

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

**ANNEX I**  
**NON-CONFORMING MEASURES**  
**SCHEDULE OF MOROCCO**

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Tourism – Guides and Accompanying Personnel  |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <i>Dahir</i> No. 1-97-05 of January 25, 1997 enacting Law No. 30-96 regulating tour and mountain guides and accompanying personnel<br><br><i>Dahir</i> No. 1-97-64 of February 12, 1997 enacting Law No. 31-96 regulating travel agencies  |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br>Only Moroccan nationals may serve as licensed tour or mountain guides.<br><br>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. |

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Wholesale Fruit and Vegetable Markets and Fish Markets  |
| <b>Obligations Concerned:</b> | Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | <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> )<br><br>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 |
| <b>Description:</b>           | <u>Cross-Border Services</u><br><br>The operation of wholesale fruit and vegetable markets and wholesale fish markets is a municipal monopoly.  |

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Slaughterhouse Operations   |
| <b>Obligations Concerned:</b> | Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | <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> )<br><br><i>Dahir</i> No. 1-89-187 of November 21, 1989 enacting Law No. 30-89 on taxation of local communities and community associations |
| <b>Description:</b>           | <u>Cross-Border Services</u><br><br>Slaughterhouse operations are a municipal monopoly.   |

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Wholesale Distribution of Ethyl Alcohol   |
| <b>Obligations Concerned:</b> | Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Vizierial Order of July 16, 1938 facilitating reductions of surplus wine stocks<br><br>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  |
| <b>Description:</b>           | <u>Cross-Border Services</u><br><br>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. |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Energy – Electrical  |
| <b>Obligations Concerned:</b> | Market Access (Article 11.4)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <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>  |
| <b>Description:</b>           | <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> |

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

**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.

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

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

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Ores other than Phosphates                                     |
| <b>Obligations Concerned:</b> | Local Presence (Article 11.5)<br>Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <i>Dahir</i> of April 16, 1951 enacting the mining regulations |
| <b>Description:</b>           | <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 km<sup>2</sup>. Additional permits may be granted covering up to a maximum area of 250 km<sup>2</sup> (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.



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

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

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Hydrocarbons  |
| <b>Obligations Concerned:</b> | Performance Requirements (Article 10.8)   |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | 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<br><br>Decree No. 2-93-786 of November 3, 1993 enforcing Law No. 21-90   |
| <b>Description:</b>           | <u>Investment</u><br><br>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. |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Architectural Services   |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)<br>Market Access (Article 11.4)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <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<br><br><i>Dahir</i> of November 15, 1934 on immigration  |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br>A Non-Moroccan national may provide architectural services in Morocco if such person elects domicile with a Moroccan architect established in Morocco.<br><br>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. |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Private Primary and Secondary Education  |
| <b>Obligations Concerned:</b> | National Treatment (Article 10.3)  |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | Law No. 06/00 of May 19, 2000 (Official Bulletin No. 4800 of June 1, 2000) constituting the Statute on Private Education   |
| <b>Description:</b>           | <u>Investment</u><br><br>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. |

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Private Higher Education  |
| <b>Obligations Concerned:</b> | National Treatment (Article 11.2)<br>Local Presence (Article 11.5)<br>Senior Management and Boards of Directors (Article 10.9)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Law No. 01-00 establishing the higher education system<br>(published June 1, 2000)<br><br>Executive Order No. 2-00-1015   |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br>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. |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Professional Services – Attorneys and Sworn Translators/Interpreters   |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)<br>Most-Favored-Nation Treatment (Articles 10.4, 11.3)<br>Local Presence (Article 11.5)<br>Market Access (Article 11.4)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <i>Dahir</i> enacting Law No. 1-93-162 of September 10, 1993 regulating the profession of attorney<br><br>Decree No. 2-81-276 of February 1, 1982 establishing the conditions for obtaining the certificate of competence to practice the profession of attorney<br><br><i>Dahir</i> No. 1-01-127 of June 22, 2001 enacting Law No. 50-00 regarding sworn translators<br><br>Executive Order No. 2826.01.2 of June 17, 2002  |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br><u>Attorneys</u><br><br>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:<br><br>(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;<br><br>(b) have only one office, which may not be organized as a corporation;<br><br>(c) have residency in Morocco; and<br><br>(d) in the case of non-Moroccan nationals, elect domicile with a duly admitted Moroccan attorney. |

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

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.

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

- 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.



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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Professional Services – Notaries  |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | <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 |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br>Notaries must be Moroccan nationals.   |

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

**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.

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

**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.

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

**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.

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Health – Physicians   |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)<br>Most-Favored-Nation Treatment (Articles 10.4, 11.3)<br>Local Presence (Article 11.5)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | 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)   |
| <b>Description:</b>           | <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"><li>(a) permanent residency in Morocco;</li><li>(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</li><li>(c) government authorization.</li></ul> <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> |

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Health – Establishing Clinics or Comparable Medical Facilities  |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)<br>Most-Favored-Nation Treatment (Articles 10.4, 11.3)<br>Local Presence (Article 11.5)<br>Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | 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)<br><br><i>Dahir</i> of November 15, 1934 on immigration  |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br>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. |

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

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

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

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



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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Health – Dental Surgeons, Midwives, Nurses, and Opticians   |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)<br>Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Law and <i>Dahir</i> of February 19, 1960 regulating the practice of the professions of pharmacist, dental surgeon, herbalist, and midwife<br><br><i>Dahir</i> of February 19, 1960 regulating the practice of the profession of nursing<br><br><i>Dahir</i> of October 4, 1954 regulating the practice of the profession of optician<br><br><i>Dahir</i> of November 15, 1934 on immigration |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br>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.  |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Health – Private Biomedical Analysis Laboratories  |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)<br>Most-Favored-Nation Treatment (Articles 10.4, 11.3)<br>Local Presence (Article 11.5)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | Law No. 12.01 (B.O. of November 7, 2002) regarding private biomedical analysis laboratories (Article 5 and 6)  |
| <b>Description:</b>           | <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"><li>(a) permanent residency in Morocco; and</li><li>(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.</li></ul> |

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

**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.

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

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.

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Audiovisual Services – Film Production Services   |
| <b>Obligations Concerned:</b> | Performance Requirements (Article 10.8)<br>Market Access (Article 11.4)   |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | Law No. 20-99 (B.O. of March 15, 2001) on the establishment of the film industry<br><br>Law 17.94<br><br>1997/1998 Appropriation Law<br><br><i>Dahir</i> No. 1-77-230 on the establishment of the Moroccan Film Center ( <i>Centre Cinématographique Marocain</i> )<br><br>Decree No. 2-87-749 of December 30, 1987   |
| <b>Description:</b>           | <u>Cross-Border Services and Investment</u><br><br>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.<br><br>“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. |

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

**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.

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

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

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

**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.



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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Tobacco Products   |
| <b>Obligations Concerned:</b> | Market Access (Article 11.4)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <i>Dahir</i> No. 1-03-53 of March 24, 2003 enacting Law No. 46-02 on the manufactured tobacco products regime  |
| <b>Description:</b>           | <u>Cross-Border Services</u><br><br>The wholesale distribution of manufactured tobacco products shall remain a State monopoly until December 31, 2007. |

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Environment – Garbage and Trash Collection, Waste Disposal, and Sanitation and Similar Services   |
| <b>Obligations Concerned:</b> | Local Presence (Article 11.5)   |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | <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> )  |
| <b>Description:</b>           | <u>Cross-Border Services</u><br><br>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. |

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

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

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

**Sector:** Fishing Enterprises

**Obligations Concerned:** National Treatment (Article 10.3)  
Senior Management and Boards of Directors (Article 10.9)

**Level of Government:** Central

**Measures:** *Dahir* of March 31, 1919 establishing the Code of Maritime Commerce

**Description:** Investment

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.

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Fish Farming  |
| <b>Obligations Concerned:</b> | National Treatment (Article 10.3)<br>Senior Management and Boards of Directors (Article 10.9)   |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | <i>Dahir</i> of November 23, 1973 establishing the regulations governing maritime fisheries<br><br><i>Dahir</i> of April 8, 1981 creating an exclusive economic zone extending 200 miles off the Moroccan coasts<br><br>Decree of December 29, 1992 establishing the terms and conditions for issuance and renewal of fishing licenses<br><br>Article 3 of the <i>Dahir</i> on the 1919 Code of Maritime Commerce |
| <b>Description:</b>           | <u>Investment</u><br><br>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.  |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Maritime Transportation – Passenger and Goods Transportation   |
| <b>Obligations Concerned:</b> | National Treatment (Articles 10.3, 11.2)<br>Most-Favored-Nation Treatment (Articles 10.4, 11.3)<br>Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | Maritime Commercial Code of March 31, 1919, as amended and supplemented  |
| <b>Description:</b>           | <p><u>Cross-Border Services and Investment</u></p> <p>Regular shipping line services established in Morocco must use Moroccan-flag vessels (described in the schedule entry for “Moroccan-Flag Vessels”) exclusively.</p> <p>Cabotage is the exclusive purview of the national fleet.</p> <p>The chartering of foreign vessels may be done only by a person that owns a Moroccan-flag vessel.</p> <p>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.</p> |

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

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

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Air Carriers   |
| <b>Obligations Concerned:</b> | National Treatment (Article 10.3)  |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <i>Dahir</i> No. 1-57-281 of 1957 and Decree No. 2-61-161 of July 10, 1962 enacting regulation of civil aviation.  |
| <b>Description:</b>           | <u>Investment</u><br><br>An enterprise providing air transportation services may be established in Morocco if:<br><br>(a) at least 51 percent of its capital is held by Moroccan nationals;<br><br>(b) all of its aircraft have a regular home port in Morocco and are inscribed on Morocco's registry;<br><br>(c) it is headquartered in Morocco; and<br><br>(d) it has an authorization to operate issued by the Ministry in charge of Civil Aviation. |



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

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

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

|                               |   |
|-------------------------------|---|
| <b>Sector:</b>                | Highway Transportation – Passenger and Goods Transportation   |
| <b>Obligations Concerned:</b> | Most-Favored-Nation Treatment (Article 11.3)<br>Market Access (Article 11.4)  |
| <b>Level of Government:</b>   | Central   |
| <b>Measures:</b>              | <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>                         |
| <b>Description:</b>           | <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> |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Postal and Mail Services   |
| <b>Obligations Concerned:</b> | Market Access (Article 11.4)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <i>Dahir</i> of November 25, 1925 and Law No. 24-96 of August 7, 1997 on the postal-service sector<br><br>Order No. 393-98 of March 2, 1998 issued by the Ministry of Telecommunications |
| <b>Description:</b>           | <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.

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | Port Operations  |
| <b>Obligations Concerned:</b> | Market Access (Article 11.4)   |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | <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>   |
| <b>Description:</b>           | <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> |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | All Sectors  |
| <b>Obligations Concerned:</b> | National Treatment (Article 10.3)  |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | Article 7 of Law 35/94 of January 26, 1995 on negotiable debt securities   |
| <b>Description:</b>           | <u>Investment</u><br><br>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. |

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

|                               |  |
|-------------------------------|--|
| <b>Sector:</b>                | All Sectors  |
| <b>Obligations Concerned:</b> | National Treatment (Article 10.3)  |
| <b>Level of Government:</b>   | Central  |
| <b>Measures:</b>              | 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   |
| <b>Description:</b>           | <u>Investment</u><br><br>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. |