

**Arbitration agreement**

between

– [Party entitled to apply for arbitration] –

represented by

and

– [Institution holding cultural property/its legal entity...] –

represented by

– referred to collectively as the “Parties” –

with respect to the cultural property

\_\_\_\_\_ (title/name)

\_\_\_\_\_ (information concerning its origin/authorship)

\_\_\_\_\_ (dimensions)

\_\_\_\_\_ (special features)

– Cultural property –

with respect to the cultural property listed in the annex to this arbitration agreement

– Cultural property –



# Schiedsgerichtsbarkeit NS-Raubgut

- (1) In accordance with the Washington Conference Principles on Nazi-Confiscated Art (Washington Principles) and 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 (Common Statement), the Parties agree to let the Court of Arbitration for Nazi-looted Cultural Property make the final decision on the matter referred to in paragraph 2 without recourse to legal proceedings.
- (2) The subject of the arbitration proceedings is a matter in accordance with section 1 of Annex 1 to the Administrative Agreement establishing the “Court of Arbitration for Nazi-looted Cultural Property” of the Federation, the *Länder* and the national associations of local authorities with regard to the cultural property referred to above/listed in the annex to this arbitration agreement.
- (3) The arbitration proceedings are subject to the Rules of Arbitration given in Annex 1 to the Administrative Agreement establishing the “Court of Arbitration for Nazi-looted Cultural Property” of the Federation, the *Länder* and the national associations of local authorities.
- (4) The decision pursuant to paragraphs 1 and 2 may only be made on the basis of the Rules of Arbitration and the Assessment Framework given in Annex 1 and Annex 2 of the Administrative Agreement establishing the “Court of Arbitration for Nazi-looted Cultural Property” of the Federation, the *Länder* and the national associations of local authorities in the applicable version without recourse to the substantive law applicable to rules on conflict of laws.
- (5)  Place of arbitration and venue to hold arbitration proceedings<sup>1</sup> within the Federal Republic of Germany: \_\_\_\_\_.

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<sup>1</sup> *Explanation: According to section 1043 (1) of the Code of Civil Procedure (Zivilprozessordnung, ZPO), the Parties may determine the place of arbitration within the Federal Republic of Germany. This decision is important, because the place of arbitration determines the procedural law to be applied. In the absence of an agreement between the Parties on the place of arbitration within the Federal Republic of Germany, the Court of Arbitration for Nazi-looted Cultural Property will determine the place of arbitration; also in this case, arbitration proceedings for Nazi-looted cultural property must be held within the federal territory. According to section 1043 (2) of the Code of Civil Procedure, the Parties may agree on a different venue to hold arbitration proceedings within the Federal Republic of Germany for the hearing of oral argument; in the absence of such an agreement, the Court of Arbitration for Nazi-looted Cultural Property will determine the venue within the federal territory. The venue is the place where the proceedings are in fact conducted.*



# Schiedsgerichtsbarkeit NS-Raubgut

Place of arbitration within the Federal Republic of Germany: \_\_\_\_\_,

Venue to hold arbitration proceedings within the Federal Republic of Germany:

\_\_\_\_\_.

Place of arbitration and venue to hold arbitration proceedings within the Federal Republic of Germany to be decided by the Court of Arbitration for Nazi-looted Cultural Property

- (6) The responsible higher regional court as referred to in section 1062 of the Code of Civil Procedure is the Frankfurt (Main) Higher Regional Court; this applies in particular in the cases of section 12 (3) and section 14 of the Rules of Arbitration and to section 1059 of the Code of Civil Procedure. This does not apply to section 1062 (4) of the Code of Civil Procedure (responsible local court).

For the [Institution holding cultural property]      For the [Party entitled to apply  
for arbitration]

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Place

Date

Place

Date

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Signature

Signature

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Name, function

Name, function