

*[Emblem of the
State of Israel]*

Loan Of Cultural Properties (Jurisdiction Restriction) Law, 5767-2007*

Object of the Law

1. The object of this Law is to enable the loan of cultural properties that are of importance to the public in Israel, without prejudice to assertions of the Jewish People with regard to the rights in properties stolen in the Holocaust.

Definitions

2. In this Law -

“loan” - for consideration or otherwise;

“cultural institution” - an entity that is not one of the State institutions that acts for an object of education, culture, science, art or similar object;

“cultural property” - a property with artistic value, historic value or other cultural value that is of importance to the public in Israel;

“Jurisdiction Restriction Order” - an order issued pursuant to section 3;

“the Minister” - the Minister of Justice.

Jurisdiction Restriction Order

3. If an agreement is signed between the State of Israel or a cultural institution in Israel and another country or cultural institution in a country as aforesaid, relating to the loan of a cultural property for a fixed term in order to display it publicly in Israel (in this Law - “the loan agreement”), the Minister may, in consultation with the Minister of Foreign Affairs and with the Minister of Science, Culture and Sport, subject to the provisions of sections 4 to 6 issue,

* Passed by the Knesset on 3rd Adar, 5767 (21st February 2007); the Proposed Law and Explanatory Notes were detailed in Government Proposed Law 161, dated 6th Adar A, 5765 (15th February 2005), page 564.

an order pursuant thereto for so long as the property is in Israel by virtue of the loan agreement, the following provisions shall apply:

- (1) a court in Israel shall not have jurisdiction in a claim relating to a right to title or possession of the cultural property or another right that is contrary to the right of the lender of the property as aforesaid (in this Law - “claims relating to a cultural property”);
- (2) a court in Israel shall not issue any decision that prevents the return of the cultural property to the lender at the end of the loan period pursuant to the loan agreement.

Publishing a Notice and Submitting an Objection Prior to Issuing a Jurisdiction Restriction Order

4. (a) Prior to issuing a jurisdiction restriction order, the Minister shall give notice of his intention to issue an order as aforesaid; the notice shall be published on the Internet site of the Ministry of Justice and shall include a photograph of the cultural property and the provenance document of such property; the notice shall state that within 30 days from the date of its publication any person may submit an objection to the issue of the order on one of the grounds specified in sub-section (b); the Minister shall not issue a jurisdiction restriction order until after the end of the said period and if an objection is submitted - after it has been decided on.
- (b) An objection to the issue of a jurisdiction restriction order may be submitted in consequence of one of the following:
 - (1) the terms and conditions in this Law for the issue of the order have not been fulfilled;
 - (2) the submitter of the objection claims a right in the cultural property the subject of the order and there is an apprehension that the property was stolen from the Jews by the Nazis, their accomplices or their collaborators or those cooperating with them.
- (c) The Minister shall determine in regulations provisions relating to the submission of an objection and he may also determine provisions with regard to additional modes of publication of the notice, pursuant to sub-section (a).

- (d) In this section, “provenance document” is a document that specifies the history of the work, including its source and the owners and possessors thereof that are known during the years of its existence.

Alternative Instance

5. The Minister shall not issue a jurisdiction restriction order unless he is satisfied that there is an appropriate alternative legal or quasi-legal instance in which claims may be filed with regard to the cultural property the subject of the order, and its ability to hear and decide them.

Right in Property that was Stolen

6. The Minister shall not issue a jurisdiction restriction order if he finds that there is *prima facie* evidence that the submitter of the objection pursuant to section 4(b)(2) has a right in the cultural property the subject of the order.

Information With Regard to an Alternative Instance and Additional Assistance Modes

7. (a) The Minister shall make available to every person the information that he has with regard to the alternative instance pursuant to section 5 with regard to a cultural property in respect whereof a jurisdiction restriction order has been issued.
- (b) The Minister shall determine in regulations additional assistance modes for a person who has *prima facie* evidence that he has a right in a cultural property in respect whereof a jurisdiction restriction order has been granted and there is an apprehension that it was stolen from the Jews by the Nazis, their accomplices or their collaborators.

Non-Applicability of Provisions

8. The provisions of the Holocaust Survivors’ Property (Return to Heirs and Endowment for Objects of Assistance and Commemoration) Law, 5766-2006¹ shall not apply to a cultural property in respect whereof a jurisdiction restriction order has been granted.

¹ Sefer Ha-Chukim of 5766, p. 202.

Commencement

9. This Law shall come into force 60 days after its publication.

Ehud Olmert
Prime Minister

Daniel Freedman
Minister of Justice

Dalia Itzik
Acting President of State

Dalia Itzik
Knesset Chairman