Intellectual property, original works of art: resale right for the benefit of the author

1996/0085(COD) - 15/09/2000 - Commission communication on Council's position

The Commission considers that the adoption by the Council of this common position on the resale right represents an important step towards the establishment of a Community art market. It also points out that the protection of the resale right is designed to extend the benefits of the internal market to authors of works of graphic and plastic art. The Council generally endorsed the approach adopted by the Commission in its amended proposal by incorporating, in full or in part, virtually all of the first-reading amendments. That is why the Commission deplores the fact that certain amendments made by the Council make it impossible to put in place, within a reasonable period, a resale right which is as effective as it would have wished. Consequently, as far as the effectiveness of the resale right is concerned, the Commission regrets for the reasons set out above the introduction of a high application threshold and a ceiling which artists will no longer be eligible to a resale right commensurate with their success. The Commission would have been able to accept these aspects, however, if a more satisfactory solution had been found to the issue of the periods for implementation of the Directive. Under these circumstances, and despite all its efforts to reach an agreement, the Commission was unable to accept the text of the common position, which does not provide for reaching a satisfactory level of harmonisation within a reasonable period of time. The Commission will continue to explore, with other institutions concerned, possible ways of finding a better solution within the context of this Directive to the issue of the application periods for this Directive.