Report on implementation of the Resale Right Directive 2001/84/EC

2012/2038(INI) - 20/11/2012 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on the implementation and effect of the Resale Right Directive (2001/84/EC). It notes that several of the Directive's provisions ensure a balanced application of the resale right, taking into account the interests of all stakeholders, in particular the gradual decrease in applicable rates, the EUR 12 500 ceiling on the resale right, the exclusion of small sales and the resale exemption for the first buyer. It stresses, however, that the Directive places an administrative burden on dealers.

Parliament recalls that the art market was valued at USD 10 billion in 2010 and almost USD 12 billion in 2012, and that the resale right accounts for only 0.03 % of those sums. It considers this to be an important market from which artists and their heirs should receive fair remuneration. It notes with satisfaction that **third countries are planning to introduce the resale right into their national legislation**, pointing out, in particular, that a draft bill was tabled on 12 December 2011 in the United States aimed at imposing a 7 % resale right charge on the resale of contemporary works of art, and current copyright bill in China also provides for the introduction of a resale right.

Members note that the information in the Commission report and market data suggest that the resale right has no negative impact on the location of the art market or its turnover. Noting that the Directive was only implemented in full in all Member States on 1 January 2012, they consider it **premature to reassess the Directive in 2014** as the Commission plans to do, and proposes that the reassessment be carried out in 2015 (four years after the assessment made in December 2011).

The Commission is invited to:

- reconsider the relevance of applicable rates, the thresholds, and the relevance of categories of beneficiaries as specified in the Directive in its next assessment report,
- work closely with stakeholders to strengthen the European art market’s position and to address problems such as the ‘cascade effect’ and the administrative difficulties faced by smaller and specialist auction houses and dealers.

Parliament highlights the importance of giving proactive support to local artists, including the youngest artists.