Intergovernmental Group of Experts on Consumer Law and Policy

(IGE Consumer)

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

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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.

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