

Amending the UK Regulations to allow exercising of a right passed to heirs who are citizens of a non qualifying country with regard to Artist's resale right

**Department of Business, Energy and Industrial
Strategy/Intellectual Property Office**

RPC rating: fit for purpose

Description of proposal

This PIR reviews a correction to the UK's implementation of the Artist's Resale Right Directive 2001/84/EC. The directive ensures that artists and their heirs receive a percentage of sales when a qualifying artwork is sold through an art market professional. Existing UK legislation at the time of the Directive was compliant with the Directive except for a nationality requirement which was present in UK law and was not present in the Directive. Thus the effect of the amendment under consideration was to remove this nationality requirement and the consequent requirement for art market professionals to check the nationality of heirs. The benefit to business of this change was estimated at around £50,000 per annum.

Impacts of proposal

The original IA estimated savings to business of around £50,000 per annum.

Quality of submission

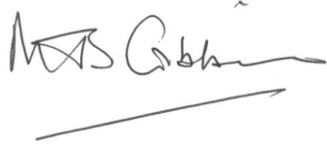
Given the small scale of the estimated impacts, a very light-touch review is appropriate. The regulator has frequent contact with stakeholders and has not been notified of any adverse consequences of this measure being in place. The regulator has considered various options for more detailed evidence gathering but has rejected these based on proportionality. The IPO explained its approach in more detail in a confidential note seen by the RPC.

Departmental recommendation	Keep
-----------------------------	------

RPC assessment

Is the evidence in the PIR sufficiently robust to support the departmental	Yes
--	-----

recommendation?	
-----------------	--



Michael Gibbons CBE, Chairman