



9 May 2014

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Council for Trade in Services

Original: French

## NOTIFICATION PURSUANT TO ARTICLE III:3 OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

The following notification, dated 29 April 2014, from the delegation of the Kingdom of Morocco, is being circulated to the Members of the Council for Trade in Services.

### 1 MEMBER NOTIFYING

Kingdom of Morocco

### 2 NOTIFICATION UNDER ARTICLE

Article III, paragraph 3, of the General Agreement on Trade in Services

### 3 DATE OF ENTRY INTO FORCE

5 December 2006

#### 3.1 Duration

Indefinite

### 4 AGENCY RESPONSIBLE FOR ENFORCEMENT OF THE MEASURE

Ministry of Infrastructure and Transport

### 5 DESCRIPTION OF THE MEASURE

*Measure:*

Amendment to Articles 12 and 17 of Law No. 15-02 on the establishment of the National Ports Agency (ANP) and the Port Operations Company (SODEP), adopted on 23 November 2005.

*Description:*

The ANP, as port authority, is responsible for port police missions, regulating, granting and monitoring concessions and permits to carry out port activities, maintaining, developing and modernizing port infrastructure and superstructure, and managing national port facilities.

Accordingly, the following amendments (in bold) have been made to:

- Article 12 of Law No. 15-02 on the regime governing permits:

"However, a direct allocation procedure may be used if the port activity concerned is to be carried out by the applicant on its own behalf **or by a company in which the ANP holds at least 51% of the capital** or if, after a call for bids, no offer has been made or accepted."

- Article 17 of Law No. 15-02 on the regime governing concessions:

"The concession is granted after a call for bids. However, a direct allocation procedure may be used:

**1. If the port activity is to be carried out by a company in which the ANP holds at least 51% of the capital;**

**2. If the investment planned by the applicant for the concession is five billion dirhams or more."**

Since the adoption of Law No. 15-02, several implementing texts have been published:

- Decree No. 2-06-383 of 24 July 2006 concerning the text implementing articles 43, 44, 45, 47 and 56 of Law No. 15-02.

- Decree No. 2-07-1029 of 19 September 2008 concerning the delimitation of harbours and access channels to ports.

#### **6 MEMBERS SPECIFICALLY AFFECTED, IF ANY**

None

#### **7 TEXT AVAILABLE FROM**

Secretariat General of the Government:

<http://www.sgg.gov.ma>

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