



BRITISH BANKERS' ASSOCIATION

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BBA Guidance on Backdating Waiving of Commission Charges for Holocaust Reparations Payments

A number of European countries pay holocaust reparation pensions and compensation payments to customers of UK banks. A list of compensation schemes is attached.

These payments sometimes come through a separate correspondent bank to the customer's bank. In the past sometimes both the correspondent and customer's bank have charged a commission on this payment. In June 2000 a number of banks agreed not to charge a commission fee where they were the customer's bank.

Both correspondent and customers' banks have received requests to make payments in respect of Commission charges on payments received before June 2000. Banks have sought to establish a consistent framework to simplify the consideration of such requests and to expedite payments to the customers involved. Each request and the circumstances surrounding it will continue to be considered sympathetically on a case by case basis.

This guidance for members of the British Bankers' Association is designed to govern payments made in respect of these commission charges. It includes awards which are made over more than one payment.

From 1 June 2002, where retail banks which are members of the British Bankers' Association make payments in respect of commission charges on these payments we would expect them to observe the following:

- Where a customer requests it, and where the bank is satisfied as to the customer's bona fides, the customer's bank will make a payment in respect of commission charges on holocaust reparation payments to the commencement of the payment..
- This will offer a minimum of £2 per payment; individual settlements in excess of this amount will be considered where the customer is able to provide further information.
- Where both the correspondent bank and the customer's bank charge a commission, the customer's bank will make a payment in respect of all charges regardless of which bank levied them.
- Where a customer has changed banks during the period, the banks will waive charges for the period they were the customer's bank. [*eg if the account was with Bank A between 1945 and 1960 they would waive charges for that period*].

British Bankers' Association
30 April 2002

Attachment

Holocaust era compensation schemes to which the guidance applies

German and Austrian state pensions – paid in respect of Nazi persecution to refugees who came to this country before, during and after the Second World War.

Article II Fund & Hardship Fund – both paid by the Conference on Jewish Material Claims Against Germany (Claims Conference) from monies allocated by the Federal German Government. The Article II Fund pays DM 500 per month and the Hardship Fund makes a one-time payment of DM 5,000.

Financial Compensation for Orphans whose parents died during WWII after being deported from France (French Orphan scheme) – applications are restricted to people who had one or both parents murdered as a consequence of deportation and who were under twenty-one at the time.

Those precluded from making an application are victims who are already receiving a pension from either the German or Austrian government. Those eligible will receive either a one-time payment of 180,000 Ffr (approx. £18,000) or a monthly pension of 3,000 Ffr (approx. £300).

Stichting Maror-Gelden Overheid (Dutch Maror) – victims of Nazi persecution in the Netherlands are eligible to receive monies from a Dutch government scheme “in recognition of retrospectively identified shortcomings in the restoration of rights following World War II and the government’s conduct in this matter”.

The *Stichting Maror-Gelden Overheid* was created jointly in the spring of 2000 by Dutch Jewish organisations and the government of Holland and makes awards to Jewish targets of persecution who lived in Holland during the war and whose assets were looted during this period. Heirs of victims who died on or after 8 May 1945 are also eligible to apply.

Each eligible person will receive a first payment of NLG 14,000 (approx. £4,000) with the possibility of a further grant once all applications have been received. Owing to the uncertainty of the number of applicants a decision as to the total amount that will be received by each claimant has not yet been disclosed.

German Slave Labour – victims of Nazi persecution used as forced labourers are entitled to compensation from the Foundation: “Remembrance, Responsibility and Future” created jointly by the German government and German industry.

Each slave labourer will receive up to DM 15,000 and each forced labourer up to DM 5,000. The awards will be made in two payments, the first of which is expected by the middle of July 2001. Whether each victim receives the full amount of DM 15,000 or DM 5,000 depends on the total number of eligible applicants, which will not be known until after the filing deadline.

Swiss banks – on top of these awards to be paid by the German Foundation, the court presiding over the Swiss bank settlement has ruled that an additional payment be made to all eligible labourers. Each identified slave labourer will receive up to a further \$1,000 also in two instalments.

Swiss Refugee Programme – the Swiss bank settlement also provides compensation to those victims of Nazi persecution who were denied entry into, or expelled from, Switzerland, or who were detained and abused in Switzerland during the war. Those denied entry or expelled will receive, over two payments, up to \$2,500 and those detained and abused will receive up to \$500.

General Settlement Fund (Austrian property scheme) - will provide ex gratia payments of \$7,000 (approx. £4,000) to Holocaust victims persecuted in Austria during the Second World War. This payment provides compensation for the looting of household goods and personal possessions as well as for the loss of tenancy rights.

Anyone who received an original payment from the Austrian National Fund, which would have been approximately £3,000, will be entitled automatically to a payment from the General Settlement Fund.

NB. There are some Austrian victims who did not receive this original payment and who will now be entitled to two awards: the original £3,000 and the new £4,000.

The Austrian Reconciliation Fund – victims of Nazi persecution used as slave and forced labourers in Austria can now receive compensation payments. Similar to the Foundation created in Germany, the Austrian Reconciliation Fund makes compensation payments for slave labourers – AS 105,000 (approximately £4,000) – and forced labourers – AS 35,000 (approximately £1,500). A third category of labourers who worked exclusively in agriculture and forestry will receive a payment of AS 20,000 (approximately £700).