Exhibition Remuneration Right in Europe 2018

22 November 2018

Symposium in Brussels

Exhibition Remuneration Right in Europe 2018

This publication has been assembled on the occasion of the symposium "Exhibition Remuneration Right in Europe 2018" in Brussels on 22 November 2018 organized by Internationale Gesellschaft der Bildenden Künste (IGBK), IAA Europe, VG Bild-Kunst and European Visual Artists (EVA).

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EXHIBITION REMUNERATION RIGHT IN EUROPE 2018

FOREWORD. BY WERNER SCHAUB

Unlike creatives in all other cultural sectors, visual artists are almost never remunerated for presenting their works to the public.

In view of these circumstances, exhibition fees have been an important topic in many European countries for years, and artists' associations are calling for an end to this injustice within the visual arts sector.

The Internationale Gesellschaft der Bildenden Künste (IGBK) - German National Committee of the International Association of Art (IAA) - has now taken the initiative to open up a discussion on the topic at a broad European level for the first time at the "Exhibition Remuneration Right in Europe" symposium on November 22, 2018, in Brussels, the heart of the European Union.

Our initiative has met with a broad response: Our collaboration partners include the collecting society VG Bild-Kunst, the IAA Europe, as well as the organization European Visual Artists (EVA), without whose moral, organizational, and - in the case of VG Bild-Kunst - generous financial support this project would not have been possible.

We would also like to thank our other partners, Culture Action Europe (CAE) and the Initiative Ausstellungsvergütung. Last but not least, our thanks go to the German Federal Government Commissioner for Culture and the Media (BKM) and the Kulturstiftung der Länder (KSL) for their support of the IGBK and this project.

This booklet, which has been assembled on the occasion of the symposium and will subsequently be published online, provides an overview of national and regional exhibition remuneration models that have already been implemented successfully as well as related current recommendations and campaigns by various artists' associations.

Many of these will be presented and discussed at the symposium. This publication also introduces additional models and initiatives (also from two non-European countries, namely Australia and the U.S.).

We would like to thank Ms. Sabine Verheyen (MEP), member of the Committee on Culture and Education of the European Parliament, who has agreed to act as patron of this European symposium. This attention from the ranks of the European Parliament is extremely helpful with regard to our aim of raising awareness of the issue of exhibition remuneration among policy makers, including those at the EU level.

This booklet and the accompanying "Exhibition Remuneration Right in Europe" symposium can only be a first step towards raising awareness of the issue of exhibition remuneration among policy makers at the European level. It will be important to take further action in the coming years, so that eventually cornerstones of a binding framework for a potential European directive on exhibition remuneration can be discussed.

Berlin/Brussels, November 2018

Werner Schaub (Chairman of the Internationale Gesellschaft der Bildenden Künste (IGBK), President of the International Association of Art (IAA) Europe, Member of the Board of the collecting society VG Bild-Kunst

SYMPOSIUM EXHIBITION REMUNERATION RIGHT IN EUROPE 2018

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. In Partnership with Culture Action Europe and the Initiative Ausstellungsvergütung.

Brussels, 22 November 2018, 10.00-17.45h, in the building of the collecting society Sabam, Rue d'Arlon 75, 1040 Brussels, Belgium.

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 Already implemented 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	
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 Artists Now!'*
	Noel Kelly Visual Artists Ireland (VAI), *The Visual Artists Payment Guidelines*
	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)

The events will be photographed and pictures may be published in press, documentation, websites and social media. If you do not wish to be photographed, please contact the organizers at the beginning of the event.

EXHIBITION REMUNERATION MODELS AND FAIR PAY FOR ARTISTS CAMPAIGNS THROUGHOUT EUROPE AND BEYOND 2018

FAIR PAY FOR ARTISTS CAMPAIGN - THE NATIONAL ASSOCIATION FOR THE VISUAL ARTS (NAVA) IN AUSTRALIA

AUSTRALIA. BY PENELOPE BENTON

The National Association for the Visual Arts (NAVA) is the peak body representing the professional interests of the Australian visual and media arts, craft and design sector, comprising of 20.000 practitioners, galleries and other art organizations. Since its establishment in 1983, NAVA has been influential in bringing about policy and legislative change to encourage the growth and development of the visual arts sector and to increase professionalism within the industry.

NAVA's Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector, was launched in 2001 and sets best practice standards for the contemporary arts industry including the minimum rates for artists' fees.

In 2016, NAVA conducted a sector wide survey of art industry practices around the country, revealing that the payment of fees and wages to artists and many arts workers, varies dramatically and somewhat chaotically across the sector. In fact, approximately 60% don't pay.

In 2017 we launched Fair Pay for Artists, which renewed NAVA's campaign to gain recognition of a group of rights for artists and other art professionals. As part of this campaign, we conducted a series of consultations and meetings in most capital cities and some regional centres across the country, gathering feedback on the priority issues for artists and the sector, and further informing the direction of this campaign.

We also approached the Australia Council for the Arts and each of the state and territory funding bodies to request that at a minimum, the payment of artists' fees be mandated by government funded galleries and organisations. Unfortunately, while they were all willing to continue recommending that galleries pay, the only state willing to commit to mandating the payment of fees was Tasmania.

The need for this important work has been further illustrated by the Australia Council's latest research report 'Making Art Work' which has revealed that about 61% of artists make less than $10.000 per year from their creative work and at the other end of the income scale, only 11% of visual artists made more than $50.000 in the financial year 2014-2015.

The Fair Pay for Artists campaign is centered around different issues, these are artists' fees, superannuation, tax, and social security.

ARTISTS' FEES

The payment of fees and wages to artists continues to vary dramatically and somewhat chaotically across the sector, particularly among the major galleries: artists report receiving three or more completely different amounts for the same work at different institutions, and there doesn't seem to be any logical or transparent reason for this.

There are a number of different scenarios where a flat fee is offered over an hourly rate, however the flat fee recommended in NAVA's Code of Practice does not take into account other expectations of artists such as attending meetings, installation hours, being interviewed or available for press etc.

Artists are also generally not paid when they are selected as a finalist in a prize or competition exhibition, nor paid, or paid poorly to show as part of festivals, and in most cases, are not paid adequately when working on public art commissions.

NAVA is currently working with partners to conduct a full review of the Code of Practice to update both fees and wages and other sections including public art in response to feedback and consultations. We are also pushing for a definite commitment to the payment of artists' fees for all publicly funded galleries and organisations by local, state and federal funding agencies.

For more information visit

https://visualarts.net.au/advocacy/campaigns/artists-fees

PAY THE ARTIST NOW! EXHIBITION REMUNERATION – A HOW-TO FROM AUSTRIA

AUSTRIA. BY VASILENA GANKOVSKA

The recent history of exhibition remuneration in Austria can be told in few sentences. Initially implemented in 1997, the legal regulation governing such remuneration was withdrawn in 2000 by the government, a coalition between the Conservative People's party and the far-right Freedom Party. Since then all attempts at dialog have failed to impact the status quo. Nevertheless, IG BILDENDE KUNST remains in contact with other organizations interested in the topic, such as Bildrecht GmbH, the copyright society in Austria. IG BILDENDE KUNST follows all kinds of activities on this topic and is always ready for dialog. In recent years, IG BILDENDE KUNST has been researching different exhibition remuneration models. We hope to enjoy a valuable exchange with other IAA member countries as part of this process.

At this point, it is worth mentioning that art institutions in Austria pay (as far as it is being registered) for the rights to show video or film works only because they are part of distribution networks or subject to international distribution regulations. IG BILDENDE KUNST does not see this as an adequate substitute for a real solution to the exhibition remuneration problem, but so far there is no indication from the current government (the same coalition as that in 2000) that any further measures will be taken. The most likely scenario is that a debate will only start in Austria in the face of impending EU regulations.

The PAY THE ARTIST NOW! campaign

This paper will provide additional details about our progress with PAY THE ARTIST NOW! project, which is gradually developing into a national campaign. Last year the IG BILDENDE KUNST executive board drafted an artist fee scheme, which we started implementing immediately in our

exhibition space and then extended to all activities such as workshops, public discussions, talks and trainings. We made some adjustments and evaluated the figures and the categories this year (2018).

We continued our breakfast talks, a series of events that we started in 2016, in which prominent representatives of art institutions or local artists' unions share their experiences with artists' fees and the way the institutions they have represented deal with production versus artists' labor payment issues. In 2018 we went on tour to Graz and Salzburg, where we spoke with various partners and representatives of different public art institutions.

Our mid-term goal is to establish a network of artists' associations and groups such as Secession, Künstlerhaus (both in Vienna) and the Tiroler Künstler*schaft, to name but a few, in order to start working on an agreement regulating the minimum artists' fees at a national level. The first national network meeting will take place in Vienna on November 16, 2018. It is conceived as a platform for sharing past experiences but also for discussing future actions together. The evening before, Heidi Sill, board member and spokesperson of bbk Berlin, will deliver a public presentation on the 'Berlin model'. By establishing a functioning network between various local players and the national committee we hope to gain additional voices in the fight for adequate payment of visual artists by public art institutions.

It is also worth noting that the IG BILDENDE KUNST 2018 exhibition space funding was cut by around 30% by the federal government, which affected our annual exhibition and event program. Although this forced us to reduce the number of the events, we decided not to reduce the artists' fees we would pay. One of the main exhibition projects in 2018, curated by board member Carla Bobadilla, forms part of the PAY THE ARTISTS NOW! project. It will showcase the work of three international artists who are searching for answers to the central question: "How to get adequate payment for artistic work under precarious circumstances?"

In 2019 we will continue to work with our local partners to establish a payment scheme for visual artists and will start negotiations at local and national levels with art and cultural funding bodies such as the Federal Chancellery of Austria, City of Vienna and other local government representatives. PAY THE ARTIST NOW! will remain one of our core focuses... until we succeed.

For more information visit

http://www.igbildendekunst.at/

CARFAC

CANADIAN ARTISTS REPRESENTATION
LE FRONT DES ARTISTES CANADIENS

THE CARFAC-RAAV FEE SCHEDULE AND COLLECTIVE AGREEMENTS UNDER THE STATUS OF THE ARTIST ACT

CANADA. BY APRIL BRITSKI

CARFAC is Canada's national association of professional visual and media artists. We are an artist-run organization working to improve artists' economic and legal rights, and we negotiate working conditions, based on standards such our fee schedule, developed by and for artists. The CARFAC Minimum Recommended Fee Schedule establishes guidelines for payments to visual artists for the use of their work in exhibitions and reproductions, and for other services or consultation. It serves as the basis for all of our negotiations.

CARFAC was founded in 1968, when the National Gallery of Canada wrote to artists who were participating in an exhibition, and they asked artists to contribute everything for free. No one was getting paid for the exhibition or reproduction of their work. Our founder, Jack Chambers wrote to the other artists in the show in order to talk about the inequity of that situation. Before CARFAC, Canadian museums did not pay artists for exhibitions. There was slow acceptance from museums to paying artist fees, but in 1974 the Canada Council for the Arts required that fees be paid in order for museums to receive funding, and since then other arts councils have followed. In 1975, we started to boycott galleries that were not paying fees, and over time most art galleries started to refer to our fees as the industry standard. Artists and arts councils in other countries looked to our guidelines on fees and contracts as a model, and many of them still do.

An exhibition fee, often known as an artist fee or CARFAC fee, is a copyright royalty that an artist receives when their work is exhibited. The Copyright Act provides for an Exhibition Right, which applies to exhibitions of works created after June 7, 1988 if the works are not presented for sale or hire. If you have an exhibition where the work is not for sale, you should be paid a fee for the use of your work, and that fee is determined by the length of the exhibition, its scale, and the operating budget of the presenting institution. The 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. We compliment the Act by making recommendations on fees.

Our fees are recommended minimum payments, and we maintain that artists should have the right to negotiate more, particularly for larger projects. The reality is that most museums only offer our fee, and most artists accept it. Without our guidelines, there would be no standards in place for people to refer to. These fees are for the use of an artist's copyright only. They should not be considered compensation for equipment rental costs, travel costs, publication costs, insurance, shipping, or any other costs associated with the production of an exhibition or other activity. It is only compensation for an artist's copyright, or their time and labor.

We've been recommending minimum fees for artists since 1968, and since then, we have consulted frequently with artists and presenters. In 2007, we reached a voluntary agreement with the Canadian Museums Association and the Canadian Art Museum Directors Organization, on temporary exhibition fees. It was a five-year agreement with a 3% yearly increase. All parties to that agreement formally recommend our fees as minimum payments to their members, but they do not enforce them. In 2013, we renewed that agreement, and the national association of artist-run centres, ARCA, also recommend our fees as minimum rates to their members. In 2017, we approved a two-year agreement which includes a 2% annual increase.

We are currently in negotiations to revise our guidelines for media art and performance art, and are working with stakeholder groups to establish new fees for independent curators and for writing about art.

We also have the ability to negotiate binding agreements. The Status of the Artist Act provides artists with the right to join an association in order to bargain collectively with federal institutions, to set minimum standards for pay and working conditions. CARFAC and RAAV in Quebec are certified to negotiate on behalf of visual artists in Canada as the sole collective bargaining unit which negotiates contracts and fees with federal agencies. This means that we can negotiate scale agreements with the National Gallery of Canada and others, which could include the Canadian Museum of History, the Canadian Broadcasting Corporation, the Department of National Defense, etc. Once an agreement is successfully negotiated, and approved by our membership, it is legally binding. It allows us to collect working dues on all negotiated agreements.

In 2015, our members approved our first scale agreement with the National Gallery of Canada. It applies to living Canadian artists whose work or services are used by the gallery. The Agreement took effect April 1, 2015 and remained in effect until it was renegotiated in May 2018. Our new agreement remains in effect until 2022. The agreement includes minimum payments that artists will receive for the exhibition and reproduction of their work, as well as other professional services. The difference between this and our other agreements is that these fees are binding: the gallery can never offer an artist less than the minimum fees we have negotiated. The artist can negotiate for more, but the gallery is legally obligated to offer our rates as a minimum.

This agreement did not come easy: it took 12 years to negotiate because the National Gallery did not bargain in good faith, and ultimately a Supreme Court decision forced them to include exhibition and reproduction fees in our collective agreement. Our court case is a milestone for visual artists, and shows that CARFAC will go to great lengths to defend certain principles and issues of fairness.

For more information about CARFAC, the fee schedule, and agreement with the National Gallery, visit

www.carfac.ca

SKUTEK

REMUNERATION OF ARTISTS - INFORMATION ON THE SITUATION IN THE CZECH REPUBLIC

CZECH REPUBLIC. BY ALENA KUNICOVÁ

The remuneration of artists is an important issue for Spolek Skutek. Spolek Skutek, as an independent non-governmental organization that unites artists, curators, art theorists, critics, and others active in the field of visual arts, aims to defend the rights and interests of its members and encourages discussions on pressing issues (such as the social situation of artists, art in public spaces etc.) with public bodies and the public in general.

The question of remuneration for art professionals was first raised on a large scale by the Call Against Zero Wage initiative[1] in 2012. This movement was one of the starting points for the founding of our association, which tries to fulfill the role that is traditionally played by the unions. We believe that individual artists need common representation – and that is what Spolek Skutek stands for.

[1] https://vyzvaprotinulovemzde.blogspot.com/p/call-against-zero-wage.html

We do see the problem of remuneration for artists as a more general topic that also affects curators and art critics. The government does not see these lines of work as normal professions or recognize them as occupations that should allow people to earn a living wage. There is no systematic regulation of this area and no legislative or governmental tools have been put in place. Indeed, there isn't even any recognition of the problem.

In recent years, we have defined and worked on three main topics. Most of our work takes the form of discussions and official negotiations with the Ministry of Culture.

For art critics: Czech newspapers (in general) do not have dedicated positions for visual arts editors. Articles are outsourced and poorly paid. We have organized a number of discussions on this topic. We need to persuade newspaper operators that culture is important and that it needs quality, professional representation in newspapers.

For artists and curators: Galleries do not understand that they should pay for the work that has been done on exhibitions. We try to show the galleries that it is normal to pay for such work and that it should not be seen as an opportunity for savings. We impart this information through discussions with galleries, newspaper articles and other texts and by monitoring the situation (we have been charting information on artists' fees).

The Ministry of Culture (and thus the whole legal system) does not view the visual arts as a profession. At this point, our main goal is to persuade the Ministry that our profession exists, that we should be paid for our work and that the state should change the way taxes are paid by those involved in the arts. In practice it also means that we meet regularly with the Ministry of Culture and try to persuade them that visual artists and other art professionals and the way they get paid should be an important topic. In collaboration with the Unions[2] we have recently started negotiations with the Ministry to encourage it to create and recognize a "professional artist/curator" profession.

Although both the Ministry of Culture and the galleries seem to want to discuss the topic of artists' fees, unfortunately they do not see it as a priority.

We are continuously trying to initiate a discussion on this problem and raise public awareness about the current situation and why it is a problem. As part of the Call Against Zero Wage initiative, a survey was conducted focusing on how art professionals are paid for their work and mapping the situation in the Czech Republic. We recently organized a round table for city and regional art galleries[3] to allow participants to discuss the topic and share their experiences, also with regard to the financing of art exhibitions and the remuneration of art professionals.

Ironically, Spolek Skutek does not have sufficient resources to pay a specific person to devote their attention and efforts to these important topics. All negotiations take place in our free time

[2] www.ospkop.cz/

[3] https://ctyridny.cz/en/program-2018/good-practice-or-a-round-table-for-city-and-regional-art-galleries/

and the question of zero wage is also an issue in this regard. Fighting against zero wage for zero wage makes our work less efficient.

For more information visit

www.spolekskutek.cz/ and www.facebook.com/spolekskutek/

ARTISTS' ASSOCIATION OF FINLAND

TOWARDS AN EXHIBITION PAYMENT SYSTEM – THE FINNISH EXPERIENCE

FINLAND. BY TEEMU MÄKI

In 2015 the Finnish Ministry of Education and Culture set up a committee to investigate agreement and remuneration practices relating to the organization of art exhibitions. The committee was instructed to investigate current practices between artists and the exhibition organizers and the division of exhibition costs between the parties as well as to propose alternatives to these practices. The committee, which included representatives of a number of players in the visual arts field, looked at exhibitions organized in publicly funded museums and galleries.

Prior to preparing its report, the committee analyzed the Finnish scene by interviewing experts in the field, commissioning questionnaires and co-funding two pilot exhibitions. Studies were also performed on Nordic and other international models.

The report, published in 2016, stated that good agreement and remuneration practices already exist in Finland, especially in the National Gallery and other major institutions. The committee did not reach a unanimous decision regarding compulsory remuneration or a universal contract between artists and museums for art exhibitions funded by the state. Instead, the report focused on a number of recommendations for future development in museums and galleries.

Prior to the establishment of the committee, the Artists' Association of Finland and the Arts Promotion Centre of Finland ("arts council") had organized a seminar on exhibition payment to raise awareness of such payments and, in particular, to present the Swedish model. Looking into practices in Sweden as a reference was a practical step because of the country's long experience with exhibition payment. However, the idea is not to copy the Swedish model but rather to find a model that fits Finland. Finnish museums are already obliged to pay a copyright exhibition fee for

the display of works owned by artists; the exhibition payment would therefore cover any non-artistic work done by the artist such as planning the exhibition, installing/dismantling the exhibition, and taking part in the supporting program.

In 2017 the Ministry of Education and Culture introduced a three-year funding program to pilot the exhibition payment in state-funded museums. In the first round of applications in 2017, the museums were offered funding to cover up to 70 percent of the costs associated with the payment, amounting to €102,000. This year, the co-funding was increased to 80 percent; the total allocation has not been made public yet as the application process is still ongoing.

The Artists' Association of Finland has played a multifaceted role in connection with this project. Firstly, the Association was instrumental in initiating a dialogue with the Ministry. Secondly, we ran a pilot project in connection with a major art exhibition in Kunsthalle Helsinki in 2015 and followed up with a report on international models for the use of the committee in the same year. Thirdly, our model contracts now include a section on the exhibition payment, reminding both museums and artists that an agreement on the division of duties and responsibilities and on the compensation payable should be standard practice. Finally, we have advocated for the payment among artists, museums, and politicians – a continuing task. It is our job to remind all of them that the agreement is beneficial to the entire sector.

With record-breaking visitor numbers at Finnish art museums, it is high time that artists – those creating the content of the exhibitions – finally receive fair compensation for the work they do.

For more information visit

https://artists.fi/en/

@dagp
Pour le droit des auteurs

THE EXHIBITION RIGHT IN FRANCE

FRANCE. BY MARIE-ANNE FERRY-FALL

The exhibition right is not specifically enshrined in the French Intellectual Property Code. It is, however, widely accepted that this right is included in the right of performance, broadly defined as the author's right to consent to "*the communication of the work to the public by any process whatsoever, particularly: 1. public recitation, lyrical performance, dramatic performance, public presentation, public projection and transmission in a public place of a telediffused work; 2. telediffusion*" (Article L122-2 of the French Intellectual Property Code). The exhibition of a work can indeed be considered a "public presentation."

This interpretation was confirmed by two rulings of the French Supreme Court dated November 6, 2002 (Case Nos. 00-21867 and 00-21868) stating that the right of performance connected with a photograph includes the right to exhibit it to the public.

However, while the legal situation is clear, it must be acknowledged that the exhibition right has always been poorly implemented in France.

The French royalty collecting and distribution society for graphic and visual artists, the ADAGP, has established an exhibition fee scale, which is usually applied at the request of its members. Exhibition remuneration is also provided for in a number of agreements the organization has concluded with museums, mostly for temporary exhibitions. However, royalties are not collected on a systematic basis. For non-ADAGP members, the enforcement of the exhibition right remains largely hypothetical.

This difficulty in implementing the performance right and the related right to remuneration is actually very specific to the field of visual arts: with music or audiovisual content, for instance, the

right to remuneration is well-accepted and widely implemented. The reasons for this negative situation seem to be both historical (artists have simply let it happen over the years) and budgetary (small museums and art centers would struggle to pay such remuneration without an increased budget).

For years, the ADAGP has been advocating for the effective implementation of the right to exhibition remuneration, stressing the need to allocate appropriate resources to museums.

These appeals have been heard.

In 2011, the then Minister of Culture, Frédéric Mitterrand, included in his "15 measures for the visual arts" a commitment to establish conditions for effective remuneration to living artists for the public exhibition of their works. Later, in a circular issued to the Regional Directors of Cultural Affairs in 2015, Minister of Culture, Fleur Pellerin, and Minister of Social Affairs, Marisol Tourraine, highlighted the necessity to put an end to the ”culture of non-payment” in the field of visual arts and the need to ensure that the right to exhibition remuneration was enforced effectively. Unfortunately, these recommendations were not followed by concrete action.

This year (2018), the Minister of Culture, Françoise Nyssen, affirmed that the effective implementation of the right to exhibition remuneration in museums and public art centers would now be a real priority. She tasked the Ministry’s Artistic Creation Directorate-General with initiating a dialog on this subject with state museums and public art centers and finding adequate sources of funding to cover this remuneration.

It is hoped that this new mission will help to develop a common strategy, ensuring greater respect of the exhibition right and providing artists with appropriate remuneration for their work.

For more information visit

https://www.adagp.fr/

INTEGRATION OF EXHIBITION FEES INTO COPYRIGHT LAW

GERMANY. BY WERNER SCHAUB

THE COMMITMENT IN GERMANY TO HELPING ARTISTS GAIN THEIR RIGHTS.

A number of groundbreaking demands were made at the legendary 1971 artists' congress at St. Paul's Church in Frankfurt:

- A designated health insurance fund for artists
- A strong collecting society to represent the authors' rights vis-a-vis users.
- The enshrinement of the right of artists to remuneration for art exhibitions in copyright law.

One of the outcomes of this congress was the establishment of the Bundesverband Bildender Künstlerinnen und Künstler (BBK Bundesverband) in its present form in 1972. In the years that followed, this association stepped up its efforts to achieve these goals and won some additional allies along the way: the Deutscher Künstlerbund and the artists involved in the German Trade Union Confederation.

To date, two of the demands first voiced in 1971 have been implemented:

- The KSK, a social insurance scheme established in 1981, ensures that independent artists only have to pay half of their insurance premiums; the other half is paid by the government and those availing of artistic services.
- More than 40,000 authors in the art, design, and film sectors are now part of the Verwertungsgesellschaft (VG) Bild-Kunst, which distributes millions to its authors every year – since this year also in the form of the "Kopiervergütung Kunstpräsentationen" for which artists can register their exhibitions.

The one thing that has not yet been implemented is the demand for the legal anchoring of an "exhibition fee" in copyright law.

In the mid-1990s, the Kulturforum der SPD, the BBK Bundesverband, the Deutscher Künstlerbund, the IG Medien, and the VG Bild-Kunst drafted a legal regulation providing for an exhibition fee, which the Bundestag debated for the first time in 1998.

In 2005, it seemed as though the goal might be achieved under the SPD/Greens government coalition, and a corresponding bill was already making its way through the legislative process. However, the subsequent Bundestag election brought a new coalition of the CDU and the FDP, which did not want to include the exhibition fee topic in its coalition agreement. This was a severe setback. The years that followed brought numerous efforts to pursue a mandatory exhibition fee - not only at the federal level but also at subordinate political levels. Indeed, there have been too many to mention them all, but here are a few examples:

- In 2012, the movement managed to get the Parliament's Cultural Committee to address the "exhibition fee" issue in a public session. It became clear that the CDU/CSU and FDP government coalition opposed exhibition fees, while the SPD, the Greens, and the Left were in favor of them.
- In 2014, the BBK Bundesverband drafted a "Leitlinie zur Vergütung von Leistungen bildender Künstlerinnen und Künstler im Rahmen von Ausstellungen" (Guideline for Remuneration for the Services of Visual Artists at Exhibitions) as an aid not only for artists but also for exhibition venues, offering them an overview of which amounts could be charged for which services. There is great demand for this guideline, also among institutions that organize exhibitions. The guideline can be found on the BBK website (see below, German only).
- The national artists' associations BBK-Bundesverband, Deutscher Künstlerbund, Gewerkschaft ver.di, and GEDOK founded the "Initiative Ausstellungsvergütung" in 2016, sought talks with cultural policy representatives from all parties, and organized a symposium on the subject in Berlin.
- Also in 2016, the Berlin state government set up an "exhibition fee fund," which is used to finance the payment of exhibition fees. However, funds are only available for exhibitions shown in institutions of the state of Berlin.
- In 2017, the Left parliamentary group submitted a motion on the subject of exhibition fees to the Parliament's cultural committee. The motion was supported by the SPD and the Greens but rejected by the CDU/CSU and the FDP.
- In 2017, the parliament of the state of Brandenburg introduced an exhibition fee for art presentations held in state institutions.
- Also in 2017, the BBK carried out a nationwide survey among its state and regional associations and found out that many of these associations pay remuneration for exhibitions for which they are responsible if the public sector provides funding.

For more information visit

https://www.bbk-bundesverband.de/

Senatsverwaltung
für Kultur und Europa

BERLIN MODEL FOR EXHIBITION REMUNERATION - „AUSSTELLUNGSHONORARE“

GERMANY. BY NORA GATEWOOD

ARTS FUNDING CONTEXT

In contrast to other European governments, which have heavily cut funding for arts and culture at national and municipal levels in the past years, the city of Berlin has increased its funding – with a special focus on social standards and working conditions for the independent arts scene. In total, Berlin’s budget for the independent arts scene has reached over €70 Mio annually in 2018. Berlin spends nearly €11 Mio annually for the visual arts, including structural support for institutions, the atelier (studio lease) program and the workspace and workshop program, presentation support in the form of project funding, exhibition remuneration funding as well as work stipends, stipends for international exchange, and art prizes including the project spaces awards. In addition, the cultural administration offers a plethora of cross-disciplinary funding programs, which are available for all artistic genres – including funding for diversity initiatives, digitalization, festivals and fellowship programs aimed at professional artist refugees.

CURRENT INCOME SITUATION OF BERLIN-BASED VISUAL ARTISTS

The income situation of the approximately 8.000 Berlin-based visual artists is particularly dire. A 2018 study by the IFSE institute found annual income generated from artistic activities averaged €11,662 gross for male artists and €8,390 gross for female artists. For 80% of artists, their artistic

practice is a loss-making endeavor – only 13% of male and 8% female artists can live exclusively from their art.

DEVELOPMENT OF THE EXHIBITION REMUNERATION SCHEME

For many decades, the development of an appropriate exhibition remuneration scheme for visual artists has been a key demand of artist associations in Berlin and nationally in Germany (BBK e.V., bbk berlin e.V., Deutscher Künstlerbund, ver.di, Fachgruppe BK and others). The goal of these demands was to even the playing field for visual artists vis-a-vis remuneration schemes already in place for other artistic genres, such as literature, music or the performing arts. However, many of the proposed schemes were overly complex – some based on insurance values of artworks – while the cultural administration favored the development of a straightforward model based on flat rates per exhibition.

The current exhibition remuneration scheme was developed by the cultural administration in consultation with artist associations such as the bbk berlin e.V. in institutionalized, regular meetings. The key goals of the exhibition funding scheme are to support visual artists in their exhibition activities, to reflect the breadth of exhibition activity present in Berlin - the funding scheme should therefore not develop into an excellence-initiative. A further requirement was that funds provision should be administered in a transparent, flexible and if possible, unbureaucratic manner.

For initial implementation, the exhibition remuneration was staggered from €1,000 per artist for a solo show (an exhibition involving 1-2 artists), €350 per artist for a small group show (involving up to 10 artists) and €150 per artists for large group shows (involving more than 10 artists). Further, exhibition remuneration was limited to Berlin-based artists – as are all funding programs offered by the city of Berlin.

IMPLEMENTATION

Berlin's network of Municipal Galleries offered a unique opportunity to develop an implementation framework in accordance with these guidelines. The 31 freely accessible municipal galleries, which are located throughout Berlins 12 boroughs, exhibit a combined 200 shows annually, involving over 1.000 professional artists. The municipal galleries are often the sites of first public presentation and professionalization of artists and art organizers living and working in Berlin. They are places of active networking between different scenes and operators, particularly between the independent scene and institutional cultural workers and they reflect the cultural diversity of the city in a citywide context.

Discussions with the municipal galleries working group established both initial funding requirements as well as funds administration. Initial calculations averaged that approximately 740 artists annually would benefit from the introduction of the exhibition remuneration scheme.

The City Budget 2016/2017 marked the first round of implementation. In budgetary proceedings, a funding limit for implementation of an exhibition funding scheme for visual artists was set at €300,000 annually. In 2016, Berlin's municipal galleries began paying exhibiting artists in accordance with the staggered remuneration fees proposed by the administration.

INITIAL EVALUATION AND RESPONSE

The response to the exhibition remuneration scheme was overwhelmingly positive. Especially young and mid-career artists benefitted, as well as those artists not privileged to larger shows in

museums or art institutions. Critique was voiced, however, due to the inherently discriminatory practice of paying only Berlin-based artists, but not others involved in the same exhibition. Further, the flat fees per exhibition were critiqued as being too low.

In response, the cultural administration broadened the exhibition remuneration scheme to include all artists exhibiting in Berlin at municipal galleries or in publically-funded projects. In addition, the fees were increased to €1,500 per artist for a solo show (an exhibition involving 1-2 artists), €500 per artist for a small group show (involving up to 10 artists) and €250 per artists for large group shows (involving more than 10 artists). In 2018/2019 city budget funding for exhibition remuneration increased to €400,000 to incorporate these changes to the program.

FURTHER DEVELOPMENTS

Today, the exhibition remuneration scheme is an institutionalized component for all project and presentation funding programs offered by the Berlin senate, including the presentation funding for visual arts but also all cross-disciplinary funding programs available for visual arts projects. A positive spillover effect was that institutions critical to Berlin's field of visual arts that were not part of the scheme initially – such as the art associations neuer berliner kunstverein and neue Gesellschaft für bildende kunst as well as the art institutions KunstWerke and the Museum Berlinische Galerie joined the scheme very quickly in a self-regulatory manner. An evaluation of the exhibition remuneration scheme will be undertaken in upcoming years.

Outside of Berlin, the state of Brandenburg has recently budgeted funds for a similarly staggered exhibition remuneration scheme. Other Länder are beginning to follow suit, among them the state of Saxony, albeit without the appropriation of funds.

For more information visit

www.berlin.de/sen/kultur

"IN AN EQUITABLE MANNER" – IRELAND'S EXPERIENCE OF OFFICIAL PAYMENT GUIDELINES FOR VISUAL ARTISTS

IRELAND. BY NOEL KELLY

A survey undertaken by Visual Artists Ireland in 2012 revealed that out of 580 exhibition opportunities covered in the survey, 79.66% provided no fee to the artist for their participation. Further figures indicated that production costs were not met in many cases, and in a large percentage (43.3%) of cases, artists were asked to either pay or contribute to the administration costs of their exhibitions. 77.8% of artists received no fee for education or outreach programmes. Of these 31.9% received a contribution towards travel expenses for these events.

THE FOLLOWING WERE THE KEY REASONS GIVEN:

- Insufficient funding to pay the artist as well as everybody else if a full program is needed.
- "If I don't pay staff, facilities, and utilities, then we won't open. I can't afford to pay the artist as well";
- Nobody is being paid
- I can get other artists to work for nothing
- No scale of payments that can be referenced
- "We do it but you need to ask who we are paying…"
- "That is the way that it has always been done / explained to me…"

As a direct result of these findings, and in consultation with artists, arts organizations and funding bodies, as well as key expert organizations internationally, the guidelines were drawn up to enable venues and artists calculate equitable levels of payments, properly budget for their programs and for the variety of work that professional artists undertake in not for profit spaces. This combined with research both inside and outside of. The figures provided were to be an indicator of the level of payment.

THE GUIDELINES

The guidelines created are scalable to the type of organization or event, and based on the type of work, level of experience of the artist, as well as including daily rates for activities such as outreach, curating, and project management. To calculate the payment level information is entered on the following:

1. The Artist – Level of Experience

2. The Organizations

2.1. Type of organization based on total annual turnover;
2.2. Career & Experience of the artist(s) to be shown;
2.3. Type of Exhibition Opportunity

- Solo Show;
- Group Show of less than 10 artists;
- Group Show of greater than 10 artists;
- Multi-venue exhibitions;
- Subset for work that is new;
- Subset for existing work that has already been shown.
- One-Off Festivals & Events - It is understood that one-off festival and events, both visual arts specific and general, operate differently to those with a continued program and presence in terms of media and professional profile.
- Open Submissions – paid and unpaid submissions.

3. Other fees

This section covers work other than exhibition fees. These include:

- Production Costs
  Materials and labour to be recharged at cost to venue;
- Installation fees
  where the artists is required by the venue to be present for installation;
- Project Preparation
  projects that are commissioned or that are site specific;
- Project Planning & Meetings
  projects that involve extensive meetings and planning sessions with commissioners and specialists, such as but not exclusive to public art commissions and large scale exhibitions;
- Mileage
  this allowance is taken directly from the published civil service rates;
- Artist’s Talks;
- Artist’s Workshops;
- Selection Panels;
- Interview Panels;

- Public Art Commission Artist Fees
  this is based on a percentage of the overall budget and is calculated on the basis for how much input and work is involved;
- Artists as Curators
  this is based on a percentage of the overall budget and is calculated on the basis for how much input and work is involved. The lower rate is for artists who are simply selecting work, moving progressively to a higher rate as artists may become involved in contract negotiations, shipping arrangements, installation design and support, media management etc.
- One off "Movie Night" screenings of moving image or "playing" of pre-recorded sound works – based on MPLC fees for 1 -200 Audience;
- Copyright Fees
  to cover continued use of artist copyright materials outside the run of an exhibition or event. This is based on the existing fees covered by IVARO for catalogues; newspapers/magazines; merchandising; and internet.

The results were slow to begin with. Negotiations with the Arts Council of Ireland and the Arts Council of Northern Ireland were positive, but both required time to consider what was being presented. After a prolonged period of silence, a reply was received to say that both were supportive. They had been silent as it would not be possible to support such a scheme only for the visual arts and that they were considering policy that would need to be put in place across all art forms to ensure that they were promoting equitable treatment for artists across all art forms.

The initial agreement was that organizations should be given a breaking in period of around 3 years so that they could adjust their forward planning and make applications that included payments for artists. After three years there still remained resistance. This was despite a clause being placed in all letters of offer concerning payments. However, although the change was slow, it is now finally accepted and actively implemented by Arts Council funded organizations. Both Arts Councils now have as part of their strategic vision, the expectation that artists are to be treated in an equitable manner. Other government agencies and departments have yet to implement the policy, though local authority arts officers tend towards implementing it on an individual level, i.e. it will depend on who the officer is.

For more information visit

https://visualartists.ie/

BEROEPSVERENIGING VAN BEELDENDE KUNSTENAARS

CONVENANT KUNSTENAARSHONORARIA: THE DUTCH MODEL FOR ARTIST EXHIBITION REMUNERATION

NETHERLANDS. BY SOFIA KAPNISSI AND LOEK SCHÖNBECK

The first Exhibition Remuneration Covenant (Convenant Kunstenaarshonoraria) was signed in the Netherlands on 21 February 2017, after three years of preparations. In 2014, the BKNL (Beeldende Kunst Nederland/ Netherlands Visual Arts) initiated research on remuneration for visual artists in the Netherlands. The BKNL is an informal consulting body consisting of organizations that work in the interests of visual artists and on behalf of museums, presentation institutions, and galleries in the Netherlands. Members of the BKNL include Platform BK, Museumvereniging (Dutch Museum Association), the Kunstenbond, Kunsten '92, BBK (Professional Association of Visual Artists), NGA (Dutch Gallery Association), and 'De Zaak Nu', an interest group that represents presentation institutions. It is facilitated and coordinated by the Mondriaan Fund (the public fund for visual art and cultural heritage in the Netherlands). Various art institutions (museums and presentation institutions) and visual artists were surveyed as part of this research, which focused on non-commercial exhibitions. The results showed that no guidelines were in place in the Netherlands with regard to artists' remuneration, nor were there any nationally applicable models. Instead, each museum and presentation institution had its own policies on the subject. The BKNL set itself the task of creating such guidelines and, after a long period of negotiations and careful wording of the text, it finally brought the Covenant about. The signing took place in The Hague in the presence of the Minister of Education, Culture and Science and several other high-ranking officials in the cultural and social fields.

A total of four exhibition categories and respective fees are defined in the covenant: exhibition of new work, exhibition of existing work, adaptation of existing work, and activities (often requested of the exhibiting artist; these include curatorial work, lectures, tours, educational activities, workshops, etc.). Institutions are also categorized by size, namely whether their annual turnover is more than €500,000 based on the 2017 price indication. In the case of a solo exhibition the smaller institutions pay the artist a fee of €6,500 for new work, €500 for existing work, and

€2,500 for an adaptation of existing work. For a duo exhibition, the corresponding amounts are €3,606, €277, and €1,387 per person. For exhibitions featuring more than two artists, the amounts per person differ accordingly.

A separate charter, the 'experimenting regulation', specifies the amounts of money museums and presentation institutions will receive from the Mondriaan Fonds by way of compensation. This only applies when the remuneration amounts to at least 50% of the remuneration stipulated in the guideline. If 100% of the remuneration specified in the guideline is paid, the compensation amounts to 50%. If 70% of the remuneration specified in the guideline is paid, the compensation amounts to 40% of the artist's remuneration; when 50% is paid the compensation is 30%. An adjustment period has been put in place, meaning that institutions will only have to comply fully with the Covenant by 2020. Finally, institutions that become party to the Covenant have to keep to the apply-or-explain regulation: they are not bound to offer remuneration to artists, but they are bound to explain the reasons when they don't.

The Mondriaan Fund needs to receive certain funding from the Dutch State in order to compensate them for the remuneration they pay out. Whereas only a third of the institutions concerned paid some remuneration to artists in mid-2017, two-thirds of them had applied the regulation by mid-2018. Predictably, this has resulted in corresponding financial problems: the funds assigned ran out halfway through 2018. As a result, a substantial lobby arose with the aim of turning these funds – initially set at €400,000 and paid out on an ad hoc basis – into structural funds and preferably increase the amount provided. On September 19, 2018, after fiery negotiations with officials, the welcome announcement came that the amount for 2019 and 2020 had been raised to €800,000 annually. Yet if this development continues unimpeded, it is to be expected that by the time all institutions join, which may be in the summer of 2019, some €1,200,000 might be needed – rendering the recent increase insufficient.

The implementation of the Covenant was not without its difficulties. One of the parties that set up the Covenant, the Museums Association, decided to pull out soon after. This meant that the museums had, and, in some cases, have yet to be persuaded to join one by one. Within a year of the signing of the Covenant, the number of museums and institutions that had signed up had doubled. By May 2018, 110 museums and institutions had joined. It was at that point that the Stedelijk museum of Amsterdam, the biggest museum of contemporary art in the Netherlands, decided to join as well. The next step is to work toward making the scheme viable by transforming it or incorporating it into a structural policy. The BKNL continues to work on this.

For more information visit

www.bknl.nl

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WHAT IS THE FEE FOR EXHIBITIONS?

NORWAY. BY HILDE TØRDAL

EXHIBITION FEE

Although the idea of artists' fees was formed in Norway in the early 70's as part of the work of the artists' organizations towards a remuneration scheme for exhibitions, it was not included in the Remuneration Agreement signed in 1978. For the purposes of this Agreement, an artist's fee is defined as payment for the time, work, and skills involved in creating works of art in exhibitions and other work performed by the artist in state-funded galleries and museums. The idea was taken up by the artists associations representing those involved in fine arts and arts and crafts in 2008, and since then, they have been calling for legislators to establish new structures to secure fees for exhibiting artists. "Many artists work for free, and that needs to end," Minister of Culture Thorhild Widvey proclaimed in 2014, when she launched a pilot project on paying fees to exhibiting artists.

Over the three years since the launch of this pilot scheme, both the number of venues and the funding involved have increased. In 2014, the initial budget for artists' fees under the pilot project was 2 Mio NOK (€ 212,000). The following year, this doubled to 4 Mio NOK (€ 424,000). In 2016, the budget increased again to 6 Mio NOK (€ 668,000) and it has stayed at that level since. Every institution displaying works by living artists was given 500,000 NOK (€53,000) to pay fees on a trial basis over a period of two years, regardless of their exhibition program and number of exhibitions.

Although this funding falls well short of covering the remuneration for the actual amount of work an artist puts into an exhibition, the pilot program has given a good indication of how fees should be

calculated in museums and galleries on a large scale. As a start, the visual artists' associations are advocating for the sum provided to be increased to 26 Mio NOK (€ 2,748,500) in the 2019 national budget. The pilot project has been rolled out in 24 publicly funded institutions all over Norway. All in all, there are between 50-60 state-funded institutions in the country. Our goal is to ensure that exhibition fees are earmarked as a separate, permanent item in the state budget.

A reference group was formally requested by the Royal Norwegian Ministry of Culture to initiate the pilot project in 2014 and later evaluate it and make recommendations, which was done in March 2018. This reference group included the Director of South Norway Art Museum, the Director of the North Norwegian Art Centre, the Chairwoman of the Norwegian Association for Arts and Crafts (NK) and the Chairwoman of the Norwegian Visual Artists Association (NBK).

The paper written by the reference group welcomed fair artists' fees as a beneficial arrangement for both parties involved – artists and galleries. It recommended that fees should be increased in order to reimburse artists fairly for their contributions to publicly funded galleries. The NBK views the introduction of a legal requirement to pay artists' fees as potentially the biggest reform of the visual arts field in Norway since the 1970s.

2015 CAMPAIGN - ARTISTS' EXHIBITION AGREEMENT.

Before the 2015 Norwegian municipal elections, the Association of Norwegian Visual Artists launched the #utstillingsavtalen (artists' exhibition agreement) campaign in an effort to expand the pilot project to include galleries receiving regional funding. The proposed artists' exhibition agreement set forth three measures to improve artists' income from exhibiting their works: 1. exhibition fees, 2. exhibition remuneration, and 3. production costs. The campaign proved fruitful to some extent in some of the bigger municipalities and certainly helped raise awareness of the injustice posed by the general lack of payment of artists' fees.

EXHIBITION REMUNERATION

Since 1978, an agreement has been in place between the artists' associations and the Norwegian state with regard to exhibition remuneration for publicly funded exhibitions. The remuneration agreement provides for the compensation of artists and craftsmen for the display of works in the artist's possession, as well the artist's inability to dispose of the works affected during the exhibition period. In accordance with the agreement, the remuneration is calculated on the basis of the number of works, the duration of the exhibition and the estimated value of the works. The remuneration is to be paid individually to the artist by the institution exhibiting the works.

Artists' organizations believe there is a great need to modernize and streamline the exhibition remuneration scheme. Since 2015, organizations working in the field of visual arts have been examining how the scheme works in practice. This investigation has revealed that follow-up on the Agreement is unsatisfactory and that artists do not receive the compensation to which they are entitled. In addition, the scheme is not very transparent and works poorly for new art forms and from a gender equality perspective. Artists' organizations are convinced that channeling remuneration through BONO, the Norwegian CMO for visual artists, would be the best solution to ensure an efficient scheme and have suggested a new model accordingly.

Confident that our new model is the only one that will actually ensure artists receive the exhibition remuneration to which they are entitled, we are working on several fronts in order to change the Ministry of Culture's view on this issue. We have reason to hope that we may soon achieve a breakthrough, perhaps as a result of our work on the white paper on artists launched by the Ministry of Culture, in which we will be participating fully and eagerly!

For more information visit

www.norskebilledkunstnere.no

SCCA - LJUBLJANA
Center for Contemporary Arts

VISUAL ARTS SCENE AND ARTISTS' FEES IN SLOVENIA

SLOVENIA. BY DUŠAN DOVČ

Although artists' fees are the subject of discussion within the arts scene in Slovenia, they generally do not feature on the cultural policy agenda. This issue pops up occasionally, for example as the deadlines approach for open calls for 4-years programs, annual and 4-years projects by the Ministry of Culture of the Republic of Slovenia. Thus, artists' fees are managed indirectly based on the guidelines associated with open call processes and the funds earmarked for culture in the national budget.

Open calls by the Ministry of Culture of the Republic of Slovenia state the following (quoted from the annual open call for art projects in 2018):

The artist fee in the field of visual and inter-media art is mandatory and should not be lower than (gross amounts):

- €500 for personal/solo exhibitions (recent production)
- €1,500 for overview/large scale exhibition
- €3,000 for retrospective/big scale exhibition

In the case of a group exhibition, at least 20 % of the funding provided by the Ministry of Culture should be reserved for artists' fees.

Each year, the annual open call attracts huge interest and the competition is very tough. In addition to its annual open call, the Ministry for Culture also offers 4-year structural grants to NGOs (such as galleries run by nonprofit organizations) and annual funding for four year projects.

To summarize: The “competition” for the subsidies offered by the Ministry of Culture can be described as step-by-step: first, the bigger organizations apply for the subsidies, followed by the medium-sized organizations which apply for 4-year projects and finally the individual artists who apply for annual grants. This approach does not favor individual artists.

Both public and private institutions tend to pay fees of some kind to artists; in the case of solo exhibitions, standard fees are paid, while for group exhibitions, individual artists are often offered support to produce a work (mostly in-kind benefits or costs connected with offsetting up the work within the exhibition). The production of an exhibition catalog is sometimes used as an excuse for not paying a fee – the artist is mentioned in the catalog and gets a free copy, which is considered compensation enough. Artists constantly have to decide whether to participate in the exhibition mostly for free (and thereby gain some exposure) or decline the invitation.

Marija Mojca Pungerčar, visual artist and former editor of the Artservis.org website, publishes a regular newsletter for freelance artists. She is also an advocate for better working conditions for (visual) artists.

The Odprta zbornica forum to promote self-organization among individuals working in the fields of visual, intermedia and interdisciplinary art was quite active until 2016. Its members prepared the following list of recommended artists’ fees (gross amounts, production costs not included):

- Participation in a group exhibition: €300
- Participation in the transfer of a group exhibition: €100 - €200
- Solo exhibition: €1,000
- Transfer of the solo exhibition: €500
- Lectures, artist’s talk, personal presentation etc.: €150
- Participation in a conference (panel, round table, symposium) with small-scale personal contribution: €50
- Reproduction of an art piece in a publication (poster, full cover, full page photo): €100

These fees are recommended for public institutions or NGOs that are subsidized by an institutional 4-year grant. Fees may be lower for institutions that only receive annual funding.

The general situation in Slovenia is as follows:

- No statistics are available concerning the fees paid to visual and intermedia artists.
- Wach public institution has its own policy with regard to inviting artists to participate in its exhibitions. This means that artists must negotiate their own compensation.
- Public institutions often do not pay artists’ fees in the case of group exhibitions (although there are, of course, a number of exceptions); nonprofit organizations/galleries are more inclined to pay artists' fees (and are obliged to follow the Ministry of Culture guidelines associated with the grants they receive for their exhibition programs). In many cases, the fees paid are very low, mostly symbolic and do not constitute adequate compensation for the work of the artist.
- The amount of public funding set aside for visual and intermedia art is not sufficient; it should be higher.
- Individual artists should not be the last in line to receive funding for their projects (after public institutions and NGOs).

NB: These comments are personal and are based on annual open calls of the Ministry of Culture, on the website of Odprta zbornica[4], and *on the author's personal observations of working conditions for visual and intermedia artists.*

For more information visit

http://www.scca-ljubljana.si/

[4] http://www.ljudmila.org/odprtazbornica/?page_id=345

Konstnärernas Riksorganisation.

THE SWEDISH MU AGREEMENT: A BRIEF EXPLANATION

SWEDEN. BY KATARINA RENMAN CLAESSON

In 2009 the Swedish Government entered into a framework agreement with organizations representing visual artists, craftsmen, industrial and graphic designers, and photographers (MU Agreement). The Agreement, revised in 2014, applies until further notice and provides for a mutual notice of termination period of 3 months.

MU stands for Medverkan (participation) and Utställning (exhibition). The MU Agreement covers mandatory and recommended payments to living artists participating with their own work in a temporary exhibition arranged by a state institution. It also includes mandatory requirements and recommendations regarding individual agreements between the organizer and the artist(s). To underline the power of the Agreement: Section 2 clearly states that government authorities or government institutions organizing an exhibition covered by the MU Agreement are obliged to follow the Agreement.

The MU Agreement is important not only in formalizing individual agreements and payment with regard to exhibitions, but also as a state recommendation (soft law) concerning temporary exhibitions arranged by publicly funded organizations. And most importantly, in the long run, it will establish fair practices with regard to payment and other conditions for artists participating in temporary exhibitions arranged by non-governmental organizations.

THE MU AGREEMENT IN DETAIL

The agreement covers exhibitions by state institutions that last for up to one year and to which the general public or a larger private party has access. A state institution is defined as a government

authority or institution, including embassies, smaller art galleries and artist-run spaces. Details on the institutions covered can be found in the Agreement.

The purpose of the MU Agreement is to determine:

1. the form of negotiation, content and the signing of the agreement between the exhibition organizer and the participating artist,
2. the organizer's obligation to pay an exhibition fee to the participating artist in return for displaying work she/he still owns,
3. the amount of the exhibition fee,
4. and the organizer's obligations in case of discontinuation of the exhibition and/or if the artist's work is damaged or stolen.

Section 1 is of particular importance, stating that individual agreements withholding exhibition fees or using such fee to cover other costs, such as the artist's work (participation fee) or other expenses will not apply.

The MU Agreement forms the basis for the individual agreement, also referred to as the Standard Agreement, between the organizer and the artist. Under the Standard Agreement, the organizer is obliged to:

- Start negotiating with the artist as far in advance of the exhibition as possible.
- Sign a written agreement with the artist. Individual agreements must be signed with each participating artist (except for artist groups).
- Set out the terms and conditions for the artist's participation in the exhibition.
- Pay the mandatory exhibition fee (MU tariff), even if no individual written agreement has been signed between the organizer and the artist.

The Standard Agreement must also regulate the following:

- Compensation for exhibition costs such as shipping costs, insurance, travel expenses, technical equipment etc.
- Compensation for work carried out by the artist in preparation for, during and after the exhibition. This includes the artist's work on the production, the catalog and the setting up of the exhibition, as well as meetings, contribution to the drafting of programs and any supplementary work etc. (participation costs).
- The use of the artist's work after the closing of the exhibition, including copyright issues such as publication of pictures on the organizer's website.
- Payment of the mandatory exhibition fee (Section 5).
- Details of the organizers hosting the exhibition in cases where an exhibition is being housed in more than one location.
- Dates and formats for reporting financial compensation to the artist.

The individual agreements must also contain a description of the exhibition, specifying dates, locations, the organizer responsible, participating artists, delivery dates, list of works etc. If the organizer can no longer display the exhibited works as a result of theft, damage or another event described in the MU Agreement, compensation as per the individual agreement as well as the exhibition fee in accordance with the tariff must be paid for the whole of the agreed exhibition period. The organizer must also compensate the artist for any loss as a result of theft of or damage to the work during the period when it has been out of the artist's possession under the terms of the agreement.

The MU Agreement also specifies the exhibition fees to be paid to the artist and how to calculate them based on the duration of the exhibition and on visitors' statistics for the financial year prior to the relevant exhibition. The minimum fee to be paid to an artist is 5,700 SEK for a solo exhibition, 3,500 SEK for a group exhibition featuring two to three participating artists and 2,400 SEK per artist for a group exhibition featuring four to twenty participants. Note that artists are still entitled to the exhibition fee for one week for exhibitions involving transitory works, e.g. performances that are planned for a duration of less than a week. Under certain circumstances, no remuneration has to be paid. This is the case in the following exceptional situations:

- The work exhibited has been created by a student currently in education, provided that the exhibition is associated with the student's education.
- The work exhibited has been handed over for exhibition, and the organizer has not assessed the work prior to the exhibition.
- An exhibition of works by a child under the age of 18 years.
- An exhibition of works produced as part of the organizer's educational activities.

Disputes concerning the application of individual agreements between artists and organizers must, in the first instance, be resolved through negotiations between the contracting parties. Both have the right to refer issues relating to the application and interpretation of the MU Agreement to a reference group appointed jointly by the parties for the purposes of monitoring how the agreement is implemented and applied, pursuant to Section 8 of the MU Agreement. This group is chaired by a representative of the Swedish Arts Council. It may issue a guidance statement in the event of a dispute over the application of the agreement and the group may also invite organizers, artists and other parties affected to meetings to discuss the issue. If no agreement can be reached, the dispute may be referred to a court of general jurisdiction for a final ruling.

For more information visit

www.kro.se/sites/default/files/MU_eng_0.pdf

REMUNERATION OF ARTISTS IN SWITZERLAND

SWITZERLAND. BY REGINE HELBLING

The remuneration of artists in Switzerland is being discussed at several levels. Some years ago, the idea that museums and art institutions should remunerate artists for their work (e.g., exhibitions) was simply absurd. Similarly, almost no artist thought of asking for remuneration for their own labor.

SERVICES DEVELOPED BY VISARTE

Guideline – remuneration of visual artists

Visarte was inspired to work on this issue by the campaigns of our partner organizations in England, Ireland, Sweden, and Germany. In early 2016, Visarte published a guideline for the remuneration of artists in three languages. This publication was intended to raise awareness of the need for fair artist remuneration in the exhibition business and to sensitize curators and institutions to the issue. The guideline serves as a recommendation and model for agreements between exhibition organizers and professional artists. The publication was guided by the recommendations of the German Federal Association of Visual Artists (Berufsverband Bildender Künstlerinnen und Künstler), provided in 2014, and the guideline concerning the remuneration of artists for exhibitions in Saxony (2012).

Visarte will plan various events with museums and art spaces to raise awareness and improve acceptance of the topic and the guideline over the next years.

Visarte's fee calculator for self-employed artists

Visarte has developed two additional tools for members and other interested artists and exhibition institutions: a fee calculator and a project calculator. The fee calculator allows you to calculate the gross salary for your self-employed work (in Switzerland). You can calculate the fee that you have to charge for your work, projects, and commissions as a self-employed person in order to earn a certain net wage. The net wage corresponds to an approximate net wage of an employed person with a 12-month salary (in Switzerland) by way of a benchmark. The fee calculator also indicates how much has to be put aside for a risk and pension plan. The calculator is based on standard values that can be adjusted individually.

Visarte's project calculator for self-employed artists

The project calculator allows artists to calculate their revenue, expenses, and available working time based on their fee for a specific project. The calculator considers the production costs, the fee, risk and pension plans as well as the ongoing overheads to which self-employed people are subject.

CURRENT SITUATION IN SWITZERLAND

The Pro Helvetia Swiss Arts Council

Over the last three years, things have changed with regard to the remuneration of artists. The Pro Helvetia Swiss Arts Council, the biggest cultural funding institution in Switzerland, has declared the issue to be a priority. When applying for funding for cultural projects, it is increasingly necessary to declare the related artists' remuneration in the funding budget. These fees now form a precondition for a project to be subsidized more and more often. An ever-increasing number of funding schemes now follow this example, not least because of the advocacy of Visarte.

Culture Dispatch 2021-2024

Under federal law concerning the promotion of culture in Switzerland, a Culture Dispatch must be issued every four years to determine how cultural funding will be allocated. The Dispatch stipulates the amount of funding to be allocated to the cultural sectors and determines which areas will be given more weight and which will be considered for funding.

A working group has been set up for the Visual Arts sector, including representatives of the artists, the mediators, the museums, art spaces, art galleries, and art associations. The group has succeeded in reaching a consensus concerning demands for the remuneration of artists and input was offered accordingly for the Culture Dispatch 2021–2024. Whether and how the remuneration of artists will be considered in the next Dispatch will depend on the Parliament's decisions in the fall of 2019.

For more information visit

www.visarte.ch/

W.A.G.E. – SELF-REGULATION FOR AN UNREGULATED FIELD

UNITED STATES OF AMERICA. BY LISE SOSKOLNE

W.A.G.E. was founded in New York City in 2008 by a group of visual and performing artists and independent curators. Fed up with struggling against an inherently exploitive art system, they began sharing their experiences working with art institutions and specifically the common practice of non-payment. Since then W.A.G.E. has advocated for a single achievable goal: the regulated payment of artist fees in the nonprofit sector, but we emerge from a long tradition of artists organizing around the issue of remuneration for cultural work in the United States that dates back to the 1930s. W.A.G.E. is the only organization working on these issues in the U.S. both on a national scale and through concrete policy development.

We see the contemporary fight for non-wage compensation as part of a wider struggle by all gig workers who supply content without payment standards or an effective means to organize. In the context of contemporary art, where the unpaid labor of artists supports a more than $60 billion-dollar industry, W.A.G.E.'s mission is to establish sustainable economic relationships between artists and the institutions that contract our labor, and to introduce mechanisms for self-regulation into the art field that collectively bring about a more equitable distribution of its economy.

Self-regulation is central to our approach because artist compensation has never been mandated at the city, state, or national levels by government agencies or by the private foundations that provide financial support to nonprofits through the grant making process. In this context, and in the face of accelerated privatization, deregulation and defunding, we have concluded that the task of regulating the field has been left to us. To that end, W.A.G.E. currently operates two connected programs: W.A.G.E. Certification and WAGENCY.

1) W.A.G.E. Certification was introduced in 2014. It is a national program that publicly recognizes those nonprofit art institutions demonstrating a history of, and commitment to, voluntarily paying

artist fees meeting minimum payment standards established by W.A.G.E. More than 60 have so far been certified in 23 cities across 17 states, including the Institute of Contemporary Art Philadelphia, the first museum, and the 57th Carnegie International.

The W.A.G.E. fee schedule includes 15 categories of content supplied by artists. W.A.G.E. fees are calculated using a simple equation: the higher an institution's total annual operating expenses, the higher the fee. Because each institution's expenses are different and vary from year to year, W.A.G.E. Certification includes a Fee Calculator - ▫the first ever of its kind▫ - that precisely calibrates the cost of artists' labor according to these fluctuating costs. It draws on data from public tax records and includes over 50 institutions, demonstrating a vast budgetary range: from artist-run spaces struggling to support a single employee to institutions with thousands of full-time workers, annual operating budgets in the hundreds of millions of dollars, and top salaries in the 7 figures. W.A.G.E. Certification is a 3-tiered model designed to account for this range:

1. Floor W.A.G.E. is for organizations with expenses below $500,000. These institutions must pay fees at floor level in order to be certified.
2. Minimum W.A.G.E. is for institutions with expenses above $500,000. Fees must be no less than the fixed percentage of the organization's expenses, scaled up from the floor. Minimum fees required for certification cap off at $5 Mio but W.A.G.E. recommends a continued scale-up.
3. Maximum W.A.G.E. is for institutions with expenses over $15 Mio. The Solo Exhibition rate is capped at the average salary of the institution's full-time employees, estimated at $30,000, to ensure that no one profits from the redistribution of wealth▫including artists. All other fees are tabulated in relation to this rate.

The process of applying for W.A.G.E. Certification and maintaining certified status is entirely automated. Through our website institutions can:

- Register and upload their institutional details for the current fiscal year;
- Instantly generate a customized fee schedule for fees in 15 categories;
- Track and record each fee payment;
- Submit all fee payments at the close of the fiscal year for review;
- Re-apply for certification for the next fiscal year;
- Place a dynamic, time-stamped SVG W.A.G.E. certificate on their website.

2) WAGENCY was launched in September 2018. It is a transactional platform that facilitates the fair remuneration of artists' labor in the nonprofit sector. Building on W.A.G.E. Certification, it supplies artists with digital tools and the necessary collective agency to negotiate W.A.G.E. fees or withhold content when not paid them. Instead of a coordinated strike mechanism, WAGENCY enables a matrix of individual boycotts that can and will happen at any given time. WAGENCY enlists artists in applying collective, decentralized pressure on non-certified institutions to get W.A.G.E. Certified.

WAGENCY is a subscription-based model that costs $5 a month to use and its scope is international: artists living both inside and outside the U.S. can use it when they work with U.S.-based institutions. Those who join become 'WAGENTS', are assigned a membership number, and receive a dynamic SVG logo. They gain immediate access to the platform through which they can:

- Look up the expenses of contracting institutions from a database containing the total annual operating expenses of thousands of nonprofit institutions across the U.S.;
- Instantly generate a customized minimum schedule for W.A.G.E. fees in 15 categories;
- Determine the total cost of their labor according to W.A.G.E. standards;

- Send a customized Fee Request through WAGENCY directly to contracting institutions. Requests are sent from W.A.G.E. on behalf of WAGENTS.
- Negotiate fees with institutions through WAGENCY;
- Get certified when W.A.G.E. fees are secured or labor is withheld;
- Negotiate for a mutually agreed upon fee even when below W.A.G.E. standards;
- Report Fee Payments made within 30 days of completion of work.

WAGENCY is decentralized, worker-driven, and designed to give artists of varying means maximum agency in altering the industry's conditions of exchange. Like W.A.G.E. Certification for institutions, WAGENCY certifies artists when they successfully secure W.A.G.E. fees or withhold labor when not paid them. Because WAGENCY's goal is to increase the negotiating power of all who use it, especially those who have less leverage with institutions, it allows WAGENTS to oscillate between being certified and uncertified and welcomes all forms of participation. However, Certified WAGENTS have an additional responsibility - ▫they are required to pay equitably those who contribute to producing the content of their work: their studio assistants. WAGENCY includes new guidelines, standards, and a Work Agreement for assistant labor.

For more information visit

http://www.wageforwork.com/

AUTHORS AND SPEAKERS

Penelope Benton is an arts administrator and practicing artist (sculpture, performance and installation). She was previously the manager of Arc @ UNSW Art & Design (the student organization at the University of New South Wales (UNSW) Sydney), Co-Artistic Director of Art Month Sydney, and director of several artist run spaces in Sydney. She has a BA Visual Arts from the University of Newcastle, Masters in Art Administration from UNSW, Graduate Diploma in Arts Management from the University of Technology, Sydney, and completed a Masters of Fine Arts at UNSW in 2017.

April Britski has been working as an arts advocate and administrator since 1998. She became Executive Director of CARFAC, the national association for visual artists in Canada, in 2005. She is on the bargaining team that negotiated two collective agreements with the National Gallery of Canada, and numerous agreements on exhibition fees with the Canadian museum sector.

Dušan Dovč has been working at SCCA, Center for Contemporary Arts - Ljubljana since 2004, from 2004 to 2015 as Production Manager and since 2015 as its Director. In his capacity he is responsible for coordination, public relations, fundraising and cultural policy. He graduated in Comparative Literature and Slovene Language at the Faculty of Arts, Ljubljana.

Vincent van den Eijnde is the Managing Director of Stichting Pictoright, the visual artists' collective management organization in the Netherlands. In his capacity he is dealing with various aspects of copyright, such as reprographic rights, reproduction rights, lending rights, cable rights and resale rights.

Marie-Anne Ferry-Fall is General Manager of ADAGP, the French collective rights management society in the field of visual arts and is Vice-President of European Visual Artists EVA. At national level, she is also President of the Centre Français d'exploitation du droit de Copie (CFC), President of the Société Arts Visuels Associés (AVA), the collecting society dedicated to reprographic and educational uses, and Vice-President of SORIMAGE, the French collecting society for the private copy remuneration of visual arts.

Vasilena Gankovska is a visual artist. She is board member of IG Bildende Kunst, Austria, treasurer and managing person of Galerie IG Bildende Kunst.

Nora Gatewood works for the Berlin Senate Department of Culture and Europe as coordinator for funding programs for the independent scene. In this position, she is responsible for the conceptualization, development and evaluation of funding programs. From a funding policy perspective, she monitors social standards and diversity issues and interacts regularly with artist associations and artist collectives from the independent scene.

Regine Helbling is an art historian and has been Managing Director of Visarte, the Association of Professional Artists, Switzerland, since 2008. From 1991 to 1996 she worked as an independent curator and art critic and published texts on art history and illustration in picture books. From 1996 to 2007 she was conservator and co-director at the Nidwaldner Museum in Stans.

Katarina Jönsson Norling is an visual artist and has been President of the Swedish Artists Association (KRO) since 2013. She is a board member of the Visual Copyright Society in Sweden (Bildupphovsrätt) and of the Swedish Joint Committee for Artistic and Literary Professionals (KLYS). She is the European Coordinator within the Executive Committee of the International Association of Art IAA/AIAP.

Sofia Kapnissi is a visual artist (painting, video, textile, text) and is working for Beroepsvereniging van Beeldende Kunstenaars (BBK), the Visual Artists Union of the Netherlands. She is co-founder of several artists' initiatives that advocate for a wider participation in art practice and presentation.

Noel Kelly is CEO of Visual Artists Ireland. He is a board member of Culture Action Europe, Head of the Irish National Committee of the IAA, a fellow of The Royal Society for the Arts (RSA), and Chair of the Royal Dublin Society Visual Arts Awards and the Royal Dublin Society Committee for Arts. He is also a member of the British Society of Aesthetics and of The Institute of Directors of Ireland.

Alena Kunicová has a university degree in law and art history and operates as an independent attorney-at-law. Among others, she specializes in copyright and intellectual property law. Since January 2018, she has been the Chairwoman of Spolek Skutek, a NGO based in Prague, aiming at the protection and promotion of artists' rights and interests in the Czech Republic. She is also a member of Collection Collective.

Julie Lomax joined a-n after working as Director of Development at Liverpool Biennial. She was previously Director of Visual Arts for the Australia Council for the Arts, responsible for visual arts policy and investment. She worked at Arts Council England as Director of Visual Arts for London. She is Chair of The Showroom, London and Executive Committee member of the Association of Women in the Arts and an advisor to Liverpool Pride. Julie originally trained as an artist, graduating from Chelsea School of Art with a degree in Fine Art.

Teemu Mäki is an artist, writer, theatre and film director and researcher. He is Chairman of The Artists' Association of Finland. He graduated from the Finnish Academy of Fine Arts as Doctor of Fine Arts. From 2008 to 2013 he was Professor of Fine Arts at the Aalto University, Helsinki.

Alex Meszmer is a visual artist and curator. He is member of Visarte - Association of Professional Artists, Switzerland, and Vice Chair of Culture Action Europe. Together with his partner Reto Mueller, he is organizing a digital archive about the Swiss village Pfyn and is running Transitory Museum, an ever-changing museum.

Dr. Urban Pappi, born in Cologne, has been Chief Executive Officer of the collecting society for the visual arts (Verwertungsgesellschaft Bild-Kunst) since 1 January 2012. He heads the Secretariat in Bonn with a staff of 50 emplyees. From 2000 to 2011 he worked for GEMA, where in 2006 he took over the position of Director of Broadcasting and New Media.

Katarina Renman Claesson has been a lawyer at the Swedish Artists' Association (KRO) since September 2018. She has a background as an academic researcher and lecturer and is an expert in art law and intellectual property law, especially in copyright. She is author of the first and only book on art law in Swedish language: Konstjuridik, med konstnären i fokus (2014).

Werner Schaub is a visual artist. He is President of the IAA Europe, Chairman and Speaker of Bundesverband Bildender Künstlerinnen und Künstler (BBK) and Chairperson of Internationale Gesellschaft der Bildenden Künste (IGBK). He is board member of the Verwertungsgesellschaft Bild-Kunst, Chairman of Heidelberger Forum für Kunst, Vice-Chairman of Künstlerbund Rhein-Neckar and

member of the Akademie der Künste Rhein-Neckar. He was awarded the Order of Merit of the Federal Republic of Germany (Bundesverdienstkreuzes am Bande).

Loek Schönbeck has been a member of the Beroepsvereniging van Beeldende Kunstenaars (BBK), the Visual Artists Union of the Netherlands, since 1977, was part of the board from 2016 to 2017, and is currently working as its secretary. As an artists he works in various fields – typography and sculpture (wood, stone, bronze).

Lise Soskolne is an artist and core organizer of Working Artists and the Greater Economy (W.A.G.E.). An organizer within W.A.G.E. since its founding in 2008 and its core organizer since 2012, she also has over 15 years of experience working in arts presenting and development in New York City‘s nonprofit sector.

Christoph Steininger works at IG Bildende Kunst, Austria. He is a visual artist and academic with a background in social science, graduated from the University of Applied Arts Vienna. He is interested in the connection between arts and social change, in transdisciplinary art based research, and film.

Carola Streul is a German lawyer specialized in copyright. She was Head of the legal department of VG Bild-Kunst, the German collecting society for the visual arts in Bonn. Since 1998 she has been secretary general of EVA, representing the interests of 27 European collective management organizations for authors of fine arts, illustration, photography and other visual works in Brussels.

Hilde Tørdal is a visual artist, educated at the Trondheim Academy of Fine Art, Norway. She has been Chairwoman of the Association of Norwegian Visual Artists since 2013. Since the late 1990s she has been collaborating with Bård Tørdal: through their art they are exploring how to use robotics in sculpture to infer perceived intent and emotion.

Sabine Verheyen has been a Member of the European Parliament for the German Christian Democrats (CDU) since 2009. She is Coordinator for the European People's Party (EPP) in the European Parliament’s Culture and Education Committee and is a substitute member in the Internal Market and Consumer Protection Committee. She focuses in particular on media policy as well as digital agenda issues. As former mayor of Aachen (1999 to 2009) she focuses additionally on issues that are of relevance to the local authorities.

Thomas Weis is Managing Director of the Internationale Gesellschaft der Bildenden Künste (IGBK), the German National Committee of IAA. He studied political science at the University of Konstanz and the Free University of Berlin and was active as research assistant of the Kulturpolitische Gesellschaft and board member of Culture Action Europe.

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