

European Parliament Resolutions on Property Restitution

1. Resolution on the return of plundered property to Jewish communities

14 December 1995

Official Journal C017, 22/01/1996 P. 0199

The European Parliament,

A. recalling the first additional protocol to the European Convention on Human Rights (Paris 1952), and in particular Article 1 thereof, which stipulates that 'every natural or legal person is entitled to the peaceful enjoyment of his possessions',

B. recalling the European Union's commitment to respect for and defence of human rights,

C. recalling the European Union's commitment to the duty of remembrance,

D. given the political upheavals in Central and Eastern Europe after 1989,

E. whereas certain countries of Central and Eastern Europe which have returned to democracy have ratified the European Convention on Human Rights (1950) by joining the Council of Europe,

F. given the twofold plundering of the property of Jewish communities, first under the regimes of the Nazis and their collaborators and then under the Communist regimes,

G. aware that under the Communist regimes many other individuals of various origins, communities and religions and many organizations, notably Christian churches, were deprived of their property,

The European Parliament,

1. Welcomes the fact that certain Central and Eastern European states, notably Hungary and Romania, have accepted the principle of justice and morality by agreeing to return the property of Jewish communities to its rightful owners;

2. Welcomes the fact that certain Central and Eastern European countries have apologized publicly for the crimes committed against Jews during the Second World War and have recognized their responsibilities in respect of these crimes;

3. Calls on all countries of Central and Eastern Europe which have not already done so to adopt appropriate legislation regarding the return of plundered property so that the property of Jewish communities may be returned to Jewish institutions, in accordance with the principles of justice and morality;

4. Asks also that all countries of Central and Eastern Europe which have not already done so adopt appropriate legislation for the return of other property plundered by the Communists or the Nazis and their accomplices to their rightful owners;

5. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe and the countries which have applied to join the European Union.

2. Resolution on the restitution of the possessions of Holocaust victims

16 July 1998

Official Journal C 292, 21/09/1998 P. 0166

The European Parliament,

A. whereas before and during the Second World War the Nazi regime implemented its policy aimed at the extermination of the Jewish people in Europe and its policy of the 'final solution', as a result of which millions of Jews were put to death,

B. whereas a large amount of assets and property belonging to the Holocaust victims plundered by the Nazis has never been returned to their heirs,

C. whereas the property stolen from the Jews in Europe constituted spoils of war retained by the Nazis, part of which was paid into certain banks, mainly in the Swiss Confederation, but also in other countries inside and outside the EU,

D. whereas new evidence emerged only recently on the role certain banks played in accepting such deposits and holding them for over 50 years, as revealed in the report by the Bergier committee of independent experts of 25 May 1998 and the Eizenstat report of 2 June 1998,

1. Calls on the Council and Commission, out of respect for the memory of millions of victims and the most elementary human rights, to bring every pressure to bear on the governments concerned to ensure that these assets are disclosed and returned to their original owners or those now entitled to them;

2. Instructs its President to forward this resolution to the Commission, the Council, the Swiss Government and Parliament, the Government of Israel, the Knesset and the organisations that represent Jewish people all over the world.

3. Resolution and Report of Committee on Legal Affairs and the Internal Market

17 December 2003

2002/2114(INI)

The European Parliament,

– having regard to its resolutions of 14 December 1995 on the return of plundered property to Jewish communities(1) and removed from the territory of a Member State,

– having regard to Rule 163 of its Rules of Procedure, of 16 July 1998 on the restitution of property belonging to Holocaust victims(2),

– having regard to the European Convention on Offences relating to Cultural Property of 23 June 1985 and Council Directive 93/7/EEC of 15 March 1993(3) on the return of cultural objects unlawfully

– having regard to the report of the Committee on Legal Affairs and the Internal Market (A5-0408/2003),

A. whereas early moves were made following the end of the Second World War to find and return looted property to its country of origin,

B. whereas a very considerable amount of property has not been recovered by its owners or their successors,

C. whereas litigants have often been confronted with difficult problems due to conflicts of law, varying prescriptive periods and other difficulties, and that this hampers or prevents access to swift and efficient resolution of the interests of all parties affected,

D. whereas this is an important human and legal problem as victims continue to encounter legal and technical problems,

E. whereas a public hearing was held on 18 March 2003,

F. whereas this is a widespread European legal problem,

1. Welcomes the recognition among various governments that the unique problems associated with cultural goods (i.e. public or private property considered as constituting an artistic creation or cultural property) which were plundered in wartime through acts of violence, confiscation or by apparently legal transactions or auctions need to be addressed;

2. Recognises that, although the problem of these goods is a matter of public knowledge, it has often proved remarkably difficult for private claimants to recover their property and to clarify their provenance;

3. Welcomes the efforts being made by third countries (especially the United States of America and the Russian Federation) to take parallel or reciprocal action;

4. Calls on the European Commission, with due regard for Article 295 of the EC Treaty, to undertake a study by the end of 2004 on:

– establishing a common cataloguing system, to be used by both public entities and private collections of art to gather together data on the situation of looted cultural goods and the exact status of existing claims;

– developing common principles regarding access to public or private archives containing information on property identification and location and tying together existing databases of information about title to disputed properties;

– identifying common principles on how ownership or title is established, prescription, standards of proof, rights to export or import property which has been recovered;

– exploring possible dispute resolution mechanisms that avoid lengthy and uncertain judicial procedures and take into account principles of fairness and equity;

– the value of creating a cross-border coordination administrative authority to deal with disputes on title of cultural goods;

5. Calls on the Member States and applicant States to make all necessary efforts to adopt measures to ensure the creation of mechanisms which favour the return of the property referred to in this resolution and to be mindful that the return of art objects looted as part of crime against humanity to rightful claimants is a matter of general interest for the purposes of Article 1 of Protocol 1 to the European Convention of Human Rights;

6. Calls on the Presidency of the European Union to assign this issue to a working group of the Council;

7. Instructs its President to forward this resolution to the Council, the Commission, the Member States, accession States and the Council of Europe.