

Funding Guideline for Provenance Research (regarding cultural property expropriated as a result of Nazi persecution)

(as of: January 02, 2024)

Preamble

The German Lost Art Foundation (hereinafter: the funding provider) is the national and international contact partner in Germany for matters pertaining to the implementation of the “Washington Conference Principles on Nazi-confiscated art” (*Washington Principles*) of 1998 and the “Declaration by the German Federal Government, the Länder and the national associations regarding the tracing and return of Nazi-looted art, especially Jewish property” (*Joint Declaration*) of 1999.

The work of the funding provider is focused on providing advice, financial support, documentation, education, information, and networking opportunities. It supports provenance research, particularly on Nazi-looted cultural property, by offering grants for research projects and provides platforms on which knowledge and the latest research findings can be shared and made available for further use.

I. Purpose of Funding

Project funding may be used for

- identifying and documenting cultural property that was expropriated as a result of Nazi persecution between 1933 and 1945,
- determining the heirs to cultural property that was expropriated as a result of Nazi persecution between 1933 and 1945,
- systematically and sustainably integrating public and private collections into provenance research,
- establishing and further developing methods of provenance research.

In addition, it aims at

- increasing awareness of provenance research and the methods involved, especially among institutions and persons who have no or very little experience in the field,
- developing documentation standards within provenance research,
- creating a specialist digital research infrastructure to process and integrate research data,
- providing vocational education and training regarding provenance research.

II. Basic Conditions

(1) The grant is provided by way of a funding agreement under private law. It is based on the German Federal Budget Code (BHO), the applicable administrative regulations and the General Auxiliary Conditions for Project Funding (AN Best-P).

(2) A grant is subject to the availability of financial resources. There is no legal entitlement to the provision of a grant.

(3) A grant is awarded solely for individual projects; institutional or permanent funding is not permitted.

III. Eligibility

Applications can be submitted by

1. publicly funded cultural heritage institutions based in Germany (particularly museums, archives, libraries) and respective professional associations,

2. privately funded cultural heritage institutions based in Germany (particularly museums, archives, libraries),
3. higher education institutions and other research institutions,
4. other entities, institutions and foundations under public or private law based in Germany,
5. companies with headquarters in Germany,
6. private individuals with principal residence in Germany
7. private individuals with principal residence in Germany and whose cultural property was looted as a result of Nazi persecution, or their heirs and descendants.
8. private individuals with principal residence outside of Germany in cooperation with persons and/or institutions based in Germany that conduct provenance research in a scholarly way, are appropriately qualified with the relevant professional experience, and who have been authorized to submit a grant application to the funding provider. Only private individuals whose cultural property was looted as a result of Nazi persecution or their heirs and descendants are eligible to apply. The aforementioned cooperation must be contractually agreed in accordance with German law.

IV. Object of Funding

(1) For applicants defined in Section III, 1-3, funding may be granted for the following:

1. Individual case-related research (e.g. for restitution requests),
2. Systematic investigation of collections and holdings that are suspected of containing objects expropriated as a result of Nazi persecution,
3. Search for heirs to particular objects from collections and holdings for which provenance research has already been carried out or is being carried out and aimed at just and fair solutions in line with the *Washington Principles* of 1998 and the *Joint Declaration* of 1999,
4. Researching the historical context of collections of significance beyond the individual case,
5. Historical context research pertaining to National Socialist art looting and of significance beyond the individual case,
6. Indexing and analysis of archival records and documents, that are of significance beyond the individual case. The retro-digitization of archival records and documents as well as the development of digital infrastructures are eligible for funding in exceptional cases, provided they are of significance beyond the individual case to fulfil the statutory tasks of the funding provider, not feasible within the scope of the applicant's duties and economically viable. In addition, permanent maintenance must be ensured regardless of the funding. Redundant infrastructures will not be granted funding.
7. Reconstruction of private collections or holdings that were expropriated as a result of Nazi persecution, divided up or destroyed under the Nazi regime and that are of significance beyond the individual case. These projects must be carried out on behalf of and with the consent of the individuals whose cultural property was looted as a result of Nazi persecution or their heirs and descendants,
8. Screening for suspicious circumstances with regard to Nazi-looted property in cultural heritage institutions which do not have the resources to carry out provenance research (first check),
9. Vocational education and training by public institutions regarding provenance research.

(2) For applicants defined in Section III, 4 & 5, funding may be granted for the following:

1. Historical context research pertaining to National Socialist art looting and of significance beyond the individual case,
2. Search for heirs to particular objects from collections and holdings for which provenance research has already been carried out or is being carried out and aimed at just and fair solutions in line with the *Washington Principles* of 1998 and the *Joint Declaration* of 1999,

3. Indexing and analysis of archival records and documents, that are of significance beyond the individual case. The retro-digitization of archival records and documents as well as the development of digital infrastructures are eligible for funding in exceptional cases, provided they are of significance beyond the individual case to fulfil the statutory tasks of the funding provider, not feasible within the scope of the applicant's duties and economically viable. In addition, permanent maintenance must be ensured regardless of the funding. Redundant infrastructures will not be granted funding.

If the applicants own a collection, funding is also available for a systematic investigation of collections and holdings that are suspected of containing objects expropriated as a result of Nazi persecution.

(3) For applicants defined in Section III, 6, funding may be granted for the following:

1. Individual case-related research (e.g. for restitution requests),
2. Systematic investigation of collections and holdings that are suspected of containing objects expropriated as a result of Nazi persecution,
3. Search for heirs to particular objects from collections and holdings for which provenance research has already been carried out or is being carried out and aimed at just and fair solutions in line with the *Washington Principles of 1998* and the *Joint Declaration of 1999*,
4. Indexing and analysis of archival records and documents, that are of significance beyond the individual case. The retro-digitization of archival records and documents as well as the development of digital infrastructures are eligible for funding in exceptional cases, provided they are of significance beyond the individual case to fulfil the statutory tasks of the funding provider, not feasible within the scope of the applicant's duties and economically viable. In addition, permanent maintenance must be ensured regardless of the funding. Redundant infrastructures will not be granted funding.
5. Reconstruction of private collections or holdings that were expropriated as a result of Nazi persecution, divided up or destroyed under the Nazi regime and that are of significance beyond the individual case. These projects must be carried out on behalf of and with the consent of the individuals whose cultural property was looted as a result of Nazi persecution or their heirs and descendants,
6. Screening for suspicious circumstances with regard to Nazi-looted property in cultural heritage institutions which do not have the resources to carry out provenance research (first check).

(4) For applicants as defined in section III, points 7 and 8, funding may be granted for the following:

1. Reconstruction of private collections or holdings that were expropriated as a result of Nazi persecution, divided up or destroyed under the Nazi regime and that are of significance beyond the individual case as well as offer sufficient approaches for research in Germany.

(5) The funding provider does not support dissertation projects or award scholarships. Lawyer's fees and mediation costs will not be funded.

V. Prerequisites

(1) To receive funding for a systematic investigation of individual objects or collections, the applicant must be the owner of the objects in questions or be authorized to dispose of them.

(2) Funding may be granted only when total financing has been secured. Applicants are obliged to contribute an appropriate amount of their own resources in relation to their financial provision or provide evidence of third-party funding. This own contribution must be exclusively required for the project and

only be used for this purpose. Further inhouse support (personnel and infrastructural) is welcome and should be described in the application form.

(3) In submitting a project proposal, the applicant explicitly commits to the *Washington Principles* and the purpose of the *Joint Declaration*, in particular the search for cultural property expropriated as a result of Nazi persecution and taking measures to reach a just and fair solution.

(4) The applicant undertakes, if a grant is awarded, to comply with the rules of good scientific practice and assuring the quality of research results in accordance with the "Guidelines for Safeguarding Good Research Practice" by the Deutsche Forschungsgemeinschaft (DFG, German Research Foundation).

(5) Funding requires a public interest in the individual project. A public interest shall exist if the project serves the purpose of the *Washington Principles* and the *Joint Declaration*. Projects that solely or predominantly serve the economic interests of the applicant will not be funded.

(6) The funding provider may ask the applicant to provide evidence satisfying the requirements in paragraphs 1 to 5.

(7) A grant to applicants defined in Section III, 4 to 6, requires specialist advice by the funding provider prior to submission of the project proposal. For all other applicants, specialist advice is recommended.

VI. Type, Scope and Amount of the Grant

(1) Funding is provided as a project grant to cover expenditures for a specific project.

(2) The grant is generally awarded as partial financing (gap funding).

(3) Outside the regular application deadlines, the funding institution provides a maximum EUR 40,000 to support short-term projects for a maximum duration of six months where the aim is to undertake individual case-related research (e.g. requests for information or restitution), carry out a first check, or trace heirs.

(4) The funding provider supports long-term projects for a period of up to 24 months. A project extension may be granted for up to 36 months in total. In special cases, an exception can be made for a duration of up to 60 months. The necessity for any extension of a project must be applied for and justified by the applicant.

(5) Up to a funding amount of €400.000 per project the executive board of the German Lost Art Foundation takes a decision. Grants exceeding this amount or that are expected to exceed this amount require the approval of the Foundation Board.

VII. Application Procedure

(1) Applications must be submitted electronically as PDF documents using the [form](#) on the funding provider's website. A matching signed paper version of the application (not stapled or bound) must also be submitted. This also applies for extension applications.

(2) Applications for short-term projects can be submitted at any time. Applications for long-term projects

must be submitted by April 1 or October 1 of each year (preclusive date). Receipt of the electronic copy by the funding provider is sufficient for compliance with the deadline. When the application has been received, the applicant will be sent a confirmation of receipt.

(3) Applications for short-term projects are decided by the executive board. The executive board may present applications to the funding committee for advice and recommendation.

(4) Applications for long-term projects submitted in due time will be presented to the funding committee for advice and recommendation. The executive board decides on these applications after a recommendation has been made.

(5) The applicant receives written notification of the funding decision. This is for information only and does not give legal entitlement to a grant. If an application is rejected or deferred, the main reasons must be explained.

VIII. Project Implementation

(1) A funding agreement between the funding provider and the applicant is concluded for the implementation of the project. The project must not begin until the date stated in the agreement. A project is deemed to have begun when the funding recipient has concluded contracts relating to the implementation of the project. Starting a project ahead of schedule requires prior written approval by the funding provider.

(2) The funding recipient must send an informative short description of the project within four weeks of the start of the project; this will be published on the funding provider's website.

(3) For long-term projects as defined in Section VI paragraph 4, funding recipients must submit an interim report every 12 months. If an extension application is submitted, reference can be made to the interim report in the application form. For projects lasting up to 12 months, the final report replaces the interim report.

IX. Report on Expenditure of Funds

(1) With regard to the report on expenditure of funds, Section 44 of the Federal Budget Code (BHO), the administrative regulations to Section 44 of the BHO and the General Auxiliary Conditions for Project Funding (AN Best-P) apply accordingly.

(2) Within three months of the end of the project, a report on expenditure of funds must be submitted to the funding provider (numerical evidence, performance report, explanatory notes), along with the final report (see information sheet on preparing interim and final reports). The final report is particularly important for evaluating the project and communicating the results to further provenance research and integrate research findings.

(3) The performance report must contain a project review measured against the criteria stated in the funding agreement.

(4) An informative short description including essential research findings must be submitted with the final report; this will be published on the funding provider's website.

X. Other Obligations of the Funding Recipient

(1) The funding recipient is required to report to the Lost Art Database if an object or collection was expropriated due to Nazi persecution, if gaps remain in its provenance between 1933 and 1945 or a suspicion of expropriation under the Nazi regime cannot be ruled out (found reports).

(2) If it is established as a result of the funded project that the cultural property in question was confiscated due to Nazi persecution, the funding recipient is obliged to take measures to arrive at a just and fair solution in accordance with the Washington Principles.

If, within three years of the end of the funding period, a request for mediation is submitted to the *Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property* to obtain a mediation and, where applicable, a recommendation regarding a cultural asset for which the provenance research is or was financially supported by the funding institution under a funding agreement and which is the property of the party lodging the request for mediation, the funding recipient must agree to the case being referred to the Advisory Commission. The funding recipient is obliged to inform the funding institution of such a request for mediation immediately on becoming aware of it.

The request must be agreed to immediately after it has been brought to the attention of the funding recipient by the Advisory Commission and when it has been established that no just and fair solution could be reached without a deliberation on the part of the Advisory Commission. The above-mentioned three-year period is suspended by negotiations on a just and fair solution between the funding recipient and the party lodging the request for mediation; § 203 BGB (German Civil Code) applies accordingly.

If it has not been done already, the funding recipient shall verify, on learning of the lodging of the request for mediation, that the cultural property was seized due to persecution and that the party lodging the request for mediation with the Advisory Commission is eligible to do so in accordance with the *Guidelines for implementing the Statement by the Federal Government, the Länder and the national associations of local authorities on the tracing and return of Nazi-confiscated art, especially Jewish property*, as amended.

The funding recipient shall provide the funding institution with information on restitutions and other just and fair solutions that have been arrived at in the course of or as a result of a funded project, even after the end of the funding period. Restitutions must be reported to the funding institution via the online reporting procedure (<https://kulturgutverluste.de/en>).

(3) The funding recipient is required to inform the funding provider which measures were taken in line with the *Washington Principles* and the *Joint Declaration* within a period of 12 months after the end of the project if, as a result of a project, it was established that an object or collection was expropriated due to Nazi persecution.

(4) The funding recipient is required to inform the funding provider of selling any of the objects concerned within a period of 10 years after the end of a project.

(5) The funding recipient is required to document the research results in inventories, academic publications and exhibitions.

(6) When publishing the research results, the funding recipient is required to make reference to the support granted by the funding provider. The funding provider is to be given at least one specimen copy of all printed publications.

(7) The funding recipient must coordinate its press and public relations work regarding the project with the funding provider.

(8) The obligations of the funding recipient are further specified in the funding agreement.

XI. The Funding Provider's Rights of Use

The funding recipient grants the funding provider a non-exclusive, indefinite and unlimited right of use for the reproduction and publication of the final report and information provided regarding just and fair solutions. In addition, the funding recipient authorizes the processing and integration of the research findings in a research database and linking to the funding recipient's project-related digital publications.

XII. Repayment of the Grant

(1) The grant will be reclaimed if

- the funding recipient has provided false information that was crucial for the conclusion of the funding agreement,
- the grant will not be used in the near term or is no longer being used for the purpose stated in the funding agreement.

(2) The grant may be reclaimed in whole or in part if the funding recipient has violated the obligations in this guideline or the funding agreement, especially if

- no found report was submitted the Lost Art Database although cultural property looted due to Nazi persecution was discovered in the course of a project,
- the funding recipient does not immediately agree to a request for mediation lodged with the *Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property* with regard to a cultural asset in its possession and/or fails to inform the funding institution of the request being lodged with the Advisory Commission immediately on becoming aware of it,
- the object or collection concerned was sold before the end of the ten-year period following the completion of the project, if the sale was not for the purpose of reaching a just and fair solution,
- no measures were taken to reach a just and fair solution when cultural property looted due to Nazi persecution was discovered,
- rights of use were not granted to the funding provider.

(3) In the event of a reclaim, the amount to be reimbursed is to include an interest of five percentage points above the basic rate of interest in accordance with Section 247 of the German Civil Code (BGB).

(4) In the event of a violation of obligations in this guideline or the funding agreement, the funding recipient shall be barred from obtaining further funding for as long as the violation continues.

XIII. Data Protection

The funding institution is the controller within the meaning of the General Data Protection Regulation and the Federal Data Protection Act and is responsible for the collection, processing and use of information, including personal data. The funding institutions processes the personal data of applicants

and funding recipients as well as information on the projects and their outcomes in accordance with the provisions of the General Data Protection Regulation in conjunction with the Federal Data Protection Act (Bundesdatenschutzgesetz).

XIV. Entry into Force

This funding guideline replaces the existing funding guideline of December 01, 2021 and comes into force on January 02, 2024, following the decision of the Foundation Board of October 13, 2023.