

Germany - a response to Artist Exhibition Payment Rights

For decades, the members of the IGBK / International Association of Art in Germany* have been calling for a statutory provision for the payment of exhibition remuneration. Significantly, the Kulturforum der Sozialdemokratie (Cultural Forum of Social Democracy) drafted a discussion paper on the introduction of exhibition remuneration in 1995. Discussions and proposals have continued up to 2013-14 with the first meeting of the BBK state associations to develop a proposed national guideline, published in June 2014.

Up to now support for the proposal has been resisted. It is argued that the greater burden of exhibition remuneration would be offset by fewer exhibitions, which would then feature royalty-free works or focus mainly on the works of renowned artists. As a result, exhibition opportunities, especially for younger artists, would decrease. It is clear however, that additional funds must be generated or existing funds distributed in a different way. In times of tight budgets this is a difficult case to argue with the German Federal states.

Another hurdle that has to be overcome is the current agreement in German Copyright law. Although the artist, as curator of the works, is entitled to contractually agreed remuneration for the granting of rights of use such as the right of exhibition, such fee is not mandatory, which is why most exhibition organisers do not pay for it. In addition, pursuant to German copyright law, the right of exhibition applies only to unpublished works, meaning that even this claim to appropriate remuneration expires after the first exhibition of the works. A bill was introduced by the SPD Parliamentary Group in 2005 to create a mandatory right of remuneration into the German Copyright Act, but this failed.

After the introduction of the Swedish MU agreement in 2009, the discussions to implement an agreement for exhibition remuneration has gained new impetus in Germany. However, despite artist associations, together with several parliamentary groups of the Bundestag, demanding exhibition remuneration be included in the eligibility criteria of publicly funded projects, hearings have not found a majority agreement through the government.

But there has been another approach. The promotion of culture in federal Germany is largely the responsibility of individual federal states, which is why, in contrast to the Swedish model; the demand for a payment of exhibition remuneration as a binding eligibility criteria for projects was extended to both state and local levels. On a regional level four initial successes have recently been achieved. In Saxony a cultural space has included exhibition remuneration in funding guidelines for projects (published by Saxony Regional Association for Visual Arts). The Association of Visual Artists in Thuringia has initiated an exhibition project with 36 artists that all receive €500 remuneration. The professional association of visual artists in Rhineland-Palatinate is currently developing joint remuneration regulations with the support of the state ministry and in collaboration with representatives of museums, art associations, municipal galleries and private exhibition initiatives.

Lastly, the Federal Association of Visual Artists has published a guideline for remuneration of services of visual artists at exhibitions. Following the Canadian, Australian and Swedish models, the core guideline is composed of two tables. This guideline is intended to help visual artists obtain approximate remuneration for exhibitions until a statutory rule is enforced throughout Germany. Similar to the MU agreement, the guideline distinguishes between exhibition fees and professional fees. The exhibition remuneration is calculated on a starting basic amount €125 per week, an economic factor between 0.2% and 3.5% for economic power of the exhibitor and the duration of the exhibition. For professional fees, the guideline lists individual hourly rates for conception, public relations work, installation, intermediary work, transport and travel. The recommendations for the drafting of contracts have given rise to an exhibition contract template, attached to the guidelines.

Next - currently reliable information about the number of artists that receive exhibition remunerations and which exhibition venues have supporting policies and what the general artist working conditions throughout the country are, are not available. Research and development of surveys and seminars, how to negotiate effective broader change, will now follow. Discussion groups through IGBK to follow in 2015.

*Bundesverband Bildender Künstlerinnen und Künstler – BBK (Federal Association of Artists), Deutscher Künstlerbund (German Artists' Association) and GEDOK (Federation of Women Artists and Patrons of the Arts).

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