

MU-avtalet

AGREEMENT ON ORIGINATORS' RIGHT TO COMPENSATION WHEN WORKS ARE SHOWN, AND FOR PARTICIPATION IN EXHIBITIONS ETC.

between, on one side, the Swedish government, represented by the Swedish Arts Council, and, on the other side, the Artists' Organisation, the Craftsmen and Designers' Organisation, the Association of Swedish Illustrators and Graphic Designers, and the Association of Swedish Professional Photographers, on the other side.

GENERAL PROVISIONS

Definitions

In this Agreement, the following definitions have been used

- "organiser": a government authority or government institution which organises time-limited exhibitions of works or provides access to premises for such exhibitions;
- "the Agreement": this Agreement between the Swedish government and the organisations, unless otherwise specifically stated;
- "participation fee": payment made by the organiser to the originator when hosting an exhibition of his/her works, and which does not constitute the exhibition fee, see, for example, § 4, sections 1–2 below;
- "the organisations": the Artists' Organisation, the Swedish Craftsmen and Designers' Organisation, the Association of Swedish Illustrator and Graphic Designers, and the Association of Swedish Professional Photographers;
- "time-limited exhibition": exhibition lasting for up to a year;
- "originator": the exhibiting artist, photographer, illustrator, craftsman, designer etc. who has created a work;
- "exhibition": exhibition to which the general public or a larger private party has access;
- "exhibition fee": fee which the organiser must pay the originator to display works owned by the originator to the general public or a larger private party as part of a time-limited exhibition inside and outside Sweden;
- "work": visual art, photography, illustrations, craft objects or products created in some other way and which are covered by §§ 1 and 49 a of the Copyright in Literary and Artistic Works Act (1960:729).

§ 1. Purpose of the Agreement

This Agreement determines:

1. Forms of negotiation, content of agreements and the signing of agreements between the exhibition organiser and the exhibiting originator in connection with the displaying of works owned by the originator.
2. The organiser's obligation, in accordance with the provisions of this Agreement, to pay an exhibition fee to the originator for displaying works owned by the originator.
3. The size of the exhibition fee paid by the organiser to the originator.

4. The organiser's commitment in the event of the exhibition being interrupted, or the originator's work being stolen or damaged.

No agreement can be reached on the withholding of the exhibition fee through an individual arrangement between the organiser and the originator, or for the exhibition fee to be altered to cover, for example, payment for the originator's work or other expenses, i.e. the participation fee. Any conditions aimed at cancelling the originator's right to an exhibition fee in accordance with this Agreement will not apply to the originator.

§ 2. Scope of the Agreement

An organiser of a time-limited exhibition is obliged to use this Agreement when displaying works owned by the originator.

1. The Agreement covers originators alive at the time of the relevant exhibition, regardless of organisational affiliation, domicile or nationality.
2. The Agreement covers organisers which are government authorities or government institutions.

INDIVIDUAL AGREEMENTS BETWEEN ORGANISERS AND ORIGINATORS

§ 3. Forms of negotiation, agreement content and signing of agreements

This Agreement will form the basis of individual agreements between organisers and originators. The organiser is obliged, as far in advance of the exhibition as possible, to start negotiations and sign a written agreement with the originator. The agreement must set out the terms and conditions for the originator's participation in the exhibition. If the organiser displays the originator's work, the originator is entitled to an exhibition fee in accordance with this agreement, even if an individual written agreement has not been signed with the organiser.

For exhibitions involving several originators, an agreement can be signed with a group of originators, if the originators perform and are presented as a group. Otherwise, individual agreements must be signed with each participating originator.

The parties assume that the organiser, in consultation with the organisations, will have drawn up an agreement template, or uses an agreement template jointly drawn up by the organisations, as the basis for the individual agreements.

§ 4. Content of the individual agreements

The individual agreement between an organiser and an originator must regulate:

1. Compensation for costs arising in connection with the exhibition, e.g. shipping costs, insurance, travel, technical equipment etc.
2. Other forms of compensation relating to the exhibition assignment, such as payment for work carried out by the originator in preparation for, during and after the exhibition. Work which is to be regulated by the agreement includes but is not limited to the originator's work on production, catalogues and hangings/displays, as well as meetings, contribution to the drafting of programmes and supplementary work.
3. Use of the originator's work after the close of the exhibition, which may be covered by copyright. One example of such use is the publication of pictures on the organiser's website.
4. Compensation for the organiser displaying works to the public, in accordance with the set exhibition fee tariff (see § 5 of this Agreement).

5. The details of the organisers who are staging the exhibition when an exhibition is put on in more than one location.
6. Dates and formats for reporting financial compensation to the originator.

Additionally, the individual agreements must contain a description of the exhibition, specifying exhibition dates, location(s), the organiser responsible, participating originators, delivery dates, list of works etc.

PROVISIONS FOR EXHIBITION FEES

§ 5. Exhibition fee

An organiser of a time-limited exhibition must pay the originator an exhibition fee if works owned by the originator are displayed to the general public or a larger private party.

The size of the exhibition fee is set out in the appended tariff. The tariff also shows the minimum exhibition fee. The level of compensation for individual exhibitions is determined by viewer statistics for the financial year prior to the relevant exhibition and the duration of the exhibition. In preparation for the 2015 calendar year, the amounts in the tariff will, for the first time, be increased in line with the consumer price index (CPI), and will subsequently be reviewed every 3 years. The Swedish Arts Council will check that this is done. The amount is rounded up to the nearest hundred Swedish Kronor.

The originator is not entitled to compensation when:

1. The work exhibited has been created by a student in education, provided that the exhibition is associated with the student's education.
2. Exhibition of works which have been handed over for the purpose of being exhibited, and which are exhibited without the organiser assessing the work prior to the exhibition.
3. Exhibition of work by a child under the age of 18 years.
4. Exhibition of work produced within the framework of the organiser's educational activities.

SUSPENSION, THEFT AND DAMAGE IN ASSOCIATION WITH THE EXHIBITION

§ 6. In the event that an exhibition is suspended

If the organiser, as a result of theft, damage or other event which occurs during the period when, under the terms of an individual agreement, the work has been out of the originator's possession, can no longer display the exhibited works, compensation in accordance with 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.

§ 7. In the event of theft or damage

The organiser must compensate the originator for any loss as a result of theft of or damage to the work during the time when, under the terms of the agreement, it has been out of the originator's possession.

OTHER PROVISIONS

§ 8. Reference group for follow-up of the agreement between the Swedish government and the organisations

For the purpose of following up how this Agreement is implemented and applied, the parties shall jointly appoint a reference group. To carry out its assignment, the group must, on request, be given access to individual agreements drawn up between originators and organisers. The reference group may also issue a guidance statement in the event of a dispute between the originator and the organiser over the application of this agreement.

The reference group will consist of seven members, three of which have been appointed by the organisations and three by the Swedish Arts Council. The parties will jointly appoint the seventh member. The group will be chaired by a representative of the Swedish Arts Council. The group may invite organisers, originators and other parties affected to meetings for discussions.

The reference group must hold a minimum of two meetings per calendar year. The group may also convene at the request of either party to the agreement. Meetings must be minuted and checked by all parties to the agreement.

§ 9. Disputes between originators and organisers

Disputes concerning the application of individual agreements between originators and organisers must, in the first instance, be resolved through negotiations between the originator and the organiser. The originator or organiser has the right to refer issues relating to the application and interpretation of this Agreement to the reference group, which may provide a guidance statement on the issue.

If no agreement can be reached, the dispute may be referred to a court of general jurisdiction for a final ruling.

§ 10. Agreement period and termination

The Agreement comes into force when it has been approved by the government. The Agreement applies until further notice from and including the date decided by the government, with a mutual period of notice of termination of 3 months. When the Agreement comes into force, it will, as of that date, replace any previous agreements relating to artists' participation in and compensation for exhibitions. Individual agreements drawn up before the date on which this Agreement comes into force will be governed by the previous agreement. Termination of the Agreement by the government applies to all organisations. Termination of the Agreement by the organisation must be done jointly.

Stockholm date

On behalf of the Swedish government

The Swedish Arts Council

On behalf of the organisations

The Artists' Organisation

The Craftsmen

& Designers' Organisation

The Association of Swedish Professional Photographers

The Association of Swedish Illustrators and Graphic Designers

TARIFF FOR EXHIBITION FEES

The following tariffs shall apply to exhibition fees in accordance with § 5 of the "Agreement on originators' right to compensation when works are shown, and for participation in exhibitions etc." between the Swedish government and the organisations.

The exhibition fee shall be calculated on the basis of the current tariff in the year when the exhibition is staged.

The tariffs are minimum levels.

TARIFF GUIDELINES

When establishing the tariff which an organiser shall pay an originator, organisers have first been divided into four categories based on the reported number of visitors. When allocating organisers to the different categories, organisers involved in a broader spectrum of activities, e.g. arts centres, have been given special consideration. The annual statistics for the number of visitors presented by each organiser forms the basis for which category each organiser belongs to.

Once the category the organiser belongs to has been established, the tariff is calculated within the relevant category, on the basis of the duration of the exhibition, and the number of originators whose work is displayed. The tariffs do not take into account the size of the exhibition, the number of works or what type of art is being displayed. Every exhibition is regarded as an overall experience.

Irrespective of which category an organiser belongs to, the duration of the exhibition and the number of originators whose works are on display, each originator is always entitled to an exhibition fee which will not be lower than the minimum amount payable under this agreement.

1. Drafting of individual agreements

Under the terms of § 4 of this agreement, the individual agreement must specify which tariff category has been applied to the displaying of the work, as well as the period of time over which the exhibition will be shown.

2. Calculation of exhibition period

When establishing the exhibition fee, the exhibition period is calculated on the basis of the number of commenced calendar weeks the exhibition lasts. When an exhibition opens on a Saturday, the first week is regarded as being nine days. Days for viewing by the media, as well as days on which exhibitions formally open, are not included in the estimated exhibition period.

Exhibitions involving time-specific works with a duration of less than a week, e.g. performance art, the originator is entitled to an exhibition fee no lower than the minimum amount specified in this Agreement.

3. Exhibitions in more than one location

For exhibitions staged in more than one location, a fee is paid for each location as a separate exhibition, with the size of the exhibition fee varying depending on which organiser is staging the exhibition. The tariffs in categories 1–4 will be used to calculate the exhibition fee for exhibitions produced by the government, regardless of whether or not they are staged by government institutions.

When exhibitions are produced by a party other than the organiser who stages the exhibition, the institution which produces the exhibition is responsible for signing a written agreement with the originator.

4. Multiple originators, distribution for group exhibitions

For group exhibitions, the exhibition fee is divided between the originators in accordance with the organiser's proposal. When dividing the fee, the exhibition area, exposure and the different roles of the originators at the exhibition must be taken into consideration. The remuneration to each originator must not, however, be less than the lowest amount per originator specified in this Agreement.

5. Organisers with branch operations

When organisers carry on permanent operations at different branches located at different addresses, each address counts as a separate art gallery.

When organisers temporarily move operations involving exhibitions to another address, the same tariff applies as for the organiser's regular operations.

The level of compensation to be used by government authorities and institutions which stage an exhibition within their own institutions, as well as exhibitions produced by the government which are shown in locations and premises by a principal other than the government is specified below.

CATEGORY 1: MAJOR MUSEUMS AND ART GALLERIES

- a) Museums managed centrally by the government, with more than 100,000 visitors per year
- b) Organisers whose principal operation is exhibition of visual art, with more than 100,000 visitors per year
- c) Exhibitions abroad under the auspices of the Swedish government, with more than 100,000 visitors per year
- d) Other exhibitions arranged by organisers with a government principal, with more than 100,000 visitors per year

Basic fee

Separate exhibition	SEK 4,300/week up to and including week 12
Group exhibitions, 2–3 participants	x 1.5 of the amount for a separate exhibition
Group exhibitions, 4–8 participants	x 2 " "
Group exhibitions, 9–20 participants	x 2.5 " "

Reduction of the exhibition fee for a longer exhibition period

- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 percent of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 percent of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 percent of the basic fee

Current exhibition fees, increased in line with the index and with the size of the exhibition fee specified per exhibition week and number of participants, can be found on the Swedish Arts Council's website.

CATEGORY 2: MEDIUM-SIZED MUSEUMS, ARTS GALLERIES AND ARTS CENTRES

- a) Museums managed centrally by the government, with less than 100,000 visitors per year
- b) Museums and arts centres with between 50,000 and 100,000 visitors per year
- c) Museums with more than 100,000 visitors per year, where the main focus of the operation is not the exhibition of visual arts
- d) Art centres with more than 100,000 visitors per year

Basic fee

Separate exhibition	SEK 3,200/week up to and including week 12
Group exhibitions, 2–3 participants	x 1.5 of the amount for a separate exhibition
Group exhibitions, 4–8 participants	x 2 “ “
Group exhibitions, 9–20 participants	x 2.5 “ “

Reduction of the exhibition fee for a longer exhibition period

- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 percent of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 percent of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 percent of the basic fee

Current exhibition fees, increased in line with the index and with the size of the exhibition fee specified per exhibition week and number of participants, can be found on the Swedish Arts Council's website.

CATEGORY 3: SMALLER MUSEUMS AND ART GALLERIES

- a) Museums with 10,00–50,000 visitors per year, regardless of whether the focus of the institution is the display of art or, for example, on cultural heritage
- b) Art galleries with 10,000–50,000 visitors per year

Basic fee

Separate exhibition	SEK 2,200/week up to and including week 12
Group exhibitions, 2–3 participants	x 1.5 of the amount for a separate exhibition
Group exhibitions, 4–8 participants	x 2 ” ”
Group exhibitions, 9–20 participants	x 2.5 ” ”

Reduction of the exhibition fee for a longer exhibition period

- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 percent of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 percent of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 percent of the basic fee

Current exhibition fees, increased in line with the index and with the size of the exhibition fee specified per exhibition week and number of participants, can be found on the Swedish Arts Council's website.

CATEGORY 4: SMALL ART GALLERIES AND EXHIBITION ROOMS,
AS WELL AS ARTIST-RUN SPACES

- a) Art galleries with less than 10,000 visitors per year
- b) Artist-run spaces/operations run by artists with less than 10,000 visitors per year
- c) Exhibitions at embassies
- d) Smaller exhibitions where art-related activities share the room with other activities

Basic fee

Separate exhibition	SEK 1,100 per week up to and including week 12
Group exhibitions, 2–3 participants	x 1.5 of the amount for a separate exhibition
Group exhibitions, 4–8 participants	x 2 " "
Group exhibitions, 9–20 participants	x 2.5 " "

The minimum fee rule gives a higher level for category 4 exhibitions of a shorter duration than indicated above. See below for details of the minimum amount which will be paid to the originator in such cases instead.

Reduction of the exhibition fee for a longer exhibition period

- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 % of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 % of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 % of the basic fee

Current exhibition fees, increased in line with the index and with the size of the exhibition fee specified per exhibition week and number of participants, can be found on the Swedish Arts Council's website.

MINIMUM AMOUNT PAYABLE TO ORIGINATORS, REGARDLESS OF CATEGORY

The minimum amount paid as an exhibition fee to each originator for each exhibition, regardless of the duration of the exhibition and whether it belongs to category 1, 2, 3 or 4, is:

Separate exhibition	SEK 5,300
Group exhibitions, 2–3 participants	SEK 3,200 per originator
Group exhibitions, 4–20 participants	SEK 2,200 per originator

Stockholm date

On behalf of the Swedish government
The Swedish Arts Council

On behalf of the organisations
The Artists' Organisation

The Association of Swedish Professional Photographers

*The Craftsmen
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