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

1996/0085(COD) - 09/04/1997 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mrs Ana PALACIO VALLELERSUNDI (EPP, Esp), the European Parliament amended the proposal for a directive on the resale right for the benefit of the author of an original work of art. By means of its amendments, Parliament made it clear that the artist's resale right is inalienable and can never be given up, even in advance. It calls for the directive to cover works of art intended to be viewed, such as pictures, collages, paintings, drawings, engravings, prints, lithographs, sculptures, tapestries, ceramics and photographs, provided that they are original works of art which may under no circumstances be produced in series of more than 12. Parliament deleted manuscripts from the list proposed by the Commission. It also takes the view that it is incumbent on the Member States to fix the minimum threshold above which transfers are subject to the author's resale right; that threshold may not exceed ECU 500. Parliament proposes that the amount of the author's resale right should be determined by taking the difference between the purchase prices paid by the person liable for resale right and the amount invoiced; the purchase price would be the sum obtained after deduction of taxes, restoration costs and other costs not linked to the creation of the work of art. Parliament also fixed the resale right at 3% of the sale price for the band between ECU 50 000 and ECU 100 000 (the Commission went as far as ECU 250 000) and at 1% for sums in excess of ECU 100 000 (the Commission advocated 2% for sums above ECU 250 000). Finally, the Commission is asked to submit by 1 January 2002 at the latest, and every three years thereafter, a detailed report on the implementation of the directive, paying particular attention to its impact on the European market in modern and contemporary art.