MU avtalet

Agreement on originators' right to participation and exhibition fees 2027–2029


KULTURRÅDET

Konstnärernas
Riksorganisation.

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Agreement on originators' right to participation and exhibition fees (Agreement)

between, on one side, the Swedish government, represented by The Swedish Arts Council (Statens kulturråd), and, on the other side, The Artists' Association of Sweden (Konstnärernas Riksorganisation), The Association of Swedish Illustrators and Graphic Designers (Föreningen Svenska Tecknare), and The Swedish Association of Professional Photographers (Svenska Fotografers Förbund).

Purpose and scope of the agreement

This Agreement regulates the obligation of state organisers to negotiate and pay remuneration to originators for the display and/or performance of their works at exhibitions. The Agreement applies to living originators, regardless of organisational affiliation, domicile or nationality.

The Agreement is also intended to establish good industry practices regarding conditions and remuneration to originators for the exhibition of their work as well as for organisers other than the state.

Defined terms

In this Agreement, the following definitions have been used:

Organiser: a government authority or institution that organises or provides premises or places for the exhibition of works.

Individual exhibition agreement: agreement between the organiser and originator on the terms and conditions of the exhibition.

Participation fee: fee paid for the exhibition assignment by the organiser to the originator, such as payment for the originator's work before, during and after the exhibition. Examples of participation to be regulated include the originator's working hours involved with the production of the exhibition, production of new works, catalogue, hanging/displays, participation in meetings, inauguration, and programme activities, as well as post-production.

MU-avtalet: this Agreement between the Swedish government and the organisations.

The Organisations: The Artists' Association of Sweden (Konstnärernas Riksorganisation), The Association of Swedish Illustrators and Graphic Designers (Föreningen Svenska Tecknare) and The Swedish Association of Professional Photographers (Svenska Fotografers Förbund).

The Parties: the parties that have signed this agreement, i.e., the Swedish government, represented by The Swedish Arts Council, the Artists' Association of Sweden, The Association of Swedish Illustrators and Graphic Designers, and The Association of Professional Photographers.

Production cost: costs of materials and similar associated with the production of new works for the exhibition.

Originator: artist, photographer, illustrator/graphic designer, craftsman, designer, or other person who has created a work.

Exhibition: viewing and/or performance of works to which the public or a wider closed circle has access.

Exhibition fee: remuneration to a living originator for an exhibition in or outside Sweden of works that are in the originator's possession at the time of the exhibition.

Exhibition cost: costs associated with the exhibition such as freight, insurance, travel, technical equipment, installation, etc.

Work: visual art, photography, illustrations, craft objects, moving pictures, performance or works expressed in some other way and which are covered by Sections 1 and 49 a of the Copyright in Literary and Artistic Works Act (1960:729).

1 § Content of the Agreement

The Agreement regulates:

- The organiser's obligation to pay exhibition fees to the originator for the exhibition of works in the originator's possession.
- The organiser's obligation to negotiate a reasonable participation fee to the originator and to negotiate exhibition costs and any production costs.
- The content of the individual exhibition agreement.
- Discontinued or cancelled exhibitions, theft or damage, reference group, dispute between originator and organiser as well as agreement period, termination, and final provisions.

The annexe "Exhibition fee tariffs" sets out different levels of exhibition fees.

2 § The organiser's obligation

An organiser of an exhibition must apply the Agreement when exhibiting works that are in the originator's possession. The Agreement is obligatory for the organiser.

The organiser shall negotiate and conclude a written individual exhibition agreement with the originator well in advance of the exhibition.

3 § Exhibition fee

An organiser of an exhibition is responsible for paying the exhibition fee to the originator in accordance with the annexe "Exhibition fee tariffs". The organiser and the originator may agree on a higher exhibition fee than that stated in the tariffs.

For the first time for the 2027 calendar year, the amounts in the tariffs will be increased in line with the consumer price index (CPI), and will subsequently be reviewed every 3 years. When indexing the CPI, the calendar year 2023 shall be the base year. The Swedish Arts Council shall check that this is done. The amount is rounded up to the nearest hundred Swedish Kronor.

Contract terms that do not entitle the originator to at least the exhibition fee amount that follows from the annexe "Exhibition fee tariffs" do not apply to the originator. The exhibition fee cannot be waived by agreement or converted to cover, for example, payment for the originator's work or costs in connection with an exhibition.

The organiser is not obligated to pay an exhibition fee to the originator in the case of:

1. Work exhibited that has been created by a student in education, provided that the exhibition is associated with the student's education.
2. Work exhibited without the organiser having made a selection or assessment of the work.
3. Work exhibited that has been created by children and young people up to 18 years of age.
4. Work exhibited that has been produced within the framework of the organiser's educational activities.

4 § Participation fee

The organiser is responsible for negotiating and agreeing with the originator on a reasonable participation fee.

5 § Other costs

The organiser and the originator must agree on responsibility for the exhibition costs. These costs shall be borne by the organiser unless otherwise agreed between the organiser and the originator.

The organiser and the originator must agree on the responsibility for the production costs of new works.

6 § Content of the individual exhibition agreement

The organiser shall negotiate and conclude a written individual exhibition agreement with each of the originators participating in the exhibition well in advance of the exhibition. In the case of exhibitions with several originators that constitute artistry, a joint exhibition agreement can be made.

The individual exhibition agreement between the organiser and the originator shall regulate:

1. The originator's exhibition fee, with the minimum amount payable according to the annexe "Exhibition fee tariffs".
2. The originator's participation fee.
3. Exhibition costs.
4. Production costs and other conditions for the production of new works for an exhibition.
5. Copyright use of the originator's work, which is not otherwise regulated.
6. Dates and formats for reporting financial compensation to the originator.

In addition, the individual exhibition agreement must contain a description of the exhibition, specifying the time of the exhibition, the place or places, the organiser responsible, the participating originators, delivery times, a list of works indicating their insured value and to which category the exhibition fee is calculated. Other important agreements should also be regulated.

The parties to the Agreement require that the organiser draw up an agreement template containing the terms and conditions of the Agreement or use an agreement template jointly drawn up by the organisations and/or the parties as the basis for the individual exhibition agreements.

7 § In the event of a discontinued or cancelled exhibition

If, as a result of circumstances for which the organiser is responsible, the organiser cannot or will not carry out an exhibition, the organiser must pay compensation to the originator for participation and costs associated with the agreed exhibition, as well as exhibition fees for the entire planned exhibition period.

8 § In the event of theft or damage

The organiser is responsible for and shall decide on security measures to prevent damage or theft from occurring. The organiser must compensate the originator for damage caused by any theft or damage done to a work during the time the organiser is responsible for the work.

9 § Reference group for the Agreement

For the purpose of following up how this Agreement is applied, the parties shall jointly appoint a reference group. The reference group may make guiding statements of a principled nature on the application of the Agreement.

The reference group will consist of seven members, three of whom 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 from the Swedish Arts Council.

The reference group must hold a minimum of two meetings per calendar year. The Swedish Arts Council shall be the convener. 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.

10 § Questions about the applicability and interpretation of the Agreement

The originator or the organiser has the opportunity to put questions about the applicability and interpretation of the Agreement to the reference group, which may make guiding statements of a principled nature.

11.§ Agreement period and termination

This Agreement shall be subject to the approval of the agreement by the Government. The Agreement will enter into force on the date decided by the Government, and will be valid until further notice with a mutual period of notice of termination of six months. When this Agreement enters into force, it supersedes the previously applicable agreement. Individual exhibition 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 13 October 2023

On behalf of the Swedish government

Kajsa Ravin
Generaldirektör
Statens kulturråd

On behalf of the organisations

Sara Edström
Ordförande
Konstnärernas
Riksorganisation

Paulina Holmgren
Ordförande
Svenska
Fotografers Förbund

Josefine Engström
Ordförande
Föreningen
Svenska Tecknare

Annexe – Exhibition fee tariffs

Applicable from 1 January 2027 to 31 December 2029.

The tariffs in this annexe shall form the basis for determining the exhibition fee that the organiser must pay to the originator in accordance with the Agreement.

The exhibition fee is the remuneration the organiser, as per the Agreement, must pay to living originators for the display and/or performance of works in the originator's possession.

A. Determination of category

When determining the exhibition fee, the organisers are divided into four categories based on the reported number of visitors to exhibitions in the previous financial year (except extraordinary circumstances). The following is meant by visitors to exhibitions:

- visits to areas involving the payment of an entrance fee to the organiser,
- visits to exhibitions involving the payment of an entrance fee to the organiser but where the exhibition is located in an area without an entrance fee, or
- visits to exhibitions at the organiser with free admission.

In the case of organisers with exhibitions of a smaller scope where the works share the location with other activities, category 4 applies, irrespective of the number of visitors to the exhibitions.

Exhibitions in more than one location

For exhibitions staged in more than one location, each venue counts as a separate exhibition, where the size of the exhibition fee varies depending on the category to which the organiser belongs.

When exhibitions are produced by someone other than the organiser staging the exhibition, the organiser who has produced the exhibition must ensure that the exhibiting organiser negotiates and enters into a written agreement with the originator in accordance with the Agreement.

Organisers exhibiting in several locations

For organisers who carry on permanent operations in several locations, each location is considered its own organiser.

When organisers temporarily move operations involving exhibitions to what is not considered a regular location, the same tariff applies as for the organiser's regular place of operation.

B. Level of exhibition fee within the categories

The exhibition fee is calculated based on:

A the duration of the exhibition, and
B the number of living originators in possession of the works exhibited at the exhibition.

The organiser and the originator may agree that the originator will be paid a higher exhibition fee than that stated in the tariffs.

Calculation of exhibition period

When establishing the exhibition fee, the exhibition period is calculated per commenced calendar week. 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.

In the case of an exhibition of time-specific works that are shorter than one week, such as performance art, the originator is also entitled, in addition to a participation fee, to exhibition fees in accordance with this Agreement.

Exhibition with several originators

In the case of exhibitions with several originators, the exhibition fee shall be divided between the originators covered by the Agreement 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. However, the fee for each originator may not be less than the guaranteed amount per originator as set out in this Agreement.

If originators are invited to participate with a few works in an exhibition where the main content consists of works that are not covered by the Agreement, the organiser shall, in consultation with the originator, negotiate a reasonable level of remuneration with regard to the length of the exhibition, but not below the maximum guaranteed amount set out in this Agreement.

C. Guaranteed amount for exhibition fee

Irrespective of the 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 the guaranteed amount as set out in this Agreement.

D. Indexation of tariffs

The exhibition fee shall be calculated based on the current tariff in the year when the exhibition is staged. Starting in 2024, the Swedish Arts Council will, in accordance with Section 3 of the Agreement, publish an indexed edition of the Agreement every three calendar years.

Category 1: Organisers with over 100 000 visitors

An organiser with exhibition activities (within and outside Sweden) where the number of visitors exceeds 100,000 people per calendar year.

Basic fee	
Exhibition with an originator	6 200 SEK/week
Exhibition with 2–3 originators	6 200 SEK/week x 1.5
Exhibition with 4–8 originators	6 200 SEK/week x 2
Exhibition with 9 or more originators	6 200 SEK/week x 2.5

Calculation of exhibition fee

- From week 12, the exhibition fee will be paid at a rate of 100 per cent of the basic fee
- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 per cent of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 per cent of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 per cent of the basic fee

An originator is always entitled to at least the guaranteed amount stated in this Agreement, irrespective of the length of the exhibition and the number of originators.

Category 2: Organisers with between 50 000 and 100 000 visitors

An organiser with exhibition activities (within and outside Sweden) where the number of visitors is between 50,000 and 100,000 people per calendar year.

Basic fee	
Exhibition with an originator	4 700 SEK/week
Exhibition with 2–3 originators	4 700 SEK/week x 1.5
Exhibition with 4–8 originators	4 700 SEK/week x 2
Exhibition with 9 or more originators	4 700 SEK/week x 2.5

Calculation of exhibition fee

- From week 12, the exhibition fee will be paid at a rate of 100 per cent of the basic fee
- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 per cent of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 per cent of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 per cent of the basic fee

An originator is always entitled to at least the guaranteed amount stated in this Agreement, irrespective of the length of the exhibition and the number of originators.

Category 3: Organisers with between 10 000 and 50 000 visitors

An organiser with exhibition activities (within and outside Sweden) where the number of visitors is between 10,000 and 50,000 people per calendar year.

Basic fee	
Exhibition with an originator	3 400 SEK/week
Exhibition with 2–3 originators	3 400 SEK/week x 1.5
Exhibition with 4–8 originators	3 400 SEK/week x 2
Exhibition with 9 or more originators	3 400 SEK/week x 2.5

Calculation of exhibition fee

- From week 12, the exhibition fee will be paid at a rate of 100 per cent of the basic fee
- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 per cent of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 per cent of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 per cent of the basic fee

An originator is always entitled to at least the guaranteed amount stated in this Agreement, irrespective of the length of the exhibition and the number of originators.

Category 4: Organisers with fewer than 10 000 visitors, or organisers of small-scale exhibitions

Organisers of exhibitions (within and outside Sweden) with less than 10,000 visitors per calendar year, or organisers of exhibitions of a smaller scale where art coexists with other activities in the same room, such as libraries, embassies.

Basic fee	
Exhibition with an originator	1 800 SEK/week
Exhibition with 2–3 originators	1 800 SEK/week x 1.5
Exhibition with 4–8 originators	1 800 SEK/week x 2
Exhibition with 9 or more originators	1 800 SEK/week x 2.5

Calculation of exhibition fee

- From week 12, the exhibition fee will be paid at a rate of 100 per cent of the basic fee
- From week 13 up to and including week 16, the exhibition fee will be paid at a rate of 75 per cent of the basic fee
- From week 17 up to and including week 20, the exhibition fee will be paid at a rate of 50 per cent of the basic fee
- From week 21 onwards, the exhibition fee will be paid at a rate of 25 per cent of the basic fee

An originator is always entitled to at least the guaranteed amount stated in this Agreement, irrespective of the length of the exhibition and the number of originators.

Guaranteed amount to be paid to the originator

The guaranteed exhibition fee per originator and exhibition, irrespective of the duration of the exhibition and irrespective of whether category 1, 2, 3 or 4 is applied, is:

Exhibition with an originator	7 700 SEK
Exhibition with 2 to 3 originators	4 700 SEK per originator
Exhibition with 4 to 8 originators	4 000 SEK per originator
Exhibition with 9 or more originators	3 400 SEK per originator

Stockholm 13 October 2023

On behalf of the Swedish government

Kajsa Ravin
Generaldirektör
Statens kulturråd

On behalf of the organisations

Sara Edström	*Paulina Holmgren*	*Josefine Engström*
Ordförande	*Ordförande*	*Ordförande*
Konstnärernas	*Svenska*	*Föreningen*
Riksorganisation	*Fotografers Förbund*	*Svenska Tecknare*

In the event of a dispute, the Swedish text takes precedence.


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