in this regard to the Board of Trustees for approval (see also item 4.5). The Office of the Secretary General shall accept all documentation/proof of the services so far rendered pursuant to item 41 and the services rendered free of charge and submit to the Advisory Board a list of the documented services rendered by or on behalf of the applicant.

37. In order to receive the payment to the Fund, the Office of the Secretary General must submit a report to the Parliamentary Administration on the irrefutable need determined by the Board of Trustees. An irrefutable need is confirmed if (an) invoice(s) for restoration work is/are payable in the quarter following the Fund's request.
38. The request for means is to be filed with the Parliamentary Administration one month prior to the beginning of the relevant quarter.
39. The Office of the Secretary General shall inform the Advisory Board of the restoration progress being made in projects already approved by the Board of Trustees at least every six months. This includes reports on the progress of an ongoing project, on the completion of a project and on the completion of all projects relating to a single cemetery.
40. The Advisory Board shall closely follow the realization of the projects that have been approved.
41. The Advisory Board shall report back to the Board of Trustees on the current status of the resources so far provided by the owners of the Jewish cemeteries or of resources provided by third parties to be attributed to the owner (third party resources as defined by item 4.2.)
42. The Board of Trustees shall approve the final statement of account for each individual project, and upon completion of all restoration work on a cemetery, shall approve the overall final statement of account.
43. The Office of the Secretary General shall submit the settlement of account for the Fund to the Board of Trustees for annual approval.

#### Appendix:

1. Changes in services
2. Valuation of the services rendered by volunteers

Appendix (81.3 KiB)

#### Supplement I:

1. Restoration goal
2. Cost breakdown

Supplement I (431.6 KiB)

#### Supplement II:

Agreement regarding the restoration of the Jewish Cemeteries in Vienna