

Draft
Subject to Legal Review for Accuracy, Clarity, and Consistency
March 31, 2004

ANNEX I
NON-CONFORMING MEASURES
SCHEDULE OF MOROCCO

Sector:	Tourism – Guides and Accompanying Personnel
Obligations Concerned:	National Treatment (Articles 10.3, 11.2)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-97-05 of January 25, 1997 enacting Law No. 30-96 regulating tour and mountain guides and accompanying personnel <i>Dahir</i> No. 1-97-64 of February 12, 1997 enacting Law No. 31-96 regulating travel agencies
Description:	<u>Cross-Border Services and Investment</u> Only Moroccan nationals may serve as licensed tour or mountain guides. However, non-Moroccan nationals may accompany tour groups from a foreign country to Morocco and on tours of Morocco. Such accompanying personnel may not serve as licensed tour or mountain guides.

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Sector:	Wholesale Fruit and Vegetable Markets and Fish Markets
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-297 of October 3, 2002 enacting Law No. 78-00 on the Charter of the Communes (<i>Charte Communale</i>) Order of May 22, 1962 of the Interior Minister regulating authorized agents and enacting the regulations on wholesale fruit and vegetable markets and fish markets in urban districts
Description:	<u>Cross-Border Services</u> The operation of wholesale fruit and vegetable markets and wholesale fish markets is a municipal monopoly.

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Sector:	Slaughterhouse Operations
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-297 of October 3, 2002 enacting Law No. 78-00 on the Charter of the Communes (<i>Charte Communale</i>) <i>Dahir</i> No. 1-89-187 of November 21, 1989 enacting Law No. 30-89 on taxation of local communities and community associations
Description:	<u>Cross-Border Services</u> Slaughterhouse operations are a municipal monopoly.

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Sector:	Wholesale Distribution of Ethyl Alcohol
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Vizierial Order of July 16, 1938 facilitating reductions of surplus wine stocks Decree No. 2-72-377 of December 18, 1972 on the elimination of the Wine and Alcohol Bureau (<i>Bureau des Vins et Alcools</i>) and on the transfer of its functions
Description:	<u>Cross-Border Services</u> Wholesale distribution of ethyl alcohol, excluding derivative products containing ethyl alcohol, produced in Morocco for industrial use is a State monopoly exercised by the Independent Alcohol Authority (<i>Service Autonome des Alcools</i>), an entity of the Department of Commerce and Industry.

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Sector:	Energy – Electrical
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<p><i>Dahir</i> No. 1-63-226 of August 5, 1963 creating the National Electricity Office (<i>Office National de l'Electricité</i>) (“ONE”), as modified and completed by Decree 2-94-503 of September 23, 1994</p> <p>Decree governing the establishment and operation of public utility companies (1964)</p> <p>Law No. 78-00 of October 3, 2002 on the Charter of the Communes (<i>Charte Communale</i>)</p>
Description:	<p><u>Cross-Border Services</u></p> <p>The transmission of electricity is a State monopoly exercised by the ONE.</p> <p>The distribution of electricity is handled by the ONE and by the Municipal Council through public utility companies.</p> <p>The Municipal Council may authorize the distribution of electricity through public utility companies or may delegate the distribution of electricity, following a call for bids, to private enterprises.</p>

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Sector: Potable Water, Excluding Bottled Water

Obligations Concerned: Market Access (Article 11.4)

Level of Government: Central

Measures: *Dahir* No. 1-72-103 of April 3, 1972 creating the National Potable Water Office (*Office National de l'Eau Potable*) ("ONEP")

Law No. 78-00 of October 3, 2002 on the Charter of the Communes (*Charte Communale*)

Description: Cross-Border Services

The distribution of potable water, excluding bottled water, is handled by the Municipal Council through ONEP and public utility companies.

The Municipal Council is authorized to determine the terms of management of municipal-based public services related to potable water, excluding bottled water. It may authorize the distribution of such water through ONEP or public utility companies or may delegate the distribution of such water, following a call for bids, to private enterprises.

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Sector:	Phosphates
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of April 16, 1951 enacting the mining regulations
Description:	<u>Cross-Border Services</u>

The search (i.e., exploration) for phosphates is a State monopoly exercised by the Sherifian Phosphate Office (*Office Chérifienne des Phosphates*), a statutory body created in 1920.

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Sector:	Ores other than Phosphates
Obligations Concerned:	Local Presence (Article 11.5) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of April 16, 1951 enacting the mining regulations
Description:	<u>Cross-Border Services</u>

The initial permit granted for the search (i.e., exploration) for ores other than phosphates confers rights over a surface area of 4x4 km². Additional permits may be granted covering up to a maximum area of 250 km² (approximately 16 permits). This maximum area may not be exceeded unless authorized by the Prime Minister.

The permit holder must designate an agent domiciled in Morocco to ensure the handling of applications or declarations regarding mining titles.

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Sector:	Small-Scale Mining in the Tafilalet and Figuig Region
Obligations Concerned:	National Treatment (Article 10.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of December 1, 1960 regulating small-scale mining in the Tafilalet and Figuig region
Description:	<u>Cross-Border Services and Investment</u> The mining of lead, zinc, and barite ores in the Tafilalet and Figuig region is reserved for small-scale miners from that region.

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Sector:	Hydrocarbons
Obligations Concerned:	Performance Requirements (Article 10.8)
Level of Government:	Central
Measures:	Hydrocarbon Code: Law No. 21-90, as amended and supplemented by Law No. 27-99 as enacted by <i>Dahir</i> No. 1-99-340 of February 15, 2000 Decree No. 2-93-786 of November 3, 1993 enforcing Law No. 21-90
Description:	<u>Investment</u> The granting of prospecting licenses for hydrocarbons is contingent on the conclusion of a petroleum agreement with the State, which may include performance requirements. Such performance requirements shall in all cases be consistent with the WTO Agreement on Trade-Related Investment Measures.

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Sector:	Architectural Services
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-92-122 enacting Law No. 016-89 on the practice of the profession of architect and creation of the Moroccan Architects' Association <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> A Non-Moroccan national may provide architectural services in Morocco if such person elects domicile with a Moroccan architect established in Morocco. To establish a practice as an architect, a person must be a Moroccan national. Notwithstanding the preceding sentence, an authorization for a non-Moroccan national to practice the profession of architect shall be granted taking into account the needs of the sector. Such authorization may be granted for the territory as a whole or for a specific administrative district.

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Sector:	Private Primary and Secondary Education
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Law No. 06/00 of May 19, 2000 (Official Bulletin No. 4800 of June 1, 2000) constituting the Statute on Private Education
Description:	<u>Investment</u> The provision of management or teaching services at private primary and secondary schools by non-Moroccan nationals is subject to the issuance of an employment authorization, which shall take into account the needs of the sector.

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Sector:	Private Higher Education
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	Law No. 01-00 establishing the higher education system (published June 1, 2000) Executive Order No. 2-00-1015
Description:	<u>Cross-Border Services and Investment</u> The position of educational director of a private institution of higher education must be held by a Moroccan national. Notwithstanding the preceding sentence, an authorization for a non-Moroccan national to hold the position of educational director of a private institution of higher education shall be granted on a case-by-case basis taking into account the proposed academic program of the institution. In all cases, the educational director of a private institution of higher education must have residency in Morocco.

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Sector:	Professional Services – Attorneys and Sworn Translators/Interpreters
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> enacting Law No. 1-93-162 of September 10, 1993 regulating the profession of attorney Decree No. 2-81-276 of February 1, 1982 establishing the conditions for obtaining the certificate of competence to practice the profession of attorney <i>Dahir</i> No. 1-01-127 of June 22, 2001 enacting Law No. 50-00 regarding sworn translators Executive Order No. 2826.01.2 of June 17, 2002
Description:	<u>Cross-Border Services and Investment</u> <u>Attorneys</u> To establish a practice as an attorney in Morocco, that is, to be able to plead before the courts, certain conditions must be fulfilled, including the following conditions which are inconsistent with the obligations listed above: (a) have status as a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing nationals of each State to practice law in the territory of the other State; (b) have only one office, which may not be organized as a corporation; (c) have residency in Morocco; and (d) in the case of non-Moroccan nationals, elect domicile with a duly admitted Moroccan attorney.

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In a particular case, an attorney not established in Morocco may plead before the courts if:

- (a) he is a national of a State that has entered into an agreement with Morocco authorizing nationals of each State to practice law in the territory of the other State; and
- (b) he elects domicile with a duly admitted Moroccan attorney.

For greater certainty, foreign legal consultancy services are permitted.

Sworn Translators/Interpreters

To establish a practice as a sworn translator/interpreter in the courts, certain conditions must be fulfilled, including the following conditions which are inconsistent with the obligations listed above:

- (a) have status as a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing nationals of each State to practice as sworn translators/interpreters in the territory of the other State; and
- (b) have residency in Morocco.

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- Sector:** Professional Services – Certified Experts
- Obligations Concerned:** National Treatment (Articles 10.3, 11.2)
Most-Favored-Nation Treatment (Articles 10.4, 11.3)
Local Presence (Article 11.5)
- Level of Government:** Central
- Measures:** *Dahir* No. 1-01-126 of June 22, 2001 enacting Law No. 45-00 regulating the profession of legal expert

Executive Order No. 2824.01.2 of June 17, 2002
- Description:** Cross-Border Services and Investment
- To practice as a certified expert in the courts, certain conditions must be fulfilled, including the following conditions which are inconsistent with the obligations listed above:
- (a) have status as a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing nationals of each State to practice as certified experts in the territory of the other State; and
 - (b) elect domicile with a Moroccan certified expert.

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Sector:	Professional Services – Notaries
Obligations Concerned:	National Treatment (Articles 10.3, 11.2)
Level of Government:	Central
Measures:	<i>Dahir</i> of May 4, 1925 on the practice of the profession of notary (Official Bulletin No. 661 of June 25, 1925), as amended and supplemented by the <i>Dahir</i> of May 17, 1930, the <i>Dahir</i> of May 18, 1934, and the <i>Dahir</i> of May 25, 1934
Description:	<u>Cross-Border Services and Investment</u> Notaries must be Moroccan nationals.

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Sector: Professional Services – Bailiffs

Obligations Concerned: National Treatment (Articles 10.3, 11.2)

Level of Government: Central

Measures: *Dahir* No. 1-80-440 of December 25, 1980 enacting Law No. 41-80 on the creation and organization of a body of bailiffs (Article 4)

Description: Cross-Border Services and Investment

Bailiffs must be Moroccan nationals.

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Sector: Professional Services – Auxiliary Clerk-Notaries (*Adouls*)

Obligations Concerned: National Treatment (Articles 10.3, 11.2)

Level of Government: Central

Measures: *Dahir* No. 1-81-332 of May 6, 1982 (Article 2) enacting Law No. 11-81 on the organization of the profession of *adoul*

Description: Cross-Border Services and Investment

Auxiliary clerk-notaries (*adouls*) must be Moroccan nationals.

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Sector: Professional Services – Transcribers (*Nassikh*)

Obligations Concerned: National Treatment (Articles 10.3, 11.2)

Level of Government: Central

Measures: *Dahir* No. 1-01-124 of June 22, 2001 enacting Law No. 49-00 on the organization of the profession of transcriber (Article 3)

Description: Cross-Border Services and Investment
Transcribers (*nassikh*) must be Moroccan nationals.

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Sector:	Health – Physicians
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Decree No. 2-97-421 enforcing Law No. 10-94 (B.O. of November 21, 1996) on the practice of medicine (Articles 5, 6, 11, and 12)
Description:	<p><u>Cross-Border Services and Investment</u></p> <p>The private practice of medicine by a physician of non-Moroccan nationality requires fulfillment of certain conditions, including the following conditions which are inconsistent with the obligations listed above:</p> <ul style="list-style-type: none">(a) permanent residency in Morocco;(b) status as the spouse of a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing physicians who are nationals of each State to practice medicine within the territory of the other State; and(c) government authorization. <p>Notwithstanding paragraphs (a) and (b), physicians of non-Moroccan nationality may be allowed to practice in Morocco for periods not exceeding one month with respect to specialties that do not exist in Morocco.</p>

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Sector:	Health – Establishing Clinics or Comparable Medical Facilities
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 10-94 (B.O. of November 21, 1996) on the practice of medicine (Articles 22 and 24) and Decree No. 2-97-421 of October 28, 1997 to enforce said law (Articles 11, 12, 13, 14, 21, 22, and 23) <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> Private clinics and comparable medical facilities, such as birthing centers, water therapy (<i>thalassotherapie</i>) centers, medical care centers and other centers providing in-patient care for periods of at least twenty-four hours, kidney dialysis centers, radiotherapy centers, and chemotherapy centers, may be established only by physicians who have fulfilled the requirements for practicing medicine in Morocco.

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Sector:	Health – Pharmacists
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-59-367 of February 19, 1960 on the practice of the professions of pharmacist, dental surgeon, herbalist, and midwife <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> The authorization for non-Moroccan nationals to practice the profession of pharmacist shall be granted taking into account the needs of the sector.

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Sector:	Health – Pharmaceutical Firms
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4) Senior Management and Boards of Directors (Article 10.9) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-59-367 of February 19, 1960 on the practice of the professions of pharmacist, dental surgeon, herbalist, and midwife <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> The establishment in Morocco of a firm engaged in the manufacture or wholesale distribution of pharmaceutical products is contingent on the requirement that 51 percent of the capital stock be held by pharmacists. A majority of that 51 percent of capital stock (i.e., at least 26 percent of the total capital stock) must be held by pharmacists authorized to practice in Morocco. In a firm established in Morocco and engaged in the manufacture or wholesale distribution of pharmaceutical products, the following persons must be pharmacists: (a) in sole proprietorships, the sole proprietor; (b) in corporations, the president and one-half plus one of the members of the board of directors; (c) in limited-liability companies and limited partnerships, all managerial personnel; and (d) in other types of enterprises, all the principals.

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Sector:	Health – Dental Surgeons, Midwives, Nurses, and Opticians
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law and <i>Dahir</i> of February 19, 1960 regulating the practice of the professions of pharmacist, dental surgeon, herbalist, and midwife <i>Dahir</i> of February 19, 1960 regulating the practice of the profession of nursing <i>Dahir</i> of October 4, 1954 regulating the practice of the profession of optician <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> The authorization for a non-Moroccan national to practice the profession of dental surgeon, midwife, nurse, or optician shall be granted taking into account the needs of the sector.

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Sector:	Health – Private Biomedical Analysis Laboratories
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 12.01 (B.O. of November 7, 2002) regarding private biomedical analysis laboratories (Article 5 and 6)
Description:	<p><u>Cross-Border Services and Investment</u></p> <p>Non-Moroccan pharmacists, physicians, or veterinary surgeons may establish, operate, and manage private biomedical analysis laboratories if they fulfill certain conditions, including the following conditions which are inconsistent with the obligations listed above:</p> <ul style="list-style-type: none">(a) permanent residency in Morocco; and(b) status as the spouse of a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing nationals of each State to establish, operate, or manage private biomedical analysis laboratories within the territory of the other State.

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Sector: Accounting and Auditing Services

Obligations Concerned: National Treatment (Articles 10.3, 11.2)
Most-Favored-Nation Treatment (Articles 10.4, 11.3)
Local Presence (Article 11.5)

Level of Government: Central

Measures: Law No. 15-89 regulating the practice of Certified Accountancy and establishing the Order of Chartered Accountants (*l'Ordre des Experts-Comptables*), as enacted by *Dahir* No. 1-92-139 of January 8, 1993

Decree No. 2-92-837 of February 3, 1993

Description: Cross-Border Services and Investment

Certified Accountants

In order to practice certified accountancy and financial auditing in Morocco, a person must be a member of the Order of Chartered Accountants (*l'Ordre des Experts-Comptables*) ("OCA"). Any enterprise providing certified accountancy and financial auditing services, even one possessing exclusively foreign share capital, may be established in Morocco if persons providing such services are members of the OCA.

Membership by a non-Moroccan national in the OCA requires:

- (a) that the person be a national of a State that has entered into an agreement with Morocco authorizing nationals of each State to practice certified accountancy and financial auditing in the territory of the other State; and
- (b) residency in Morocco.

For greater certainty, only certified accountants may certify accounts.

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Qualified Accountants (*Comptables Agrées*)

To practice in Morocco as a qualified accountant (*comptable agréé*), a person must be a Moroccan national resident in Morocco.

Accountants

For greater certainty, establishment of an accountancy practice in Morocco other than as a certified accountant or a qualified accountant is not limited, except that a person practicing such accountancy must be resident in Morocco. However, in a particular case, an accountant not established in Morocco may supply accountancy services other than as a certified accountant or qualified accountant, and need not be resident in Morocco.

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Sector:	Audiovisual Services – Film Production Services
Obligations Concerned:	Performance Requirements (Article 10.8) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 20-99 (B.O. of March 15, 2001) on the establishment of the film industry Law 17.94 1997/1998 Appropriation Law <i>Dahir</i> No. 1-77-230 on the establishment of the Moroccan Film Center (<i>Centre Cinématographique Marocain</i>) Decree No. 2-87-749 of December 30, 1987
Description:	<u>Cross-Border Services and Investment</u> In order to be established in Morocco, production companies must be organized as corporations (<i>Sociétés Anonymes, SA</i>) or limited-liability companies (<i>Sociétés à Responsabilité Limitée, SARL</i>) with fully paid in capital. “Executive production” means the provision of the following services pursuant to a contract with an enterprise not organized under Moroccan law: the management of film production, the provision of services related to the constitution of technical/artistic teams, and filming. In order to be established in Morocco, a production company engaging in executive production must comply with certain conditions, including the following condition which is inconsistent with the obligations listed above: have produced, as an enterprise established in Morocco, at least one feature-length film or three short films, it being stipulated that these films be cinematographic and filmed in Morocco.

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Sector: Audiovisual Services – Film and Videotape Distribution

Obligations Concerned: Market Access (Article 11.4)

Level of Government: Central

Measures: Law No. 20-99 (B.O. of March 15, 2001) on the establishment of the film industry

Law 17.94

1997/1998 Appropriation Law

Dahir No. 1-77-230 on establishment of the Moroccan Film Center (*Centre Cinématographique Marocain*)

Decree No. 2-87-749 of December 30, 1987

Description: Cross-Border Services

In order to be established in Morocco, distribution companies must be organized as corporations (*Sociétés Anonymes, SA*) or limited-liability companies (*Sociétés à Responsabilité Limitée, SARL*) with fully paid in capital.

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Sector:	Communications – Miscellaneous Services; Services Supplied to Companies
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 77-00 of October 3, 2002 establishing the Press Code <i>Dahir</i> No. 1-02-212 of August 31, 2002
Description:	<u>Cross-Border Services</u> News agencies, other than the Maghreb Arab Press, may be established in Morocco if they obtain government authorization. For greater certainty, foreign news agencies may supply their services from outside Morocco to any customers within Morocco without restriction.

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Sector: Agriculture

Obligations Concerned: National Treatment (Article 10.3)

Level of Government: Central

Measures: *Dahir* No. 1-73-645 of April 23, 1975

Description: Investment

A non-Moroccan person may not purchase land located outside urban areas that is used, or could be used, for agricultural purposes, unless the non-Moroccan person intends to use such land for non-agricultural purposes.

For greater certainty, a non-Moroccan person may lease such land for either agricultural or non-agricultural purposes.

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Sector: Tobacco Products

Obligations Concerned: Market Access (Article 11.4)

Level of Government: Central

Measures: *Dahir* No. 1-03-53 of March 24, 2003 enacting Law No. 46-02 on the manufactured tobacco products regime

Description: Cross-Border Services

The wholesale distribution of manufactured tobacco products shall remain a State monopoly until December 31, 2007.

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Sector:	Environment – Garbage and Trash Collection, Waste Disposal, and Sanitation and Similar Services
Obligations Concerned:	Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-297 of October 3, 2002 enacting Law No. 78-00 on the Charter of the Communes (<i>Charte Communale</i>)
Description:	<u>Cross-Border Services</u> The Municipal Council shall have the authority to determine the terms of management of municipal-based public services related to garbage and trash collection, waste disposal, and sanitation and similar services. It shall decide on the methods of management of such services, i.e., direct control by the Municipal Council, independent management, concession, or any other type of delegated management of public services in accordance with the laws and regulations in force.

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Sector:	Fishing Licenses
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of November 23, 1973 establishing the regulations governing maritime fisheries <i>Dahir</i> of April 8, 1981 creating an exclusive economic zone extending 200 miles off the Moroccan coasts
Description:	<u>Investment</u> Commercial fishing requires a fishing license, which shall be issued to: (a) Moroccan-flag vessels (described in the schedule entry for “Moroccan-Flag Vessels”); (b) foreign-flag vessels chartered by Moroccan nationals; or (c) foreign-flag vessels operated by non-Moroccan nationals only if such nationals are from a State that has entered into a bilateral fishing agreement with Morocco.

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Sector:	Fishing Enterprises
Obligations Concerned:	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	<i>Dahir</i> of March 31, 1919 establishing the Code of Maritime Commerce
Description:	<u>Investment</u>

In order for a fishing enterprise established in Morocco to own Moroccan-flag fishing vessels (described in the schedule entry for “Moroccan-Flag Vessels”) and to hold a fishing license for such vessels, the president and a majority of the members of the board of directors of the enterprise must be Moroccan nationals.

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Sector:	Fish Farming
Obligations Concerned:	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	<i>Dahir</i> of November 23, 1973 establishing the regulations governing maritime fisheries <i>Dahir</i> of April 8, 1981 creating an exclusive economic zone extending 200 miles off the Moroccan coasts Decree of December 29, 1992 establishing the terms and conditions for issuance and renewal of fishing licenses Article 3 of the <i>Dahir</i> on the 1919 Code of Maritime Commerce
Description:	<u>Investment</u> Vessels used for fish farming must be Moroccan-flag vessels (described in the schedule entry for “Moroccan-Flag Vessels”), and the president and a majority of the members of the board of directors of enterprises that own such vessels must be Moroccan nationals.

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Sector:	Maritime Transportation – Passenger and Goods Transportation
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Maritime Commercial Code of March 31, 1919, as amended and supplemented
Description:	<u>Cross-Border Services and Investment</u> Regular shipping line services established in Morocco must use Moroccan-flag vessels (described in the schedule entry for “Moroccan-Flag Vessels”) exclusively. Cabotage is the exclusive purview of the national fleet. The chartering of foreign vessels may be done only by a person that owns a Moroccan-flag vessel. Morocco is a signatory to the U.N. Code of Conduct for Liner Conferences (the “Code”), which provides for the allocation of international liner vessel cargoes among the countries that are signatories to the Code on the basis of a 40:40:20 allocation scheme.

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Sector:	Moroccan-Flag Vessels
Obligations Concerned:	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	Code of Maritime Commerce of March 31, 1919
Description:	<u>Investment</u>

All ships whose owners wish to fly the Moroccan flag must:

- (a) have their port of registry in Morocco;
- (b) engage in sailing activities that use Moroccan ports;
- (c) be 75 percent owned by Moroccan nationals, when the vessel is owned by a natural person. If the ship owner is an enterprise, the majority of the members of the board of directors, as well as the president, must be Moroccan nationals;
- (d) be operated by a Moroccan crew; and
- (e) be less than 21 years old, measured from the date the ship was first put into service.

Notwithstanding paragraph (c), ships owned by non-Moroccan nationals may fly the Moroccan flag provided that Tangier is the port of registry and that if the owner is a natural person the owner is domiciled in Morocco or if the owner is an enterprise the owner has its headquarters in Tangier.

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Sector:	Air Carriers
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-57-281 of 1957 and Decree No. 2-61-161 of July 10, 1962 enacting regulation of civil aviation.
Description:	<p><u>Investment</u></p> <p>An enterprise providing air transportation services may be established in Morocco if:</p> <ul style="list-style-type: none">(a) at least 51 percent of its capital is held by Moroccan nationals;(b) all of its aircraft have a regular home port in Morocco and are inscribed on Morocco's registry;(c) it is headquartered in Morocco; and(d) it has an authorization to operate issued by the Ministry in charge of Civil Aviation.

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Sector:	Rail Transportation – Passenger and Goods Transportation and Pushing/Towing Service
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-63-225 of August 5, 1963 creating the National Railroad Office (<i>Office National des Chemins de Fer</i>)
Description:	<u>Cross-Border Services</u> Rail passenger and goods transportation and pushing and towing services are a State monopoly.

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Sector:	Highway Transportation – Passenger and Goods Transportation
Obligations Concerned:	Most-Favored-Nation Treatment (Article 11.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<p><i>Dahir</i> No. 2-63-364 of December 4, 1963 concerning authorization of providers of public transportation services using motor vehicles and the authorization of the vehicles used in these haulage activities</p> <p><i>Dahir</i> No. 1-63-260 of November 12, 1963 as amended by Law 16-99 on reform of the highway cargo- haulage system</p> <p>Decree No. 2-83-704 of January 29, 1985 amending and supplementing Decree No. 2-63-364 of December 4, 1963 concerning authorization of providers of public transportation services using motor vehicles and the authorization of the vehicles used in these haulage activities</p>
Description:	<p><u>Cross-Border Services</u></p> <p>In order to provide domestic point to point highway passenger and goods transportation services, an enterprise must be established under Moroccan law.</p> <p>In order for an enterprise to provide highway passenger and goods transportation services from points outside the territory of Morocco to points within the territory of Morocco, or from points within the territory of Morocco to points outside the territory of Morocco, the enterprise must be established under Moroccan law or under the law of a State that has entered into an agreement with Morocco authorizing the provision of such services.</p>

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Sector:	Postal and Mail Services
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of November 25, 1925 and Law No. 24-96 of August 7, 1997 on the postal-service sector Order No. 393-98 of March 2, 1998 issued by the Ministry of Telecommunications
Description:	<u>Cross-Border Services</u> The postal-service sector is a State monopoly. However, this monopoly does not apply to the supply of express delivery services supplied from points outside the territory of Morocco to points within its territory, or from points within the territory of Morocco to points outside its territory, or from point to point within Morocco of letters and other materials over one kilogram.

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Sector:	Port Operations
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<p><i>Dahir</i> No. 1-84-194 of December 28, 1984 promulgating Law No. 6-84 creating the Port Authority (<i>Office d'exploitation des ports</i>) ("ODEP")</p> <p>Decree No. 2-84-844 implementing Law No. 6-84 creating the ODEP</p>
Description:	<p><u>Cross-Border Services</u></p> <p>Port operations are a State monopoly exercised by the ODEP.</p> <p>The ODEP carries out port-related services, including piloting, towing, refueling, cargo handling and warehousing, unloading, loading, and shipping of liquid products in bulk, and the handling and storage of solid products in bulk. However, vessels that are equipped with cargo handling gear may perform their own unloading and loading services using the vessel's crew.</p> <p>The State may transfer port-related services from the ODEP to state enterprises or, following a call for bids, private enterprises.</p>

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Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Article 7 of Law 35/94 of January 26, 1995 on negotiable debt securities
Description:	<u>Investment</u> Enterprises, other than banks or financing companies, operating through branches or other entities not organized under Moroccan law are not permitted to issue negotiable debt securities with a maturity of less than one year in Morocco.

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Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Article 15 of the <i>Dahir</i> promulgating Law No. 1-93-211 of September 21, 1993 on the stock exchange, as modified and supplemented
Description:	<u>Investment</u> An enterprise not headquartered in Morocco or a natural person not resident in Morocco may effect a public issue of debt or equity securities only after securing the prior approval of the Finance Minister.