

NEWSLETTER DECEMBER 2013

Simplified procedure to reclaim paintings and other cultural properties from public museums and galleries

Many valuable private collections of art were tragically lost during Hungary's stormy 20th century history. A considerable part of such collections later appeared in Hungary's state owned museums and galleries.



After the fall of the communist regime, many owners or their heirs tried to reclaim a number of pieces of art – the primary way to do so was through litigation. Such lawsuits were lengthy and seldom successful, since plaintiffs typically lacked sufficient evidence to prove that a certain piece of art was owned by their families and that it was taken from them by illegitimate means.

The Hungarian Government has now launched a new, simplified and accelerated out-of-court procedure to reclaim such pieces of art by their owners. **The new simplified procedure is available from 13th December 2013.**

The simplified procedure covers paintings and other cultural properties kept in state or municipality owned museums or other public collections in Hungary which are presently recorded as state property.

The process starts with submitting a claim to a government agency. Claims may only be submitted via a Hungarian lawyer. The claim must contain a description and photograph or other documentation of the claimed cultural property. The documents supporting the ownership right of the reclaimed pieces of art must be attached. **Unlike in litigation, in the new procedure, the claimant does not need to provide full evidence which proves his/her ownership right beyond doubt, but it is sufficient to provide a lower level of evidence which makes such ownership right probable.** In case the claim is submitted by the original owner's heirs, the documents proving the inheritance or making the fact of the inheritance probable must also be attached.

Within three days of receipt of the claim, the government agency contacts the museum in which the reclaimed piece of art is kept. The museum has 30 days to provide data about the reclaimed piece of art, and to attach all documents proving the state's ownership right.

Based on the documents submitted by the claimant and the museum, as well as other available data, the government agency investigates whether the reclaimed piece of art was acquired by the state in a legitimate way and whether the state has a valid legal title. **If the government agency finds that it is not beyond doubt that the state has valid legal title which was based on a lawful process, then the reclaimed piece of art must be returned to the claimant.** Based on the decision of the government agency, the museum is obliged to physically return the reclaimed piece of art immediately.

The new procedure gives a unique opportunity to the heirs of Hungarian families, many of them living abroad, to regain their property. Experts estimate that the new procedure may affect several thousand pieces of art, with a total value of approx. USD 300 million, which will soon be open for the above simplified reclaim procedure.

Forgó, Damjanovic & Partners Law Firm is one of Hungary's leading independent law firms with a very strong international focus. We have long-standing experience in advising private clients regarding the various legal aspects of paintings and other art collections. We represent our clients in dealings with Hungarian national heritage protection authorities and in relation to export licence matters and we have good working relationship with some of the country's most reputable art experts. This puts us in a position whereby we are able to effectively assist our clients in the newly launched simplified reclaim procedure.

Should you wish to receive further information on the subject matter of this newsletter, please do not hesitate to contact one of our legal experts below:

Dr. Viktor VASI
Partner
Email: vasiv@fdlaw.hu
Tel: +36 1 214 0080

Dr. Gábor DAMJANOVIC
Partner
Email: damjanovicg@fdlaw.hu
Tel: +36 1 214 0080

Visit our website: www.fdlaw.hu

Legal Disclaimer: *The purpose of this newsletter is to provide general information on a particular subject. The information in this newsletter is not intended to constitute legal advice or services. You are kindly asked to consult qualified lawyers before making any decision that might affect your personal finances or business. Your use of this newsletter and the information contained therein is at your own risk, and you assume full responsibility and risk of loss resulting from the use thereof. Forgó, Damjanovic & Partners Law Firm shall not be liable for any damages relating to the use of the information contained in this newsletter.*

© 2013 Forgó, Damjanovic & Partners Law Firm. All rights reserved.
Illustration: "The Tribuna of the Uffizi" by Johann Zoffany (1733-1810)