Legal frame for free movement of goods whose ownership is likely to be contested

2002/2114(INI) - 17/12/2003 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Willy DE CLERCQ (ELDR, B) on a legal framework for free movement within the internal market of goods whose ownership is likely to be contested. Parliament adopted the resolution by 487 votes in favour, 10 against and 16 abstentions. The ultimate aim is to set up a legal framework for the free movement within the internal market of cultural goods that have been looted. Parliament stated that although various aspects of the problem of property looted during World War II have been the subject of international agreements, the problem of looted cultural goods, which were plundered in wartime remains to be resolved. After the war, most Member States adopted laws that made States custodians of recovered property (but not owners of it) - however, today the majority of these laws have lapsed and there is no international convention applicable to the World War II period. The legal situation remains unclear and rightful owners face an array of legal problems in trying to recover looted goods, i.e. access to data, which varies from state to state, differing legal standards regarding issues such as proving ownership etc. The current situation lacks legal certainty, transparency and a coherent approach. The resolution calls on the European Commission to undertake a study 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 regarding 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 and 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 to cultural goods; Parliament welcomed the recognition of this problem among various Member States and also called on the Member States and applicant States to make all necessary efforts to ensure the creation of mechanisms which favour the return of the property referred to in this resolution.