

Press Release

LVR (Rhineland Regional Council) informs about the Bundesversorgungsgesetz (Federal War Victims Relief Act)

Explanations regarding the compensation paid to war victims in Belgium and the Netherlands

Cologne, 27th February 2019. It was reported in the Dutch press last week that 34 Dutch nationals were receiving a supplementary pension from Germany from the Landschaftsverband Rheinland (LVR) (Rhineland Regional Council) for their years of service in the Waffen-SS. This was also known as the "Hitler pension". The payments referred to in the press presumably refer to the Bundesversorgungsgesetz (BVG) (Federal War Victims Relief Act).

The LVR has been responsible for these payments since 2008 and stated: the benefits granted under the Bundesversorgungsgesetz (BVG), which came into force in 1950, are regular compensation payments for individuals **whose health was damaged** as a direct result of wartime conditions in World War II. BVG therefore makes **no** benefit payments to individuals just for the reason of being a soldier or serving in the Wehrmacht or the SS.

LVR has used the current press report as an opportunity to re-examine the cases from the Netherlands to ascertain if grounds exist to withdraw benefits in individual cases. This process was carried out with respect to Belgium in 2018, and no cases were identified that would justify reasons for withdrawing benefits.

Following a change in the law in 1998, benefit payments under the BVG may be refused if individuals violated the principles of humanity or the rule of law during the period of National Socialism (§1a BVG). As far as the LVR is aware, an investigation had already been conducted by the then responsible pensions office in the state of North Rhine-Westphalia (NRW).

The law does not rule out that even former members of the SS may receive benefits. Membership of the SS is a reason for suspicion, but does not automatically result in a withdrawal of payments. It must be proved in each individual case that the actions of the person concerned did, in fact, violate the principles of humanity or the rule of law. Indications of such may be, in particular, voluntary membership of the SS.

Beneficiaries in Belgium and the Netherlands

34 beneficiaries (persons disabled by war and surviving dependants) were reported in the Netherlands as at 31st December 2018, of whom 22 persons are of German nationality and 11 are Dutch.

20 beneficiaries were reported in Belgium as at 31st December 2018, 14 of whom are German.

The average monthly benefit payment from the BVG in Belgium and the Netherlands was c. €330/month. The following applies in Germany: the benefits under the BVG are exempt from income tax (in accordance with § 3 no. 6 EStG (German Income Tax Act)).

The responsibility of the LVR

Responsibility for implementing the BVG with respect to beneficiaries residing abroad is shared among the states of the Federal Republic of Germany based on the country of residence. NRW has been responsible for Belgium and Netherlands since 1st January 2008 (formerly: pensions office of the state of NRW).

Following a change in the law in 1998, a circular letter from the federal pensions office was sent to the pensions office. The federal pensions office periodically issued lists which were drawn up by comparing the list of the current beneficiaries of payments with the data from the "Bundesarchiv" (Berlin Document Center) and the Simon Wiesenthal Center. This action was coordinated with the pensions office, which then proceeded to examine the "suspect cases" arising from such comparison.

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