

## To the JURI Committee of the European Parliament

### Hearing on cross-border restitution claims of works of art and cultural goods looted in armed conflicts and wars

Brussels, 3 December 2019

Madam Chair,

Ladies and Gentlemen,

The first Panel of this important Hearing today addresses the pressing question of the restitution of World-War II-looted art. It is my honour and pleasure to act as the moderator of this Panel. We will try to assess from different perspectives where we are standing at the moment and what could and what should be done by the European Union.

I firmly believe that we all want to support and facilitate the restitution of Nazi-looted art to the rightful owners as best as possible. At the same time, the European legislator is limited to act within its competences as defined in the EU Treaties. Furthermore, the European legislator will only act according to Fundamental Rights, general principles of EU law and the rule of law.

On this basis, the European Parliamentary Research Service prepared the Study „[Cross-border restitution claims of looted works of art and cultural goods](#)“.<sup>1</sup> In this Study, a number of possible measures on the EU level are discussed, for example:

- a modification of sales law in respect to Nazi-looted art;<sup>2</sup>

<sup>1</sup> To which the author of these lines contributed a preparatory Research Paper at the request of the European Added Value Unit of the Directorate for Impact Assessment and European Added Value, within the Directorate General for Parliamentary Research Services (DG EPRS) of the General Secretariat of the European Parliament, see Annex to the Study, pp. 16 – 114.

<sup>2</sup> Op.cit., at pp. 80 et seq.



- measures of support for an effective and more satisfying implementation of the 1998 Washington Principles on Nazi-Confiscated Art, and these measures could include, for example, a non-binding „Restatement of Restitution Rules on Nazi-Confiscated Art“<sup>3</sup> in order to better harmonize the practice in Europe of finding just and fair solutions;<sup>4</sup>
- the creation of an EU Agency for the Protection of Cultural Property that could play a role in managing alternative dispute resolution for restitution claims.<sup>5</sup>

I am looking forward to the views on these and certainly other issues by the speakers of our distinguished Panel as well as to the questions by the Members of the JURI Committee.



Prof. Dr. Matthias Weller, Mag.rer.publ.

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<sup>3</sup> The Commissioner for Culture and the Media of the German Federal Government has recently financed a large-scale comparative research project for the preparation of such a Restatement at the Rheinische Friedrich-Wilhelms-Universität Bonn, Germany. The author of these lines is the Academic Director of this project. For further information see <https://www.jura.uni-bonn.de/professur-prof-dr-weller/research-project-restatement-of-restitution-rules/>.

<sup>4</sup> Op.cit., at pp. 95 et seq.

<sup>5</sup> Op.cit., at pp. 99 et seq.