

<b>MOROCCO*</b>			
<b>COMPETITION FRAMEWORK</b>			
Competition Law	The law no. 06-99 governing Free Pricing and Competition (“FPC Law”) came into effect on July 6, 2001. To find the FPC Law’s English translation go here: <a href="http://www.wipo.int/wipolex/en/text.jsp?file_id=191407">http://www.wipo.int/wipolex/en/text.jsp?file_id=191407</a> .		
Competition Authority	The Competition Council (“CC”) started functioning on June 5, 2000. <b>Website:</b> <a href="http://conseil-concurrence.ma/">http://conseil-concurrence.ma/</a>		
<b>STATUS OF THE COMPETITION AUTHORITY</b>			
<b>Accountability</b>			
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
<b>Independence</b>			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> FPC Law, Title V, Chapter II.	
Does the executive have powers to decide on specific cases based on public interest?	Yes		
Does the executive retain decision-making powers over the Competition Authority?	Yes	<i>See</i> FPC Law, Title V, Chapter III, Section 1, article 32.	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	No		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman	<i>See</i> FPC Law, Title V, Chapter II.	
Does a minister appoint the heads?	Yes	<i>See</i> FPC Law, Title V, Chapter II, article 19.	
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is prohibited?	No		
Is the tenure of the heads renewable?	Yes	<i>See</i> FPC Law, Title V, Chapter II, article 19 providing that heads’ mandate is renewable once.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No		
<b>ARCHITECTURE</b>			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency.		
<b>POLICY-MAKING AGENTS -DIVERSIFICATION-</b>			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	No		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Yes, with the Telecommunications Commission.		

POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	√	Concurrent consumer protection mandate. <i>See</i> FPC Law, Part VI, Chapter I “Protection and Consumer Information.”
		X	Concurrent IP mandate.
		Other mandates: Non.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> FPC Law, Title III.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> FPC Law, article 64.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> FPC Law, Title III.	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> FPC Law, Title X.	
Does the Competition Authority have powers to seek criminal punishment?	Yes		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	No		
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>See</i> FPC Law, article 5(g).	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines.
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes		
Can the Competition Authority report to the legislature on the results of market studies?	No		
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	<i>See</i> FPC Law, Title VIII.	
Can the Competition Authority’s decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Are there different authorities that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		
* Data based on public sources.			