

Lithuanian artists' association National Annual Report 2019

Lithuanian Artists' Association (LAA) holds a position by defending its members rights and aims that artists' work must be remunerated just like any other. LAA invites to ensure progress on this matter. The first step is only pilot but only by taking bold experiments we can reach good results. There are many more unfavorable conditions for artists but the solution of the remuneration for the exhibitions matter would revitalize the art market and give artists hope.

For a period of the year of 2018-2019 LAA has been granted 9000 euro by Council of Culture for the project called “**Applied Research for the Remuneration for the Exhibitions to the Visual Art Creators – Environment Analysis**”. In September 2019 LAA prepared two surveys – one for the artist (for members of LAA) and other for cultural institutions.

The survey of artists

The results of the survey (in October, 2019) of LAA showed that exhibitions are the most important way of presenting creative work for the vast majority (94%) of the artists surveyed. 97% of respondents believe that exhibitions are important and necessary to them as artists.

In the period 2003-2019, the absolute majority of artists have participated in group exhibitions (twice a year on average). 94% of respondents had personal exhibitions during this period. The main exhibition spaces are galleries (97%), museums (71%) and cultural centers (63%).

The vast majority of artists (81%) received no remuneration for works exhibited in Lithuania at exhibitions. Only 2 out of 10 creators (20%) have been awarded public exposures since 2003. For the majority of the artists who received remuneration for exhibiting in Lithuania, it covered only up to a third of the exhibition costs (70%).

Only one in three interviewed artists (36%) know that according to the Lithuanian Law on Copyright and Related Rights the author must be remunerated for the right to exhibit the work publicly if the work is displayed for commercial purposes.

Personal funds (97%) are the main source for exhibitions for the vast majority of artists.

More than half (58%) of artists have had to pay the institutions themselves for exposition space.

The most common support from the institutions is the provision of free accommodation (75%) and the assistance of the institution's staff in exhibiting works (39%). One in seven artists said they don't get any support from the institution hosting the exhibitions.

The largest part of the exhibition costs is made up of materials for the creation of the work (41%) and their preparation for the exhibition - framing, sports etc. (17%). The rest (42%) is dedicated to exhibition logistics and organization, with the largest share of premises (11%), publicity services (9%) and transport (6%).

Two thirds (64%) of the artists have applied at least once to the Lithuanian Cultural Council (LKT) for an exhibition scholarship. However, only 37% have received it at least once. Seven out of ten recipients of LKT scholarships were only partially (61%) sufficient or insufficient (8%) to host the exhibition.

The vast majority of the artists surveyed (85%) rate the exhibition financing poorly ("rather bad + very bad").

Paying to cover the cost of organizing an exhibition would, in the first place, make most artists feel dignified in their remuneration for work (93% - certainly + faster) and would allow exhibitions to be held more frequently (86%).

If they could survive solely on artistic activity, the vast majority of the surveyed artists (87%) would choose it as their primary.

The survey of cultural institutions

The survey of cultural institutions (in October, 2019) showed that the most of them (69%) hold exhibitions once a month. Slightly more and more exhibitions are organized by state / regional institutions and bodies whose main activities are visual art exhibitions.

Most of the institutions hold both solo and group exhibitions. In six out of ten institutions (60%), both solo and group exhibitions are equally frequent, while 39% tend to focus on solo exhibitions. Public authorities slightly differentiate between personal and group exhibitions, while nearly one in two private galleries (47%) is more likely to host solo exhibitions.

Most institutions (85%) provide exhibition space free of charge. You pay a little more for the premises in private and specialized galleries.

In most institutions (74%), sales to visitors are free. Only paid exhibitions are organized by one-fifth (22) institutions.

Authors generally pay only one tenth of their remuneration for publicly exhibited works (9%). The main reasons for non-payment are the lack of sufficient funding and the fact that exhibitions are usually free for visitors.

17% of institutions are confronted with artists claiming commercial remuneration for publicly exhibited works. About half of the applicants were satisfied.

The cost of organizing exhibitions for institutions is fairly evenly distributed across organizational aspects. Premises (22%), public services (19%) and transport (15%) make up a slightly larger share.

According to the majority of the institutions (79%), the state should allocate targeted funding for the organization of exhibitions to cultural institutions. One in two (52%) thinks that the artist may be eligible for such funding. The least favored position is that the cost of organizing exhibitions should be borne by the cultural institutions themselves (9%) or by the creators themselves (7%).

Social protection for artists

Social guarantees for art makers:

1. From 1 January 2011, persons of working age, who hold the status of an art creator receive the minimum monthly wage of the State by social insurance of pensions, illness and maternity, provided that they have no insured income.

2. From 1 January 2012, art creators of working age who do not receive any income under a copyright agreement and are not among those insured by state funds according to the Law on Healthcare of the Republic of Lithuania, who do not work under an employment (service) contract, who are not self-employed and who do not pay health insurance contributions, are covered by the state with the compulsory health insurance from the funds of the Art Creator Social Security Programme.

3. Art creators pay their social security contributions in respect of half of the royalty charged.

4. Creative-downtime – is temporarily period when an art creator of a working age is unable to perform the distribution of his/her creative work and/or its results and does not have any income from creative activities (according to individually concluded copyright or performer intellectual-services contracts, or licenses granted by the associations of collective administration of author and performer rights), can get a compensation – the minimum monthly wage of the state approved by the Government of the Lithuanian Republic.

5. Upon the implementation of the Law on Charity and Sponsorship of the Republic of Lithuania and the Law on Personal Income Tax of the Republic of Lithuania, as of 1 January 2017, permanent residents of Lithuania can assign up to 2 percent of their personal income tax to natural persons who have the status of an art creator. The residents will be able to assign up to 2 hundredths of their paid personal income tax not only to the organisations that are entitled to received sponsorship but also to art creators (writers, painters, composers, authors, translators, stage performers, designers, architects, folk artists, photographers, etc.) who have the status of an art creator and the right to be a beneficiary. Such sponsorship shall be tax free, it shall be used for art creation and it must be accounted for.

Law on Copyright and Related Rights

The amendments to the provisions of Law on Copyright and Related Rights of the Republic of Lithuania adopted on 8 November 2018 were significant and very long awaited.

Edita Utarienė, the chairwoman of Lithuanian Artists Association (LAA) since 2012, is also the council to Collective Copyright Management Association (LATGA), which collects and distributes royalties for the use of works, coordinates the activities of Association members and ensures the widest possible distribution of Lithuanian and foreign works, as well as the prevention of copyright infringements.

Lithuanian Artists' Association (LAA), uniting 1453 members, together with Lithuanian Photographers Association, uniting 275 members, and Professional Folk Artists' Association, uniting over 2000 members, has expressed concern about such discriminatory situation and has been making efforts for many years. From 2012, the law regulated that the holders of copyright and related rights were entitled to compensation for the reproduction of audiovisual works or the works recorded in phonograms for private purposes. Such a provision did not give any right for other authors to the compensation for the copying of their works for private purposes: literary, visual arts and drama, despite the fact that the investigations carried out on a yearly basis indisputably showed that in Lithuania, apart from music and audiovisual works, many respondents copy the works of visual arts, i.e. photos, caricatures and illustrations, or literary works, i.e. books, articles, and drama.

Moreover the International Confederation of Societies of Authors and Composers (CISAC), uniting 239 members from different countries, has sent official appeals to the supreme authorities of Lithuania urging to consider the fundamental principle of the reproduction of works for personal purposes – the right to equitable remuneration for authors and to take appropriate actions to remedy the current discriminatory situation.

After a long effort, all unions together, finally get the answer. We are pleased with the amendment of Law on Copyright and Related Rights to paragraph 4 of Article 20 – from now on,

the irrevocable right to compensatory remuneration is guaranteed not only to the authors of musical and audiovisual works but also to writers, translators, artists, photographers and authors of the drama.

It is important that this time the EU copyright directives would be fully implemented in the national law, with no local exceptions or limitations to the rights – with no weakening of the directives' guidelines and ethos.

Chairwoman of Lithuanian Artists' Association Edita Utarienė

About EDITA UTARIENĖ:

stained glass artist, monumentalist. Chairwoman of Lithuanian Artists' Association (LAA) since 2012. Organiser and expert of various creative projects. Member of Council of Lithuanian Association of Artists (LMKA), Council to Collective Copyright Management Association (LATGA), Council to Press, Radio and Television Support Foundation (SRTRF), Council to Contemporary Art Centre (ŠMC), Commission of artists' social security, Commission of UNESCO Convention on the Protection of the Diversity of Cultural Expressions, Lithuanian State Pension Commission under the Ministry of Social Security and Labor, etc.