

# WORLD TRADE ORGANIZATION

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**Negotiating Group on Basic Telecommunications**

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## COMMUNICATION FROM MOROCCO

### Response to Questionnaire on Basic Telecommunications

The following communication is circulated at the request of Morocco to Members of the Negotiating Group on Basic Telecommunications.

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## PART I

### Definition and Market Structure

#### Definition

1. The dahir (fundamental law) of 25 November 1924 and associated decrees do not make a distinction between basic telecommunications services and other services.

However, Decree No. 2-72-296 of 4 August 1972, which determines the organization of the telegraphic and telephone services (hereinafter the Decree of 1972), defines the rights and obligations of the supplier and subscribers in respect of telegraphic and telephone services (telegrams, telex and telephone). This Decree states, in particular, that telegraphic services (Article 75) and telephone services (Article 88) shall be made available to users through subscriber terminals or public terminals.

2. Moroccan regulations do not distinguish between networks (facilities) and basic services.

The above-mentioned Decree (Article 165) grants the administration (exclusive supplier) the right to run telecommunication lines along the public highway or through properties belonging to third parties in order to connect subscribers.

3. No.

#### Market structure

4. The dahir containing Law No. 1-84-8 of 10 January 1984 establishing the National Post and Telecommunications Office (ONPT), in its Article 2, gives it a monopoly on all telecommunication services on Moroccan territory.

5. The ONPT is a public body of an industrial and commercial nature. It has legal personality and financial autonomy and is subject to State supervision.

6. No.

7. (a) Supply of telecommunication services from terminals and establishment of private radio communication networks or company networks (based on circuits leased from the exclusive supplier) are authorized.

(b) No.

8. The Kingdom of Morocco is a member of the ITU, INTELSAT and ARABSAT. Consequently, Moroccan regulations are compatible with the legal instruments, resolutions and decisions of those bodies.

## PART II

### Competition

(i) See reply 4, (Part I).

(ii) Cross border supply: Possible through the Moroccan telecommunications network of the ONPT.

Consumption abroad: Subscribers to the Moroccan network can access any service supplied abroad without restriction, through their credit cards (Article 101 of Decree of 1972) and through the "Country Direct" system.

Commercial presence: The services mentioned in the reply to 7(a) may be supplied.

Presence of natural persons: This is governed by Moroccan immigration law.

(iii) Market access: Not applicable.

(iv) National treatment: There is no discriminatory treatment of foreign suppliers.

(v) Licensing: The ONPT has a monopoly on telecommunications.

A. Subsectors

B. Categories

### Local/long-distance/international services

1. There is no distinction with regard to the supply of such services.

### Wire-based services

### Radio-based services

### Resale basis

3. No.

4. No.

Facilities-based

5. The construction of telecommunications infrastructures is exclusively reserved to the ONPT. In cases where the ONPT is not in a position to provide public network circuits, the construction of the necessary infrastructure on the public highway or over the properties of third parties, subject to compliance with the specific relevant regulations, is authorized for the establishment of private networks.

Public/non-public supply

6. No.

7. All telecommunications services.

8. Government telecommunications, security telecommunications and all kinds of telecommunications intended for a company, group of companies or companies engaged in similar or related activities, in the context of closed networks (not accessible to third parties). Moroccan regulations require the ONPT to make the leased circuits available.

9. The law establishing the ONPT makes it subject to the constraints of public service with regard to equality, continuity, suitability and general security.

10. For the services listed in reply No. 8, the supplier must be approved.

11. Operation of public pay-phones (on the public highway or in private premises) is authorized. Operation of fax and telex terminals is also authorized.

PART III

Regulatory Issues

Relationship between regulatory and operational functions

1. The ONPT, as exclusive supplier of telecommunications services, may propose draft regulations concerning the organization and operation of telecommunications for approval.

With regard to technical standards, the Ministry of Posts and Telecommunications (MPT) is responsible for negotiating such standards at international level.

2. At national level, the MPT is responsible for formulating standards.

3. Regulatory power derives from the Prime Minister who may delegate it to Ministers within their area of competence.

Settlement of disputes of any kind is a matter for administrative tribunals and civil courts.

Frequency allotment or assignment

4. The management of the frequency spectrum, which is the responsibility of the State (Article 2 of the dahir establishing the ONPT), is entrusted to the MPT, together with the application of Moroccan radiocommunications law (Vizirial Decree of 30 December 1952) and the provisions of the Radio Regulations.

Article 16 of the Vizirial Decree makes the establishment and operation of a radio station dependent upon obtaining a licence from the MPT. Article 17 of the same decree restricts the licence concerned to instances where the public network cannot serve the need targeted by the applicant for the licence.

5. Yes.

#### Numbering and identification codes

6. There are no specific national regulations on the subject. The MPT applies the relevant recommendations of the ITU-T and the ITU-R.

7. Yes.

#### Standards, type approval and equipment attachment

8. The mandatory standards are those concerning use of the frequency spectrum and the operation of security radio services. Technical standards protecting users and the network are also mandatory for connection of terminals to the public network.

9. No.

10. All radio equipment (Article 25 of the Vizirial Decree of 1952) and all terminal equipment intended for connection to the public network (Article 179 of the Decree of 1972) must be approved.

No bilateral agreements have been concluded up to the present.

11. The obligation to have the equipment approved.

12. See reply No. 4 (Part I).

13. See reply No. 4 (Part I).

#### Interconnection

14. Moroccan regulations do not have any specific rules for interconnection.

15. Not applicable.

16. The interconnection of leased circuits to the public network for the needs of a licence holder is not authorized when its purpose is to allow third-party communications (Articles 143 and 151 of the Decree of 1972).

17. There are no rules concerning pricing of interconnections. The related charges are negotiated on a case-by-case basis between the parties concerned and are not subject to approval by the MPT.

There is no obligation to inform the public or notify the MPT of interconnection agreements.

#### Competitive safeguards

18. Not applicable.

- 19. Not applicable.
- 20. Not applicable.
- 21. No.

Price-related measures

- 22. Tariffs and charges for telecommunications services provided to the public are approved by the Administrative Council of the ONPT presided over by the Prime Minister.
- 23. See reply 22.
- 24. The ONPT is under the obligation to treat all users fairly. There is no possibility of applying special tariffs.

Accounting rates are negotiated on a case-by-case basis within the framework of the relevant international regulations. There are no specific criteria defined by the Government on this subject.

- 25. The ONPT proposes tariffs for approval by the Administrative Council of the Prime Minister. Other suppliers (non-public services) fix their tariffs freely.
- 26. Basic telecommunications tariffs are no longer subject to price legislation. Accordingly, prices are determined by the law of supply and demand.

See also reply 25.

- 27. See reply 25.

Rights of way for the construction of infrastructure

- 28. See reply 5 (Part II).
- 29. The same treatment is applied to foreigners.

New telecommunications services

- 30. There is no specific procedure. The supply of such services must be authorized in accordance with the above-mentioned regulations.
- 31. The Decree establishing the Ministry of Posts and Telecommunications (Article 6, paragraph 6) empowers it to determine the status of the service in question.

No specific procedure or time-frame is prescribed.