

PROCESSING GUIDELINES: COMPENSATION FOR IMMOVABLE PRIVATE PROPERTY

PURSUANT TO LAW NO. XI-1470 OF THE REPUBLIC OF LITHUANIA ON THE GOOD WILL COMPENSATION FOR THE IMMOVABLE PROPERTY OF JEWISH RELIGIOUS COMMUNITIES

I. THE GOAL OF THE PROGRAM

Beginning in 1991, the Republic of Lithuania passed a series of laws that addressed the restitution of private immovable property that was nationalized or otherwise illegally expropriated during the period of occupation by the totalitarian regimes. These laws made eligibility contingent on current Lithuanian citizenship, and effectively excluded most Holocaust survivors, and their families, who no longer lived in Lithuania. In response, the Republic of Lithuania recently amended Law No. XI-1470 of the Republic of Lithuania on the Good Will Compensation for the Immovable Property of Jewish Religious Communities, dated January 1, 2023¹ (hereinafter, the Law), for the purpose of mitigating some of the historical injustices caused to Holocaust victims as a result of restrictive, complicated, and evolving citizenship laws. In the Law, the Republic of Lithuania committed to pay a one-time symbolic payment to eligible Lithuanian Jews or their heirs whose property was not returned in the context of valid restitution legislation. Pursuant to the Law, the Republic of Lithuania has provided 5-10 million Euros to fulfil this goal. The Good Will Foundation (GWF) was designated as the entity responsible for administering the fund and distributing the funds to eligible applicants.

The exact amount to be distributed to each individual can only be calculated when the total number of approved applicants has been determined.

II. GENERAL PROVISIONS

In accordance with the Article 2.1.1. of the Law, the Guidelines for submitting Applications for Projects financed by the Good Will Foundation approved by the resolution of the Sole Shareholder No. 1/2022-09-21 21/09/2022 of PE the Foundation for Disposal of Good Will Compensation for the Immovable Property of Jewish Religious Communities (hereinafter – GWF) establishes the procedure for the disposal of funds allocated to the GWF for compensation of the illegally expropriated immovable property of the Jewish religious communities of Lithuania (the procedure for the evaluation, selection, financing and implementation of applications submitted to the GWF).

In accordance with the Article 2.1.2. of the Law, the procedure for the disposal of funds allocated to the GWF establishes the procedure for the disposal of funds allocated to the GWF (procedure for evaluation, compensation and implementation of applications submitted to the GWF by Lithuanian Jews for compensation of illegally expropriated immovable property objects).

III. ELIGIBILITY

Eligible Applicants:

- Original owners, defined as:
 - Persons of Jewish descent who lived in Lithuania at any time prior to May 8, 1945; and
 - Owned property that was nationalized or otherwise illegally expropriated during the period of occupation by totalitarian regimes between June 15, 1940 and March 10, 1990; and
 - Did not have the legal opportunity to restore property rights in accordance with legislation in the Republic of Lithuania,² because they were non-citizens of the Republic of Lithuania between June 18, 1991 and December 31, 2001.

¹ See *Law of Lithuania on the Good Will Compensation for the Immovable Property of Jewish Religious Communities*, (1 January 2023, No. XI-1470), available at: <https://www.e-tar.lt/portal/lt/legalAct/TAR.6EFCEA60E654/asr>.

² See: *Law on the Procedure and Conditions of the Restoration of the Rights of Ownership to the Existing Real Property*, (18 June 1991, No. I-1454), available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.1445?jfwid>.

- Heirs to original owners, in accordance with the 1997 Law on the Restoration of Property Rights:³
 - Where there is no surviving original owner, the spouse, parents (adoptive parents), or children (adopted children) of the original owner can submit an application, and in event of their death, the grandchildren of the original owner or the grandchild's spouse can submit an application.
 - Applications can also be submitted by heirs stipulated in the will of the original owner, and in the event of their death, their spouse, parents (adoptive parents), children (adopted children), grandchildren, or grandchild's spouse can also submit an application.

Eligible immovable property:

1. Structures used for economic and commercial purposes, together with their appurtenances.
2. Residential houses, together with their appurtenances.
3. Apartments, together with their appurtenances.

Land is not eligible for this symbolic compensation.

IV. PROCESSING GUIDELINES

- Applications will be made available and may be completed in Lithuanian language or English.
- Application deadline will be December 31, 2023.
- No application received by the GWF after the December 31, 2023 deadline will be considered for payment.
- In the event that certain documents are discovered after December 31, 2023, it may be possible to amend the application (after consultation with the GWF) even after the closing date.
- If the submitted Applications do not meet the requirements of the Law or GWF needs additional information and/or documents, GWF shall make one of the following decisions:
 - GWF has the right to request the Applicants to provide additional information and/or documents and to clarify the submitted Applications within the deadline set by the GWF.
 - Make a decision on the allocation of compensation based on the submitted documents.
 - Declare that the submitted documents are insufficient.
- Applicants have an obligation to prove the ownership of the property, their relationship to the original owner, and their rights to inherit.
- Eligible applicants must be alive at the time of submitting the application.
- In the event an application is approved, and the applicant passes away after the submission of the application, the legal successor(s) who contact the GWF within the appropriate time period and provide the required documentation will be entitled to the appropriate portion of the payment.
- Legal Successor is defined as: “The legal successor to the eligible applicant is his or her spouse (or common-law spouse) and if he or she is deceased, the legal successor is his or her children in equal parts. If one or more of the children do not indicate, by completing the appropriate documentation within the specified time, that he or she wishes to obtain his or her share of the payment, the share of that child shall be distributed among the children that do complete the documentation within the specified time.”
- It will be the responsibility of eligible applicants to determine whether payment from the Lithuania fund is taxable and/or effects any government benefits or assistance to which they may be eligible.
- Taking into account the practical implementation of this procedure, which could negatively affect the implementation of the Law, this procedure can only be adjusted by a decision of the GWF.

³ See *Law on the Restoration of Property Rights of Citizens of the Republic of Lithuania to Surviving Real Estate*, (1 July 1997, VIII-359) at Article 2, available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.41505/asr>. Note that references to citizenship are no longer applicable.

V. EVALUATION OF APPLICATIONS AND DECISION ON ALLOCATING COMPENSATION

- GWF'S evaluation of Applications consists of three stages:
 - Evaluation of administrative compliance
 - Evaluation of Applications in the Restitution Committee;
 - Resolutions by the GWF Board.
- During the evaluation of administrative compliance:
 - Registration of submitted Applications;
 - It is checked if signature on Application is valid;
 - It is checked whether Application is submitted on time;
 - It is checked if Application is duly completed;
 - It is determined whether the submitted Application and annexed documents meet the requirements of these Guidelines;
 - It is determined whether the submitted documents supporting the Application comply with the laws of the Republic of Lithuania.
- If, during the evaluation of the administrative compliance of the Application, it is determined that the Application was submitted with non-compliance with the requirements set in the Guidelines, the Applicant is allowed to eliminate the deficiency within the deadline set by the GWF.
- For the purpose of the evaluation of the validity of the received Applications, the GWF has the right to receive information from the State or Municipal institutions about the immovable property objects of Lithuanian Jews, as well as its owners and their heirs/successors of property rights. For the purpose of effective and operative implementation of the Law, GWF shall address the Government of the Republic of Lithuania with a request to intermeditate by asking the assistance and help of every kind from municipal archives and other relevant organizations of the Republic of Lithuania in order to ensure the partnership and implementation of the Law.
- After determining that the Application meets all the requirements of the evaluation of administrative compliance, the Application shall be submitted to the Restitution Committee, which evaluates the Applications and makes recommendations to the GWF Board. Submissions to the GWF Board shall be made periodically/in parts, according to the amount of accumulated and evaluated Applications, and final submissions to the GWF Board must be executed no later than November 1, 2024.
- The GWF Board approves the evaluation recommendations of the Restitution Committee. The evaluation recommendations of the Restitution Committee are approved or another decision is made during the GWF Board meeting. The GWF Board shall provide arguments regarding the final decision related to the Application in cases when the Application is declined. The GWF Board evaluates the validity of the received Applications no later than December 23, 2024 and determines the amount of compensation to be allocated to all Lithuanian Jews or their heirs.
- One symbolic compensation is paid for eligible property owned by the original owner, which does not depend on the value of the eligible immovable property. The specific amount allocated to the Applicant is determined by the decision of the GWF Board, after evaluating the total volume of received Applications and the amount of allocated compensation.
 - In the event that several heirs apply for the same property, one symbolic compensation is shared between the Applicants for the same property and the same owner.
 - In the event that the property was jointly owned by more than one original owner, one symbolic compensation is shared between the Applicants for this property.
- GWF shall notify the Applicants about the decisions no later than within 30 days of their adoption.
- GWF will establish an independent appeals process.
- GWF informs that it is not a public administration body, does not have the rights of a public administration body, and the decision of GWF cannot be appealed in the administrative justice procedure. Although not performing public administration functions, GWF undertakes to follow the principles of good administration, principles of promptness and cooperation, and will provide all kinds of assistance and information to Applicants. Additional legal assistance is not necessary for Applicants.
- The amount of compensation for illegally expropriated immovable property allocated by the GWF shall be paid to the Applicant no later than July 1, 2025.