

RULES AND REGULATIONS GOVERNING THE ACQUISITION OF WORKS OF ART BY THE MUNICIPALITY OF GDAŃSK

Under the programme: "Gdańsk's Collection of Contemporary Art"

PREAMBLE

The programme to purchase art is an integral part of the Operational Programme Culture and Free Time 2023 under Gdańsk's Development Strategy - Gdańsk 2030 Plus. It is a long-term programme designed to create Gdańsk's Collection of Contemporary Art whilst ensuring high standards for the acquisition, interpretation, storage, conservation and popularisation of works of contemporary art. Building Gdańsk's Collection of Contemporary Art is also important for increasing community participation in culture and in co-creating Gdańsk's culture by reflecting the city's character, history, tradition, identity and what is commonly defined as *genius loci*. The Programme's acquisitions of art will be deposited with the National Museum in Gdańsk. The goal is to use this art as a modern tool for promoting dialogue and education, help the general public with perception of contemporary art and stimulate Gdańsk's creativity, culture industries and tourism offer.

Article 1

The Rules and Regulations define how the Municipality of Gdańsk shall purchase works of art.

Article 2

The application to purchase a work of art by the Municipality of Gdańsk shall be submitted by an interested natural or legal person, further referred to as the Applicant.

Article 3

1. The Application which constitutes Attachment No. 1 to these Rules and Regulations shall be submitted to the City Hall's Residents Services in Gdańsk ul. Nowe Ogrody 8/12 or sent by post to Urząd Miejski w Gdańsku, Biuro Prezydenta ds. Kultury, ul. Nowe Ogrody 8/12, 80-809 Gdańsk, Polska (Gdańsk City Hall, Mayor's Office for Culture) quoting "Wniosek o zakup dzieła sztuki. Gdańska Kolekcja Sztuki Współczesnej" (Application to purchase a work of art. Gdańsk's Collection of Contemporary Art).
2. The Application shall include:
 1. photographic documentation of the proposed work of art on paper, i.e. a good quality photograph of the proposed piece and where spatial pieces are concerned, several photographs to show the

- work from each side; for digital submissions please use the recommended file formats, i.e. : .jpg (.jpeg), .tif (.tiff), PDF, resolution: minimum 300 dpi;
2. where the Application is to purchase video/audio works or works which include video/audio recordings, a digital copy (demo) of the entire video/recording must be submitted using the recommended file formats, i.e.: DVD; MPG (.mpeg); MP4 (.mpeg4); .AVI (.avi), , WAV (.wav), .MP3 (.mpeg3); OGG (.ogg); where for technical or legal reasons a video/audio recording cannot be submitted, this must be explained in the Application. For large files, links on a digital vehicle are acceptable (e.g. a CD/DVD, pen drive, etc.) for downloading or viewing the video/audio work online or from a named database where the work is available for viewing;
 3. a statement signed by the Applicant constituting Attachment No. 2 to these Rules and Regulations.
3. The Application shall outline how the work of art shall be conserved stating the estimated costs of conservation.
 4. One Applicant may submit an offer to purchase a maximum of 2 (two) works of art in each edition of a competition. Where the work is a collection of works, the Applicant may apply to purchase 1 (one) collection only.
 5. The Application shall have documents attached confirming the proposed work of art's data given therein.
 6. Incomplete or incorrectly completed applications shall not be considered.

Article 4

1. Applications shall be reviewed by the art acquisition Committee appointed by the Mayor of Gdańsk.
2. The members of the Committee are:
 1. 3 representatives of the Mayor of Gdańsk – including the Director of the Mayor's Office for Culture,
 2. 2 representatives of the National Museum in Gdańsk – including the Director of the National Museum in Gdańsk,
 3. 1 representative of the Academy of Fine Arts in Gdańsk,
 4. 1 representative of the Department of Culture of the Marshal Office of Pomorskie Voivodeship,
 5. Director of the Gdańsk City Gallery,
 6. Director of the Łaźnia Centre for Contemporary Art,
 7. 2 external experts.
3. The work of the Committee will be chaired by the Director of the National Museum in Gdańsk. The Committee's administrative tasks shall be handled by the Mayor's Office for Culture.
4. The Committee shall select applications to be recommended to the Mayor of Gdańsk by a simple majority of votes with at least half of the Committee members attending.
5. Committee members are not remunerated.
6. Those not residing in Gdańsk shall be reimbursed for travel and accommodation and paid a per diem for their work on the Committee.

Article 5

The Committee shall consider applications at least twice a year subject to Article 6.

Article 6

The Committee shall not convene if no applications have been submitted.

Article 7

1. The Committee is tasked with purchasing existing works of art to become part of Gdańsk's Collection of Contemporary Art. The Collection shall be the property of the City of Gdańsk.
2. The City of Gdańsk shall hand over its acquisitions under a separate deposit agreement to the National Museum in Gdańsk. Guidance for conservation of the acquired works of art shall be attached to the Agreement.
3. When considering applications for acquisitions the Committee shall take into account in particular works of contemporary art such as visual arts, audio-visual arts and design which are:
 1. by creators/artists living in Gdańsk;
 2. by creators/artists having a studio in Gdańsk;
 3. made with Gdańsk as the background or representing values and/or message relevant to Gdańsk, including references to freedom, solidarity, equality and openness;
 4. offered by heirs of creators/artists specified in 3.1 and 2, or;
 5. offered by entities that own works of art created by living or dead artists specified in 3.1 and 2.
4. When recommending works of art for purchase the Committee shall ensure that:
 1. the creator/artist comes from Gdańsk, lives or runs a studio in Gdańsk,
 2. the creator/artist has graduated from a Gdańsk-based school of arts,
 3. the work is related to Gdańsk, its districts or residents,
 4. the creator/artist is credited with work for Gdańsk;
 5. the creator/artist is an important personality within Gdańsk's creative community;
 6. the work's artistic values make the purchase important for the City of Gdańsk;
 7. the work fosters culture related to the values which Gdańsk stands for, in particular those that refer to freedom, solidarity, equality and openness;
 8. the work relates to Gdańsk's Development Strategy Gdańsk 2030 Plus.

Article 8

1. The Committee shall appraise the applications for formal requirements to be met by creators/artists as specified in Article 7.3.
2. The Committee shall select the proposed acquisitions by considering the work's artistic value, its valuation and overall work of the creator/artist. It shall consider the criteria specified in Article 7 of these Rules and Regulations and whether it is purposeful to add new acquisitions to Gdańsk's Collection of Contemporary Art. The Committee reserves the right to see the work if unable to recommend it for acquisition based on the underlying documentation. The application shall be considered after the work has been viewed at the next meeting of the Committee.
3. The Committee has a right to offer a lower purchase price than that proposed by the Applicant. In special cases the Committee may verbally negotiate with the Applicant to obtain the best price for the proposed work of art.
4. The Committee shall formulate its recommendation for the Mayor of Gdańsk regarding the decision to purchase selected works of art.
5. Applicants whose works have been selected for acquisition shall be notified about the Mayor of Gdańsk's decision by e-mail or in writing.

6. Where the decision is made to purchase the proposed works of art, the Applicant shall sign a statement within 7 days from the Mayor's decision to declare their intention to sell the work of art for the price proposed to the Committee. The sample statement forms Attachment No. 4 to these Rules and Regulations.
7. Where the decision is made to purchase the proposed works of art, a separate sales agreement shall be made with the Applicant under which the Applicant shall transfer free of charge to the Municipality of Gdańsk the economic rights and copyright to the work.
8. Where the Applicant does not accept the proposed price for the work, the acquisition procedure shall be terminated.

Article 9

The proceedings of the Committee shall be minuted.

Article 10

1. The Committee is a team assigned to the office of the Mayor of Gdańsk.
2. The final decision to purchase shall be taken by the Mayor of Gdańsk following the Committee's proposal.
3. The Mayor of Gdańsk shall take the decision based on the minutes of the Committee's meeting.
4. The Mayor of Gdańsk is not bound by the Committee's proposal.
5. The decision of the Mayor of Gdańsk may not be appealed against.

Article 11

The work shall be purchased under a sales agreement between the Municipality of Gdańsk and Applicant and the economic rights and copyright to the work shall be transferred free of charge in all separate fields of exploitation and in particular in accordance with Article 50 of the Copyright and Related Rights Act (Journal of Laws 1994 No. 24 Heading 83) :

- 1) within the scope of fixing and reproduction of works - production of copies of a piece of work with the use of specific technology, including printing, reprographics, magnetic fixing and digital technology;
- 2) within the scope of trading the original or the copies on which the work was fixed - introduction to trade, letting for use or rental of the original or copies;
- 3) within the scope of dissemination of works in a manner different from defined above - public performance, exhibition, screening, presentation and broadcast as well as rebroadcast, and making the work publicly available in such a manner that anyone could access it at a place and time selected thereby.
- 4) within the right to use the work, including for educational, training and promotional purposes.