

# Exhibition Remuneration



## Documentation

### “Exhibition Remuneration Right in Europe 2018” Symposium in Brussels, November 2018

Across Europe, visual artists are often the last to get paid for the exhibition of their work in public and, even if they are, payments are low.

A collaborative international move to remunerate the creators of such important work would not only respect the labour rights of visual artists as workers who are paid, but also make arranging exhibitions easier and make it easier for artists to create. Comparing the exhibition payment systems for visual artists in different countries, as well as the successes and reasoning behind individual countries’ campaigns would enable artists associations to grasp which strategies in the establishment of fair remuneration have worked or might work in future. The benefits of “best-practice” models might encourage increased professionalisation, and a higher quality and greater variety of work.

It is under this reasoning that the [“Exhibition Remuneration Right in Europe”](#) Symposium took place in Brussels on 22 November 2018 with the idea of comparing methods of remuneration to visual artists across Europe and beyond. The discussion was the first-ever initiative of its kind on a European level and was organized by the Internationale Gesellschaft der Bildenden Künste (IGBK), in collaboration with the Internationale Association of Art (IAA) Europe, the collecting society VG Bild-Kunst and European Visual Artists (EVA).

Presentations and speeches at the event pointed out similarities and differences across nine mostly European countries’ systems and ongoing campaigns, accompanied with summaries from five more countries in the symposium [handout](#), allowing a pooling of ideas and strategies for the future.

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## Summary “Exhibition Remuneration Right in Europe 2018”

Katarina Jönsson Norling of the KRO (Konstnärernas Riksorganisation) in **Sweden** began the presentations with a description of the so-called MU Agreement for the remuneration of visual artists in Sweden, initially established in 2009. Since that time, the MU Agreement is very much a best practice model for other European regions and forms the basis for mandatory individual agreements in Sweden - also referred to as Standard Agreement - between the organizer and living artists of a temporary public exhibition organized by a state institution, exhibiting artist-owned works. The Standard Agreement can be [downloaded](#) publicly. Under the MU Agreement, M represents a participation fee (‘Medverkan’), based on the idea that artists should get paid for the workload and costs invested in participating in exhibitions of the kind previously mentioned. Content must be agreed, covering costs such as, for instance, transportation, materials and insurance in addition to labour, as well as a mandatory stated fee which must be paid on a given date. U (‘Utställning’) stands for this latter “exhibition fee” (“tariff”), which does not cover expenses but is merely a fee for the temporary public display of artist-owned works, with a calculation scheme provided and a setting of minimum fees. One of the problems in implementing the MU Agreement lies in the fact that the Swedish state is obliged to fund public museums and galleries, whose own compliance with the mandatory MU Agreement is in reality still very much voluntary and inhibited by the fact that public funds to exhibiting institutions are not raised accordingly to fulfil the MU Agreement’s demands. Disputes are referred to the MU reference group at the Swedish Arts Council. Currently 65% (3,300) of Swedish professional visual artists have worked with such Standard Agreement, and 28% of museums have paid at least the lowest fee.

A regional perspective from **Germany** was presented by Nora Gatewood of the Berlin Senate Department for Culture and Europe, who outlined the Berlin Model of Exhibition Remuneration. The latter has been in place since 2016 and currently has a €400,000 annual budget for the remuneration of professional visual artists in the provision of artistic works for display in Berlins municipal galleries. These payments are considered rewards in recognition of artistic achievement rather than payment for any part of a production budget (as in costs) of an exhibition itself - so more of an exhibition payment than a participation payment, with reference to the Swedish terms. The system came together through a concerted effort by artists associations from all art forms to lobby politicians. Payments are made in instalments, but institutions are self-regulating; an institution submits a finance plan and then contracts individual artists for each show. Fixed fees are distributed to municipal galleries, along with a second payment linked to the venue’s previous exhibition history. Every six months, galleries submit a further finance plan which serves both as accounts and a request for changes in funding. Galleries pay ‘Künstlersozialversicherung’ (artist’s social insurance) and contract directly with the artists, who submit invoices for the gross remuneration needed. While the Berlin system works well, fine tuning is still needed in future, in terms of what qualifies as a gallery and as artistic work, and the Berlin model will continue to be re-evaluated in years to come.

April Britski of CARFAC in **Canada** next presented the basics of the CARFAC-RAAV Fee Schedule as well as the collective agreement they negotiated with the National Gallery of Canada in 2015 under the Status of the Artist Act. CARFAC functions like an artists’ union, and its voluntary and collective agreements have resulted in strong contracts and comparatively high payments to artists since 1968. CARFAC-RAAV recommend reproduction royalties and professional services fees, but exhibition payments are at the core of their fee schedule, often referred to as an artist fee or CARFAC fee. Quite noteworthy is the fact that the addition of an Exhibition Right in the Canadian Copyright Act makes payment of exhibition fees legally enforceable as a copyright royalty, and it has been further reinforced by many arts councils: if a gallery does not pay CARFAC fees, they do not receive public funding. Following Britski, “the Canadian Copyright Act does not dictate the fee - it defines what uses are subject to the Act, and where permission of the copyright holder is required. CARFAC compliments the Act by making recommendations on minimum fees.” In addition to this legal requirement, Canada’s Status of the Artist Act allows artist associations to become certified to represent self-employed artists in collective bargaining with federal institutions. The Supreme Court of Canada even upheld CARFAC-RAAV’s right to include copyright in a collective agreement in 2014. It is estimated that about 400 museums and galleries in Canada pay CARFAC minimum fees. Those fees are set only to cover an artist’s copyright, applying to both living and deceased artists, as well as foreign artists, in most cases. Additional fees are recommended to compensate for the artist’s time and labour whilst participating for instance on juries and consultations or installing a show, but this does not include costs, like production of work, travel, etc.

Hilde Tørdal of NBK (the Norwegian Visual Artists Association) next talked about the recent reform of exhibition payment in **Norway**, a scheme consisting of (1) exhibition remuneration, (2) exhibition fees and (3) covering production costs. The artists associations have an agreement with the Norwegian state since 1978 on

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exhibition remuneration for publicly funded exhibitions, compensating artists for the display of works in the artist's possession, with the artists not being able to dispose of the work during the exhibition period themselves (1). Note that the Norwegian "exhibition remuneration" corresponds to the Swedish "U-exhibition fee" in the MU Agreement. Government budgets for the artists' exhibition remuneration are allocated directly to the institutions. Surveys show however, that in practice artists only receive one third of the remuneration to which they're entitled and the scheme is not transparent enough, displays gender inequality and works poorly for newer art disciplines. For NBK, the solution is to have the funds distributed through the artists own intermediary, the Norwegian collecting society BONO. The main body of work though has gone into a state-run pilot-program for exhibition fees in 2014-2018, with a reference group of artists and museum directors to oversee and evaluate the results (2). The pilot initially included four publicly funded art institutions, whilst by the end it counted 24 state financed institutions as part of the program. Each institution received € 52,300 over a two-year period, to test out how artist fees could work in practice and what consequences they would have in relation to programming. In total, the pilot program's budget started with € 212,000 in 2014, increasing to € 668,000 per year in 2016-2018. Exhibition fees give the artist compensation for the work and administration invested in creating artworks for exhibitions in state-funded galleries and museums (in a way comparable to Sweden's "M-participation fees"), providing a minimum legal floor. Even so, this doesn't include living expenses such as travel, food and lodging, which is agreed upon separately. It is NBK's goal to make exhibition fees for the above-mentioned artistic investments a permanent part of the state budget from additional funding. In future, a basic fee (minimum floor) should be non-negotiable and with standard fee guidelines in place to help further negotiations. But production costs (3) remain a separate negotiating issue, between the artist and the art institution.

Marie-Anne Ferry-Fall of the ADAGP (Société des Auteurs dans les Arts Graphiques et Plastiques) in France then outlined a different perspective - again with a strong focus on copyright -, her organisation being a collecting society rather than an artists' association, like most of the day's speakers. Exhibition rights are part of copyright law in France and have traditionally been poorly implemented. However, the French courts have said that artists must receive fees for public exhibition. Consequently, the reproduction rights of works used for merchandise (e.g. postcards and posters) produce fees which are collected by the ADAGP, whether or not the museum has an agreement. Despite this, exhibition rights have been neglected historically and are only enforced at members' requests or if there is an existing agreement. Marie-Anne Ferry-Fall mentioned the possibility of adverse effects from exhibition and reproduction rights in France. But the ADAGP advocates for the full enforcement of exhibition rights nevertheless. Since 2011, the French Minister of Culture has been committed to effective remuneration for visual artists' work used in temporary state-funded exhibitions, but there is no budget and effectively nothing has happened despite these good intentions. France is still waiting for fees to be paid by non-commercial state-funded galleries and museums, and current remuneration is very low: in the current budget, €1.5 million is available for reproduction rights, while only €60,000 is freed up for exhibition payments.

Loek Schönbeck and Sofia Kapnissi of BBK (Beroepsvereniging van Beeldende Kunstenaars Netherlands) introduced the attendees to the Dutch model for artists exhibition payment: the Covenant Kunstenaarshonoraria, initiated and created by the BKNL, an informal consultative body for artists in The Netherlands, funded and managed by the Ministry for Culture through the Mondriaan Fund. The Covenant builds on the successful Scandinavian examples, but adding another variety with different remuneration for new work, existing work, the adaptation of existing works and further activities such as lectures or workshops. Institutions that become party to the Dutch Covenant - as 100 Dutch museums did in May 2018 - pay artists from government funds on a first-come-first-served basis. However, it is worth highlighting the so-called "experimenting regulation" under which the Mondriaan Fonds, which is the most important source of budget allocation for the visual arts in the country, then compensates up to 50% of the remuneration to institutions, according to how many of the Covenant's guidelines they follow. Also, the remainder of the budget comes from entrance fees and on-site sales (the first time this was mentioned in the symposium). To ensure compliance, an "apply-or-explain regulation" is installed: institutions are not bound to offer remuneration to artists, but they are bound to explain the reasons when they don't. In 2018, as many as two-thirds of Covenant-participating institutions paid exhibiting artists for exhibition remuneration, though in 2016 it was still only one-third. Against the backdrop of these rising numbers, it is particularly clear that more financial support for the supporting Mondriaan Fonds is needed in order to keep the successful momentum going.

Anke Schierholz - head of VG Bild-Kunst's legal department - presented another interesting perspective from a collecting society, here from Germany, emphasising that the key to all European systems of exhibition remuneration and fees should be that of upholding the labour rights of artists. To this end, the artists

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associations proposed that exhibition remuneration rights should be included in the country's copyright act (as it is in Canada), but museums and art markets have fiercely opposed this in the past. One of the problems for implementing exhibition remuneration via copyright in Germany is the fact that the author's i.e. artist's exclusive exhibition right only applies to unpublished works. After the first publication, the artist's i.e. author's exclusive right to exhibit is exhausted. Anke Schierholz then put forward the model solution of a "collectively administered unwaivable right" in which funds are officially given to a collecting society and then distributed to artists. However, Anke Schierholz's speech also demonstrated that remuneration cannot be effectively done through copyright unless the works are currently involved in an exhibition, emphasised the problems in enforcing exhibition rights in France as an example, and showed that artists' incomes have to be covered by more sources than copyright and exhibition remuneration alone.

Teemu Mäki, chairperson of the Artists' Association of **Finland** explained how exhibition remuneration is being handled in **Finland** at the moment. Progress has been slow, because museum representatives often argue that buying artworks to their collections is the only payment artists need, in spite of the fact that sales are rare and most artworks exhibited in museums are only loaned from the artists. The only payment for such loan in Finland has traditionally been the exhibition copyright fee, which is usually € 60-100 per artwork, depending on the duration of the exhibition and the size of the audience (equalling in average 7 cents to the artist per museum visitor in a state-funded museum). Some museums are unwilling to pay even this copyright fee and try to push the artists to waive their right, even though the law clearly states that artists are entitled to monetary compensation for exhibition of their artworks. Museums often justify their reluctance by stating: "Artists get grants." Or: "Museums can't afford to pay the exhibition copyright fees or exhibition remuneration fees. It's only feasible if the state gives the museums extra funding to cover all the expenses of these payments." Efforts to change this situation began in earnest in 2014, when the Finnish artists association started lobbying for exhibition remuneration paid for the time an artist spends on work directly related to an exhibition (i.e. packing and installing the artworks, communication with the curator, ...). This led to a state-run test period 2017-2019, voluntary for the museums. Museums can apply for extra funding when applying the scheme and this Finnish version of the Swedish "M-participation fee" or Norwegian "exhibition fee" explicitly does not include nor replace the above-mentioned copyright fee. The state funding covers 80 % of the remuneration costs, with the rest to be covered by the museum's main budget. The Artists' Association of Finland is now lobbying for a mandatory exhibition payment for all art museums after the test period, with fair payment rates and a potential expansion of the scheme from museums to other state-funded and eventually even to private exhibition spaces in Finland.

Julie Lomax of a-n (The Artists Information Company) in the **United Kingdom** spoke about her organisation's Exhibition Payment Guide and the Exhibition Payment Framework. A-n has conducted research on the value and needs of artists and students, and advocates on their behalf. Lack of artist empowerment is a real problem when it comes to extracting payments from institutions in the UK; 71% of artists do not get a fee for public exhibitions, or are paid late and do not have a contract while working, or can even have their entire fee cancelled if they run over budget. A-n campaigns for an income stream for artists and improvements in socio-economic equality in art and seeks to ensure transparency in funds and payment every time work is exhibited in a publicly-funded venue. Core principles for exhibition remuneration should be an adequate budgeting, a strong negotiation and written contracts. Institutions are expected to provide evidence of fair payments to artists according to the guidance and framework provided by a-n.

Christoph Steininger of IG Bildende Kunst, **Austria**, spoke about his association's dynamic active ongoing national campaign entitled 'Pay the Artists Now!'. The country currently has no model for exhibition remuneration or artists' fees, or indeed guidelines, and the campaign seeks to remedy this. In Austria, the eight federal museums owned by the state pay low, unregulated fees to self-organised artists. There are no minimum standard government payments and the current government believes that artists get adequate support from exhibitions and sales via the art market. IG Bildende Kunst runs its own exhibition space and is attempting to set up a payment model for fine artists. To go nationwide, it invited other institutions to demonstrate different models in Austria in a public event efficiently organised through social media, which was very successful. This alliance is helping to establish minimum standard payments by raising awareness of artists' moral right to get paid. Because all participants in the case of Austria - artists, museums and publicly funded galleries - are quite aware of the core problem, that the overall budget for culture does not increase as necessary overall.

## Important criteria for implementing exhibition remuneration all throughout Europe

Despite the popularity and cultural and economic value of works of visual art, the creators of those works are very often the last to get paid (if at all) in an exhibition setting. With few artists earning a decent living from their work, this situation has to change. The cultural importance of art needs to be rewarded to maintain a vibrant and forward moving visual art scene.

State funding of exhibitions is essential, as relying on money from an art market, which recognises in most cases only established popularity and financial investment in commercial terms, is not enough. Also, public galleries and institutions - conscious of their own limited grants and budgets - offer up resistance to effectively paying artists in many European countries and regions.

It is the task of artists associations to promote remedies to this situation, but it can be seen from the symposium's presentations that there are many pitfalls along the way to a robust model and that most European countries are in different evolutionary stages regarding fair and appropriate payments of both exhibition remuneration and participation fees to artists.

In the spirit of arriving at a more unified European process of rewarding visual artists, it should be possible to establish comparable criteria in, for example, what artists would actually be paid for, which schemes may be best undertaken and the similarities in each nation's way of dealing with these issues.

**Key definitions of payments** could be based on the similar and apparently most robust Scandinavian current arrangements:

1. The **exhibition remuneration or fee**: Payment given to artists for displaying artist-owned artworks in a temporary publicly funded exhibition, if not sold during that period; the payment is made because the artist cannot dispose of the artwork himself during the exhibition period.
2. The exhibition **participation fee**: Payment for the skills and work invested for participating in a publicly-funded exhibition. In some cases, also a defined set of costs incurred can be included in this fee.

**The circle of beneficiaries** of such payments would only include living artists, active in temporary publicly-funded exhibitions, displaying artist-owned artworks. These settings already narrow the circle of beneficiaries down somewhat. And yet still there is room for regional exceptions, with, for instance, educational programs of exhibiting institutions (see The Netherlands and Sweden) or with different set-ups for new work, existing work and for the adaptation of existing works (again as in The Netherlands).

Of course, the question of how to actually establish a fair practice remains vital in all analyses: that is, what is the best **policy** to achieve this goal? It can be observed that in most countries where exhibition remuneration has been installed, existing agreements are actually kept separate from copyright law, even though their reasoning is often very close to copyright in the vocabulary used. In this case, Canada and Finland are quite unusual in their direct reference to national copyright acts. In Finland, the according collecting society has administered the exhibition fees for a long time. In Germany, France and Norway, collecting societies and artists associations on the other hand are still fighting for guaranteed exhibition remuneration via copyright law and/or the administration of remunerations via collecting societies. In Austria, a law including administration by collecting societies from 1997 had to be withdrawn in 2004 - the Austrian law had even included commercial galleries at the time. Interestingly, the "best practice" Swedish and Norwegian agreements do not explicitly reference copyright at all and are cited by the artists associations themselves as a "soft law" policy of state recommendation only, where the standard agreement serves as the basis for obligatory individual agreements.



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It is obvious that reference to copyright could potentially give artists the biggest assurance for **compliance** to existing agreements on exhibition remuneration. CARFAC for example had the Canadian Supreme Court confirming its demands. But this road will also take longest for implementation. In the meantime, smaller regional models of remuneration may be established - such as was presented with the Berlin model - shored up by word-of-mouth and “naming and shaming” in a close-knit local scene. But again, even Sweden and Norway, with their comparably well-established best practice examples for other European regions, report inequalities, poor distribution and a lack of transparency - which very much links the question of compliance to **allocation models** outlined in the different examples.

Who sets the fees, who pays them out to whom, and under which conditions? Leaving the obviously important role of collecting societies aside here for reasons mentioned above, one could stress interesting distribution and allocation schemes such as the “experimenting regulation” in The Netherlands, where a public fund compensates participating institutions for their exhibition payments according to their compliance with existing regulations, or such as in Berlin, with its regular instalments to municipal galleries and 6-monthly reporting on the exhibition remunerations being made. Those set-ups guarantee good **monitoring** with the participation of visual artists themselves when Arts Councils are involved (as is the case in Sweden or The Netherlands), when disputes have to be resolved or when new fees have to be negotiated.

But it goes without saying that proper allocation of payments to artists calls for a regular, reliable and growing **state budget for exhibiting institutions**, so that they can fulfil their obligations. For example, Norway and Finland currently have pilot programs set up with closely monitored budgets allocated to museums and galleries to be used in paying participation fees to artists (exhibition remuneration is already since long time established!) and their goal is to enhance these budgets and keep them steady. At the same time other European regions are still fighting for an overall budget, whether to cover exhibition remuneration or participation fees at all. Only one country - The Netherlands - has mentioned an additional source of funding: entrance fees and on-site sales, two aspects handled very differently in public museums all over Europe.

## Exhibition Remuneration Right in Europe

### Our plans for the future

The symposium participants agreed on further open exchange of their experiences with existing models and guidelines, and on an extension of the handout with clarifications of the wordings and definitions, of which this documentation should serve as a first step.

Indeed, a scientific and comparative analysis of the political and legal frameworks, as well as of the existing financing and remuneration models at regional and national level would be needed, followed by a development of minimum standards - an important task, which the symposium's set-up and analysis could and cannot cover owing to lack of space. However, it is certainly fair to say that a "big picture" view was possible by the end of the event.

IAA Europe and its National Committees will develop a lobbying campaign in 2019 to make policy and administration at EU, national and regional levels aware of the "equity gap" that exists in the visual arts. After all, creators in other contemporary artistic spheres currently receive remuneration for the public display and performance of their work. The long-held assumption that visual artists make their income mainly from selling their work is obsolete - exhibiting institutions in the visual arts are very aware of this and the general public mostly enjoys artworks for free or for nominal payments.

Future goals regarding exhibition payments for all artists associations in Europe should include:

- The establishment of a permanent system of exhibition remuneration and participation fees;
- Making exhibition payments mandatory, with state funding granted only if exhibition and participation fees are paid;
- A corresponding increase in the budgets allocated to exhibiting institutions;
- And fair payments which are negotiated and monitored with the participation of artists associations and/or collecting societies.

*The symposium "Exhibition Remuneration Right in Europe 2018" was organized by Internationale Gesellschaft der Bildenden Künste (IGBK), the IAA Europe, the German collecting society VG Bild-Kunst, and the association European Visual Artists (EVA) under the patronage of Sabine Verheyen, MEP, Member of the European Parliament's Committee on Culture and Education. Further partners were Culture Action Europe and the Initiative Ausstellungsvergütung.*



*The symposium was co-funded by VG Bild-Kunst.*

*The IGBK and its projects are supported by*



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# Exhibition Remuneration

## Right in Europe

2018

### Symposium Program

Organized by [Internationale Gesellschaft der Bildenden Künste \(IGBK\)](#), [VG Bild-Kunst](#), [International Association of Art \(IAA\) Europe](#) and [European Visual Artists \(EVA\)](#)

Under the patronage of [Sabine Verheyen](#), MEP, Member of the European Parliament's Committee on Culture and Education.

Brussels, **22 November 2018**, 10.00-17.45h in the building of the Belgian collecting society [Sabam](#), Rue d'Arlon 75, 1040 Brussels, Belgium, [www.sabam.be/en](http://www.sabam.be/en).

The issue of exhibition remuneration has been an important topic for artists associations throughout Europe for years. At the symposium an exchange shall take place on national and regional remuneration models that have already been successfully put into practice. In addition, current guidelines and campaigns will be presented. It is also an important goal to make policy and administration aware of the subject of exhibition remuneration at EU level and to draw attention to the "equity gap" that exists in the visual arts.

#### 10.00h Welcome Speech

**Sabine Verheyen** MEP, Member of the Committee on Culture and Education

#### 10.15h Opening

**Urban Pappi** VG Bild-Kunst Germany

**Vincent van den Eijnde** European Visual Artists

**Werner Schaub** IGBK Germany / IAA Europe

#### 10.45h best practice examples

**Katarina Jönsson Norling** KRO (Konstnärernas Riksorganisation), *MU - The Swedish Participation and Exhibition Remuneration Agreement*

**Nora Gatewood** Berlin Senate Department for Culture and Europe, *The Berlin Model of Exhibition Remuneration*

**April Britski** CARFAC (Canada), *The CARFAC-RAAV Fee Schedule and collective agreements under the Status of the Artist Act*

Questions, Answers and Discussion

#### 12.00h Coffee Break



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## Exhibition Remuneration Right in Europe

### 12.15h More best practice examples

**Hilde Tørdal** NBK (Norwegian Visual Artists Association), *The Reform for Exhibition Fees in Norway and the Pilot Project 2014-2018*

**Marie-Anne Ferry-Fall** ADAGP (**Société des Auteurs dans les Arts Graphiques et Plastiques**), *The exhibition right in France*

**Loek Schönbeck and Sofia Kapnissi** BBK Netherlands, *Convenant Kunstenaarshonoraria: The Dutch model for Artists Exhibition Payment*

Questions, Answers and Discussion

### 13.30h Lunch Break

### 14.30h Legal and Practical Aspects

**Urban Pappi** VG Bild-Kunst

Questions, Answers and Discussion

### 15.15h Guidelines and Campaigns

**Teemu Mäki** The Artists' Association of Finland, *Towards an exhibition payment system – the Finnish experience*

**Julie Lomax** a-n (The Artists Information Company), *a-n's Exhibition Payment Initiatives and Guidelines in the UK*

Questions, Answers and Discussion

### 16.15h Coffee Break

### 16.30h More Guidelines and Campaigns

**Christoph Steininger** IG Bildende Kunst Austria, *The campaign "Pay the Artist Now!"*

Questions, Answers and Discussion

### 17.30h Farewell

Concluding thoughts by the organizers

### 17.45h Reception

Moderated by **Alex Meszmer** (Visarte Switzerland and Culture Action Europe), **Carola Streul** (EVA) and **Thomas Weis** (IGBK)

On 23 November 2018 **IAA Europe** also held its annual **General Assembly** in Brussels for about [40 delegates and representatives](#). The assembly took place at [Bozar](#) Centre for Fine Arts in Brussels ([www.bozar.be/en](http://www.bozar.be/en)).

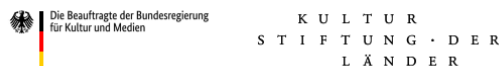
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