

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

UNCTAD



VOLUNTARY PEER REVIEW OF CONSUMER PROTECTION LAW AND POLICY: MOROCCO



UNITED NATIONS

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NOTE

UNCTAD serves as the focal point within the United Nations Secretariat for all matters related to consumer protection policy. UNCTAD promotes the United Nations guidelines for consumer protection and encourages interested Member States to create awareness of the many ways in which Member States, businesses and civil society can promote consumer protection in the provision of public and private goods and services. UNCTAD seeks to further the understanding of the contribution of consumer protection law and policy to development and to create an enabling environment for the efficient functioning of markets. The work of UNCTAD is carried out through intergovernmental deliberations, capacity-building activities, policy advice, and research and analysis on the interface between consumer protection, competition and development.

Voluntary peer reviews of consumer protection law and policy conducted by UNCTAD are mandated by the General Assembly in its resolution 70/186 of 22 December 2015 adopting the guidelines for consumer protection. The guidelines seek, among other things, to assist countries in achieving or maintaining adequate protection for their population as consumers.

ACKNOWLEDGEMENTS

Voluntary peer reviews on consumer protection law and policy are conducted by UNCTAD at the annual meetings of the Intergovernmental Group of Experts on Consumer Protection Law and Policy or at the United Nations Conferences to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. The report was prepared by the Competition and Consumer Policies Branch of UNCTAD under the direction of Shamika Sirimanne, Director ad interim of the Division on International Trade and Commodities (DITC). The report was prepared by Robin Simpson, UNCTAD consultant, under the supervision of Arnau Izaguerri, Associate Legal Officer, and the overall guidance of Teresa Moreira, Head of the Competition and Consumer Policies Branch.

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ACRONYMS

DH	Moroccan dirham
DPC	Division de la protection du consommateur (Morocco)
DPCSMQ	Direction de la protection du consommateur, de la surveillance du marché et de la qualité (Morocco)
€	euro
IGE	Intergovernmental Group of Experts on Consumer Protection Law and Policy (UNCTAD)
MEF	Ministère d'économie et finance (Morocco)
MENA	Middle East and North Africa Region
MIICEN	Ministère de l'industrie, de l'investissement, du commerce et de l'économie numérique (Morocco)
OECD	Organisation for Economic Co-operation and Development
SMEs	Small and medium-sized enterprises
UNCTAD	United Nations Conference on Trade and Development
UNGCP	United Nations guidelines for consumer protection

I. INTRODUCTION

In its resolution 70/186 of 22 December 2015 on consumer protection,¹ the United Nations General Assembly reaffirmed the United Nations guidelines for consumer protection as a valuable set of principles for setting out the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems and for assisting interested Member States in formulating and enforcing domestic and regional laws, rules and regulations as suitable for their own economic and social and environmental circumstances. The guidelines promote international enforcement cooperation among Member States and encourage the sharing of experiences in consumer protection. The General Assembly also decided to establish an intergovernmental group of experts on consumer protection law and policy within UNCTAD to provide the international institutional machinery of the guidelines.

The Intergovernmental Group of Experts on Consumer Protection Law and Policy is mandated, inter alia, to conduct voluntary peer reviews of national consumer protection law and policy of member States, as implemented by consumer protection authorities. In its second session, the Group encouraged interested member States to volunteer for such peer reviews.² Morocco was the first member State to volunteer.

Voluntary peer reviews in the field of consumer protection are a world novelty. As contained in the UNCTAD note entitled “Framework for voluntary peer reviews on consumer protection,”³ their purpose is to provide an external and independent assessment of the effectiveness of consumer protection law and policy in a given country; to identify the challenges to be addressed and areas to be improved in the legal and institutional frameworks, thereby contributing to enhancing quality, efficiency and consumer protection regimes; to assess the consumer protection awareness of relevant stakeholders and their contributions in this area; to formulate and recommend appropriate measures, designed in consideration of the economic and developmental particularities of each country, to address these challenges; and, where appropriate, to assist countries in implementing the recommendations by developing a capacity-building project in consultation with the country concerned.

The present report serves as background for the session on the voluntary peer review on consumer protection law and policy of Morocco to be held at the third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy on 9 and 10 July 2018 in Geneva, Switzerland.

¹ United Nations General Assembly, United Nations guidelines for consumer protection; General Assembly, resolution A/RES/70/186. 2015.

² Report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy, second session TD/B/C.I/CPLP/9 2017.

³ UNCTAD, Framework for voluntary peer reviews on consumer protection law and policy, Note by the UNCTAD secretariat, prepared for second session 2017. TD/B/C.I/CPLP/6.

II. POLITICAL, ECONOMIC AND SOCIAL CONTEXT

Morocco has a population of approximately 35 million inhabitants.⁴ The form of government established by the Constitution of 2011⁵ is a constitutional, democratic, parliamentary and social monarchy. Sovereignty belongs to the nation, which exercises it directly by referendum and indirectly through elected representatives. The nation chooses its representatives in elected institutions through free and regular elections. Arabic is the official language of the State. Amazighe is an official language, and the State acts to protect the Hassani language.

His Majesty King Mohammed VI is Head of State and Commander of the Faithful. He presides the Council of Ministers, appoints the Prime Minister from the most represented political party in Parliament, and appoints the members of the Government on recommendation of the Prime Minister. Mr. Saadeddine Othmani, of the Justice and Development Party, has been Prime Minister of Morocco since 5 April 2017.

Legislative authority is exercised by the Parliament, which is divided into the House of Representatives (lower house) and House of Councillors (upper house). Parliamentary elections are held every five years for the 395 members of the House of Representatives, and every nine years for the 270 members of the House of Councillors. The last legislative elections were held on 7 October 2016.

Judicial authority rests with the Supreme Court (Cour de cassation). The Supreme Court is the final level of appeal, while the Constitutional Court (Cour constitutionnelle) is responsible for upholding the Constitution. The Presidents of both institutions are appointed by the King.

One of the first decisions of Morocco as a sovereign

77 and China. Morocco has recently applied to accede to the Economic Community of West African States.

Morocco has had an association agreement with the European Union since 1996 requiring legal approximation to participate in the Mediterranean free trade zone.⁷ It is the first country of the Middle East and North Africa Region (MENA) to be accorded advanced status in that regard. The association agreement was reinforced in 2005 by the adoption of a Morocco–European Union Action Plan of integration, leading to the gradual adoption of the *acquis communautaire*.⁸ Morocco has been the principal beneficiary of the European Neighbourhood Policy relaunched⁹ in 2011, and negotiations are continuing with a view to deepening the free trade zone.

The human development index of Morocco for 2015 is 0.647 –positioning it at 123 out of 188 countries and territories. Between 1990 and 2015, life expectancy at birth increased by 9.6 years in that country, mean years of schooling increased by 2.8 years and expected years of schooling increased by 5.6 years. The gross national income per capita of Morocco increased by around 90 per cent between 1990 and 2015.¹⁰

In 2018 the World Bank ranked Morocco as a lower-middle-income economy,¹¹ with a gross domestic product of \$103.61 billion, a gross national income per capita of \$3,010, an annual growth of 1.2% and an annual inflation of 1.6%. The fiscal deficit stabilized at 3.9% in 2016 and public debt at 65% of GDP in 2017, comparable to best-performing countries. The World Bank recently reported that Morocco had made “undeniable economic progress” over 15 years, not only in terms of

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