

|                        |            |
|------------------------|------------|
| Issuer:                | Riigikogu  |
| Type:                  | act        |
| In force from:         | 01.11.2022 |
| In force until:        | In force   |
| Translation published: | 07.11.2022 |

# Performing Arts Institutions Act

Passed 11.06.2003  
RT 2003, 51, 353  
Entry into force 19.07.2003

Amended by the following acts

| Passed     | Published             | Entry into force   |
|------------|-----------------------|--|
| 17.12.2008 | RT I 2009, 5, 35      | 01.07.2009   |
| 11.11.2009 | RT I 2009, 57, 381    | 01.01.2010   |
| 19.06.2014 | RT I, 29.06.2014, 109 | 01.07.2014, official titles of ministers replaced on the basis of subsection 4 of § 107 <sup>3</sup> of the Government of the Republic Act starting from the wording in force as of 1 July 2014. |
| 12.11.2014 | RT I, 20.11.2014, 3   | 01.01.2015   |
| 19.07.2022 | RT I, 06.08.2022, 3   | 01.11.2022   |

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act provides the definition of a performing arts institution and the bases for the organisation of activities and financing of performing arts institutions and reporting by performing arts institutions.

(2) The Administrative Procedure Act applies to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

### § 2. Performing arts institution

(1) For the purposes of this Act, a performing arts institution is a legal person or an institution:

- 1) whose principal area of activity is the staging and performance of theatre and dance performances or concerts, musical creative activity or auxiliary activities of the performing arts;
  - 2) who organises regularly public presentations of the creative work of authors and performers in the form of performances and concerts;
  - 3) who has an employment relationship with persons engaged in creative activities or a relationship under the law of obligations with service providers in order to achieve the creative objectives;
  - 4) who has an artistic director
  - 5) who informs the public of performances or concerts.
- [RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(2) This Act regulates the activity of performing arts institutions which operate as a state foundation or as a foundation established with state participation (hereinafter a *performing arts institution operating as a foundation established by the state*), as a local government foundation (hereinafter a *municipal performing arts institution operating as a foundation*), together with a performing arts institution operating as a foundation established by the state a *performing arts institution operating as a foundation*) or as a local government institution (hereinafter *municipal performing arts institution*).

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(2<sup>1</sup>) In addition to the provisions of subsection 1 of this section, a performing arts institution operating as a foundation and a municipal performing arts institution shall also have an artistic council.  
[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(3) This Act regulates the activities of the performing arts institutions operating in accordance with the Acts concerning legal persons in private law (hereinafter referred to as *private performing arts institution*) not specified in subsection 2 of this section only insofar as it is specified in this Act.

(4) [Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 2<sup>1</sup>. Concert organisation**

(1) A concert organisation, for the purposes of this Act, means a performing arts institution operating as a foundation or a municipal performing arts institution that organises the public presentations of the creative work of authors and performers mainly in the form of concerts or musical performances.

(2) The provisions of this Act concerning performing arts institutions shall be applied to concert organisations insofar as provided otherwise in this Act.

(3) This Act, except for subsection 1 of § 12, shall not be applied to private performing arts institutions that organise the public presentations of the creative work of authors and performers mainly in the form of concerts or musical performances.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 2<sup>2</sup>. Application of Act to organiser of public performance or concert**

Subsection 1 of § 12 of this Act shall be applied, with the necessary specifications, to any organisers of a public performance or concert.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

# **Chapter 2**

## **ORGANISATION OF ACTIVITIES OF PERFORMING ARTS INSTITUTIONS**

## **§ 3. Foundation, reorganisation and termination of activities of performing arts institution and notification thereof**

[Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 4. Statutes and articles of association of performing arts institution**

(1) The articles of association or statutes of the performing arts institution set out the functions, organisation of management, the assets and management thereof as well as the rights and obligations related with the budget of the performing arts institution, organisation of reporting and control, if necessary, the procedure for filling the vacant position of the director and artistic director of the performing arts institution and the procedure for preparation and amendment of the development plan and other material provisions concerning the organisation of the activities of the performing arts institution.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(2) [Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(3) [Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(4) Subsection 1 of this section shall also be applied to private performing arts institutions.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 5. Director and artistic director of performing arts institution**

(1) The manager of a performing arts institution ensures the performance of the functions of the performing arts institution and be responsible for the general state and development of the institution and for the expedient use of financial resources. Decisions on issues relating to creative activity shall be made by the manager of a performing arts institution on the proposal of the artistic director.

(2) The creative activity of a performing arts institution shall be planned and coordinated by the artistic director, who:

1) shall organise the selection of the repertoire of the performing arts institution and draw up a repertoire programme or season schedule and submit it for an opinion to the artistic council in case of existence thereof;

2) shall organise the selection and employment of persons engaged in creative activities;

3) shall ensure the achievement of the creative objectives of the performing arts institution.

(3) The official title of the artistic director shall be prescribed in the statutes or articles of association of a performing arts institution.

(4) The functions of the manager and the artistic director of a performing arts institution may be performed by one and the same person, if the possibility is provided for in the statutes or articles of association of the performing arts institution.

(5) In a performing arts institution operating as a foundation, the functions imposed on the manager of the performing arts institution shall be performed by the management board of the foundation pursuant to the procedure prescribed by the articles of association. The functions of the artistic director of a performing arts institution may, by a resolution of the supervisory board of the foundation, be performed by a member of the management board.

(6) Subsections 1–4 of this section shall also be applied to private performing arts institutions.  
[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 6. Filling vacant positions of manager and artistic director of performing arts institution**

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(1) In order to fill a vacant position of the manager of a performing arts institution and an artistic director of a performing arts institution operating as a foundation established by the state, except for a concert organisation, a public competition shall be organised. The conditions of and procedure for conducting such a competition shall be provided for in the articles of association or statutes of the performing arts institution.

(2) The procedure for filling the vacant position of an artistic director of a concert organisation operating as a foundation established by the state, municipal performing arts institution and a municipal performing arts institution operating as a foundation shall be provided for in the articles of association or statutes of the performing arts institution.

(3) A fixed-term employment contract shall be entered into with the manager and artistic director of a performing arts institution for up to five years, provided that they are not the members of the management board of a performing arts institution operating as a foundation. Instead of a fixed-term employment contract, another contract under the law of obligations for the provision of service may be entered into with the artistic director of a concert organisation or a representative thereof with a term of up to five years.

(4) With the decision of the supervisory board of a performing arts institution operating as a foundation or the founder of a municipal performing arts institution, the contract of a member of the management board or a fixed-term employment contract entered into with the manager of a performing arts institution may be renewed once without organising a public competition.

(5) Subsection 4 of this section shall also be applied to a contract entered into with an artistic director of a performing arts institution operating as a foundation established by the state, except for a concert institution.

(6) If the vacant position of a manager of a performing arts institution operating as a foundation cannot be filled, with a valid reason, pursuant to a public competition, the manager of a performing arts institution shall be appointed, with the consent of the founders of the performing arts institution, by the supervisory board of the performing arts institution operating as a foundation for up to one year without organising a public competition.  
[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 7. Persons engaged in creative activities of performing arts institutions**

(1) A person engaged in creative activities of a performing arts institution (hereinafter a *person engaged in creative activities*) is an employee as the result of whose creative activity public performances and concerts are planned, prepared and performed.

(2) A fixed-term employment contract may be entered into with a person engaged in creative activities for up to five years if it is justified by the specific nature of the creative work.  
[RT I, 20.11.2014, 3 – entry into force 01.01.2015]

## **§ 7<sup>1</sup>. Restriction on consecutive entry into and renewal of fixed-term employment contracts**

(1) If more than two consecutive fixed-term employment contracts have been entered into with a person engaged in creative activities for the performance of similar work in the same position or if the fixed-term contract has been renewed more than once in five years, his or her employment relationship shall be deemed to be entered into for an unspecified term from the beginning.

(2) More than two consecutive fixed-term employment contracts may be entered into with a person engaged in creative activities or the fixed-term contracts may be renewed more than once in five years if such an opportunity has been agreed in the collective agreement and on the condition that it is necessary due to the specific nature of creative work and the total number of consecutive fixed-term employment contracts does not exceed five employment contracts and the total duration is not more than ten years.

(3) Entry into fixed-term employment contracts shall be deemed to be consecutive if the time between the expiry of one employment contract and entry into the next one does not exceed two months.

(4) Upon consecutive entry into or renewal of fixed-term employment contracts with an artistic director or a performing arts institution, the employment relationship shall not turn into an employment relationship established for an unspecified term.

[RT I, 20.11.2014, 3 – entry into force 01.01.2015]

## **§ 8. Artistic council**

(1) The artistic council of a performing arts institution shall plan and assess the creative activities of the performing arts institution.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(2) The procedure for the formation of the artistic council and the competence of the council shall be provided for in the statutes or articles of association of the performing arts institution.

(3) An artistic council shall include the artistic director and the representatives of the persons engaged in creative activities of the performing arts institution. An artistic council may also include the manager of the performing arts institution and other persons as experts.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022].

## **§ 9. Development plan of performing arts institution**

(1) A performing arts institution shall prepare a development plan for the period of at least four years.

(2) A development plan shall set out the mission and objectives of the performing arts institution and the activities and means planned to fulfil the mission and achieve the objectives.

(3) The procedure for the preparation and amendment of a development plan shall be provided for in the statutes or articles of association of the performing arts institution.

(4) [Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(5) Subsections 1–3 of this section shall be applied to municipal performing arts institutions, municipal performing arts institutions operating as a foundation and private performing arts institutions, if they apply for a subsidy from the state budget pursuant to the procedure established in this Act and on the basis thereof.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 10. Organisation of work of performing arts institution**

(1) Performing arts institutions shall act independently in the selection of repertoire and in other artistic decisions.

(2) Performances and concerts shall be planned on the basis of a repertoire programme or season schedule and the monthly programme prepared on the basis thereof.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 11. Repertoire programme and season schedule**

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(1) A repertoire programme or season schedule shall be prepared for at least one season.

(2) A repertoire programme or season schedule shall be approved by the manager of the performing arts institution on the proposal of the artistic director.

(3) Subsections 1 and 2 shall be applied to private performing arts institutions if they apply for support from the state budget pursuant to the procedure established in this Act and on the basis thereof.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **§ 12. Informing the public**

(1) A performing arts institution shall make public the following information on performances and concerts:

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]:

1) the name of the performing arts institution;

- 2) the title of the presented work or part thereof;
- 3) the title of the work in the original language;
- 4) in case of derivative work a reference to the original work;
- 5) the name of the author of the work;
- 6) the main performer or collective of performers of the work;
- 7) the time and place of the performance or concert;
- 8) [Repealed - RT I, 06.08.2022, 3 – entered into force 01.11.2022]
- 9) the description of accessibility of the performance or concert and the venue thereof.  
[RT I, 06.08.2022, 3 – entered into force 01.11.2022]

(2) Subsection 1 of this section also applies to private performing arts institutions.

### **§ 13. Recording of work**

(1) A performing arts institution shall organise the recording of works in their repertoire, taking into account the requirements arising from the Copyright Act.

(2) For the purposes of this Act, “recording” means recording of the performance of a work onto any data medium.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

### **§ 14. Work file**

(1) A performing arts institution shall compile a file on the work in repertoire, containing e.g. a script, a programme, advertising material, a draft design or photos of the design, extracts of media coverage and other relevant materials. The recording of the work shall be added to the file, if possible.

(2) The compilation and preservation of work files shall be organised by the manager of the performing arts institution, taking into account the requirements arising from the Archives Act and the Copyright Act.

(3) A file on the work may be digital.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **Chapter 3 BUDGETS AND FINANCING OF PERFORMING ARTS INSTITUTIONS AND FORMATION OF COMMITTEE**

[RT I, 06.08.2022, 3 - entry into force 01.11.2022]

### **§ 15. Budget and financing**

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(1) A performing arts institution shall have its own budget. In order to prepare a budget of a performing arts institution, expenditures shall be planned and sources for covering the expenditures shall be specified.

(2) The sources for covering the expenditures of a performing arts institution are the following:

- 1) revenue from the sale of tickets;
- 2) revenue received from the economic activity accompanying and supporting the main activity;
- 3) revenue from funds for specific purposes and endowments;
- 4) donations and other income;
- 5) subsidies from a rural municipality or city budget;
- 6) subsidies from the state budget.

(3) The amount of subsidy to be granted shall be determined in the state budget of the corresponding year.

(4) [Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(5) Performing arts institutions may receive subsidies from the state budget on the basis of an application pursuant to the procedure established in this Act and on the basis thereof.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(6) Subsection 5 of this section shall not be applied to municipal concert organisations and municipal concert organisations operating as a foundation.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(7) Subsection 5 of this section does not preclude the grant of subsidy from the state budget to a performing arts institution on other legal basis.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

#### **§ 16. Principles for granting subsidies to performing arts institutions from state budget**

(1) A subsidy shall be granted from the state budget to a performing arts institution operating as a foundation established by the state for ensuring the objectives of the performing arts institution provided for in the statutes.

(2) A subsidy may be granted from the state budget to a municipal performing arts institution, municipal performing arts institution operating as a foundation and private performing arts institution for the promotion of national culture, ensuring the diversity of performing arts and regional accessibility of performances.

(3) In addition to the subsidy granted for the integral promotion of principal activity and development of a performing arts institution for the purposes specified in subsection 1 and 2 of this section, a subsidy for specific purposes may be granted from the state budget to a performing arts institution for single activities important in terms of the development of the field, national culture, regional impact or internationalization.

(4) Upon the grant of subsidies for the purposes specified in subsections 1 and 2 of this section, the amount of work associated with the creative activity of the performing arts institution shall be used as the unit of comparison.

(5) Subsections 2–4 of this section shall not be applied to municipal concert organisations or municipal concert organisations operating as a foundation.

(6) The categories of subsidy granted from the state budget to performing arts institutions and the additional conditions and procedure for applying for subsidy, assessment of the applicant and award of subsidy shall be established by a regulation of the minister in charge of the policy sector.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

#### **§ 16<sup>1</sup>. Grantor of subsidy**

(1) The grantor of subsidy from the state budget to performing arts institutions is the ministry in charge of the policy sector.

(2) The minister in charge of the policy sector may authorise another state agency to act as the grantor of support in the award of subsidies for the purposes specified in subsection 3 of § 16 of this Act.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

#### **§ 17. Formation of committee**

(1) In order to allocate subsidies from the state budget to the performing arts institutions, the grantor of subsidy shall form a committee.

(2) Separate committees may be formed for the allocation of subsidies of different categories.

(3) The committee formed for the allocation of subsidies awarded for the purposes specified in subsections 2 and 3 of § 16 of this Act is composed of the expert members nominated on the proposal of representative organisations of the fields and the representatives of the ministry in charge of the policy sector.

(4) The specific requirements for the membership of committee and the term of authorisation of the committee shall be established by a regulation of the minister in charge of the policy sector.

(5) The membership and rules of procedure of the committee shall be approved by the grantor of subsidy.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

#### **§ 18. Submission of applications**

[Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

#### **§ 19. Competence of committee**

[Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

#### **§ 20. Entry into contract**

[Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **Chapter 4 REPORTING**

[RT I, 06.08.2022, 3 - entry into force 01.11.2022]

### **§ 21. Property in possession of performing arts institution**

[Repealed - RT I, 06.08.2022, 3 – entry into force 01.11.2022]

### **§ 22. Reporting**

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

(1) A performing arts institution shall submit a statistical report to the statistics database of the field by the term set by the administrator of the database.

(2) The term for the submission of statistical report shall be made public on the website of the administrator of the statistics database of the field and on the website of the minister in charge of the policy sector.

(3) Subsection 1 of this section shall also be applied to private performing arts institutions.

(4) Subsection 1 of this section shall not be applied to concert organisations.

[RT I, 06.08.2022, 3 – entry into force 01.11.2022]

## **Chapter 5 IMPLEMENTING PROVISIONS**

### **§ 23. [Repealed]**

### **§ 23<sup>1</sup>. Employment contracts entered into with persons engaged in creative activities**

(1) A fixed-term employment contract entered into with a person engaged in creative activities before 1 January 2015 shall be valid on the conditions and pursuant to the procedure specified therein until the expiry of the term specified in the employment contract.

(2) If an employment contract is entered into with a person engaged in creative activities after 1 January 2015 and at least two consecutive fixed-term employment contracts have been entered into with the same person for the performance of similar work in the same position or if the fixed-term contract entered into previously has been renewed more than once in five years or if the number of fixed-term employment contracts agreed in the collective agreement specified in subsection 2 of § 7<sup>1</sup> of this Act have been previously entered into consecutively, the employment relationship shall be deemed to be entered into for an unspecified term from the beginning.

(3) If a person engaged in creative activities holds a valid fixed-term employment contract as of 1 January 2015 and consecutive fixed-term employment contracts have been previously entered into with him or her for the performance of similar work in the same position or if the employment contract has been renewed for at least ten years, the employment contract entered into with the person engaged in creative activities shall be for an unspecified term and the employment relationship shall be deemed to be established for an unspecified term from the beginning.

(4) The provisions of subsection 3 of this section shall not be applied if the person engaged in creative activities submits his or her corresponding request therefor to the employer in a format which can be reproduced in writing within six months starting from 1 January 2015. If the term of the employment contract entered into with a person engaged in creative activities expires earlier than the term specified in the previous sentence, he or she shall notify of his or her request at the first opportunity.

[RT I, 20.11.2014, 3 – entry into force 01.01.2015]

### **§ 24. Repeal of Performing Arts Institutions Act**

(1) The Performing Arts Institutions Act is repealed.

(2) The statutes of state performing arts institutions established by a regulation of the minister in charge of the policy sector.