

Decree 2.12.325 of Ramadan 28, 1433 (August 17, 2012)
which establishes the conditions and procedures for supporting the film production, digitization, the renovation and creation of movie theatres and the organization of film festivals as modified and completed by the Decree 2.17.373 of August 2, 2017

The head of government;

Considering article 44 of finance law 8.96 of the fiscal year 1996-1997 promulgated by Dahir 1.96.77 of the 12 Safar 1417 (29 June 1996), as modified and supplemented by the provisions of Article 24 of Finance Law 22.12 of the 2012 fiscal year, promulgated by Dahir 1.12.10 of 24 Joumada II 1433 (May 16, 2012)¹

After deliberation of the Government Council, gathered 20 Ramadan 1433 (9 August 2012)²;

DECREES:

First article:

In accordance with the provisions of article 24 of financial law 22.12 of the 2012 financial year promulgated by Dahir 1.12.10 of 24 Joumada II 1433 (May 16, 2012), financial support is granted to the following operations:

- The production of cinematographic works;
- The digitization, renovation and creation of cinemas;
- Foreign production in Morocco of audiovisual and cinematographic works³;
- The organization of film festivals.

The conditions and criteria for granting this support and the methods of payment are set by Joint Order of the Minister of Communication and the Minister of Finance.

Article 2:

Support cited in Article 1 above aims to:

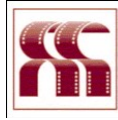
- Support and promote national film production and strengthen its capacity through exchange with international experience⁴;
- Develop international co-production;
- Develop film industry structures and use modern digital technologies;

¹ And article 23 of Finance Law 70.15 of the 2016 financial year promulgated by Dahir 1.15.150 of December 19, 2015

² Government Council of July 27, 2017

³ Decree 2.17.373 - BO 6592 of August 3rd, 2017

⁴ Decree 2.17.373 - BO 6592 of August 3rd, 2017



- Encourage freedom of creation, openness to the world and human experience and maintain plurality of opinion and currents of thought;
- Valorise components and elements of Moroccan identity and consolidate the influence of the civilization, culture and history of Morocco;
- Enable and strengthen regional and local cultural expressions in cinematographic creativity and highlight regional and geographical diversity, and strengthen work on community issues;
- Encourage the cinematographic creativity of young people and create the conditions for its promotion and support;
- Encourage foreign production in Morocco of audiovisual and cinematographic works⁵

Article 3:

Three Commissions are created; the first pertains to "support for the production of cinematographic works", the second concerns "support for the digitization, renovation and creation of cinemas", and the third concerns "support for the organization of film festivals". The seat of the Special Secretariat of these Commissions is the Moroccan Film Centre, herein referred to as Centre Cinématographique Marocain.

Article 4:

The Commissions mentioned above are responsible for the evaluation and selection of applicant projects each in their respective field of competence. It is also entrusted to these Commissions to identify the levels of subsidies and the list of works, supplies, services, expenses and needs which can be financed in accordance with legislative and regulatory provisions in force. Technical standards for financial estimates in the above list are established exclusively according to expenditure classification proposed by the Centre Cinématographique Marocain which comes into force after approval of the classification by the Centre's Board of Directors.

Article 5:

The Commissions mentioned in Article 3 above are composed of leading actors in the world of culture, art, education, cinema and the audiovisual sector, necessarily reflecting the plurality of currents of thought and opinion of society and the diversity of professional and technical specialties, as well as representatives of the Ministry of Communication, of the Ministry of Finance, of the Ministry of Culture and of the Centre Cinématographique Marocain, without the total number of members in each Commission exceeding twelve.

Article 6:

The Governmental Authority in charge of Communication appoints the President and the members of the three Commissions on the proposal of the Centre Cinématographique Marocain and after consulting the trade bodies operating in the cinema sector and for a period of two years which can be extended by one additional year.

The number of members in each Commission as well as the rules and methods of its functioning are fixed by Joint Order, specific to each Commission, taken by the Minister in charge of the Communication and the Minister in charge of Finances.

⁵ Decree 2.17.373 - BO 6592 of August 3, 2017



Article 6 bis [6]:

In addition to the Commissions mentioned in article 3 of the present decree, a Commission is established to support the foreign production in Morocco of audiovisual and cinematographic works. The headquarters of this Commission is the Centre Cinématographique Marocain. The Commission for the Support of Foreign Production in Morocco of Audiovisual and Cinematographic Works is responsible for the evaluation and selection applicant projects.

The Commission for the Support of Foreign Production in Morocco of Audiovisual and Cinematographic Works, chaired by the Director of the Centre Cinématographique Marocain, is composed of a representative of the governmental authority in charge of communication, a representative of the governmental authority in charge of culture, a representative of the governmental authority responsible for finance and a representative of the professional trade organizations.

Article 6 ter [7]:

Support for foreign production in Morocco of audiovisual and cinematographic works is granted in compliance with current legislation relating to the film industry and the terms and conditions prepared for this purpose, and General State Budget allocations to the Fund established by article 44 of abovementioned Finance Law 8.96 of fiscal year 1996-1997.

Support for foreign production in Morocco of audiovisual and cinematographic works is set at 20% of total expenditure in Morocco eligible for support.

The terms and conditions of access to support for foreign productions in Morocco and terms of payment are set by Joint Order of the Minister of Finance and the Minister of Communication.

Article 7:

The Commissions mentioned in this decree **reach their decisions independently**. Committee members undertake to perform their duties impartially and with integrity, to refrain from taking a stand in public about projects under consideration or already considered, to exercise due diligence for the preparation of annual reports specific to the execution of the tasks defined in this decree.

Article 8:

The Commissions **mentioned in this decree** work according to an annual action plan proposed by the Centre Cinématographique Marocain and approved by the latter's Board of Directors including:

- The vision leading the work of abovementioned Commissions;
- Fund management procedures and execution of abovementioned commissions' decisions;
- Measures to monitor the expenditure of the aid fund and to control their uses;
- Measures to monitor the expenditure of support fund and to monitor it uses;
- The procedures, according to each Commission, for the collection, filing and preservation of technical and financial documents concerning the projects benefiting from support.

6 Decree 2.17.373 - BO 6592 of August 3, 2017

7 Decree 2.17.373 - BO 6592 of August 3rd, 2017



Article 9:

Lump sum compensation is granted to the members of the Commissions mentioned in article 3 above. The amount of this allowance is set by Joint Order of the Minister of Communication and the Minister of Finance.

An operating budget is allocated to the abovementioned commissions, as a percentage of the total amount of the support fund allocated to each Commission. This percentage is set by Joint Order of the Minister of Communication and the Minister of Finance.

Article 10:

Support payment operations are subject to a standard agreement concluded between the Centre Cinématographique Marocain and the beneficiary, defining the rights and obligations of the latter, including the submission of a detailed work progress report for each request for payment, accompanied by legal supporting documents.

Article 11:

Operations or areas benefiting from the support mentioned in the first article above are subject to annual audit by the General Inspectorate of Finance (l'Inspection Générale des Finances) under the Governmental Authority in charge of Finance, to ensure project realization and compliance.

Article 12:

The Minister of Culture and Communication, the Minister of Economy and Finance, are responsible, each in their duties and capacities, for the execution of this decree to be published in the Official Bulletin (Bulletin Officiel).