

Workshop

November 29 and 30 – 2 p.m. (Lisbon time)

Online

Registration required through this [link](#)

Good Practices in the Art Market

The importance of the existence and application of codes of good practice in the contemporary art system

In the exercise of professions related to culture, as in all professions, it is necessary to apply a series of ethical standards and values, with the aim of carrying out the activities inherent to the profession properly. In the case of professionals linked to culture, artistic creation and its management, the often absence of trade unions, guilds and professional associations that protect workers from administrations and companies or from conflicts with other professionals makes it necessary to have Codes of Ethics or Good Practices that serve as a guide and model. The rules laid down in each code of ethics are previously agreed upon and approved in a common and unanimous manner by all the members of the profession for which they are drawn up. They are, therefore, guidelines of conduct to be followed that aim to carry out an adequate job and help the whole of society that requests the services of the profession obtain full satisfaction from the good performance of the work.

Compliance with each Code of Ethics is the faculty of the Professional Associations, who ensure that all their members abide by the rules established in the code. The Professional Associations have regulations that establish the sanctions that are applied to those who fail to comply. Therefore, in the absence of said regulatory element in the field of the arts, the observance of compliance or violation of said regulations remains in the hands of the different associative bodies and their dialogue between the sector, administrations and companies, artists, curators, art galleries, and in their mediation work between professionals. Precisely, one of the fundamental tasks of professional associations in the arts and culture in many countries is to ensure the protection of independent professionals, who are most disadvantaged before the administration and before public and private institutions, always urging compliance with Good Practices, denouncing the cases in which these are violated and proposing protection measures that allow optimizing both work and management.

The existence of Codes of Ethics in different countries in the field of contemporary art makes it necessary to reflect on their effect, their application, their shortcomings and their drawbacks. Likewise, it is necessary to incorporate these ethical codes in those countries that lack them and in which it is convenient to regulate and optimize the relationship between institutions, companies and independent professionals of contemporary art.

Program | November 29

14:00 | Alicja Jagielska-Burduk

Art Market - In search for new developments

The presentation focuses on the art market's legal challenges and the search for new tools supporting the fight with illicit traffic. The issues of due diligence, provenance, the role of inventories, and online tools, together with the intensification of cooperation between all stakeholders, will be raised. Some remarks will be made in light of the current geopolitical situation and how the bottom-up initiatives can be complementary to already existing mechanisms.

14:40 | Lecture Discussion with Fernando Loureiro Bastos and Marcílio Franca

[English pannel]

15:00 | Marcílio Franca Filho

À Procura da Regulação Perdida: Algumas Novidades Legislativas em Matéria de Mercado de Arte no Brasil

[Portuguese presentation]

15:30 | Fernando Loureiro Bastos

Perspetiva jurídica sobre a relevância dos códigos de conduta no desempenho das profissões do mercado da arte

[Portuguese presentation]

16:00 | Ana Letícia Fialho

Práticas não codificadas do mercado de arte no Brasil: informalidade, flexibilidade e transparência - notas sobre algumas mudanças em curso

[Portuguese presentation]

16:30 | Final Discussion

Program | November 30

14:00 | Belén Mazuecos

Contextual art' como plataforma de cuestionamiento de la aplicación de los códigos de buenas prácticas en el sistema del arte desde la perspectiva de los artistas

[Spanish presentation]

14:30 | Bruna Fetter

Códigos de arte aplicados às instituições artísticas no Brasil: Intenções Discursivas/Ocupações de Espaços de poder

[Portuguese presentation]

15:00 | Nei Vargas

Construção de um código de boas práticas para colecionadores, no Brasil

[Portuguese presentation]

15:30 | Marta Pérez-Ibáñez

La aplicación de códigos deontológicos en varios ámbitos del mercado del arte en España

[Spanish presentation]

16:00 | Final Discussion

Curriculum of the participants

Alicja Jagielska-Burduk

PHD, MBA, legal counsellor, UNESCO Chair on Cultural Property Law at the Faculty of Law and Administration, University of Opole. She is the co-founder and editor-in-chief of the Santander Art and Culture Law Review. She specializes in cultural management, encompassing the issues of participation and access to culture and cultural heritage. In the course of her research and legal practice she has gained considerable expertise in the culture sector, including focus group analysis in relation to various stakeholders and groups of interest. She co-edited the volume on *Legal Issues in Cultural Heritage Management: A Polish Perspective* (Peter Lang, 2016). She is involved in the UNIDROIT Academic Project and Common Core of European Private Law project. Her recently published book is *Cultural Heritage as a Legal Hybrid: Between Public and Private Law* (Springer 2022).

In 2014, the government of Poland nominated her as a mediator at the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation. In 2020, she was selected as an arbitrator for the Arbitrator Pool of the Court of Arbitration for Art (CafA) in Hague. In June 2022 UNIDROIT Governing Council appointed her as a Correspondent of the International Institute for the Unification of Private Law (UNIDROIT) for Poland for three years (June 2022 to May 2025).

She is member of the National Council of Attorneys at Law in Poland (Krajowa Rada Radców Prawnych - Krajowa Izba Radców Prawnych (kirp.pl) and the Center for Research and Legislative Studies of the National Council of Attorneys at Law in Poland (OBSiL – Ośrodek Badań, Studiów i Legislacji Krajowej Rady Radców Prawnych (kirp.pl).

Belén Mazuecos

Artist and Full Professor of the Department of Painting at the University of Granada-UGR (Spain). She has been Vice-dean of Cultural Affairs at the Faculty of Fine Arts (2008-2015) and Director of the Visual Arts Area of the Vice-rectorate of University Extension of the UGR (2015-2019). PhD in Fine Arts with European Mention by the University of Granada (2008), Bachelor of Fine Arts by the UGR (Spain) and the Accademia di Belle Arti di Brera of Milan (Italy) (2001) and in Social and Cultural Anthropology by the UGR (Spain) (2011), she has completed her training in other foreign centers, such as the University of Costa Rica (2002), the Bocconi University of Milan (Italy) (2004) or the International Center for Art Economics of Venice (Italy) (2005-2009).

In the last years she has directed 3 national and international R&D projects on the system and market of contemporary and emerging art and has participated in other 5 projects on cultural transfers between arts, crafts and design, and heritage communication through contemporary art. He is currently part of the research team of the European project WARMEST [Horizonte 2020] (2017-2021) on preventive conservation of immovable heritage and RRRMAKER [Horizonte 2020] (2021-2024) on arts, crafts and design in the frame of circular economy. Her main research topics and the subjects she lectures on are “Contemporary Artistic Projects” and “Contemporary Art Market”. She has participated in several international conferences and has published in prestigious international journals. She has won several prestigious international artistic awards such as the Arte Laguna Prize 14 ed., Venice (Italy), 2020.

Ana Letícia Fialho

PhD in Arts and Language Sciences (2006) from the School of Advanced Studies in Social Sciences of Paris (EHESS), with research on the internationalization of contemporary Brazilian art. Master in Cultural Management (2000) by the University of Lyon II, with research on the relations between Brazil and France in the field of visual arts. Graduated in Law from the Federal University of Rio Grande do Sul (1997). Visiting Professor at UNIFESP (Universidade Federal de São Paulo). Formerly Director of Productive Strategy at the Office of Cultural Economy/Brazilian Ministry of Culture (2016-2018); executive manager at Cinema do Brazil (2007-2010 and 2015-2016); Head Researcher and Commerce Intelligence Consultant at Latitude - Platform for Brazilian Art Galleries Abroad (APEX-Brasil) (2011-2014); executive curator at Forum Permanente, a network based project which functions as a multi-platform for critical discussion on contemporary art (2007-2011); researcher and editor assistant for the exhibition and the book *Drifts and Derivations – experiences, journeys and morphologies*, organized by Lisette Lagnado for the Museo Nacional Reina Sofia, Madrid (2010).

Bruna Fetter

Professor and researcher at the Art Institute of Universidade Federal do Rio Grande do Sul (Brazil), Bruna Fetter holds a PhD in Art History, Theory and Criticism. Vice-coordinator of the Post Graduate Program in Curatorial Practices at the same university, she was a Fulbright Visiting Researcher at New York University (2014/2015) as part of her PhD research on art fairs and their processes in legitimating Brazilian contemporary art internationally. Mrs. Fetter is a member of AICA and TIAMSA, where she is part of the "The Art Market and Collecting: Portugal, Spain and Brazil" subcommittee.

Fernando Loureiro Bastos

Professor de Direito Público na Faculdade de Direito da Universidade de Lisboa; Presidente do Instituto de Cooperação Jurídica da Faculdade de Direito da Universidade de Lisboa; Coordenador do Grupo de Investigação de Direito Internacional e Europeu do Centro de Investigação de Direito Público, Faculdade de Direito da Universidade de Lisboa; Diretor de Estudos da Sociedade Portuguesa de Direito Internacional (Ramo português da *International Law Association*); Membro do Comité Jurídico da International Art Market Association (TIAMSA)

Marcílio Franca

Árbitro da Organização Mundial da Propriedade Intelectual (OMPI); da Court of Arbitration for Art (CAfA) e do Tribunal Permanente de Revisão do MERCOSUL. Membro do Conselho Executivo da International Law Association (ILA). Professor da Faculdade de Direito da Universidade Federal da Paraíba. Procurador-Chefe da Força-Tarefa do Patrimônio Cultural do Ministério Público de Contas da Paraíba. Membro do Comitê Jurídico da International Art Market Studies Association (TIAMSA); do Instituto Hispano-Luso-Americano de Derecho Internacional (IHLADI); da Associazione Italo-Brasiliana dei Professori di Diritto Amministrativo e Costituzionale (AIBDAC); do Istituto Nazionale per il Diritto dell'Arte e dei Beni Culturali (INDAC, Itália). Foi Professor Visitante nas Universidades de Turim, Pisa (ambas na Itália) e Ghent (Bélgica) e Calouste Gulbenkian Fellow no Instituto Universitário Europeu de Florença (EUI).

Marta Pérez-Ibáñez

PhD in History and Arts from the University of Granada, Spain. Master's Degree in Art History from the Universidad Autónoma in Madrid, Spain. Specialized in contemporary art market, with thirty years' experience in management, research and graduate teaching. Currently lectures on Contemporary Art, Art Market Management and History, Cultural Management and Marketing in several universities and institutions, in and out of Spain. She is President of the Institute of Contemporary Art of Spain IAC, and member of The International Art Market Studies Association TIAMSA. Member of the research clusters Art market and collecting in the European Southern countries and Brazil (AMC_ESCB), TIAMSA's subcommittee, and *Ecosistema del Arte*, interuniversity, and has also contributed from 2015 to 2018 to Cross-sectional Surveys in Contemporary Artistic Creation, Nebrija University. Since 2015, is Section Editor specialized in both Spanish and Portuguese art markets at De Gruyter Publishing, Berlin (Germany) working on the future publication of the Art Market Dictionary. Is co-author of the research study *La Actividad Económica de los/las Artistas en España*, first in-depth survey about the situation of artists and the evolution of the art market during the economic recession in Spain. Its results have contributed to the writing of the new Statute of the Artist by the Spanish Congress of Deputies in 2018.

Postgraduate Certificate in Higher Education *Profesor Doctor Contratado* from The National Agency for Quality Assessment and Accreditation of Spain, ANECA (full member of the European Association for Quality Assurance in Higher Education ENQA, full member of the International Network for Quality Assurance Agencies in Higher Education INQAAHE, listed in the European Quality Assurance Register for Higher Education EQAR).

Nei Vargas

Professor of the Postgraduate program in Art and Market at the Centro Universitário Belas Artes, São Paulo, Brazil. Nei Vargas da Rosa is a PhD candidate of Visual Arts, emphasis in History, Theory and Criticism of Art at the Federal University of Rio Grande do Sul, Brazil. Master's degree in the same University, part of his dissertation was awarded at the Public Notice Brazil Contemporary Art: Economy of Art, by Bienal of São Paulo Foundation. He is a member of the Organizing Committee of the Art beyond Art - International Symposium on Art Systemic Relations. He's also the coordinator of the research project *Perspectives of Contemporary Art Collecting in Brazil*, sponsored by the Institute of Contemporary Culture of São Paulo.