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**Dahir no. 1-97-162 of the 7/8/97 regarding promulgation of  
LAW NO. 24-96 relative to the post office and telecommunications**

**PREAMBLE**

The post and telecommunications sector, in its broadest definition, constitutes a driving element for the economic and social development of the country and promotes the development and diffusion of its historical and cultural heritage.

The efforts undertaken for economic development and rapid evolution of telecommunications technology associated with the spatial, computer, audio-visual and electronic techniques will make it possible for Moroccan companies to develop and operate a continuously changing telecommunications sector. This evolution of electronic communications is accompanied by an exchange, as rapid as it is reliable, of physical objects which are in the form of letters and packages.

The expansion of the postal and telecommunications services has led to an almost entire questioning of the method of management and organization of these two activities.

The trend observed throughout the world concerns, among other things:

- the separation of postal activities from telecommunications activities;
- the separation of the regulation and operation functions;
- the establishment of regulation, control and arbitration bodies for the telecommunications sector.

This sector shall then adapt to the socio-economic changes that result from the general development of the country and, at the same time, be integrated within a web of international networks characterized by an increasingly close association of the private sector into their installation and operation within a commercial and competitive framework.

It is thus essential to equip the sector with a legal and regulatory framework, in perfect harmony with international treaties and arrangements undertaken by the Kingdom of Morocco, capable of encouraging private initiatives to extend the post and telecommunications networks and services to the whole of the territory of the Kingdom and to all levels of the population, on the one hand, and, on the other, to put business operators in a favorable position in the prevailing competitive conditions in international communications.

The new structure of the sector has as its objectives:

- to equip the telecommunications sector with an effective and transparent regulatory framework that promotes fair competition benefiting the users of telecommunications networks and services;

- to pursue the development of these networks and services by supporting the initiatives favoring their adaptation to the change in technology and scientific progress;
- to provide a public service throughout the Kingdom and to all levels of the population and this, within the framework of the plan for economic and social development;
- to offer to the national economy the means of communication based on technology in constant change in order to increase its opening to and its integration in the world economy;
- to stimulate the postal sector by the introduction of competition in international express mail;
- to support the creation of employment directly or indirectly related to the sector.

The purpose of this law is to define the legal framework defining the new landscape of the post and telecommunications sector, in particular that of telecommunications networks which will be capable of operation by private holders of a license granted by decree passed in accordance with article 66 of the Constitution, provided that the State shall fix the general directions for the postal and telecommunications sector, and that the competent government authority shall be responsible for such directions being respected and applied.

## TITLE ONE

### LEGAL REGULATION FOR TELECOMMUNICATIONS

#### Chapter 1: DEFINITIONS

##### Article 1

For the purposes of this law, the following terms shall have the following meanings:

- 1) Competent government authority: the governmental authority designated by regulation, responsible, on behalf of the State, for the application of legislation and the regulation of the post and telecommunications sectors.
- 2) Public telecommunications network operator: any entity which operates a Public telecommunications network or which provides telecommunications service to the public.
- 3) Terminal equipment: any equipment intended to be connected directly or indirectly to a network termination point and which emits, receives or processes telecommunications signals. Equipment intended to provide access to broadcasting and television services is not included.
- 4) Telecommunications license: right granted by decree to establish and/or operate a telecommunications network and/or services. Within the scope of the legislation and regulation in force, such right is complemented by guarantees regarding the duration and the conditions of establishment and/or operation and undertakings by the operator to respect the terms and conditions of the license.
- 5) Radio waves or radio frequencies: electromagnetic waves whose frequency is lower than

3,000 GHz propagated in space without artificial guide.

6) Voice mail: telecommunications service implementing techniques for recording sound messages for their retransmission, consultation or listening by users.

7) Termination points: points of physical connection with technical specifications required to have access to a telecommunications network and to communicate effectively via such network. Such points shall form an integral part of the network. When a telecommunications network is connected to another network, the connection points to such network shall be regarded as the termination point.

8) Telecommunications network: any installation or any group of facilities ensuring either the transmission, or transmission and routing of telecommunications signals, as well as the exchange of related control and management information, between the termination points of such network.

9) Independent network: a telecommunications network necessarily and exclusively reserved to private or shared use, without a commercial purpose and whose use is intended exclusively for the specific needs for which the network was established. An independent network is intended:

- for private use, when it is reserved for the use of the person or entity who establishes it;

- for shared use, when it is reserved for the use of a company or its subsidiary companies and branches, in order to exchange internal communications within the same group.

10) Internal network: An independent network constructed entirely on the same piece of property, without occupying either the public domain, including hertzian space, nor third party property.

11) Public telecommunications network: The entirety of the telecommunications networks established and/or operated for the needs of the public.

12) Fixed public telecommunications network: a telecommunications network offering services originating exclusively from fixed termination points located in fixed and precise locations, accessible by terminal equipment.

13) Radio network, facility or terminal equipment: a network, facility or terminal equipment which uses hertzian frequencies for wave propagation in open space. In particular, networks which use satellite capabilities shall be included within the meaning of radio networks.

14) Telecommunications service: any service involving the transmission or the routing of signals or a combination of these functions by telecommunications processes. Broadcasting and television shall not be included within such meaning.

15) Telephone service: Commercial operation for the public of real time direct voice transportation, through switched public networks, allowing any fixed or mobile user to use equipment connected to a network termination point to communicate with another fixed or

mobile user using equipment connected to another termination point.

16) Telex Service: Commercial operation of real time direct transfer, by exchange of signals of telegraphic nature, of typed messages, between users connected to the termination points of a telecommunications network.

17) Radio frequency spectrum: All radio waves whose frequency falls between 3 KHz and 3.000 GHz.

18) telecommunications: Any transmission, emission or reception of signs, signals, writings, images, sounds or information of any kind, by wire, optics, electromagnetic, radio or other electromagnetic systems.

19) Open telecommunications network: The access open to Public telecommunications Networks and, as appropriate, to telecommunications services offered through such networks as well as the effective use of such networks and such services.

20) Interconnection: Reciprocal services offered by two operators of networks open to the public, or the services offered by an operator of a network open to the public to a public telephone service provider, which make it possible for all users to freely communicate, regardless of the networks to which they are connected or the services they use.

21) Universal service: the availability to all of a minimum service consisting of telephone service of a defined quality at an accessible price, as well as the routing of emergency calls, the providing of information and subscriber directory services, in printed or electronic form, and the providing of telephone booths installed on the public domain throughout the national territory all in accordance with the principles of equality, continuity, universality and adaptability.

## Chapter 2: GENERAL PRINCIPLES

### Article 2

The establishment and the operation of all public telecommunications networks occupying the public domain or using the radio frequency spectrum shall be subject to license.

### Article 3

The establishment and the operation of independent networks, except for internal networks, shall be subject to authorization.

### Article 4

The following shall be subject to approval:

- radio facilities;

- terminal equipment which is intended to be connected to a public telecommunications network;
- laboratories for the testing and measurement of telecommunications equipment.

#### Article 5

The supply of value added services, fixed by regulation, using the available capacity of telecommunications networks set forth in article 2 above, shall be subject to declaration.

#### Article 6

Internal networks and radio facilities consisting exclusively of low power and weak range apparatus may be freely established.

#### Article 7

The establishment and/or the operation of networks shall be conducted under conditions of fair competition, and with due respect, by the operators of the public networks, to the principle of equal treatment of users. The access of users to the public networks shall be ensured under objective, transparent and nondiscriminatory conditions.

#### Article 8

The Interconnection between various telecommunications networks shall be accomplished under acceptable, objective and non-discriminatory legal, technical and financial conditions which shall ensure a fair competitive environment.

The national telecommunications regulatory authority referred to in article 27 and hereinafter referred to by abbreviation as the "ANRT" shall have authority to ensure compliance with the above provisions and shall resolve disputes related thereto.

#### Article 9

The radio frequency spectrum shall form part of the State's public domain. The assignment of radio frequencies shall be subject to the payment of a fee in accordance with regulations in force.

### Chapter 3: LICENSING FRAMEWORK

#### Article 10

Licenses for the establishment and operation of public telecommunications networks occupying the

public domain or using the radio frequency spectrum referred to in article 2 above, shall be delivered to any legal entity selected in a call for tender and which shall undertake to respect the general conditions of operation and the clauses of the license conditions regulating the general conditions of establishing and operating networks and telecommunications services. The license shall be subject to the payment of a license fee as provided in the above mentioned license conditions.

The general operating conditions referred to in the preceding paragraph shall cover:

- fair competition;
  - the obligation to maintain independent financial accounts for each network and operated service;
  - conditions of confidentiality and neutrality of the service with regard to transmitted messages;
  - regulations required for national defense and public safety and the prerogatives of legal authority;
  - the contribution methods for the State's general mandates and in particular the mandates and responsibility for universal service, regional planning and environmental protection;
  - conditions for the supply of information necessary for the realization of the general directory of the subscribers;
  - the obligation of respecting the agreements and international conventions ratified by the Kingdom of Morocco;
- the obligation to convey emergency calls free of charge; and
  - the contribution to research, education and standardization in the area of telecommunications.

## Article 11

The administration shall, for each call to tender proposing the establishment and/or the operation of a telecommunications network or determined telecommunications service, establish in its license conditions:

- 1) the conditions for establishing the network;
- 2) the conditions for the supply of the service;
- 3) the coverage zone for the aforesaid service and the implementation schedule;
- 4) the allocated Radio Frequencies and numbering blocks, as well as the conditions of access to elevated points located in the public domain;
- 5) the minimum professional and technical qualifications, as well as the financial guarantees required of the applicants;

- 6) the conditions for operating the service, in particular the conditions for providing universal service and the principle of respecting equal treatment among users;
- 7) the methods of the payment of fees referred to paragraph 2 of article 9, above;
- 8) the validity period of the license and the conditions for its renewal; and
- 9) the terms of payment of the license fee referred to the first paragraph of article 10, above.
- 10) The call to tender shall set out the conditions of access and interconnection to public telecommunications networks and, if applicable, the conditions of leasing the network elements necessary for establishing the new network or supplying the service proposed in the invitation to tender. In such a case, the awarding of the license shall automatically give rise to access to the necessary interconnection or lease.

The candidate whose offer is considered to be the best with regard to all requirements of the contract conditions, and following the opinion of the ANRT referred to in article 27, below, shall be awarded the license. The award shall be the subject of a public report.

## Article 12

Licenses issued by decree pursuant to the present chapter are personal. They can be transferred to a third party only by decree. Such transfer implies the continuing respect of all of the provisions of the license.

The decree shall be notified within a maximum period of two months. Any refusal to issue a license shall be justified.

## Article 13

The public telecommunications network operators shall be required to observe the conditions of supplying an open telecommunications network. Such conditions shall be set by regulation and shall concern:

- the adaptation of technical interfaces including, where appropriate, the definition and the implementation of network termination points;
- the conditions of use including, where appropriate, access to radio frequencies; and
- the basis of rate fixing tariff.

## Chapter 4: AUTHORIZATION FRAMEWORK

## Article 14

Independent networks may be established and operated by any individual or legal entity, subject to obtaining the authorization referred to in the provisions of article 3 above, issued by the ANRT.

Such authorization may only be issued if such networks do not interfere with the technical operation of existing networks. Such authorization shall be subject to the payment of a fee.

The ANRT shall specify, case by case, the conditions under which the independent networks mentioned above may be, where appropriate, connected to a public telecommunications network, in such a manner not permitting the exchange of communications between persons or entities other than those for whom the use of the network is reserved.

The authorization shall be notified within a time period not exceeding two months. Any refusal to issue an authorization shall be justified.

## Chapter 5: APPROVAL FRAMEWORK

### Article 15

Terminal equipment may be furnished without preliminary authorization. However, when such equipment is intended to be connected to a public telecommunications network, it shall be subject to prior approval issued by the ANRT or by a test and measurement laboratory for telecommunications equipment approved by the ANRT. Such equipment approval shall always be required for radio facilities, whether or not it is intended for connection to a public telecommunications network.

Approval shall be notified within a time period not exceeding two months. Any refusal to issue an approval shall be justified.

### Article 16

The terminal equipment or facilities subject to approval mentioned above may only be manufactured for the domestic market, imported, held for sale, put on sale, distributed free of charge or on a paying basis, connected to a public telecommunications network or be advertised, after having first been approved by the ANRT or by a test and measurement laboratory duly approved for such purpose by the aforementioned agency, under the conditions defined by the administration.

The approval of terminal equipment and radio facilities referred to in the preceding paragraph is intended to guarantee, in the common interest, the safety of users and personnel of operators, the protection of the telecommunications networks, the compatibility of such equipment, on the one hand, with the public telecommunications networks and, on the other hand, with other terminal equipment permitting access to a common service, as well as, the proper use of the radio spectrum.

Installers of terminal equipment, whether for their own account or for third parties, shall be liable for any breach of telecommunications regulations within the framework of the legislation in force and according to provisions of this law.

Moreover, such installers shall be responsible for violations committed by their agents and for the payment of fines related thereto.

Radio facilities and terminal equipment shall, at all times, remain in conformity with the approved model.



## Chapter 6: DECLARATION FRAMEWORK

### Article 17

The commercial operation of value added services, such as voice mail service, the list of which shall be set by regulation, may be undertaken freely by any individual or legal entity after having submitted to the ANRT a declaration of intent of opening such service. This declaration shall contain the following information:

- the methods of opening the service;
- the geographic coverage;
- the conditions of access;
- the nature of the services;
- the rate-fixing which shall be applied to users.

A copy of the above-mentioned declaration shall be transmitted by the ANRT to the competent government authority.

Such service shall use, in the form of a lease, the connection capacities of one or several existing public telecommunications networks, except if the supplier of such service is the holder of the license referred to in article 2, above, and wishes to use the connection capacities of the network provided for in such license.

In the event of transfer of such service, the new operator shall inform the ANRT within a period of thirty days from the date of transfer.

### Article 18

The ANRT shall have a period of two months from the date of filing, shown on the return receipt of the declaration, to make known its opposition to the operation of the service referred to in article 17 above, if it appears from the aforementioned declaration that the service in question undermines safety, public order or is contrary to morality and common values.

## Chapter 7: OPEN NETWORKS AND FACILITIES FRAMEWORK

### Article 19

Subject to the conformity of the radio facilities and, if necessary, terminal equipment with the provisions of article 16, above, the following may be freely established:

- internal networks;
- radio facilities made up exclusively of low power and low range apparatus using the

categories for which shall be defined determined by the ANRT.

The technical conditions for use of the networks and facilities referred to above shall also be determined by the ANRT.

The categories of radio facilities as well as the above-mentioned technical conditions shall only be binding vis-a-vis third parties following their publication in the Official Bulletin.

## Article 20

The establishment of a telecommunications network by a commercial enterprise involving several legal entities, such as businesses or their subsidiary companies or branches, is free (*libre*), provided such legal entities are all situated within the national territory. Failing this, an authorization in accordance with the provisions of article 3, above, shall be required.

The use of such network shall be reserved exclusively for own use of said entity.

The infrastructure of such network shall be obligatorily and entirely leased from one or more public telecommunications network operators possessing the license referred to in article 2, above.

## Chapter 8: COMMON PROVISIONS

### Article 21

Subject to the provisions of article 9 above, telecommunications facilities established for the needs of national defense and public safety shall not be subject to this law. A decree shall set the regulations applicable to such facilities.

### Article 22

The rights and benefits granted by the provisions of the dahir of 21 chaoual 1333 (1 September 1915) relating to the establishment of telegraph and telephone lines shall be transferred to the public telecommunications network operators.

### Article 23

Any individual or legal entity may subscribe, upon request, to the services offered by the public telecommunications networks.

Establishing the identity of the applicant may be required.

The owner of a building, its syndicate or their agent may not obstruct the installation of telecommunications lines requested by a tenant.

The rights of subscribers shall be defined in the general terms and subscription contracts of the operators

and license holders in accordance with legislation and regulations in force.

#### Article 24

Legal entities which operate telecommunications networks or provide telecommunications services, shall be required to make available to the ANRT information or documents necessary to ensure the respect by such individuals of the obligations imposed upon them by the legislative and legal texts, as well pursuant to the license granted to them.

The ANRT shall be authorized to conduct investigations of such entities, including those which require direct operation with or connection of external equipment to their networks.

#### Article 25

The publication and distribution of telephone service subscriber directories shall be within the exclusive jurisdiction of public telecommunications network operators.

The preceding paragraph shall not apply to directories containing exclusively the numbers of subscribers having a common commercial, industrial or general professional relationship.

#### Article 26

Public telecommunications network operators, telecommunications service providers, as well as their employees shall respect the confidentiality of telephone correspondence and the conditions for protection of privacy and user's registered data, subject to the sanctions set forth in article 92 below.

## TITLE TWO

### NATIONAL TELECOMMUNICATIONS REGULATORY AUTHORITY

#### Article 27

A publicly-owned entity called the "*Agence nationale de réglementation des télécommunications*" endowed with incorporated status and financial autonomy, shall be created under the authority of the Prime Minister.

Such agency shall be subject to the supervision of the State, whose purpose shall be the enforcement of the provisions of this law by the competent bodies of the agency, in particular that relating to the mandates granted to it.

#### Article 28

The ANRT shall be subject to the financial control of the State in accordance with legislation in force.

## Article 29

The ANRT shall prepare the studies and regulations relating to the telecommunications sector.

It shall ensure the control of the application of the regulation and shall also supervise the respect of the general operating conditions referred to article 10 of this law.

In this regard, the ANRT shall be empowered in particular:

- 1) to prepare, at the request of the competent government authority or at the initiative of the agency, proposals aimed at adapting the legal, economic and security framework in which telecommunications activities are conducted. In this regard, it shall prepare draft laws, decrees and ministerial decisions relating to the framework of the activities of the various operators active in the telecommunications sector;
- 2) to prepare and up-date, in conjunction with other relevant government departments and public safety organizations, the texts for the license conditions defining the rights and obligations of the public telecommunications network operators;
- 3) to review license requests, to prepare and implement procedures for issuing licenses through calls for tender and to receive the prerequisite statement for telecommunications activities pertaining to the licensing framework. The ANRT shall issue authorizations and shall prepare licenses and corresponding license conditions and shall also attend to ensure compliance with the terms of the licenses granted to the various operators or other relevant persons or entities;
- 4) to propose the specifications and the technical approval procedures of test and measurement laboratories;
- 5) to define the technical and administrative approval specifications for terminal equipment and radio facilities and the technical or methodological rules applicable to networks of any kind capable of being connected to the public telecommunications networks and any open public telecommunications network. Such specifications and rules shall only be binding vis-a-vis third parties following their publication in the Official Bulletin;
- 6) to control and regulate the coding;
- 7) to propose maximum tariffs for services relating to universal service;
- 8) to take part with the governmental authority responsible for telecommunications in the standing radio communications committee created by royal decree no. 675-66 of 6 Ramadan 1386 (December 19, 1966), and in international meetings pertaining to the management of the radio frequency spectrum and telecommunications regulation; it shall also participate in works of national or foreign organizations whose purpose is the study and improvement of the regulation and management of telecommunications;
- 9) to ensure, on behalf of the State, the management and monitoring of the radio frequency spectrum and the respect of the constraints concerning the possible encryption of

information exchanged; in this regard, it shall allot radio Frequencies related to licenses and the authorization provided in articles 2 and 3 of this law, subject to the payment by the recipient of the fees referred to in article 9 of this law;

10) to verify, on behalf of the State, the respect of regulations in force and the terms of licenses, authorizations and approvals granted in the telecommunications sector. In this regard, the ANRT shall receive and analyze all required information and documentation from the telecommunications Network and services operators within the framework of their respective licenses and the license conditions and, if necessary, shall request all necessary and additional details and information;

11) to monitor, on behalf of the State, the development of information technology.

## Article 30

When the holder of a license for the establishment and operation of a public telecommunications Network breaches the conditions which are imposed on it by the legislative and regulatory texts, the director of the ANRT shall require, in writing, such operator to conform to the conditions set forth in the license within thirty days.

If the operator fails to conform its activities to the formal notice or to the terms of the license, the competent government authority may decide, on a proposal from the director of the ANRT, to impose one of the following sanctions:

- the total or partial suspension of such license for a maximum period of thirty days;
- the temporary suspension of such license or the reduction of its duration for a maximum of one year;

- the definitive revocation of such license.

The ANRT shall take measures necessary to ensure the continuity of service and to protect the interests of the users. Sanctions shall only be applied when the party concerned has been notified of the objections and has thereafter consulted the file and presented written or verbal justifications.

In the event of a breach of regulations regarding national defense and public safety, the director of the ANRT shall be entitled, by justified decision, after having informed the competent government authority, to suspend without delay the license, the authorization or the declaration mentioned in articles 2 to 5 of this law.

Moreover, the equipment connected with such license, authorization or declaration shall be immediately seized.

## Article 31

When the holder of a license or authorization granting radio frequencies does not respect the obligations which are imposed by the legislative and lawful texts, as well as the conditions set at the time of granting

radio frequencies or authorization, the director of the ANRT shall formally notify the operator to conform its activities with respect thereto within thirty days.

If the holder of the authorization or license does not conform its activities to set out the formal notice provided, the director of the ANRT may apply the same sanctions as in article 30 above. These sanctions shall only be applied when the operator has been notified of the grounds of the violation and has thereafter consulted the file and presented written or verbal evidence.

## Article 32

The management and administration bodies of the ANRT shall include the board of directors, management board and the director.

## Article 33

The ANRT's board of directors shall be composed of, in addition to its president, the representatives of the State and individuals named by decree for one five year period which shall be chosen from the public and private sector for their technical, legal and economic skill in the fields of telecommunications and information technology.

With respect to the representatives of the public and private sectors, the authority of and membership on the board of directors shall be incompatible with any personal interest related to the fields of telecommunications and information technology.

## Article 34

The board of directors shall have full power necessary to fulfill the mandates assigned to the ANRT under the provisions of this law.

It shall validly deliberate when at least two thirds of its members are present and shall render its decisions with a majority of the votes of the members present or represented.

Members designated *intuitu personae* may not be represented. The board of directors shall deliberate on the general focus of the ANRT and shall fix its annual activity program.

It may make decisions regarding the creation of any committee for which it shall define the composition and the operating methods and to which it may delegate part of its powers. The board of directors shall exercise the powers referred to in paragraph 2 of article 8 above and may delegate such powers to the management board provided in article 35 hereafter.

It shall examine the ANRT's management report presented by the director. It shall meet as often as circumstances require and at least twice per annum:

- to settle the financial statement for fiscal year-end; and
- to adopt the budget of the following fiscal year.

## Article 35

The board of directors shall be assisted by a management board which shall deliberate on questions delegated by the board of directors, in particular, those concerning litigation settlements relating to the Interconnection referred to article 8 above.

The members of the management board shall be chosen by the board of directors for a single five year renewable term.

## Article 36

The ANRT shall be managed by a director appointed in accordance with the legislation in force.

The director shall hold all powers necessary to manage the ANRT.

Moreover, the director may be authorized by the board of directors in the case of settlement of certain issues whose technical nature or urgency implies a fast and technically appropriate response.

The director shall participate, in an advisory role, in the meetings of the board of directors and management board during which it shall assume the sole role of reporter.

The director shall represent the ANRT with respect to the State, public administration and third parties.

The director may delegate, for specific questions, part of his powers and prerogative to staff holding administrative posts.

## Article 37

The director of the ANRT shall establish, at the end of the fiscal year, an annual report on the activities of the agency during the past year. This report shall also make a statement on the overall situation of information technology in Morocco from the perspective of the application of the legislation and regulations in force. This report shall be transmitted to the Prime Minister. It shall be made public and published in the Official Bulletin.

## Article 38

The ANRT's budget shall be adopted by the board of directors.

It includes

In its revenues:

- the total of the royalties paid at the time its records are studied and upon granting or renewal of licenses relating to the assignment of radio frequencies, approval of terminal equipment, and more generally, the total return on all royalties related to the mandates of the

ANRT;

- a percentage of the total return on the proceeds for the license referred to in article 10 the amount of which shall be fixed by finance law according to the actual needs of the ANRT;

- returns and revenues from moveable and fixed assets;

- revenues from the contributions of the public telecommunications network operators for research and development;

- reimbursable advances from the Treasury, public or private organizations as well as loans authorized in accordance with the legislation in force; and

- subsidies, gifts, bequests and all other revenue in connection with its activity.

In its expenditures:

- equipment maintenance expenditures;

- the reimbursement of monies advanced and loaned; and

- all other expenditures in connection with the ANRT.

Article 38 bis

The collection of the ANRT's debts shall be carried out in accordance with State legislation relating to the collection of debts.

## TITLE THREE

### ITISSALAT AL-MAGHRIB

#### Chapter 1: STRUCTURE AND MANDATE

Article 39

A company, called "Itissalat Al-Maghrib" shall be responsible, in particular for the mandates provided in article 40 below.

Article 40

Itissalat Al-Maghrib shall have the role, jointly with the operators holding the license referred to in article 10 above:

- of ensuring universal service; and

- of establishing and/or operating, one or more public telecommunications networks.



## Article 41

The telecommunications networks and services operated by the national post and telecommunications office at the date of the entry into force of this law shall be transferred automatically to Itissalat Al-Maghrib.

Itissalat Al-Maghrib shall be entitled, *ipso jure*, to operate the networks and services cited in the preceding paragraph. The license conditions approved by decree, shall fix the terms under which the corresponding telecommunications services will be rendered.

## Article 42

Itissalat Al-Maghrib shall be entitled, *ipso jure*, to use radio frequencies relating to the operation of the networks and services referred to in article 41 above. On the other hand, Itissalat Al-Maghrib must pay the fees referred to in articles 9 and 10 above.

For all networks or services other than those referred to in article 40 [41?] above, Itissalat Al-Maghrib shall submit to the competent government authority or to the ANRT, as the case may be, any requests for licenses for the establishment and operation of networks and the supply of services or requests for the granting of required radio frequencies.

## Article 43

The ownership of the State's share in the capital of Itissalat Al-Maghrib may be transferred to the private sector pursuant to the conditions provided for under law no. 39-89 authorizing transfers from public companies to the private sector promulgated by dahir no. 1-90-01 of 15 Ramadan 1410 (1 April 1990) as modified and supplemented.

## Article 44

Itissalat Al-Maghrib shall not be subject to the provisions of dahir no. 1-59-271 of 17 chaoual 1379 (April 14, 1960) organizing the State's financial control of publicly-owned entities and concessionary companies as well as the companies and organizations benefiting from the State's or public bodies' tender offers.

## Chapter 2 : CONSTITUTION OF ASSETS

## Article 45

In order to constitute the initial patrimony of Itissalat Al-Maghrib, the ownership of the moveable and fixed assets of the National post and telecommunications office assigned to telecommunications activities involving Itissalat Al-Maghrib mandate, shall be transferred to Itissalat Al-Maghrib.

The method of transfer shall be determined by the competent governmental authorities.

The following shall also be transferred to Itissalat Al-Maghrib at the date of the entry into force of this law:

- the participations held by the National post and telecommunications office; and
- the right to the use of radio frequencies or frequency bands allotted or assigned to the services relating to the National post and telecommunications office.

## TITLE FOUR

### PUBLICLY-OWNED ENTITY CALLED "BARID AL-MAGHRIB"

#### Chapter 1 : DENOMINATION AND MANDATES

##### Article 46

A publicly-owned entity shall be created called "Barid Al-Maghrib" endowed with incorporated status and financial autonomy.

##### Article 47

Barid Al-Maghrib shall be subject to the control of the State, whose purpose shall be to ensure or to have ensured compliance, by the relevant bodies of said establishment, of the provisions of this law, in particular those relating to the mandates which are reserved for it and more generally, to supervise the application of the legislation and the regulation relating to publicly-owned entities.

##### Article 48

Barid Al-Maghrib shall have as its mandate the execution on behalf of the State of:

- the printing of postal stamps as well as all other kinds of stamping;
- activities relevant to the monopoly of the State in mail service in all its forms, both domestic and international; and
- the collection of savings through the national savings bank defined in chapter IV of this title. In this regard, Barid Al-Maghrib is entitled to open demand deposit or long term deposit accounts for any individual or legal entity, in the name of whom or on behalf of whom the funds shall be paid to the savings account.

##### Article 49

Barid Al-Maghrib shall ensure the postal wires for internal and external systems, it shall also be

responsible for the management of servicing current postal check accounts in accordance with the legislation in force. Printing and payment operations as well as withdrawal and deposit activities carried out by Barid Al-Maghrib, pursuant to the above-cited services, are applied to the General Treasury's current account opened at the Bank Al-Maghrib.

Barid Al-Maghrib shall also ensure all other services for which the State shall fix the list in consideration of the needs of the public treasury to accomplish its mandate. An agreement entered into between the State and Barid Al-Maghrib shall fix the conditions for implementation and the appropriate remuneration for said services.

## Article 50

Notwithstanding the legislation in force relating to the monopoly of the State and in accordance with the conditions fixed by the competent government authority, the collection, transport and distribution services for objects and goods entering, by form, weight, and/or dimensions, in the category of objects and goods governed by the provisions of the agreements of the universal postal union when carried out in accordance with the [norms] of international accelerated mail, shall be open to competition and are subject to authorization by the competent government authority.

This authorization shall give rise to the payment of fees.

Barid Al-Maghrib shall be automatically authorized to provide the services referred to in the paragraph above.

The authorization mentioned in this article shall be issued when the service, on the one hand, responds to State interest, and on the other hand, is compatible with Barid Al-Maghrib's mandate of public utility entrusted to it with the tariff constraints and geographical service which results therefrom.

The applicants for the authorization must undertake to respect the obligations determined by the competent government authority concerning:

- the conditions of confidentiality and neutrality of the service with regard to transmitted messages;
- the nature, characteristics and the coverage zone of the service;
- the conditions of continuity and quality of service;
  - the professional and technical qualifications as well as the financial guarantees required of the applicant for the authorization;
- the norms and specifications of the service;
  - the conditions of operating the service, in particular, respecting the principle of equal treatment of users as well as respecting the rules of respect of fair competition between all the operators;
  - the contribution of the operator to research, development and standardization with respect to the mail;

- the required fees ; and

- the duration, conditions of suspension and renewal of the authorization.

The methods of enforcing these obligations will be fixed in the authorization issued by the competent government authority. The above mentioned authorization is personal to its operator and may not be transferred to a third party.

Any refusal of an authorization shall be justified.

## Article 51

Barid Al-Maghrib shall be authorized to enter into, with the State or any other public or private statutory body, agreements allowing the State or said organizations to use the infrastructure at Barid Al-Maghrib's disposal.

## Article 52

Barid Al-Maghrib shall ensure the enforcement of the agreements, regulations and arrangements of the universal postal union and the regional post office organization to which Morocco adheres, provided that the enforcement of said agreements, regulations and arrangements shall not imply the enactment of legislative or lawful texts.

## Article 53

Barid Al-Maghrib may establish subsidiary companies and take financial participation in all companies entering within the scope of its mandates, in accordance with the provisions of law no. 39-89 referred to in article 43 above.

## Article 54

Barid Al-Maghrib shall be able to create management training and vocational training entities in the postal and postal financial services sector.

## Chapter 2 :

### Section 1 : ORGANIZATION, MANAGEMENT AND ADMINISTRATION

## Article 55

Barid Al-Maghrib shall be managed by a board of directors which shall include, in addition to the representatives of the State, a representative of the Bank Al-Maghrib, a representative of the national savings bank, management, a public law legal representative and companies whose capital is partially or

fully subscribed to by the State.

## Article 56

The board of directors shall have all powers necessary for the administration of Barid Al-Maghrib. It shall establish and lead the general policy of the entity within the framework of the directives fixed by the government for this purpose, it is, in particular, responsible for:

- regulating the technical and financial operation programs, the budget, depreciation allowances, the operating accounts and the allocation of results;
- regulating the holding, extending or reducing financial participations;
- the staffing regulations which shall be approved under conditions provided by regulation in force for the personnel of a publicly-owned entity;
- regulating the methods of entry into markets;
- fixing service-rendered tariffs; and
- selecting auditors referred to in article 64 below and determining their fees.

## Article 57

The board of directors shall validly deliberate when at least two thirds of its members are present. Decisions shall be made by the majority of votes. In the event of the equal division of votes, the vote of the president shall be decisive.

## Article 58

The board of directors shall be entitled to decide upon the creation of any committee, in particular, a management board for which it shall fix composition and responsibility and to which it may delegate part of its powers.

## Article 59

Barid Al-Maghrib shall be managed by a director chosen in accordance with the legislation in force who shall hold all necessary powers for the management of the entity.

The director shall implement the decisions and resolutions of the board of directors, and as the case may be, the decisions of the above-mentioned committee and shall also carry out the mandates delegated to it by the board of directors.

The director may delegate, under his responsibility, part of his powers to the personnel placed under his authority.

## Article 60

The decisions of the director of Barid Al-Maghrib concerning the establishment or the total closure of an international postal business or the closing of a postal entity in the national territory as well as those related to the printing of postal stamps may only be implemented after obtaining the approval of the competent government authority.

## Article 61

Barid Al-Maghrib's budget shall include:

### 1) Resources

- the operating profits and returns, as well as those stemming from its transactions and its assets;
- the royalties collected as proceeds for the authorizations referred to article 50 above;
- various gifts, bequests and proceeds; and
- reimbursable advances and loans from the State, public or private organizations and the loans authorized in accordance with the legislation in force, all other revenues in connection with its activities and any possible State contributions.

### 2) Charges:

- investment and operation costs;
- the reimbursement of advances, loans and borrowings;
- the eventual payment to the State of profits; and
- all other expenditures in connection with the activities of the entity.

## Article 61 (bis)

The collection of Barid Al-Maghrib's debts shall be carried out in accordance with the legislation relating to the collection of debts owing to the State.

## Article 62

Power given to as public powers through legislation and regulation in force necessary to ensure the respect of the monopoly of the post and the exercise of control by the agents of the entity shall be transferred to the director of the Barid Al-Maghrib.

## Article 63

Barid Al-Maghrib shall be subject to the provisions of dahir 1-63-012 of 12 Ramadan 1382 (February 6, 1963) regarding the deposit conditions of available funds from publicly-owned entities and concessionary companies.

## Section 2 : FINANCIAL AUDIT

## Article 64

Barid Al-Maghrib shall be subject to the financial control of the State in accordance with the legislation in force.

Moreover, Barid Al-Maghrib shall subject its annual financial statements to one external audit. The auditors shall have the role of formulating an opinion regarding the quality of the internal audit of the entity. They shall also ensure that the financial statements present an accurate representation of assets, of the financial standing and the results of the entity.

The reports established by the auditors shall be communicated to the members of the board of directors.

## Chapter 3 : CONSTITUTION OF ASSETS

## Article 65

In order to create the initial assets of Barid Al-Maghrib, the moveable and fixed assets of national post and telecommunications office, involving the postal and postal financial services and the national savings bank involving the mandates of Barid Al-Maghrib shall be transferred to Barid Al-Maghrib.

The capital assets of the national savings bank shall also be transferred to Barid Al-Maghrib on the date of the entry into force of this law.

## Chapter 4 :

### SPECIAL PROVISIONS RELATING TO THE NATIONAL SAVINGS BANK

## Article 66

A "national savings bank" is hereby created within Barid Al-Maghrib and placed under the authority of the director of Barid Al-Maghrib.

## Section 1 : Financial and tax provisions

## Article 67

The State shall guarantee the reimbursement of the funds placed on deposit with the national savings bank as well as the payment of interest thereon.

#### Article 68

The national savings bank shall submit to public statutory bodies entitled to receive the deposits of the national savings bank, all the sums which it receives from depositors, as is necessary to ensure the reimbursement service as well as the services provided by article 71 below.

#### Article 69

Barid Al-Maghrib may draw up agreements with the organizations referred to article 68 above in order to benefit its depositors with residential loans.

#### Article 70

The terms and methods of opening and remunerating the deposit accounts as well the system of advances provided respectively by articles 48 and 71 of this law shall be fixed by the administration.

#### Article 71

The national savings bank shall be empowered, in addition, to grant advances on military and civil pensions, a list of which shall be determined by the administration and according to the methods fixed by the administration, in an amount equal to a maximum of two months of arrears, in favor of the residents of Morocco who are beneficiaries of said pensions.

#### Article 72

Notwithstanding the provisions of the dahir enacting law no. 1-76-292 of 25 chaoual 1379 (October 9, 1977) relative to the proposal of insurance or reinsurance transactions and/or to capitalization and to the exercise of the profession of insurance intermediaries, in particular, its first article, Barid Al-Maghrib shall be authorized to offer to depositors with the national savings bank insurance contracts for individuals, issued by public or private insurance companies or organizations.

These offers shall be the subject of contracts, submitted for the approval of the administration, that the Barid Al-Maghrib may enter into with insurance businesses or organizations concerned to define the terms and methods of their intervention.

In no event shall this activity enable the bank to take advantage of the intermediary status as defined in the dahir bearing on law no. 1-76-292 of 25 chaoual 1397 (October 9, 1977) cited above.



## Article 73

Upon the decision of the national savings bank, interest accruing on deposits of individuals shall be free of any taxes.

Legal entities shall remain, with respect to such interest, subject to tax legislation in force.

## Article 74

The national savings bank is exempt from all taxes and levies. Cash operations and the instruments that it uses to this effect are exempt from all stamp and recording taxes

## Section 2 : MISCELLANEOUS

## Article 75

Minors shall be allowed to have savings accounts opened for them, without the intervention of their legal representatives. Minors may make withdrawals without such intervention, but only after having attained 16 years of age, of amounts standing to the credit of such account, except in case of the objection of their legal representative.

Such objection shall be notified to the national savings bank as an extra-judicial act. Such objections shall have, with respect to the bank, the same effect as objections provided for in the code of civil procedure.

## Article 76

When a period of fifteen years has expired from the last deposit or reimbursement or any other operation completed on the request of a depositor, such depositor shall lose all rights to the amounts held by the national savings bank in the account of such depositor.

The national savings bank shall be required to send, six months before the expiration of the period cited above, a registered notice to the holder of the account susceptible to being closed by time limitation and which have an amount in capital and interest greater than or equal to two hundred dirhams (200 DH).

If the person legally entitled to such account can not be determined or if, for any reason whatsoever, the reimbursement cannot be performed, such person shall lose all rights to the amount credited to such account.

The amounts thus procured shall be deposited in equal amounts to the Treasury and the charitable social activities designated by the administration.

In this respect, deposits made under conditions specified by the donor or testator to the effect that the account holder may not dispose of such deposits until after a determined date, such 15 year period will begin to run only from such date.

## Article 77

The garnishment and objections of any kind made against the national savings bank will only have effect during the five years from the date of their notification to said bank.

If such objections are not renewed during such time, they shall be automatically disposed of upon the expiration of such period.

No garnishment or objection, no transfer or conveyance, no notification, the object of which is to stop the payment, shall be effective if they have been notified after the account holder service has authorized the post office or the agency responsible for payment to go through with the withdrawal which was requested of them.

## Article 78

It is forbidden to give as a principal designation, subtitle or with any qualification whatsoever the name of "savings bank" to any private entity or organization claiming to have or having a similar capacity.

The founders, directors or administrators of entities who violate the provisions of the present article shall be pursued and punished in accordance with the laws and regulations in force.

## Article 79

The national savings bank shall be authorized to destroy reimbursement receipts, reimbursement files following death, files on current accounts cited in article 76 above, expired account books, requests for pass books, special deposit and reimbursement registers older than 15 years. Such period shall be reduced to ten years for other registers and to five years for discharged or replaced registers.

## Article 80

The provisions of the dahir enacting law no. 1-93-147 of 15 moharrem 1414 (July 6, 1993) relative to the exercise of activities and control of banking establishments shall not be applicable to Barid Al-Maghrib for its operations relative to the national savings bank.

## TITLE FIVE

### INFRINGEMENTS AND PENALTIES

#### Chapter 1 :

#### INFRINGEMENTS AND PENALTIES RELATING TO THE TELECOMMUNICATIONS SECTOR

## Article 81

1. Whosoever, whether negligently or unintentionally:

- commits a material act capable of compromising telecommunications service; and
- degrades or defaces, in any manner whatsoever, overhead or underground lines or telecommunications devices or any structures related thereto,

shall be liable to a fine of 1,500 to 5,000 dirhams.

2. Whosoever manufactures for the domestic market, imports or stores for sale, distributes, with or without consideration, or offers for sale or sells terminal equipment referred to in articles 15 and 16 above as well as the connection of such equipment with public telecommunications networks in violation of or without prior authorization, shall be liable to a fine of 3,000 to 10,000 dirhams.

- Whosoever shall advertise in connection with the sale of unauthorized equipment shall be punishable by the same fine.

3. Whosoever supplies or causes to be supplied value added services in violation of the provisions or statements under article 5 above shall be liable to a fine of 10,000 to 200,000 dirhams.

## Article 82

1. Any person who knowingly makes radio transmissions using a prefix of an international series belonging to a station of the State, of a public telecommunications network or any other private station authorized by the ANRT;

2. any person who illicitly deviates, or causes to be deviated telecommunications lines or operates deviated telecommunications lines; and

3. any agent of a telecommunications network operator or telecommunications service provider who refuses to provide information or documents or interferes with the process of any investigation mentioned in Article 24 above,

shall be liable to imprisonment of one month to one year and/or a fine of 10,000 to 100,000 dirhams.

## Article 83

Whoever:

1. establishes, or causes to be established a telecommunications network without the license under article 2 above or have maintains such network, in violation of a decision suspending or revoking such license;

2. provides or causes to be provided a telecommunications service without the license under article 2 above or in violation of a decision suspending or revoking such license;

3. puts into operation radio networks or facilities referred to in article 19 of this law in violation of the conditions defined by the ANRT;
4. uses a radio frequency which has not been first assigned by the ANRT;
5. establishes or operates or causes to establish or operate an independent network without authorization provided for under article 14 above or maintains such network in violation of a decision suspending or revoking such authorization, or establishes or operates or causes to establish or operate an independent network interfering with the functioning of existing networks or establishes or causes to establish a connection which uses the public domain without a prior license under article 2;
6. through the rupture of lines or cables, by destroying or degrading devices or by any other means, voluntarily causes the interruption of telecommunications; and
7. in territorial waters or on the continental plate contiguous with the territory of the Kingdom of Morocco, voluntarily ruptures an underwater cable or causes, or to have attempted to cause deterioration to such cable in such a way as to interrupt all or part of telecommunications,

shall be liable to imprisonment of one month to a year and a fine of 10,000 to 200,000 dirhams.

#### Article 84

Deterioration to underwater cables committed in territorial waters or on the continental plate contiguous with the territory of the Kingdom of Morocco by a crew member of a Moroccan or foreign vessel shall be judged by the court whose territorial jurisdiction controls based on the maritime effect of such violation.

Violations provided for under this title may be established by reports drawn up by judicial police officers and agents of the police force as well as by their employees sworn and commissioned for such purposes by the ANRT.

The ANRT may immediately take against any violator any provisional and urgent measures which may be necessary to stop any damages resulting from violations of this article.

When, on an existing telecommunications line, the transmission of signals is impeded or interfered with by trees or by the placement of any fixed object, the president of the municipal board shall prescribe by order the measures necessary to have the object which interferes or impedes the transmission of telecommunications signals moved, when such object is capable of being moved.

The movement of the obstacle shall be for the account of its originator if the telecommunications line was already established before the object was put in place; it shall be for the account of the owner of the telecommunications line in the event of the contrary.

#### Article 85

In addition to officers and agents of the judicial police, employees sworn and commissioned for such purpose by the ANRT may investigate and establish, by written report, violations of the provisions of articles 81 and 83 above. Their reports shall be addressed within five days to the King's prosecutor.

Reports written by the employees cited to in the first paragraph of this article shall be considered valid until proof to the contrary.

Such employees may access sites, land or means of transportation for professional purposes, request the communication of any professional document and the making of a copy thereof, and collect, upon convocation or on site, information and documents of proof.

Such employees may also, upon authorization by the Kings' prosecutor, proceed with the seizing of materials which are the object of such violation.

The request for authorization cited previously must contain all information required to justify such seizure. The seizure shall be carried out under the authority and control of the King's prosecutor who authorized it.

The seized materials, shall be immediately inventoried. The inventory shall be annexed to the report drawn up at the location. Originals of the report and the inventory shall be transmitted to the King's prosecutor who ordered the seizure.

## Article 86

In the event of sentence based on any of the violations under articles 81, 82, and 83 above, the court may, in addition, pronounce, for the benefit of the ANRT, the confiscation of materials and facilities constituting the telecommunications network or permitting the providing of telecommunications service or order its destruction upon request of the ANRT at the cost of the guilty party.

The court may pronounce against the infringing party, for any of the violations under articles 81, 82 and 83, the prohibition of operating, during a period of one to five years, any activity related to the telecommunications sector.

The penalty shall be applied the same number of times as there are distinct violations proven either in one citation or in successive, multiple citation, against the same violator.

Accomplices to the violations cited above shall be subject to the same penalties as their principals.

In the event of repetitive violations, the penalties under articles 81, 82, and 83 above, shall be doubled.

Repetitive violations shall exist when a violator has been sentenced, in the five preceding years, for a first non-appealable (*irrévocable*) final conviction for any of the violations punishable by such articles.

## Chapter 2 :

### VIOLATIONS AND PENALTIES RELATED TO THE POST OFFICE SECTOR

## Article 87

Any infraction of the monopoly of the State as defined in article 48 of this law shall be punishable by a fine of 5,000 to 10,000 dirhams.

In the case of repetitive violations, the violator shall be punished by imprisonment of 6 months to one year and a fine of 10,000 to 100,000 dirhams.

Repetitive violations shall exist when the violator has been sentenced, in the preceding five years, for a first non-appealable (*irrévocable*) conviction for violating the monopoly of the State with regard to mail service.

## Article 88

In addition to officers and agents of the judicial police, administrative employees of Barid Al-Maghrib, sworn and commissioned by the administration, may investigate and establish by reports, violations of the provisions of this law and the texts drafted for its application. Citations should contain the numbering of the letters and packages seized as well as the addresses of their addressees. They shall notify the nearest postmaster of the same to whom the mail and citation shall be transmitted.

## Article 89

The royal police and agents of the judicial police empowered to establish violations with regard to the transport of people and merchandise may, in the event of a violation of the provisions of article 48 of this law, carry out seizures and searches of all persons who, by reason of their profession or their business, regularly engage in land transport from one location to another.

## Article 90

Customs agents on the border and agents of the judicial police empowered to establish transportation violations with regard to sea or air transportation will ensure, during inspections of vessels and aircraft whether the captain and crew members are carriers of letters or packages falling within the monopoly of the State in the area of mail service.

In the event of violation, said agents shall draw up a citation and advise the nearest postmaster to whom shall be transmitted the seized mail and a copy of the citation.

## Article 91

Transporters are personally responsible for the payment of fines and damage awards pronounced against their employees. Transporters may assert counter-claims against their employees or any other persons having committed the violation for reimbursement of the amounts paid.

## Chapter 3 : VIOLATIONS AND PUBLIC PENALTIES

## Article 92

Any person authorized to provide rapid international mail service or any agent employed by it, who, in the course of exercising his or her functions opens, illicitly deviates or destroys mail, violates the secrecy of correspondence or who aids in accomplishing such acts, shall be liable to imprisonment of 3 months to 5 years and a fine of 5,000 to 100,000 dirhams.

The same penalties shall be imposed on any person authorized to provide telecommunications service and any employee of a telecommunications networks operator or telecommunications service provider, who in the course of exercising his or her functions and outside those cases provided for under law, violates in any manner whatsoever, the secrecy of correspondence made, transmitted or received by way of telecommunications or who has given the order to do the same or who has aided in accomplishing such acts.

Any person other than those mentioned in the preceding two paragraphs who has committed any of the acts punishable by said paragraphs, shall be liable to imprisonment of one month to one year and a fine of 5,000 to 100,000 dirhams .

In addition to the penalties under paragraphs 1, 2 and 3 above, violators shall be prohibited from exercising any activity or profession in the telecommunications sector or that of the post office or in the domain of said sectors for a period of one to five years.

## Article 93

Without prejudice to the penalties enforced for resistance to authority, any refusal to obey any search request, any attack or violent resistance or threat against agents empowered to establish violations of the law and the texts drafted for the law's application shall be punished by imprisonment of 6 months to 1 year and a fine of 10,000 to 100,000 dirhams.

## Article 94

Notwithstanding the provisions of article 55 of the penal code, the fine may not be suspended.

## TITLE SIX

### COMMON PROVISIONS

#### Chapter 1 : PATRIMONY

## Article 95

The assets of the National post and telecommunications office, other than those referred to in articles 45 and 65, as well as its property in bank accounts, the CCP and the general treasury, shall be transferred to the ANRT, Itissalat Al-Maghrib and to Barid Al-Maghrib.

## Article 96

A commission, whose composition and methods of nomination of its members shall be determined by the administration, shall be responsible for the distribution of resources cited in article 95 above among the ANRT, Itissalat Al-Maghrib and Barid Al-Maghrib.

The movable and fixed assets of the private domain of the State necessary for the functioning of the ANRT, of Itissalat Al-Maghrib and of Barid Al-Maghrib shall be transferred to them in fee simple.

The assets of the public domain necessary for the functioning of the ANRT, of Itissalat Al-Maghrib and of Barid Al-Maghrib shall be placed at their disposal.

The methods of transfer and disposal cited above shall be determined by regulation.

## Article 98

The transfers cited above shall not give rise to the levying of any right or tax.

The transfers for the benefit of Itissalat Al-Maghrib, reduced by obligations and fees of the ONPT on the date of the entry into force of this law, shall constitute the contribution of the State to the capital of Itissalat Al-Maghrib.

## Chapter 2 : Personnel

### Article 99

The current personnel of the National post and telecommunications office on the date of the entry into force of this law shall be transferred to the ANRT, to Itissalat Al-Maghrib and to Barid Al-Maghrib according to the activity to which they are assigned, subject to the provisions of article 103 paragraph 3 below.

### Article 100

The legal rights conferred by specific statutes of the ANRT, of Itissalat Al-Maghrib and of Barid Al-Maghrib to personnel transferred by virtue of article 99 above shall, in no event, be less favorable than those held by the relevant parties on the date of their transfer.

### Article 101

Services performed by such personnel of the National post and telecommunications office shall be considered as having been performed within the ANRT, Itissalat Al-Maghrib and Barid AI-Maghrib.

### Article 102



Notwithstanding any provisions to the contrary, personnel transferred to the ANRT, Itissalat Al-Maghrib and Barid Al-Maghrib shall continue to be affiliated, with respect to the pension system, with the fund to which they contributed on the date of the entry into force of this law.

#### Article 103

Staff and trainees transferred on the date of the entry into force of this law to the ministry responsible for the post office and telecommunications to departments which fall within the competence of the ANRT, shall be transferred to the ANRT, except for personnel whose continued employment within the ministry is deemed necessary.

The permanent temporary [?] personnel of the ministry responsible for the post office and telecommunications which are assigned, on the date of the entry into force of this law, to departments which fall within the competence of the ANRT, shall be transferred to the ANRT, except for personnel whose continued employment within the ministry is deemed necessary.

Personnel of the National post and telecommunications office whose exclusive activity relates to the approval of telecommunications equipment and control of radio stations shall also be transferred to the ANRT.

Seconded or transferred staff, trainees and temporary workers shall be integrated within the ANRT organization under conditions which will be fixed by the specific personnel statutes of the agency.

#### Article 104

The statutory position conferred by the specific statute of the ANRT to integrated personnel referred to in the first and third paragraph of article 103 above, shall in no event be less favorable than that held by the relevant parties on the date of the entry into force of their integration.

Services performed by the personnel referred to in the fourth paragraph of article 103 above in the administration or in the ONPT before their transfer to the ANRT, shall be considered as having been performed within the ANRT.

### Chapter 3 : Miscellaneous

#### Article 105

For the acquisition of the fixed assets necessary to accomplish their activities having the nature of a public service, the ANRT, Itissalat Al-Maghrib, Barid Al-Maghrib and the public telecommunications network operators shall exercise, by delegation, the rights of the public authority related to expropriation by reason of public interest and temporary occupation in accordance with the provisions of legislation in force.

#### Article 106

The ANRT, Itissalat Al-Maghrib and Barid Al-Maghrib shall be subrogated in the rights and obligations of the ONPT for all research, work, supply and transport contracts as well as all other contracts and agreements, in particular, financial ones entered into before the date of the entry into force of this law and which involve telecommunications activities, as the ANRT and Itissalat Al-Maghrib, and postal and postal financial services as well as those of the national savings bank as to Barid Al-Maghrib.

#### Article 107

The National post and telecommunications institute shall become the responsibility of the ANRT. The agency may conclude agreements with Itissalat Al-Maghrib and other operators to use the institute's facilities and equipment.

#### Article 108

The movable and fixed assets falling within the private domain of the State as well as those owned by the National post and telecommunications office which, on the date of the entry into force of this law, were allocated to the ONPT's personnel's social activities, shall be transferred with the intent of allocating such assets for the same purpose to the minister responsible for the post office and telecommunications, to the ANRT, to Itissalat Al-Maghrib and to Barid Al-Maghrib pro rata to the number of personnel transferred to these organizations, seconded or transferred to them in the application of the provisions of articles 99 and 103 of this law.

The transfers cited in the paragraph above will not give rise the levying of any tax or fee whatsoever.

The transfers shall be carried out by the commission provided for under article 96 above after consulting with the association presidents referred to in paragraph 2 of article 109 below.

#### Article 109

The dissolution of the social activity associations of the ONPT, existing on the date of the entry into force of this law, shall be carried out simultaneously with the creation of social activity associations for the personnel of the Minister responsible for the post office and telecommunications, of the ANRT, of Itissalat Al-Maghrib and Barid Al-Maghrib.

The moveable and fixed assets belonging to the dissolved associations shall be distributed notwithstanding the provisions of dahir no. 1-58-376 of 3 jomada 1378 (November 15, 1958) regulating the right of business combination, by a commission composed jointly of representatives of the administration and the organizations cited in the first paragraph above on the one hand, and on the other hand, the social activity associations created within the administration and within said organizations.

The transfers cited in the paragraph above shall not give rise to the levying of any tax or fee whatsoever.

#### Article 110

The State, represented by the Minister responsible for the post office and telecommunications, the ANRT, Itissalat Al-Maghrib and Barid Al-Maghrib shall enter into agreements among themselves and with associations created by application of article 109 above for the equitable use of the social structures (*des oeuvres sociales*) of the personnel belonging to the associations in order to permit such personnel to continue to benefit from the types of services that had been provided to them on the date of the entry into force of this law.

## Article 111

Provisions relating to matters controlled by this law and, in particular, the following texts as amended and completed, shall be abrogated:

- the provisions of the dahir of 27 rabii II 1343 (November 25, 1924) relative to the monopoly of the State in the area of wireline and wireless telegraphs and telephones, as the same has been modified and completed except with respect to the State's recognized monopoly in radio and television under said dahir, such monopoly being unchanged by the present law and whose management shall henceforth be transferred to the relevant competent government authority by virtue related to the nomination of the members of government,
- the provisions of the dahir of 2 chaabane 1356 (October 8, 1937) with respect to the protection of and policing of telecommunications stations and lines;
- the provisions of the dahir, enacting on law no. 1-84-8 of 6 rabii II 1404 (January 10, 1984) instituting the National post and telecommunications office; and
- the provisions of law no. 05-83 with respect to the reorganization of the national savings bank, promulgated by dahir no. 1-87-118 of 28 ramadan 1412 (April 2, 1992).