

GALLERY FAIR PRACTICE CODE

In 2021, the Fair Practice Code became a fixed provision for the part of the cultural sector that is supported by public resources.

The code:

1. The gallery in question records in writing the relationship between the gallery and the artist, including agreements regarding the duration of the agreement, prices and any applicable discounts. Other matters that may be recorded in this document include: monitoring and evaluation of the agreements, both parties' targets (e.g. regarding international visibility), the relationship with a second gallery, agreements regarding the settlement of any discounts, regarding commissions from third parties, or the settlement of other expenses such as for transport, photography, insurance or the construction of an exhibition. Model contracts are available on the Dutch Gallery Association (NGA) website.
2. The artist remains the owner of their work until the full amount is paid to the gallery, with the exception of secondary trading. This also applies in the case of gallery bankruptcy or attachment.
3. The gallery shall transfer the full artist's share of the sales price agreed with the customer within 60 days following the sale of the artist's work, and provide the artist with the buyer's name and address details, and a copy of the invoice.
4. Unsold artworks in the charge of the gallery must always be returned to the artist within a month, if requested by the artist.
5. The relationship between galleries may involve competition and rivalry, but in the case of different galleries representing the same artist, the galleries should in all respects remain loyal to the interests of the artist in question. If a gallery exclusively represents an artist, thereby acting as their 'mother gallery', and another gallery would like to organise an exhibition with this artist, the involved parties should make written agreements regarding the conditions under which the exhibition can be held (see appendix for a Dutch Gallery Association (NGA) model contract).
6. The gallery is expected to be professional and competent, and to maintain this professionalism and competence.
7. The gallery vouches for the authenticity of the work that they are selling.* In the case that a work is adjudged to be fake by a recognised independent party, the customer may return the work to the gallery owner and have the amount paid for the work refunded.
8. A gallery states the following on their website: their objectives, programme, working method and the artists that they represent.
9. A gallery is expected to act in accordance with the Fair Practice Code (fairpracticecode.nl), which includes an assurance against inappropriate behaviour at the gallery and elsewhere.

*If desired, certificates of authenticity can be requested from the Dutch Gallery Association (NGA)