

**Edict (Dahir) No. 113.03.1 issued on 18 Rabi I 1424 (19 June 2003) to promulgate
Law No. 71.99 on the Status of Artists**

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Considering the cultural heritage of the Kingdom of Morocco, which has always stood out for the richness and variety of its creativity and forms of expression;

On the basis of the exalted regal guidance contained in Letters addressed by His Late Majesty Hassan II, may God rest him in peace, to artistic meetings and conferences in our country, and the outstanding solicitude which His Majesty Mohammed VI, may God send him victorious, continues to show for the legal status of artists and for the structures whereby their creative work is produced and distributed;

In view of the fact that the development of artistic production mechanisms requires that the conditions in which artists work be regulated, artistic enterprise be encouraged and modern traditions in the distribution of artistic products be consolidated;

Conscious of the fact that Moroccan artists, with their different schools and forms of expression, help to preserve national identity, strengthen ties and protect Moroccan culture among the nations;

In expression of the desire of His Majesty Mohammed VI, may God preserve him, for artists to enjoy a legal standing that conserves their dignity, regulates their profession and opens the way for them to continue to contribute to society.

**Chapter I
Preliminary Measures
Article 1
Definitions**

1. "Artist" means any natural person who practices artistic activity, either continually or intermittently, in return for remuneration and in the context of a contract of work or employment, or who performs an artistic work to sell or rent it to others, or produces it for the public administration, local authorities or public institutions.
2. "Artistic activity" is any activity involving artistic creation or artistic performance, where:
 - (a) "Artistic creativity" is any artistic work by a natural person, particularly in the field of audio visual art, photography, fine arts, music, theatre, literature (either written or spoken) or choreography.
 - (b) "Artistic performance" is any activity involving the artistic presentation or execution of all or part of an artistic work by a natural person, in any way, especially in the fields of music, theatre, variety shows, circus or puppetry.
3. "Impresario" is any natural or juridical person who concludes a contract of work or employment with an artist, for the purpose of undertaking artistic activity in return for remuneration.
4. "Individual contract" is any individual agreement concluded between an artist and an impresario. "Joint contract" means any agreement concluded between a group of artists and an impresario.
5. "Art services agency" refers to any juridical person who undertakes to bring the demand and supply for artistic services together, while not being a party in any artistic working relationship that may result therefrom.
6. Under this Act, a professional card is granted to everyone to whom the above definitions apply. The conditions and mechanisms for granting the card are defined in the regulations.

Article 2

For the purposes of this Act, "artistic revenue" is considered to be:

- (a) Any monetary sums and the like, either in cash or in kind, which an artist receives in return for carrying out artistic activity.

(b) Any remuneration which an artist receives in return for ceding privileges or intellectual rights which have arisen as the result of artistic creativity or of an artistic performance.

Chapter II
Relationship between Impresarios and Artists
Article 3

The contract between the impresario and the artist is concluded for a specified period of time, or for the performance of a specified artistic activity.

Article 4

The contract concluded between the impresario and the artist is considered as being a contract of work.

The contract may be a joint work contract concerning a group of artists for the presentation of a specific performance or for their jointly carrying out an artistic work. In this case the contract must include the name of each artist individually, specifying his or her remuneration. After it has been signed, the artist must be given a copy of the joint contract which, if necessary, must specify whether the performance or performances are free of charge.

A joint contract may be signed by just one artist of the group, on condition that he or she has written power of attorney signed by each artist whose name appears on the contract.

The joint contract must stipulate each artist's remuneration, next to his or her full name.

Article 5

In the case of a joint contract concerning a group of individuals, only the artists are considered to practice artistic activity within the context of the contract.

Whether the contract is an individual or joint contract, neither the method of remuneration nor the amount thereof, or the name given to the contract by the parties, alters its status as a work contract between an impresario and artists. This is so irrespective of whether the artist owns all or some of the equipment he uses, either individually or with others, as long as he participates personally in the performance.

Article 6

The artist working under contract, whatever name is given to that contract, is an employee to whom the provisions of employment law apply, unless covered by a special text in that or other laws, and taking account of the provisions issued for protecting literary and artistic works or artistic activities carried out by artists who belong to public professional organisations.

The relationship between an impresario and an artist is based not only upon the provisions of the law, but also upon respect for professional artistic ethics.

Article 7

The work contract concluded between the impresario and the artist must be written.

The work contract between the artist and the impresario must be amended whenever there is a change in the artist's professional status, the amount of remuneration or the period of the contract.

Article 8

Any arbitrary termination of the contract entitles the other party to compensation, which is estimated in accordance with the contract itself. If this issue is not covered by the contract then the provisions of employment law vis-à-vis the arbitrary termination of contracts apply.

**Chapter III
Remuneration
Article 9**

If the presentation or execution of the artistic activity requires more than fifteen (15) days, the artist and the impresario may establish payment dates by mutual agreement, on condition that the artist receives advance instalments every fifteen (15) days, in such a way that he or she has been fully remunerated at the termination of the contract or at the conclusion of the artistic activity.

Article 10

The amount of the remuneration must be included in the contract.

The distinction between the two forms of remuneration pursuant to paragraphs (a) and (b) of article 2 must be indicated in the contract.

Article 11

When remuneration is paid a receipt must be issued showing the applicable fees and deductions, and the shared obligations as defined in article 13 below.

Article 12

Artists benefit from the privilege defined in section 1248 of the Code of Obligations and Contracts promulgated by the Edict published on 9 Ramadan 1331 (12 August 1913), concerning the payment of any monies owed to them by the impresario from the impresario's moveable goods, in accordance with that section and the conditions defined therein.

The legal compensation arising from the arbitrary termination of the contract by the impresario is part of the same privilege and has the same standing.

**Chapter IV
Social Security
Article 13**

Artists to whom the provisions of this Act apply benefit from legislation covering accidents in the workplace, social security and basic health cover.

The governmental authorities responsible for culture are working to establish mechanisms to finance social services for artists, in the context of current law.

**Chapter V
Juvenile Artists
Article 14**

It is forbidden to employ any juvenile under the age of eighteen to act or appear in a public performance, without advance written permission from the labour inspector. This must be with the agreement of the juvenile's guardian and after having informed the governmental authorities responsible for culture.

The labour inspector has the right, by means of a justified decision made either of his own accord or at the request of any qualified party, to withdraw the permission he had previously granted.

Article 15

It is forbidden for anyone not undertaking research or study in the context of media or academic activities, to publish in any way, any comment, news or information concerning a juvenile under the age of eighteen, save for information connected with that juvenile's artistic activity. It is likewise forbidden to make any exploitative form of announcement aimed at inducing juveniles to practice the artistic professions by highlighting the lucrative nature of those professions.

Article 16

It is forbidden to make juveniles under the age of sixteen play dangerous games, or to oblige them to participate in performances which threaten their life, health or morals.

Article 17

If the provisions of articles 15 and 16 are infringed, the labour inspector shall request the local administrative authorities concerned to intervene to stop the offending performance, and the Public Prosecutor's Office shall be so informed.

Chapter VI

Art Services Agencies

Section One

Establishing an Art Services Agency

Article 18

An art services agency may be established after having received authorisation from the competent authorities, as stipulated in the regulations. Thereafter it may, in exchange for payment, undertake to seek employment for artists in theatres, musical ensembles, variety shows, cinema, radio, television, cinema or circuses, or other such work in the world of entertainment.

Article 19

Authorisation to practice as defined in article 18 may only be granted to art services agencies established in the form of commercial companies.

An authorisation may not be granted, or maintained, for an art services agencies run by an individual who has suffered a definitive conviction for a crime against morality.

Article 20

The request for authorisation to practise must include information about the art services agency, particularly the following: its address, the nationality of the director, the nature of the artistic activities it intends to pursue, models of the contracts it uses as per the regulations, its account number and the amount of its capital.

The art services agency may at any time be asked to provide supplementary information.

Section Two

Art Services Agencies' Fees

Article 21

Staff of art services agencies, when undertaking their function of seeking employment for artists, may not receive or accept deposits or collateral of any kind.

The impresario alone bears responsibility for the fees requested by the art services agency, while the artists employed pay nothing.

Article 22

The amount of the fees art service agencies receive from impresarios may be no more than:

- 2 per cent of the artist's remuneration for periods of employment not exceeding fifteen days.
- 5 per cent of the artist's remuneration for periods of employment between fifteen days and one month.
- 10 per cent of the artist's remuneration for periods of employment of longer than one month.

For the purposes of this article, remuneration is calculated as per the remuneration defined under paragraph (a) of article 2.

Article 23

Art services agencies must keep records in order to allow monitoring of the extent to which employment provisions in the artistic world are respected. The form and requirements of this register are defined in the regulations.

Chapter VII Exceptional Measures Article 24

Employees and officials of the public administration, local authorities or public institutions may practise artistic activity outside working hours, either on their own account or for third parties, on condition that such activity does not have repercussions on the productivity of their work, and that it is not of a preponderantly commercial nature.

Article 25

Payment associated with artistic activities carried out by the category of persons defined in article 24 for the State, local authorities, public institutions or agencies in which the State holds at least 50 per cent of the capital, are not considered as a double wage.

Article 26

If the performance of the artistic activity necessitates absence from the workplace, the employee or official may take unpaid leave. This must not exceed fifteen days in six months and is renewable once.

Article 27

A contract between the public administration and an artist may be concluded individually and directly, notwithstanding any laws to the contrary, merely on the basis of a sworn statement on the part of the artist including his or her name, family name, national ID card number if Moroccan, passport or residency card number if a foreigner, current account number in a post office, bank or the public treasury, and an undertaking to perform the contracted artistic activity as per the agreed conditions and times.

Chapter VIII Violations and Penalties Section One Violations Article 28

Police officers, as well as officials appointed by the administration for the purpose, have the duty of establishing whether violations, as defined in this Act and the texts issued for its implementation, have taken place.

Section Two
Penalties
Article 29

The following acts are punished with a fine of between 300 and 500 dirhams:

- Employing juveniles under the age of eighteen in contravention of article 14 of this Act.
- Publishing information about a juvenile under the age of eighteen, other than information associated with that juvenile's artistic activity.
- Inducing juveniles to practice the artistic professions by highlighting the lucrative nature of those professions.
- Making juveniles under the age of sixteen play dangerous games, or participate in performances which threaten their life, health or morals.

Multiple penalties are imposed in proportion to the number of employees for whom the above provisions are not implemented, to a maximum for all fines of 20,000 dirhams.

Article 30

Anyone practising the activities of an art services agency without having obtained authorisation, pursuant to article 19 of this Act, shall be punished with a fine of between 10,000 and 20,000 dirhams.

Article 31

Any member of staff of an art services agencies who receives or accept deposits or collateral of any kind for undertaking the function of seeking employment for artists, in contravention of article 21 of this Act, shall be punished with a fine of between 10,000 and 20,000 dirhams.

Chapter IX
Concluding Provisions
Article 32

All provisions contrary to this Act - especially those contained in labour legislation concerning art services agencies and the employment of juveniles in artistic activities - are abrogated.
