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Negotiating Group on Maritime Transport Services

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COMMUNICATION FROM MOROCCO

Response to Questionnaire on Maritime Transport Services

Revision

The attached communication is circulated at the request of Morocco to Members of the Negotiating Group on Maritime Transport Services.

Vessels

1. The expression "**break-bulk**" cargo was used to designate "**refrigerated**" carriers, and therefore the initial table below on fleet structure has been retained with the word "**break-bulk**" replaced by "**refrigerated**":

STRUCTURE OF NATIONALLY-OWNED OR OPERATED FLEET				
Types of vessels	Number of vessels		Deadweight tonnage	
	National flag	Foreign flag	National flag	Foreign flag
Oil tankers	4	-	22,738	-
Liquefied gas carriers	-	-	-	-
Chemical tankers	7	-	113,670	-
Combination carriers	-	-	-	-
Ore/bulk carriers	-	-	-	-
General cargo	4	-	16,346	-
Container ships	9	-	29,818	-
Specialized cargo	-	-	-	-
Ro-Ro	8	-	41,029	-
Ferries and passenger	5	-	13,800	-
Refrigerated carriers	9	-	35,934	-
Other	-	-	-	-
TOTAL	46	-	273,344	-

Trade

2. 98 per cent of Moroccan international trade is carried by sea, amounting in 1993 to 36 million tons and a value of DH 96 billion (US\$10,909,091,000).

3. In 1993 imports in Moroccan international trade carried by sea amounted to 19,500,000 tons, corresponding to a value of around DH 61.9 billion (US\$7,034,090,900).

In 1993 exports in Moroccan international trade carried by sea amounted to 16,500,000 tons, corresponding to a value of around DH 34.36 billion (US\$3,904,545,500).

4. In 1993, some 5,800,000 tons of total Moroccan international trade carried by sea was carried by vessels sailing under the Moroccan flag, corresponding to a value of DH 2.46 billion (US\$279,000,000).

5. Insignificant.

N.B. US\$1 = DH 8.8 (1995 exchange rate).

Organization of cargo

6. Liner shipping carries 1,630,000 tons of the total of Moroccan international trade carried by sea, corresponding to a value of around 30 per cent of the trade carried.
7. The volume of liner shipping in international trade which is carried by conferences is 250,000 tons.
8. See under Question 7.
9. None.
10. The estimated share of liner cargo which is containerized is around 2 million tons.
11. The estimated share of liner cargo carried by means of multimodal transport arrangements is around 1 million tons by truck and 2 million by container.

Ports and auxiliary services

12. International trade cargoes in national port traffic represents around 36 million tons, corresponding to 98 per cent of total traffic.

The estimated share of this traffic which is containerized is around 2 million tons.

13. The presence of foreign suppliers in the provision of auxiliary services is as follows:

- Container station and depot services:	Yes
- Maritime agency services:	Yes
- Maritime freight forwarding services:	Yes
- Maritime cargo handling services:	No
- Storage and warehousing services:	Yes, but only out of port, as they are provided by the Port Development and Operation Office (ODEP) in port.
- Customs clearance services:	Yes
- Maintenance and repair of vessels:	No, although there are no constraints.
14. Yes, but only for inland transport by truck.

II. Regulatory structure

1. Specific measures are applicable to maritime transport under the Dahir of 1962, although it is not applied due to the constraints of Moroccan external trade.
2. Bulk shipping is not regulated.

3. The registration of companies which provide regular liner shipping to Moroccan ports is carried out in accordance with the provisions of the Code of Conduct for Liner Conferences (Circular No. 216/2 of 4 August 1979).

Registration remains subject on the one hand, to the presence of vessels belonging to the foreign company in the traffic lines in question, and on the other hand to conducting regular services on the range or liner concerned.

Any extension of liner or change in service or type of vessel must be authorized beforehand by the Merchant Navy Authorities.

The provisions of agreements reached under the Code of Conduct for Liner Conferences, which has been ratified by Morocco, are applied.

4. Morocco has acceded to the Hamburg Rules and to the Convention on International Multimodal Transport of Goods. Several seminars and conferences have been organized to promote this form of transport.

There are no existing restrictions on multimodal transport:

The computerization of the customs services and the ODEP, as well as the development of transport by truck, favour the expansion of this form of transport.

5. Management and operation of all ports in the Kingdom is entrusted to a single body: the Port Development and Operation Office (ODEP) under the authority of the Ministry of Public Works and Vocational and Management Training.

However, Articles 4 and 5 of Law No. 6-84 which set up the "ODEP" stipulate that the legislation or regulations in force allow the State to entrust public or private sector bodies, with some of the following services:

- pilotage, tug assistance, in-shore pilotage and provisioning of vessels;
- lighterage, handling and warehousing of goods;
- unloading, loading and transport of liquid products in bulk, as well as the handling and storage of solid products in bulk.

6. The national definition of "international maritime transport" is the same as that contained in the Convention on International Multimodal Transport of Goods.

7. A "national shipping enterprise" is any company owning at least one vessel sailing under the Moroccan flag.

Market access

8. (a), (b), (c) and (d). No limitations.

9. (a) Commercial presence and no restriction.

(b) Maintenance is entrusted to the ODEP.

10. No, there are no measures limiting the participation of foreign capital.

11. The requisite conditions for sailing under the national flag are as follows:

- under Article 12 of the Dahir of 1919, the Maritime Code clearly states that the nationality of a vessel is legalized by issuing a certificate of registry: the certificate of registry is the document which establishes the right of a vessel to sail under the Moroccan flag and which guarantees it the advantages of protection in maritime navigation.

The requisite conditions for obtaining Moroccanization or registration (certificate of registry) are as follows:

- the home port must be located in Morocco;
- in normal circumstances the vessel's main navigation must focus directly on Moroccan ports;
- the vessel must be of Moroccan owned.

The text of the 1919 Maritime Code which has now fallen into abeyance stipulates the fact that the vessel must be at least 75 per cent owned by Moroccan nationals.

However, the draft Maritime Code stipulates that a vessel must be at least 50 per cent owned by Moroccan nationals, in accordance with the text on maritime investments of 5 October 1984 and that on Moroccanization.

The Dahir of 1919 provides that the crews of vessels allowed to sail under the Moroccan flag must be made up of sailors of Moroccan nationality in the proportion set, for the different forms of shipping by Ministerial Decree.

This proportion, amended several times since 1919, is currently set at:

50 per cent of the crew, including the captain and officers for commercial vessels.

National treatment

12. (a) No, there are no discriminatory measures.

(b) See point (a).

Access to and use of port facilities

13. All the services referred to are available to users.

14. "Pilotage" is the only service of mandatory use among those referred to under Question 13.

15. All of the services enumerated under Question 13 are available on a non-discriminatory basis.

16. No, there are no discriminatory measures restricting access to sea ports for either national or foreign suppliers.

17. No, there are no discriminatory measures in this respect.

18. No, there are no measures of this type.

19. No, see under Question 18.

Most-favoured-nation treatment

20. There is no systematic sharing of cargoes, although conference agreements have been concluded for liner shipping of various products (for products of the same type, except when cargoes are over 1,500 tons), which are not based on the origin of the products but relate only to the ports in which they are loaded or unloaded.

21. Shipping lines control themselves or through a private company the proper functioning of conference agreements and keep records to identify any cases in which quotas are exceeded.

22. Sharing is carried out in the context of agreements between shipowners without intervention by government authorities. Quotas are normally established on the basis of past performance.

23. No, there are no measures of this type.

24. No, there are no measures of this type.

25. No, there are no counter-measures.

26. There are no specific measures, although the Administration can resort to the strict application of the Law of 1962, which would permit the Moroccan shipping line to carry all goods imported or exported by the State or by public, semi-public or subsidized enterprises.

This only applies to maritime transport.

Government procurement

27. No, there are no such measures.

28. No, there are no such measures.

Competition law

29. (a), (b), (c) and (d). There are no measures or legislation on competition.

Shipping conferences

30. Part one of the question: No.

Part two of the question: Yes.

The Administration is not responsible for the conference agreement.

31. Conference agreements have to be notified to the Directorate of the Merchant Navy (DMM), although there are no regulations on the criteria to be applied in assessing a conference agreement.

- 32. There are no regulations on this matter.
- 33. Agreement is strictly commercial and unrelated to the law.
- 34. There are no regulations, apart from the Code of Conduct.

Shipper/carrier relations

- 35. The arrangements between shippers and carriers are of a commercial nature.
- 36. There are no requirements and the government plays no role in this respect.