

Christoph Edel
Rechtsanwalt und
Fachanwalt für
Steuerrecht

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"Schwabing Art Trove"

Agreement between the Free State of Bavaria, the Federal Government and Cornelius Gurlitt: Provenance research to continue and restitution in accordance with the Washington Principles on a voluntary basis for the Schwabing Art Trove; Unproblematic works belonging to Mr Gurlitt will be returned

Representatives of the Bavarian State Ministry of Justice and of the Federal Government Commissioner for Culture and the Media have reached an agreement with Cornelius Gurlitt and Christoph Edel, the lawyer who has been appointed by the court to look after Mr Gurlitt's affairs, on what to do with the artworks of the "Schwabing Art Trove". In the agreement, in the negotiation of which defence counsel Prof. Dr Tido Park and Derek Setz also participated, Mr Gurlitt stated his willingness to allow provenance research on a voluntary basis once the works are released from police custody. Mr Gurlitt will allow the Task Force to continue researching the provenance of those works in the trove suspected of having been confiscated from their owners by the Nazis or of being works the Nazis considered "degenerate art". To this end, these artworks will remain in secure custody and on the website www.lostart.de. However, the Task Force aims to complete the main substance of its provenance research within a year. Works for which the Task Force has not completed provenance research within the year will be returned to Mr Gurlitt. But Mr Gurlitt will ensure continued access to the works for the provenance research to continue. If any claims for restitution have been or could be made, the works will remain in fiduciary custody even after the year has elapsed. Mr Gurlitt can designate at least one researcher to work with the Task Force to ensure his interests are protected.

Further, Mr Gurlitt will enable fair and just solutions in accordance with the Washington Principles, in particular by means of restitution, for persons claiming ownership of the works. The agreement makes no provisions regarding the current criminal proceedings. The Federal Government and the Free State of Bavaria will pay for the provenance research, also for any additional works not yet confiscated.

Bavarian Minister of Justice Winfried Bausback commented on the agreement as follows: "The Task Force will continue to investigate the origin of the artworks, no matter how the criminal investigation proceeds. This research creates the conditions allowing victims of Nazi terror to assert their claims to the artworks. This is one of my major concerns, because the significance of the Schwabing Art Trove extends far beyond a criminal case with tax relevance. It raises the question of how to deal with these artworks, along with other fundamental issues. These issues have to do with our responsibility to confront Nazi injustice and our responsibility to its victims. The entire world is watching to see how we will answer these questions, and this agreement is a good answer." Minister Bausback continued: "I always felt it was important to speak with Mr Gurlitt and find a mutually acceptable solution for what to do about the artworks. He accepts his moral responsibility, and I respect that." The Bavarian minister of justice concluded by saying, "I would like to thank everyone who was involved in reaching this agreement. I will now inform the chairs of the responsible committees in the Bavarian parliament and will offer to report to their committees."

Speaking about the agreement, Minister of State Monika Grütters said, "I am grateful to everyone involved that we were able to guarantee that the Task Force will be able to continue its work of determining the provenance of the Gurlitt collection independent of the ongoing criminal investigation. This agreement creates the necessary basis for fair and just solutions, in particular by means of restitution, as Mr Gurlitt has now explicitly stated. In my view, one reason comprehensive research into the provenance of the Gurlitt collection, which this agreement protects against legal dispute, is so important is that it sends a clear signal within Germany and beyond that we will not allow Nazi injustice to stand, even 70 years after World War II. The experience we have gained from the Schwabing Art Trove will guide the national centre for lost cultural goods which I hope to establish."

The lawyer Christoph Edel, who was appointed by the court to look after Mr Gurlitt's health, financial and legal affairs, commented on the agreement as follows: "Today, Cornelius Gurlitt declared his approval of this agreement. In doing so, he has demonstrated exemplary moral responsibility, apart from what we believe to be a clear legal situation. He will have access to the artworks, will be allowed to view the paintings and can designate at least one researcher to work with the Task Force, which is required to maintain strict neutrality. All the works which are not subject to provenance research will be returned to him without delay. The work of the Task Force is limited to determining the provenance of the remaining works within a reasonable amount of time. Works that according to expert opinion were not confiscated by the Nazis will be returned to Mr Gurlitt and deleted from the database at www.lostart.de. This agreement also allows us to proceed with the restitution of relevant works. This continues to be one of our central concerns. I will now present the agreement to the adult guardianship court so that it can determine whether it requires approval."

Contact person:

Federal Government Commissioner for Culture and the Media:

Pressestelle BKM

Telefon: (030) 18272-3281

E-Mail: pressestelle-bkm@bpa.bund.de

Bavarian State Ministry of Justice :

Ministerialrat Hannes Hedke, Pressesprecher

Tel.: 089/5597-3111

E-Mail: presse@stmj.bayern.de

Spokesman for Cornelius Gurlitt:

Stephan Holzinger, Sprecher

Tel.: +491755930897

E-Mail: holzinger@holzinger-associates.com