
Intergovernmental Group of Experts on Consumer Law and Policy
(IGE Consumer)

3rd SESSION
09-10 July 2018
Room XVII, Palais des Nations, Geneva

Monday, 09 July 2018
Afternoon Session

Agenda Item 3c. Voluntary peer review of the consumer protection law and policy of Morocco

Presentation by
Robin Simpson
UNCTAD Consultant

This material has been reproduced in the language and form as it was provided. The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.



INTERGOVERNMENTAL GROUP OF EXPERTS ON
**CONSUMER PROTECTION
LAW AND POLICY**





VOLUNTARY PEER REVIEWS ON CONSUMER PROTECTION LAW AND POLICY: MOROCCO CONSULTANT REPORT



MOROCCO IN TRANSITION

- Society still rural: agriculture 40-45% of employment;
- Traditional purchases still 87% of transactions; (traditional methods of dispute resolution recognised in 1981).
- Income/capita rose 90% 1990-2015; life expectancy rose almost 10 years;
- e-commerce x 2 in 3 years <2015;
- supermarkets x 6 in 2000-2015, rising 15%/year;
- Increasing integration into international markets, notably EU partnership;
- 2011 modernising constitution 31-08 (information, representation, economic rights, civil society; anticipated by CP Act of 2008)

LEGAL FRAMEWORK

- Law 31-08 mainly horizontal: rights as in constitution plus: retraction & choice;
- Presumption of favorability towards consumer;
- Applicability of CP law to state-owned enterprises (ahead of UN Guidelines);
- Nullification of contracts in event of exploitation of ignorant/weak consumers;
- Guarantees & spare parts – reflects growing interest in durability;
- Recognised role of consumer associations.
- Related legislation on competition, product safety, data protection,
- Sectoral legislation;

RELATED LEGISLATION

- Related legislation on competition, move away from price controls;
- product safety, 'prior knowledge' of dangerous product not a condition of liability
- data protection and privacy, early legislation (2008), constitutional protection;
- Standardisation: scope for voluntary standards to become mandatory
- Sectoral legislation:

Food safety – precautionary approach;

Financial services – universal right to bank account, 20 free services (60% of population have account).

INSTITUTIONAL FRAMEWORK

- CP Directorate in Ministry of industry, investment, trade & digital economy (MIICEN) : responsible for legal framework, application of CP, awareness raising among consumers, professionals and other stakeholders;
- Own inspectors + training of inspectors in Min of Interior + local authorities;
- MIICEN inspectors in place 2016. 11,600+ controls, 2,430 non-conformity findings;
- Special unit for e-commerce; (20 websites inspected in 2017, 100 admonitions);
- Strong emphasis on raising CP awareness in other ministries & agencies ; joint orders with sectoral ministries;
- National consumer days
- Consumer portal; 40,000 visits 2017; 800 treatable claims;

CONSUMER ASSOCIATIONS

- Law 31-08 sets out criteria for ‘public interest’ status of CAs (eg non-profit, no alignment with business or political parties).
- Financial support to CA federations;
- CAs already advising consumers but confusion regarding access to courts;
- Delay in clarification of public interest eligibility and access to justice by CAs– order on access to courts published in OJ 2018;

ISSUES

- Enforcement (given relatively complete legislation); e-commerce needs attention;
- Some institutional confusion regarding competition and transition from price controls;
- Lack of mediation systems; heavy dependence on judicial processes;
- Therefore need to resolve access to justice for CA clients; and:
- Need for administrative sanctions.
- Specific sectoral issues, eg FS: early redemption of credit agreements, over-indebtedness, responsibility of 'agents'.

RECOMMENDATIONS

- Complete application of law 31-08 (now under way). Use constitution. List unfair commercial practices for targeting;
- Develop mediation systems while improving access to courts for consumers advised by CAs.(recent steps since mission);
- Strengthen right to consultation by CP directorate especially with other ministries;
- Maintain ‘self-assessment’ by CP directorate and MIICEN;
- Use UN Guidelines as checklist, especially art 5: ‘legitimate needs’; NB: this goes wider than immediate remit of CP Directorate, eg access to public utility services which have seen major advances in recent years;
- Does Morocco need a ‘consumer code’?



WE HOPE THE REVIEW PROCESS WAS HELPFUL.

Arnau Izaguerri Vila

Robin Simpson



THIRD SESSION OF THE INTERGOVERNMENTAL GROUP OF EXPERTS ON **CONSUMER PROTECTION LAW AND POLICY**



UNITED NATIONS
UNCTAD