

# Economic and Social Committee: Opinion on Proposal for a Resale Right Directive

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In IRIS 1995-8: 8 we reported on a judgement by the German Federal Court (Bundesgerichtshof) concerning a German artist's resale right in respect of works auctioned in the UK. It rejected the claim on the ground that resale rights did not exist in all the EU Member States.

As we reported in IRIS 1996-7: 6, the European Commission set out to remedy this situation by drawing up a draft Directive, proposing harmonisation of the various national systems governing the resale right of all authors of original works of arts or original manuscripts.

IRIS recalls that the draft Directive proposes to harmonise the threshold for resale royalties, as well as the rates (4% when the selling price is between ECU 1,000 and ECU 50,000 , 3% when it is between ECU 50,000 and ECU 250,000, and 2 % when it exceeds ECU 250,000).

On 10 March 1997, the Opinion of the Economic and Social Committee on the Commission's proposal was published in the Official Journal of the European Communities.

The Economic and Social Committee sees EU harmonisation of the resale right as a first step towards extending the right to all countries of the European Economic Area, and to the countries of Central and Eastern Europe, the Baltic States and the independent States of the former USSR, which are linked to the European Union via association, partnership or co-operation agreements. It calls upon the Commission to argue forcibly in international arenas and in multilateral and bilateral negotiations with third countries, for world-wide extension of the artist's resale right. Furthermore, the Committee is of the opinion that collective management of the artist's resale right would be the most appropriate solution to protect the author's interests.

The Economic and Social Committee was not unanimous in its advice. More than a quarter of the votes cast went to a counter-opinion. This counter-opinion was defeated after discussion, but has nevertheless been appended to the Opinion that was adopted in the end.

When this issue of IRIS closed, the European Parliament was about to discuss the matter of resale rights on the basis of a report by its member Ana Palacio. IRIS will

therefore come back to the matter in the next (May) issue.

***Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Directive on the resale right for the benefit of the author of an original work of art, OJEC of 10 March 1997, No C75: 17-20***

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