

Agreement between the Federal Republic of Germany, the Free State of Bavaria and the Stiftung
Kunstmuseum Bern of 24 November 2014

Summary of the key points of the agreement

This agreement specifies the details of the agreement between the Federal Republic of Germany, Bavaria and Cornelius Gurlitt of 3 April 2014, which remains in effect, and continues that agreement following Mr Gurlitt's death and in view of his having designated the Kunstmuseum Bern (KMB) as his heir.

The Task Force of the Federal Government and Bavaria will continue to investigate the provenance of all those artworks in the "Schwabing Art Trove" for which there is any reason to suspect that they were looted from their owners by the Nazis. Specifically, the Task Force will investigate whether the work is Nazi-looted art, and if so, who the artwork was looted from. The Task Force will also investigate the provenance of the works found in the Salzburg home of Mr Gurlitt for which there is any reason to suspect that they are Nazi-looted art. In the case of these works, the KMB has the right to decide whether to turn the works over to the Task Force; the KMB will make this decision based on its own preparatory provenance research. Should further artworks in Mr Gurlitt's estate come to light, the KMB will turn these works over to the Task Force to investigate their provenance if there is reason to suspect that they are Nazi-looted art.

All these works will remain in Germany until the Task Force has completed its work; they will initially be kept in safe custody in Bavaria. For each of these works, the Task Force will present a report on the provenance of the work or a report on the status of its research in the course of 2015. Depending on the results of the Task Force's research, the agreement provides for the artworks to be dealt with as follows:

If, according to the Task Force, a work has proved to be Nazi-looted art or is very likely to be Nazi-looted art, the report on the provenance of that work will be published on the website www.lostart.de. The Federal Government will, at its own expense and on its own responsibility, return the work to its rightful owner, if one has already been identified. If no rightful owner has been identified, the work will be exhibited in Germany with an explanation of its origins, so that rightful owners will have the opportunity to submit their claims. In this case as well, the Federal Government will return the work to its rightful owner.

If it is impossible for the research of the Task Force to determine with sufficient clarity whether a work is Nazi-looted art or not, it will be up to the KMB to decide whether it will take the work. If the KMB decides to take the artwork, it will bear sole responsibility for the artwork from the moment it makes that decision. Otherwise the artwork will remain in Germany. The provenance reports of these works will also be published at www.lostart.de and the works will be exhibited with the aim of complete transparency. If any of these works are later found to be Nazi-looted art and a rightful owner has been identified, the Federal Government will return the work to its rightful owner.

Works that the Task Force finds are not Nazi-looted artworks will be turned over to the KMB, which will bear sole responsibility for them from that moment on. The same will apply to works that, in the absence of a rightful owner or in the absence of conclusive results by the Task Force, are exhibited, if it is proved by the end of 2020 that the works are not Nazi-looted art. Otherwise the KMB will surrender all its claims to these works after the end of 2020.

Mr Gurlitt's estate also includes another group of works: those defamed by the Nazis as "degenerate art" and removed from publicly owned museums and collections. According to the agreement, the KMB will take these works (as long as they are not Nazi-looted art and therefore to be dealt with according to the rules just described) and make sure they receive proper care. The KMB will however give priority to loan requests from museums that owned the works before the Nazi campaign against "degenerate art" and will grant these requests as far as the condition of the works allows and if the KMB does not need them for its own projects. If a work leaves the collection, the interests of museums that lost works to the Nazi campaign against "degenerate art" will take priority.

The agreement also provides for transparency in dealing with the papers belonging to Mr Gurlitt's estate: Mr Gurlitt's business ledgers will be made public, while respecting the privacy rights of third parties, also on the website www.lostart.de. Mr Gurlitt's business correspondence will also be published there where not in conflict with the rights of third parties. For this purpose, the papers will first be examined by experts. According to the agreement, these papers will be transferred to the Federal Government's possession.

Lastly, the agreement notes the KMB's intention to set up a research department at its own expense which will deal with the history of Mr Gurlitt's estate and its various facets and will make a major contribution to provenance research.