



**Joint order 2117-18 of the minister of culture and communications, and the minister of economy and finance, dated 4 July 2018, amending the joint order 2948-17 of the minister of culture and communications, and the minister of economy and finance, dated 19 January 2018, on award conditions, criteria and procedures of support for the production in Morocco of foreign cinematographic and audiovisual works**

The Minister of Culture and Communication;  
and the Minister of Economy and Finance;

Considering Decree No. 2.12.325 of 28 Ramadan 1433 (17 August 2012) determining Terms and Conditions of funded support for film production, and digitization and renovation of cinemas, and the organization of cinema festivals, as amended and supplemented by Decree 2.17.373 of 9 Kaada 1438 (2 August 2017), in particular Articles first and 6ter;

**Decree:**

**First article:**In accordance with the provisions of the 2nd paragraph of article 6 ter of the aforementioned decree n°2.12.325, the amount of the financial incentive granted to foreign production companies producing cinematographic and audiovisual projects in Morocco is set at **30% of the expenses excluding taxes**, eligible for the incentive, incurred in Morocco.

Expenditure eligible for support is identified in the eligibility Terms and Conditions developed by Centre Cinématographique Marocain in accordance with 2 paragraph of Article 4 of the Decree No. 2.12.325.

Eligible expenses may not exceed 90% of the total production budget invested in Morocco and can be no less than 10 million DHS.

In the case of a Moroccan-Foreign co-production, the eligibility requirements are applied to the portion accruing to the foreign co-producer and to imported capital budget and disbursed exclusively and directly by the foreign producer in Morocco.

In this case, the financing plan must include a detailed breakdown of expenditure between the foreign producer and the Moroccan producer.

**The amount of support can not exceed eighteen (18 Dh) million per production.**

The completion of the work must begin at the latest within sixth month after filing the bond as defined in section 3 below and to be completed at the end of the twelfth month following the start of filming.

No support may be granted in the event of non-compliance or breach of a condition set by this Joint Order and the eligibility Terms and Conditions.

**Article 2:**The grant given is under the following conditions, to foreign production companies producing cinematographic and audiovisual works in Morocco :

a)

- The work to be realized must be partly or fully

- a feature film;



- a television fiction series;
  - a TV movie;
  - a docu-fiction or a documentary;
  - an audiovisual work of fiction intended to be exploited exclusively on the Internet.
- The minimum shooting time in Morocco must be eighteen days. When the production of the work requires the construction of sets, the minimum duration includes the days devoted to the construction of the sets.
  - **The distribution of the work to be produced must have an international distribution.**
- b) In addition, the production company agrees to:
- transfer the rights of cultural exploitation of the work in Morocco to the benefit of the Centre Cinématographique Marocain, for an indefinite period, from one year after the first commercial and worldwide release of the film.
- For the purposes of this decree, the term "cultural exploitation rights" means non-commercial projections in cinematographic events organized in Morocco;
- file a copy of the film at the Centre Cinématographique Marocain;
  - authorize the Centre Cinématographique Marocain to use extracts from the work in promotional advertising campaigns of Morocco as a film shooting location or as a tourist destination;
  - insert, in the credits of the work, the following expression: "This film has benefited from the support of Morocco for film production" in the language of the film's credits. The Centre Cinématographique Marocain can replace the content of this expression by any visual indicating the support of Morocco to the work.
- For fictional or documentary audiovisual works exploited exclusively on the Internet, The Moroccan Film Center may request from the producer of the work permission to use during cultural events.

**Article 3:** The grant is subject to a request submitted, prior to the shooting, by the foreign production company to the Moroccan Cinema Center, specifying the nature of the production, **the nature of distribution**, the duration of the shooting, **the program** and the amount of the investment being considered in Morocco, as well as the amount of the financial support requested, and by which the foreign production company undertakes to respect the conditions set by this decree and eligibility Terms and Conditions.

In case of availability of funds, the director of the Centre Cinématographique Marocain, after informing the Commission of Support The Foreign Production In Morocco Of Audiovisual And Cinematographic Works, calls the foreign production company, within 30 days from reception of the request, to provide a bank guarantee of 5% of the amount of the financial support requested **within 30 days, renewable only once.**

The bank guarantee shall be refunded if the planned investment is materialized in its entirety.

If the amount invested is less than the amount declared, the deposit will be returned pro rata to the investment.

If, for any reason, the production does not take place, is cancelled, does not come to an end or if the work is not carried out within the deadlines set in the first article above, the ownership of said deposited funds is transferred to the Centre Cinématographique Marocain.



**Article 4:** During the 90 days following the last day of filming, the company files with the Centre Cinématographique Marocain a request for payment of the amount of the support, accompanied by a file composed of the following documents:

- a) An application form for payment of support signed by the legal representative of the production company.
- b) The following documents relating to the production company:
  - a true copy of the articles of incorporation of the company;
  - a true copy of the company's certificate of registration in the commercial register of the country of origin or a declaration attesting the legal and regular existence of the company;
  - the acts of designation of the social leaders;
  - the acts of designation of the production managers;
  - copies of the identity documents of company executive and the production leaders.
- c) a certificate or any document proving the acquisition of the copyrights of the work by the production company.
- d) the following documents relating to the shooting:
  - a copy of the filming permit;
  - the detailed work plan;
  - Call sheets of each day of filming in Morocco;
  - copies of contracts signed with Moroccan film crew and actors.
- e) the accounting documents relating to the filming:
  - a presentation of the definitive cost in Morocco of the work;
  - a documented presentation of the summary statement of actual expenditure and supporting documents certified by an auditor;
  - copies of all the accounting documents justifying expenses relating to the production of the work in Morocco.All accounting documents must bear two numbers:  
a chronological number of expenses;  
an imputation number, according to the expenditure classification annexed to the eligibility Terms and Conditions.
  - copies of bank statements showing the expenditures made from the bank account in convertible Dirhams opened with a Moroccan banking institution.
- f) A document whereby the foreign company undertakes to respect the conditions mentioned in paragraph (b) of Article 2 above.

**Article 5:** After examining the file submitted to it by the director of the Centre Cinématographique Marocain and ensuring compliance with the conditions fixed by the present decree and eligibility Terms and Conditions, the Commission To Support The Foreign Production In Morocco Of Audiovisual And Cinematographic Works sets the amount of support.

In the case where the amount invested is greater than the amount stated in the request provided for in article 3 above, the commission may increase its support according to the availability of funds.

The Centre Cinématographique Marocain transfers, in a single instalment, the amount of support to the bank account of the production company referred to in article 4 above, within a maximum of one hundred and eighty (180) days after due **examination** by the commission of the documentation of payment requested.



**Article 6:** The representative of production trade professionals within the Commission To Support The Foreign Production In Morocco Of Audiovisual And Cinematographic Works is designated by the Minister in charge of the Communication on the proposal of the Director of the Centre Cinématographique Marocain, among personalities with experience and expertise in the field of foreign production in Morocco.

**Article 7:** The commission meets twice a year and whenever necessary, at the invitation of its chairman accompanied by requests for support, at least one week before the meeting.

The commission can validly deliberate only if at least four of its members are present. Its decisions are taken by simple majority votes of the members present. In case of equal division of votes, the chairman casts a deciding vote. The deliberations of the commission are recorded in minutes filed in the registers of the secretariat of the commission.

The commission is responsible, in particular, for:

- ensuring compliance with the commitments made by the foreign producer;
- ruling on requests for support in accordance with the expenditure classification laid down in the Terms of References in line with applicable rates and reimbursement ceilings;
- prepare an annual report on its work to be presented annually to the Minister in charge of Communication.

Rejection by the Commission of all or part of the proof of expenditure must be justified.

The commission may use the services of a chartered accountant. The costs related to these services are charged to the operating budget of the commission.

**Article 8:** Secretariat of the support committee is provided by the Centre Cinématographique Marocain.

**Article 9:** The Centre Cinématographique Marocain may, at any time during the course of production in Morocco, carry out inspections of the filming of foreign works which have been the subject of a request.

**Article 10:** If it turns out that the producer has not respected their commitments towards the CCM, the latter may request, by judicial process in Morocco or abroad, the restitution of part or the total amount of support granted.

**Article 11:** This joint order will be published in the Official Bulletin.

**NB: the amendments come into effect from 22<sup>nd</sup>, March 2022**