

General principles
for the registration and deletion of reports
in the Lost Art Database

Structure

- I. Preliminary note
- II. Reports
- III. Registration
- IV. Deletion
- Annex: Criteria for the plausibility assessment

I. Preliminary note

The mission of the German Lost Art Foundation (hereinafter: the Foundation) is to maintain multilingual, publicly accessible databases on its areas of activity in accordance with section 2 paragraph 5 of the Statute.

The Lost Art Database documents cultural assets that were confiscated during the National Socialist dictatorship, in particular from Jewish owners, as a result of persecution. The database thus supports the implementation of the “Washington Conference Principles on Nazi-confiscated art” (Washington Principles) and the “Declaration of the German Federal Government, German states and leading municipal associations to locate and return cultural assets confiscated through Nazi persecution, especially those of Jewish ownership” (Joint Declaration) of December 1999.

The aim of publishing the lost and found reports is to bring together former owners or their heirs and the persons currently in possession of the cultural assets and support them in reaching agreements on fair and just solutions.

The Lost Art Database also documents cultural assets that were removed or lost due to the events of the Second World War. The publication of these lost and found reports serves to support solutions that comply with international law.

In order to ensure that the registration, amendment and deletion of reports in the Lost Art Database is organized according to consistent and transparent rules, the following general principles apply.

II. Reports

1. The Lost Art Database includes lost and found reports on the following cultural assets:
 - a. Individual objects and collections that were confiscated as a result of Nazi persecution, or for which this is suspected or cannot be ruled out.
 - b. Individual objects and collections that were removed or lost as a result of events during the Second World War, or for which this is suspected or cannot be ruled out.
2. Lost reports include reports on individual objects and collections that have been reported missing by institutions or persons.

Found reports include reports on individual objects and collections that are in the possession of institutions or persons and whose origin is not, or not entirely, clear, or the person entitled to the object or collection is not known.

3. The lost and found reports are based solely on the information provided by the reporting party. The Foundation does not undertake any research of its own into the lost and found reports. It merely checks, as far as it is able, whether the information provided by the reporting party is plausible.
4. The General Data Protection Regulation (GDPR) in conjunction with the new Federal Data Protection Act (BDSG) applies to the handling of the reports.
5. Where an individual object or a collection is documented in the Lost Art Database, the conclusion should not be drawn that it actually is a cultural asset seized through Nazi persecution, or removed or lost as a result of events during the Second World War. Documentation has no bearing on the right of ownership, the power of disposal or the existence of other legal entitlements, neither in favor of nor to the detriment of the respective reporting party or a third party. Registration in the Lost Art Database does not replace any legal assertion that may be made by the entitled institution or person, or other measures for securing rights.

III. Registration

1. A lost or found report can be registered after a plausibility assessment has been carried out. The plausibility assessment takes into account the criteria listed in the annex.
2. In the case of a lost report, the reporting party must plausibly demonstrate that an individual object or a collection was confiscated as a result of Nazi persecution, or was removed or lost during the Second World War, or that such a suspicion cannot be ruled out.
3. In the case of a found report, the reporting party must plausibly demonstrate that they are in possession of an individual object or a collection that was confiscated as a result of Nazi persecution, or was removed or lost during the Second World War, or that such a suspicion cannot be ruled out.
4. A lost report can be initiated by the former owner or a person authorized to act on behalf of the former owner. A found report can be initiated by the person in possession of the object.
5. Written authorization must be presented as proof that the reporting party has power of representation in legal transactions. In other cases, the Foundation can also request proof of authorization of a representative.
6. A report must include all the information known to the reporting party about the individual object or collection which makes identification possible. Reports can also be accepted as a collective entry if several individual objects can only be described together as a whole.
7. If the reporting party announces new findings after registering the report, the Foundation will carry out another plausibility assessment of the report. Where the assessment has implications for the plausibility of the report, the reporting party will be informed of this and asked to comment.
8. The consent of the reporting party is required for publication of the report. Furthermore, the registration of a report also requires the reporting party to confirm the accuracy of the information they have provided and release the Foundation from any liability for potential third-party claims. The relevant form can be downloaded as a PDF from <http://www.lostart.de/declaration-of-consent>.
9. If there are several reports on the same individual object or the same collection and the identity of the work is undisputed, the Foundation is indicated as the point of contact. In the event of inquiries, identifications or changes etc., the Foundation will inform all parties involved.
10. If the plausibility of the report is called into question by a third party with evidence to substantiate the claim, and plausibility cannot be re-established by the reporting party, the report is marked as "disputed".
11. At the request of the reporting party, their name will not be published with the report.

In this case, the Foundation is named as the point of contact in order to arrange contact with the reporting party, where necessary.

12. The reporting party is obliged to inform the Foundation immediately of actual or legal changes that concern the individual object or the collection (e.g. auctions, sales, restitutions), their entitlement or their contact details.

IV. Deletion

1. Upon written request by the reporting party, the Foundation will delete a report from the Lost Art Database. No reason needs to be given for this. In the case of representation, III.5 shall apply.
2. The Foundation can also delete a report without a request. Deletion comes into consideration in particular if:
 - The reporting party has supplied incorrect information.
 - Significant information has not been disclosed immediately for the plausibility assessment.
 - The report has not been made in accordance with the purpose of the database.
 - The plausibility of the report ceases to apply after registration due to new findings.
3. The reporting party will be informed in writing of the deletion of the report.

Annex

Criteria for the plausibility assessment

The following list sets out the essential criteria in the Foundation's plausibility assessment for registering reports in the Lost Art Database, and other relevant factors. Further criteria may be included on a case-by-case basis.

1. Has the account of the loss or acquisition of the individual object or collection been described adequately by the reporting party? Are the circumstances plausible (e.g. parties involved, place, time)?
 - a. In the case of cultural assets seized as a result of Nazi persecution: Has evidence of confiscation under Nazi persecution (e.g. seizure, forced sale) or the corresponding suspicions been presented? (see II.1.a.)
 - b. In the case of cultural assets relocated as a result of the Second World War: Has evidence of war-related loss (e.g. removal by troops) or the corresponding suspicions been presented? (see II.1.b.)
2. Is the reporting party the former owner or another authorized person?
3. In the case of representation, is written power of representation or other proof of authorization of a representative available?
4. Are any other possible entitled persons known?
5. Is the reporting party's declaration of consent available?
6. Is the current location and/or person in immediate possession of the object/collection known?
7. Has a claim already been asserted with the person in possession of the object/collection? (If not, where appropriate, the corresponding information will be sent by the Foundation to the person in immediate possession)
8. Is the individual object or collection already recorded in the Lost Art Database?
9. Is the following information about the individual object or collection available?
 - a. Is identification possible (e.g. through the title, creator/author, dimensions, materials, technique, information on provenance)?
 - b. If not: can a collective entry be created?
 - c. Are there any pictures?
10. Do the following particularities apply?
 - a. Is or has the individual object or collection already been the subject of a legal dispute in Germany or abroad? How was the legal dispute concluded?
 - b. Has the individual object or collection been the subject of a redress procedure? How was the procedure concluded?
 - c. Is the individual object or collection the subject of a procedure before a commission in Germany or abroad (e.g. the Advisory Commission)?