



Vetting Conditions

These Vetting Conditions apply to all art dealers, gallerists, antique dealers and antiquarian booksellers exhibiting at kunstmesse düsseldorf.

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1. General Principles

1.1 Vetting Procedure

As the principal objective of kunstmesse düsseldorf is to stage a prestigious event exhibiting high-quality fine art and antiques drawn from the domestic and international markets, it is necessary for all art objects offered for sale to be vetted. Vetting will be carried out by a vetting committee (hereinafter referred to as 'the Vetting Committee') in line with the high standards of quality and authenticity laid down in the Conditions of Participation. The Vetting Committee will, on principle, attach more importance to the quality of the objects than to the interests of the individual exhibitor.

1.1.1 Only those objects will be vetted that conform in all respects to the requirements for precise and accurate labelling described in Section 2 of these Vetting Conditions. Neither the Organizer nor the Vetting Committee are responsible for ensuring that the requirements stipulated in Section 2 of these Vetting Conditions are met. Correct labelling is the sole responsibility of the Exhibitor. Attributions must be supported by well-grounded documentation acceptable to the Vetting Committee.

1.1.2 Only those objects can be offered for sale that have been vetted. Where objects have been overlooked by the Vetting Committee in the first instance, Section 1.1.10 of these Vetting Conditions shall apply.

1.1.3 Exhibitors are committed to accept decisions of the Vetting Committee insofar as they are not, in individual cases, clearly inequitable [*offenbar unbillig*]. The Vetting Committee constitutes a third party in terms of BGB § 319 with regard to its relationship to the contracting parties. Insofar as the Vetting Committee acts as the Organizer's vicarious agent, the Organizer's liability shall be limited to breach of duty with wilful intent or gross negligence on the part of an individual member of the Vetting Committee.

1.1.4 Claims by the Exhibitor resulting from the activities of the Vetting Committee – in particular, where an object is rejected – can, in all cases, only be lodged against the Organizer.

1.1.5 The Vetting Committee exercises its judgment of correctly labelled objects having regard to the objectives of the Fair (see Section 5 of the Conditions of Participation) and the vetting criteria. In all cases the Vetting Committee exercises its best judgment in the light of what is fair and reasonable [*billiges Ermessen*]. The contracting parties understand that the exercise of judgment over art objects is inevitably a subjective matter and that the Vetting Committee therefore has considerable latitude in the exercise of its judgment as to whether an object meets the vetting criteria described in the Conditions of Participation and the Vetting Conditions.

1.1.6 Vetting Committee decision-making procedures – acceptance, rejection, objections – are as follows:

1.1.6.1 Vetting

If an object meets the vetting criteria, the Exhibitor will not be specifically informed of its acceptance. The Exhibitor can offer the object for sale unless a completed copy of the Organizer's form headed '*Juryprotokoll*' [Vetting Report] deposited at his/her stand or handed to him/her in person when vetting ends at 2pm on Tuesday, 07 February 2012 contains notification to the contrary.

1.1.6.2 Rejection

(Outright) rejection of an object will be noted in the '*Juryprotokoll*' [Vetting Report]. It will lay out the reasons for the rejection. A copy will be deposited at the Exhibitor's stand.

1.1.6.3 Objections

Where the Vetting Committee has objections, the reasons will be laid out in the '*Juryprotokoll*' [Vetting Report] in abbreviated form. The Exhibitor shall make any changes required before the Fair opens. If the Exhibitor makes the required changes, the object will be regarded as meeting the vetting criteria. Otherwise, the object will be regarded as rejected and cannot be offered for sale. Section 1.3.1 of these Vetting Conditions shall apply.

1.1.7 Decisions made by the Vetting Committee apply to the current Fair only. They have no relevance to future Fairs.

1.1.8 Rejected objects may, for documentation purposes, be photographed. The Exhibitor undertakes to ensure that the rights of third parties do not prohibit such documentation and its use, thus releasing the Organizer from any third party claims.

1.1.9 Vetting will be carried out from **10am on Tuesday 07 February 2012.**

All objects must be removed from their packing and presented in such a way that they are clearly visible and accessible to the Vetting Committee, either on the stands, or in rented storage space, or in the reserve storage area. Display cabinets, cupboards and cubicles are to be left open.

1.1.10 The Vetting Committee reserves the right in cases, inter alia, where objects have been overlooked during the (first) round of vetting on 10 February 2009 to carry out vetting at a later point during the Fair within the meaning of the procedures described in Section 1.1.6 of these Vetting Conditions.

The Vetting Committee shall monitor on a regular basis the fairworthiness of the objects and maintenance of the Fair's high quality standards. It is therefore, inter alia, entitled to make corrections to decisions taken during the (first) round of vetting either in whole or in part. The Vetting Committee acts in the light of what is fair and reasonable [*billiges Ermessen*] and claims cannot be lodged by Exhibitors.

Insofar as time and availability of personnel permit, the Vetting Committee can, in accordance with these principles, change decisions made, in particular, during the first round of vetting up to the opening of the Fair. Section 1.1.3 of these Vetting Conditions shall apply additionally.

There shall be no entitlement to later vetting. The Organizer shall decide in the light of what is fair and reasonable [*billiges Ermessen*], from case to case, whether new objects can be vetted when, inter alia, an exhibitor wishes to replenish his/her stock. The Exhibitor shall register replenishment stock for later vetting not later than 4pm on the day prior to vetting. Section 1.1.2 of these Vetting Conditions shall apply additionally.

1.1.11 If rejected objects are offered for sale, the Organizer can terminate the contractual agreement with the Exhibitor citing important reasons and close his/her stand with immediate effect. Section 10 of the Conditions of Participation governs the parties' claims and obligations on termination analogously.

The Organizer has the right to issue a termination without notice in the event that the Vetting Committee objects to a disproportionately high percentage of an exhibitor's objects. This percentage is disproportionately high when more than 25 per cent of the objects, or more than 25 per cent of a coherent group of objects, or more than 25 per cent of the total value of the Exhibitor's objects is rejected.

1.2 Vetting Committee – Formation and Membership

The members of the Vetting Committee will be chosen by the Organizer from among art dealers – who may also be exhibitors – art historians, curators and conservators. The Vetting Committee has a chairperson. He/she can also function as an arbitrator on points of dispute, without prejudice to the binding nature of the Conditions of Participation and, in particular, these Vetting Conditions.

The Organizer reserves the right to pass judgment in the final instance in all exceptional cases relating to vetting.

1.3 Unlabelled / Rejected Objects

1.3.1 Notwithstanding the Exhibitor's obligations as described in Section 1.1.11 of these Vetting Conditions and the Conditions of Participation, unlabelled and rejected objects shall, on the instructions of the Vetting Committee, be moved by the Exhibitor to a specially designated storage area in the exhibition grounds. Movement of objects between the stand and the specially designated storage area is at the Exhibitor's risk. Storage in the specially designated storage area is also at the Exhibitor's risk. The Exhibitor is responsible for obtaining suitable insurance coverage.

1.3.2 The removal of unlabelled and rejected objects to the storage area will be detailed in full in the relevant Organizer's form headed '*Juryprotokoll*' [Vetting Report].

2. Exhibitor's Labelling Obligation

Each and every object, in every category, is subject to the labelling obligation. All objects must be accompanied by a labelling description. They are required to meet the criteria described below.

2.1 Basic Principles

Descriptions must include precise details of the provenance, date and place of origin of each exhibit as well as information on medium and technique, name of the artist, maker, school or attribution (see Section 1.1.1 above, final sentence) and, furthermore, details of restoration and repairs, additions and alterations (details with regard to the individual categories of objects are described below).

All labelling requirements also apply to objects stored in rented storage space (see Section 1.1.9 of these Vetting Conditions) and in the reserve storage area

2.2 Prints

Prints must be presented in such a way that, in cases of doubt, additional direct examination is possible, that is, without sleeves, glazing or shrink-wrapping. In the case of boxed or portfolio works, exterior labelling suffices.

2.3 Items of furniture, paintings and sculptures must be individually labelled and descriptions must not be obscured by the object itself.

2.4 Objects exhibited in display cases or cabinets must be labelled in detail as described in Section 2.1 of these Vetting Conditions. Alternatively, a labelling description in itemized form is acceptable where the number on a label attached to the object corresponds with an identically numbered description on a printed or typewritten list.

2.5 Stand furnishings and decoration must be in keeping with the general character and the high quality standards of the Fair even when they are not being offered for sale at the Fair.

3. Object Criteria

3.1 Conservation and Restoration

Only professional restoration work by experts is acceptable and only if it is carried out with a view to conserving the object. No alterations may be carried out. Restoration is only permitted where approximately 85 per cent of the surface area of an object remains in its original condition. Additions and areas of reworking that exceed minimal retouching and filling-in or tonal matching of lacunae must, in all cases, be clearly described as such.

Made-up objects and marriages are not permitted. False patination will only be permitted in the form of minimal retouching. Extensive or overall repatination, repigmentation and repainting are not permitted.

3.2. Objects Admitted

Works of art from antiquity to the 21st century

Exclusions:

Works where there is a suspicion that they are not authentic or are copies

All exhibits must comply with the requirements laid down in Section 97 of the German Customs Tariff and its subsections as follows:

- 97.01 Paintings (e.g. oil paintings, watercolours, pastels) and drawings executed entirely by hand
- 97.02 Original woodcuts, metalcuts, linocuts, engravings, etchings and lithographs
- 97.03 Original sculptures
- 97.05 Collector's items of cultural, art-historical, archaeological, ethnological or numismatic value worthy of inclusion in a public collection based on scholarly principles

- 97.06 Antiques and jewellery pre-dating 1918: The exhibits must date from the period stated. Exceptions can only be accepted where the object in question is of museum quality. New casts, remodels, replicas and objects produced in series are not permitted.

3.3 Conditions Applicable to Categories of Objects

1. Non-European Art

- 1) The dateline for Japanese art is the end of the Meiji period.
- 2) Non-European 20th-century art is subject to the conditions defined under Category 4 below applying to 20th- and 21st-century art.

2. Books and Prints

Hand-colouring that is not of the period must be indicated.
Incomplete books will only be admitted if they are important items.

Exclusions:

Books and reprints still in print will not be admitted.
Restrikes, collotypes, offset lithographs. Reproductions and steel/wood engravings extracted from books published in large print runs
Prints that have been removed from bound editions published after 1950 (these prints may not be shown singly)
Reproductions after paintings, watercolours, drawings etc. produced mainly by lithographic or screenprinting processes, even where impressions bear the artist's signature

3. Icons

Greek and Balkan icons must pre-date 1900. Russian icons must pre-date 1917. Nineteenth-century and early 20th-century icons, inclusive of metal icons, can only be regarded as fairworthy if they are thematically out of the ordinary or if they are of remarkable artistic quality. In the case of icons with a metal covering or a riza, the entire surface must be painted.

4. 20th and 21st-century Art

Twentieth-century and 21st-century artworks include works by living artists, among them collectable works that would justify inclusion in a public collection.

The following works can be admitted:

- 1) Paintings, gouaches, watercolours and drawings
- 2) Original prints. Where there is a relevant catalogue raisonné, the print or prints must be listed. Full details of edition size must be provided for labelling purposes. Edition size may not exceed 300 impressions. Unsigned and unnumbered prints can be admitted in exceptional cases but only where the exhibitor provides proof of authenticity.
- 3) Original sculptures and sculptural objects. Posthumous casts must be described as such and the date of the cast or edition clearly stated. The edition size of original sculptures may not exceed 25. The edition size must be documented.
- 4) Ceramics. Edition size may not exceed 200. The edition size must be documented. Ceramic objects cannot be admitted unless they are in their original state. Objects must be genuine works representative of the period in which they were made, that is to say, not imitative. Ceramic objects must be correctly described and dated. Repairs must be clearly indicated. Heavily or over-restored ceramic objects and objects with later painting and alteration to their original character and form will not be admitted.
- 5) Bronzes. Both the date of the original model and the date of the cast must be stated.
- 6) Works of experimental and avant-garde contemporary art, fine art photography and video
- 7) Multiples published in limited or numbered editions (maximum edition size: 200)

Exclusions:

Multiples not published in limited or numbered editions
Works created by the applicant or by his/her relatives

5. Applied Art and Furniture

As a general principle, applied art and furniture **post-dating 1830 through the 21st century** are admitted to the extent that they fulfil the following requirements:

Requirements:

- 1) All objects must be in keeping with the zeitgeist of the period and of very good quality.
- 2) The materials used and the methods employed in conservation/restoration work must conform to recognized professional norms.

Exclusions:

- 1) Furniture that shows no indication of handling or natural ageing processes.
Where this is the case, the Exhibitor must be able to provide adequate documentation (photos, conservation reports, condition reports, details of provenance etc) in support of the object or objects.
- 2) Furniture converted for other uses or furniture that is incomplete (for example, where the lower or upper section of a piece comprising several sections is missing)
- 3) Repainted furniture
- 4) Heavily embellished, that is, decoratively 'touched up' furniture, for example, later inlay, fixtures and fittings out of keeping with the period and/or place of origin
- 5) Inappropriate restoration and additions, in particular, extensive sanding-down of veneer, retouching, staining and papering or covering of furniture interiors with material
- 6) Reproduction furniture and objects replicating the characteristics of an earlier period, except historicist pieces
- 7) Regilded surfaces not clearly indicated as such
- 8) Recast metal objects and mounts fitted to an original piece (surmoulages)

Jewellery

The authenticity of antique gems and jewellery must be unchallenged and the period of their origin or manufacture unquestionably that of the period stated.

All items of jewellery are required to meet the high quality standards of the Fair.

Exclusions:

- Composite items of jewellery
- Frequently restored or over-restored jewellery
- Jewellery converted for other uses (for example, where cufflinks have been made into earrings)
- Jewellery that has been inappropriately repaired, changed or adapted, thereby losing its original character
- Pearls and pearl necklaces made of cultured pearls
- Oriental pearl necklaces where no certificate of authenticity is provided
- Old-cut gems in modern settings, for example, a gem set in a new ring or reworked later into a new setting
- Necklaces of semi-precious stones such as coral or garnet. Exceptions can be made for items of outstanding quality. Ethnic jewellery and Berlin iron jewellery will be admitted.
- Jewellery with falsified signatures
- Mass-produced contemporary or modern jewellery manufactured by well-known and lesser known makers
- Copies and jewellery that is imitative in style
- Jewellery post-dating 1980 can only be admitted if it is in keeping with the style and character of the period and is of remarkable artistic quality.

Only items of jewellery conforming to the Fair's stringent vetting criteria and high quality standards may be offered for sale. Where an Exhibitor offers jewellery that has not been

approved by the Vetting Committee as fairworthy and meeting the required quality standards, the Exhibitor will jeopardize his eligibility to participate at subsequent Fairs.

Items of jewellery rejected by the Vetting Committee will be registered as such and cannot be offered for sale for the duration of the Fair.

Silver

A dateline of 1918 applies to silver. Important silver objects of the historicist, art nouveau and *Jugendstil* periods and objects made in the Fabergé workshop can be admitted. Silver plate pre-dating 1830 can only be admitted if it is hallmarked and documented as such.

Exclusions:

Items with burnished-out or effaced engraving, items with electroplated repairs and re-embellished and reworked items will not be admitted.

Carpets and Rugs, Textile Art

Oriental rugs and carpets must pre-date 1900. Nomad carpets and textiles are exempted from this rule, provided that they are collector's items. Twentieth-century items can be admitted.

Exclusions:

Items made with synthetic colours or dyes even if these items are of the twentieth century Embellished or gold and antique washed items

Clocks and Watches

Clocks with decorative cases, ranking as works of art in their own right and for which the movements are of minor importance, may be fitted with replacement movements, provided that these date from the same period as the original timepiece.

Only clocks and watches with special features and individual items of the highest quality may be exhibited.

No more than forty wristwatches can be displayed.

Exclusions:

Series-production, machine-made and machine-assembled clocks and watches will not be admitted.

Arms and Armour / Edged and Projectile Weapons

Conditions:

1) The following pistols and guns are admitted:

Matchlock, wheel lock, flintlock, snaphance, Miquelett lock, one bullet percussion locks and other weapons up to 1850. The travel of pistons, stocks, locks and mountings must be of the same period as the weapons.

2) Unusual military and historicist items up to 1914 are admitted.

3) Edged weapons and hunting-knives up to 1871 are admitted. All unmatching hilts and blades must be specified.

4) The dateline for armour is 1650. All individual parts must date from the period matching the style in which they are worked.

Exclusions:

Weapons which are subject to restrictions under German Law such as firearms post-dating 1871, double-barrelled percussion weapons, weapons with repeater fittings (for example, drum magazines) and Lefauchaux weapons (pin fire cartridges) will not be admitted.

Modified weapons are excluded.