



Statistics on Application Processing for In Rem Restitution as at 4. April 2019

Applications	Total
TOTAL NUMBER OF APPLICATIONS [1]	2,307
-- substantive applications [2]	644
---- of which applications for reopening [3]	41
---- of which applications withdrawn	33
-- formal applications [4]	1,434
---- of which applications for reopening [3]	1
---- of which applications withdrawn	39
-- APPLICATIONS CURRENTLY BEING PROCESSED	0
---- Substantive applications currently being processed	0
----- of which applications for reopening currently being processed	0
---- Formal applications currently being processed	0
----- of which applications for reopening currently being processed	0
-- DECIDED APPLICATIONS	2,006
---- Substantive applications decided	611
----- Substantive applications recommended [5]	140
----- of which applications for reopening recommended [6]	17
----- Substantive applications rejected [7]	324
----- of which applications for reopening rejected [8]	22
----- Substantive applications dismissed [9]	147
----- of which applications for reopening dismissed [10]	2
---- Formal applications decided	1,395
----- of which applications for reopening dismissed [11]	1
-- APPLICATIONS WITHDRAWN	72
-- APPLICATIONS CONCLUDED WITHOUT DECISION [12]	229

1. These applications were filed by 2,239 applicants. The number of applications may still be subject to fluctuation despite the expiry of the deadlines because, among other reasons, it also includes applications filed after the deadline, and applicants can file more than one application. Since October 2016, the applications to have proceedings reopened have been counted as applications in their own right and have been integrated into the procedural statistics as such.
2. Upon first inspection, these applications fulfill the fundamental requirements, particularly public ownership on the cut off day, 17 January 2001 and ownership at the time of the seizure between 1938 and 1945.
3. Since 2007, Sec. 21a of the Rules of Procedure of the Arbitration Panel has, under certain circumstances, provided for the reopening of proceedings that have already been concluded, within a period of two years after the decision has been issued. Proceedings are then reopened if an application for reopening is submitted with evidence that was previously inaccessible and warrants the assumption that it would have led to a different outcome in the previous proceedings. If the Arbitration Panel considers there to be new evidence the proceedings are reopened. In these cases, the previous decision is either repealed or amended/supplemented. If the requirements for a reopening are not met, the Arbitration Panel issues a decision rejecting the application for the reopening of proceedings. Applications for the reopening of proceedings can only pertain to applications that have already been processed.
4. Formal applications do not fulfill the fundamental requirements for *in rem* restitution upon initial inspection, particularly public ownership on the cut off day, 17 January 2001 and ownership at the time of the seizure between 1938 and 1945. These also include applications which could only be granted if they had been filed by Jewish communal organizations; they were, however, filed by individuals on their own behalf.
5. Regarding these 140 applications 61 decisions were issued.
6. These 17 applications for reopening (two of which were reopened *ex officio*) resulted in two positive decisions on reopening, whereby the initial decision in each case was repealed, and two (supplementary) recommendations.

7. Regarding these 324 applications 136 decisions were issued. The two rejections that were repealed by reopening, no. 4/2004 and 46/2006, are included in this figure.
8. These 22 applications for reopening resulted in 11 decisions rejected the applications for reopening.
9. Regarding these 147 applications 24 decisions were issued.
10. Regarding these two applications one decision was issued.
11. Regarding this application one decision was issued.
12. The processing of these applications was suspended by the Arbitration Panel due to flaws in the applications (missing powers-of-attorney, no eligible applicants known).