

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Required Report - public distribution

Date: 10/8/2014

GAIN Report Number: MO1410

Morocco

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:

Sarah Hanson

Prepared By:

Rachida Bouzriba

Report Highlights:

The Food and Agricultural Import Regulations and Standards (FAIRS) report provides an overview of the food laws and regulatory environment in Morocco as it relates to U.S. food and agricultural exports. Sections I, II, VI, VII, and the Appendix have all been updated.

DISCLAIMER

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Rabat, Morocco for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Please contact this office, if you have any comments, corrections or suggestions about the material contained in this report. Our e-Mail address is agrabat@usda.gov

Section I. Food Laws:

The main regulatory agency responsible for food safety issues in Morocco is the newly established National Office for Food Safety, ONSSA, "Office National de la Sécurité Sanitaire des Produits Alimentaires." ONSSA is an independent agency under the supervision of Ministry of Agriculture. All imported agricultural and food products must go through inspection and control of ONSSA before they can clear Customs. The Ministry of Health will carry out inspection of food products that have specific health or dietary claims.

ONSSA was established by the law # 25-08, published in the Official Bulletin # 5714 on March 5, 2009. It is in charge of regulating, implementing, and controlling conformity of products with the local regulations, including standards, labeling, and packaging. The regulations governing the function of ONSSA in the sanitary food safety areas were included in a new law (#28-07) that was published in the Official Bulletin # 5822 on June 18, 2010. This law stipulates the basic principles and concepts for food safety, and requires all the food chain stakeholders to fully comply with standards in order to ensure food safety through the whole food value chain.

The law #28-07 requires food businesses and feed industry to comply with the new rules, though not fully implemented due to a lack of applications decrees. The text of the law stipulates that vegetable and livestock producers are expected to comply within a deadline of two years from the date of entry into force of this law. This will effectively mean holding producers and processors accountable for mandatory measures that include farms registration, livestock identification, traceability, self-control, hygiene good practices guides, and the recall of non-compliant products. This law also specifies mandatory measures of informing consumers through product labeling. The labeling aspects are detailed in sections 16, 17 and 18 of the law, which state that any food product must have a label mentioning all product characteristics.

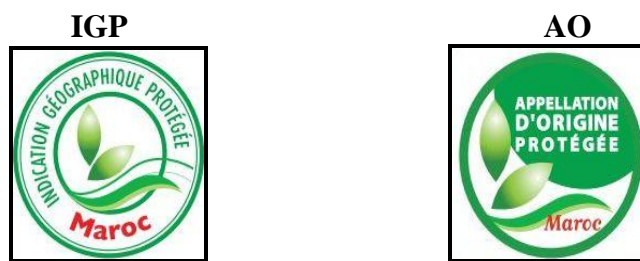
On August 15, 2011, the Moroccan Counsel of Government adopted the first decree (2-10-473) to implement some sections of the law # 28-07. The decree is expected to enforce traceability of food products from the producer to the final consumer. The decree will hold producers accountable for compliance with the general food safety requirements of all marketed products and will enter into force after its publication in the Official Bulletin.

On May 16, 2013, the Moroccan government approved the second decree #2-12-389 to implement the food labeling sections of law # 28-07. Among other measures, the decree will enforce nutritional labeling and outline a list of allergens.

On February 21, 2013, Morocco established its legal framework for organic products and published the law # 39-12 in the Official Bulletin #6128. The law # 39-12 regulates the production, processing, marketing, and labeling of organic products.

Morocco regulates its geographic indications and appellation of origin by law #25-06. On June 19, 2008, Morocco published the regulating law #25-06 in the Official Bulletin #5640. This law provides the certification authority to a national commission, which was created for this purpose (Article 17 of the law). Effective May 2, 2013, Morocco switched the certification authority to the private company Ecocert for a period of three years. The Ministry of Agriculture's decree # 964.13, published in the Official Bulletin #3780, supports this decision.

Ecocert is expected to increase the number of approved products by accelerating the review process. Morocco's logos for the Protected Geographical Indications (IGP) and for the Appellation of Origin (AO) are the following:



Up until 2012, the Moroccan National Commission for Geographical Indications and Appellation of Origin had approved about fifteen products, which include:

- Geographical Indication « Argane » Decree n°2816.09 of November 20th 2009
- Origin Appellation for olive oil « Tyout Chiadma » Ministry of Agriculture Decree n°2817.09 of November 20th 2009
- Geographical Indication «Clémentine de Berkane» Ministry of Agriculture decree n°1357-10 of April 30th 2010.
- Geographical Indication «Dattes Majhoul de Tafilalet » Ministry of Agriculture decree of April 30th 2010.
- Origin Appellation for the «Safran de Taliouine » Ministry of Agriculture decree of April 30th 2010.
- Agricultural Label «Agneau Laiton » Ministry of agriculture decree of April 30th 2010.
- Geographical Indication «Grenade Sefri Ouled Abdella»; Minister of agriculture decision that was published in the Official Bulletin # 5958 on July 7, 2011.
- Geographical Indication «Fromage de Chevre Chefchaouen ; Minister of Agriculture decision that was published in the Official Bulletin # 5976 on September 8, 2011.
- Geographical Indication «Figue de Barbarie d'Ait Baamrane»; Minister of Agriculture decision

that was published in the Official Bulletin # 5976 bis on September 10, 2011.

- Origin Appellation «Rose de Kelaat M'gouna-Dades ; Minister of Agriculture decision that was published in the Official Bulletin # 5976 bis on September 10, 2011.

The law #13/83 published in the Official Bulletin on October 5, 1984 is the primary law currently in effect for food quality control and fraud repression in Morocco. This law defines the procedures that inspectors should follow to investigate fraudulent products. In particular, it describes food sampling procedures, appeals system, and procedures to seize and prevent sales of unsafe products.

Section II. Labeling Requirements:

The basic law dealing with labeling in Morocco was published on June 6, 2002. Several requirements are included in this law among them the use of Arabic language and the printing of the importers names on labels.

Nutritional labeling is required under the food law # 28-07. On May 16, 2013, the Moroccan government approved the second decree #2-12-389 to implements the food labeling sections of law # 28-07. The labeling decree is published in the Official Bulletin # 6152. The government has given importers and local producers a grace period of one year to comply with the new labeling regulations that ends May 16, 2014. Products labeled before the enforcement deadline of May 16, 2014 can be placed on the market and sold until stocks run out. The new labeling decree is available under the link: http://www.sgg.gov.ma/BO/bulletin/FR/2013/BO_6152_Fr.pdf

The new decree would abrogate all contradicting decisions from previous regulations and amend the following existing labeling regulation:

- *Decree 2-01-1016 of (June 4, 2002), regulating labeling conditions*
- *Decision of June 24, 1930, regulating preserved food*
- *Decision of January 2, 1915, outlining the marketing conditions and how products should be presented to consumers*

The new decree will require listing ingredients that are likely to trigger allergies such as the following:

- Cereals containing gluten
- Crustaceans and Crustaceans product base
- *Eggs* and eggs based products
- Fish, and fish based product except for fish gelatin used a support for vitamins or as a clarification agent for wine and beers
- Peanuts and peanuts product base
- Soybean and soybean based product except for: completely refined oil, Tocopherol, Phytosterols, and Stanol.
- Milk and milk based products (Including lactose), except for : Lactitol, and lactoserum used as alcoholic distillate
- Nuts
- Celery and celery based products
- Mustard and mustard based product

- Sesame and sesame based product
- Anhydride sulfurous and sulfite
- Lupin and lupin based product

Products for which labeling should contain one or several additional mandatory listing:

- Product for which the life shelf (durability) were extended with packaging gas
- Food product containing Colorant and/or sugar, Aspartame, or Polyols.
- Product containing Glycyrrhizic Acid or Ammonium salt
- Drinks with high caffeine concentration
- Food products to which was added: Phytosterols, Phytosterols Esters, Phytostanol Esters
- Frozen meat, preparation of frozen meat, and frozen fishery product none processed

Products for which the mandatory nutritional labeling is not required on the label:

- Processed products containing a unique ingredient
- Water intended for human consumption, including water to which was only added Carbone dioxide and/or flavor
- Aromatic plant, spices or mix of spices
- Salt or salt substitute
- Color additive
- Product under the regulation of coffee and chicories and tee
- Infusions
- Vinaigrette and substitute
- Flavor
- Food additives
- Technological auxiliaries
- Food enzyme
- Gelatin
- Jellification substance
- Yeast
- Chewing gum
- Food ingredients packaged in
- Artisanal food ingredient supplied with low quantities by the processor to retailers of end consumer

For specific question regarding the food labeling decree, please contact ONSSA directly

In general, the law requires that the imported food, whether sold or distributed freely, be labeled in such a way that it is not confusing to the consumer, especially regarding the nature, identity, species, quality, quantity, composition, useful products contents, durability, conservation, origin, and processing methods. In particular, the label should not claim that the product has special characteristics if these are common to all similar products. Except as specified by the prevailing regulations for mineral water and foods for special use, the labeling of food products must not state any property of prevention, treatment, or cure of human diseases. Also, the presentation of food products including their shape, aspect, packaging material and its disposition, as well as to the environment in which they are being exhibited should not suggest any preventive, treating or curing properties.

Items on the label should be easily understood, in Arabic, and, if necessary, in any other language and with no abbreviations except those provided by the current regulations or international conventions. Items have to be printed in readily seen places and be visible, clearly readable, and ineffaceable. In no case can the labels be dissimulated, hidden or separated by any other indications or images.

Labeling of agricultural and food products under the law related to the distinctive signs of origin and quality mentioned above is not required for similar imported products.

Arabic Labeling Requirement

The implementation of the Arabic labeling requirement has been facing some difficulties, which has made the government to be more flexible of enforcing the regulations during the first few years of implementation. However, it is noticeable that Arabic labeling has become more common in the market and exporters should try hard to meet this requirement.

Stick-on Labels

For most products, stick-on labels are accepted to comply with the Arabic label requirement. Stick-on labels must be approved by ONSSA and are to be put on products upon their arrival to Morocco in the importer's facility. Their use is subject to the following conditions:

- The importer must provide evidence that his supplier cannot print Arabic labeling on the imported goods.
- The importer presents a sample of the stick-on label to ONSSA for approval.
- The importer has adequate facilities and technical and human capabilities to put the complementary stick on labels.
- The importer must provide evidence that the complementary labeling unbreakable, non detachable and indelible.
- The importer must provide a written commitment that the product will be marketed only after having complied with the prevailing labeling requirement.

The authorization to use sticker are typically delivered annually, and the importer has to file a request before the DCQ (*Quality Control Directorate*) at the port of Entry and ONSSA, which will supervise the re-labeling operation. Importers who fail to meet these requirements will be deprived from future possibilities of using stickers.

To the best of our knowledge, no U.S. product has been refused entry because of the Arabic labeling, and many importers of U.S. products are regularly using the stickers. For new products, the exporter and the importer could, in advance, contact the DCQ at the port of entree and ONSSA to discuss the possibilities of remedying to the Arabic Stickers.

Exceptions for Arabic Labeling

The government of Morocco published an amendment to the regulation that exempts some products

from the Arabic labeling requirement in September 2010. A list of products has been published by a Ministry of Agriculture decree (#1379.10 on August 11, 2010) based on the decree 2-06-226 of June 28, 2007.

Products that are exempt from Arabic labeling include the following:

- Alcoholic Beverages;
- Products imported as raw material to be processed or packed locally;
- Complementary Food
- Goods for the diplomatic Community resident in Morocco;
- Donation Goods
- Products for sport, cultural, commercial events during the period of the event
- Products for hotels and restaurants and food service
- Local and imported products that are distributed or exhibited as samples and are not for sale and for which the professional must provide evidence.
- Food and beverages for special uses for which a pre-registration by the Consultative Technical Committee is required.
- Products imported under special customs regimes (temporarily admission and re-exportations).

List of Food Label Requirements

On July 12, 2007, the government published a new amendment to the existing labeling regulation (*Decree 2-06-226 of June 28, 2007 modifying the Decree 2-01-1016 of June 4, 2002*). The three main additional requirements are:

- a. **The lot number:** A lot is defined as a set of food products exhibited for sale that were produced, processed, or packaged under similar conditions.
- b. Depending on whether the product is imported, locally packaged, or locally manufactured; the label should include the **name and address of the importer**, local packager, or the local manufacturer.
- c. **The type and the name or code of the additives used** (Colorant, emulsifier, antioxidant, preservative, etc.)

Explicitly, the food labeling regulation in Morocco requires the following:

- **Denomination of the product:** as set by the prevailing legislation, by Codex Alimentarius, or by prevailing trade practices. If there are no regulation regarding the denomination, it must describe the food, and if necessary, its use and be as accurate as possible to allow the final buyer to recognize the nature of the food and distinguish it from other products with which it might be confused. The denomination should also include the physical state of the products or the process it went through if omitting it might potentially be confusing to the buyer.
- **List of all ingredients sorted by decreasing weight at the time of packing.** If the label claims an unusually low/high amount of one or several ingredients the minimal/maximal quantity of the ingredient (s) must be indicated unless the ingredient is used exclusively in low amounts (as a

flavoring).

The list of ingredients is not required for a) Fresh fruits and vegetables, b) Sparkling water if denominated explicitly c) Vinegar derived from one product, d) Cheese, butter, milk and cream when only dairy products, enzymes, and micro-organism culture have been added e) Products made of a single ingredient, and f) Flavoring agents of which additives and supports have to be indicated.

- **Net quantity:** The Net Weight or Net Volume must be indicated. It is not necessary for food products when the quantity is less than 5 grams or 5 milliliters except for spices and aromatic plants. When a food product is presented in cover liquid the net drained weight must be mentioned.
- **Production and expiry date** (see section below).
- **Indication of any special storage conditions.**
- **Name and address** of the manufacturer, the packager, or the importer depending whether the product is imported, locally manufactured, or locally packaged.
 - a. Name of the importer for imported products;
 - b. Name of the manufacturer for locally made products;
 - c. Name of the packager for the locally packaged products.
- **Place of origin**, if omitting it would generate confusion for the buyer as to the origin.
- **Notice of use and special conditions of use**, including precaution of use if omitting it would not allow appropriate use).
- **Additional labeling requirements for specific products** as stipulated in other prevailing regulations.
- **Alcohol volume title** for drinks that are over 1.2 % of alcohol in volume.

In addition to the general Decree above that sets the basic rules for labeling, there are rules that are specific to some products.

Metric measurements are mandatory (*Law August 29, 1923*). Moroccans are not familiar with U.S. measurement standards such as ounces, lbs., cups, servings, etc. However, unlike in Egypt and other Middle East countries, Moroccans tend to use western style numbers.

Production and Expiration date

Production and expiration dates are mandatory on pre-packed food and feed products, including canned products and beverages (*Decree 17-88, Law 88-179, of Sept. 10, 1993*). U.S. exporters should be aware that, unlike in the U.S., when using dates in the format (xx/xx/xx), the date format should be (*dd/mm/yy*) instead of (*mm/dd/yy*).

The printing of the dates varies according to the shelf life:

- For products with a shelf life of less than 3 months, the day and the month must be indicated.
- If shelf life is between 3-18 months, the month and the year should be given.

- For products with more than 18 months' shelf life the full date should be given.

The implementing decree for production and expiration date (*Decree 2-95-908 May 5, 1999 published in Official Bulletin # 4692*) defined two lists of products:

List I: Products for which the shelf life and the maximum temperature of storage are set by the government. This list includes refrigerated/ frozen/ processed meat and poultry, refrigerated/frozen/smoked/dried fish, milk, processed milk, ice-cream, cheese, cream, prepared meals, egg products and egg-made pasta, pasta stewed with meat, mineral water, fruit juice, drinks, and lemonades.

The expiration date for products in List I must be printed in the form of “*To be consumed by:*” or “*To be consumed by the date shown on...*” followed by the date and the maximum storage temperature. On April 2001, the Government of Morocco published a table with a list of products, their maximum shelf life and the maximum temperature for their storage (*Joint Ministry of Agriculture - Ministry of Health decision 440-01 of February 26, 2001 published in the Official Bulletin 4888 of April 5, 2001*).

List II: Non-perishable products for which the expiration date is not mandatory. This list includes fresh fruits and vegetables, wine, sparkling wine, wine obtained from fruit other than grapes, beverages of more than 10 percent alcohol, vinegar, salt, solid sugar, confectionary products made almost only from colored or aromatized sugar, chewing gums, and individual servings of ice cream.

Products that are NOT on the List I must have their expiration date printed in the format: “*To be consumed preferably by...*” or “*To be consumed preferably by the date shown on...*” The production and expiration date should be printed in apparent, perfectly readable, and indelible manner.

For pre-packed food products that are not on Lists I and II, the packager is responsible for indicating the date by which the products keep their specific properties and the conditions under which they should be stored. The printing of the expiration date for these products is not mandatory.

Section III. Packaging and Container Regulations:

For some commodities, Morocco required that the product be sold in predetermined package sizes. The package size requirement is generally included in the regulations that are specific to the product.

Butter

Butter can be sold in portions of 5 grams to 25 Kilograms with the weight indicated in grams or Kilograms.

Vegetable oil

Vegetable oil can be sold only under the following sizes and the volume must be indicated in liters, centiliters, or milliliters: 0.05, 0.10, 0.25, 0.50, 0.75, 1.0, 1.5, 2.0, 2.5, 3.0, 3.5, 4.0, 4.5, 5.0, 5.5, 6.0, 7.0, 8.0, 9.0, and 10.0 liters.

(Decree 2-05-776, October 19, 2006 amending the November 22, 1921 Ministerial Decision)

Olive Oil

On April 24, 2013, Morocco notified the WTO on its draft regulatory text, which defines various grades of olive oil. The text also establishes authorized oil packaging volumes, which applies to imported product as well. The new regulation will extend the acceptable packaging size to 0.1, 0.25, 10, 20, 25 liters. Previously, the acceptable packaging volumes for retail sales were 0.5, 1, 2, 3, and 5 liters. (Decree 2-93-179, Dec 12 1995, Article 6). Morocco's notification on this requirement is available under the link: <http://www.wtocenter.org.tw/SmartKMS/fileviewer?id=133072>

Wine and Alcoholic Beverages

Bottling of wine is subject to strict requirements. Ordinary wines and common wine can be sold in 1 liter glass bottle or 1.5 liters PVC bottle. Guaranteed vintage wines, old wine, origin labeled wines can be marketed only in glass bottles of specific sizes (75 cc, 37.5 cc, 72 cc and 18 cc). *Article 19 of the 275-321 law on wine marketing*. Sparkling wine bottles must have a capacity of 80 cc or 40 cc.

The Ministry of Agriculture revised the regulation regarding the marketing of spirits and similar products (*Minister of Agriculture Decision 1628-07 dated August 22, 2007*) *modifying the May 16, 1916 decision, Official Bulletin 558 of September 6, 2007, Page 1028*). Spirits drinks can be sold only in glass and polyethylene bottles of the following sizes (centiliters): 5, 20, 25, 35, 37.5, 50, 70, 75, 100, 150, and 200 or any bigger size provided that the size increases by tranches of 50 centiliters.

Section IV. Food Additives Regulations:

The basic law that authorizes use of antiseptics, colorants, artificial essence, and other additives is the Minister's decision of February 6, 1916, as modified by the decrees of December 8, 1959 and 2-88-103 of August 28, 1989. The 1959 Decree specifies what types of colorants can be used for each type of food category including dairy products, sugar, salt, wine, beer, vermouth, syrups, vinegar, and many other products.

The most recent government decision regarding the use of additives is the Circular 001/97, issued jointly by the Ministry of Agriculture and Ministry of Health on September 6, 1996. It sets the rules for additives used in food products marketed in Morocco.

Importers need to be aware of four major points when considering use of additives:

- There is a list of approved additives that can be used in food products in Morocco (Paragraph IV of the above-mentioned circular).
- Additives can be used only in a predetermined list of foods under specific conditions mentioned in paragraph V of the circular, especially the maximum amount of residues and the maximum admissible doses.
- Additives must be identified and fulfill the purity criteria mentioned in Paragraph VI.
- Additives are accepted in compound and prepared food when they are authorized to be used in an ingredient of this food. Additives can be used up to the maximum accepted for each compound food.

Current Positive List of Additives

The most current list of additives on the positive list can be obtained from the FAS -Agricultural Affairs Office in Rabat or directly from ONSSA:

Ministère de l'Agriculture et de la Pêche Maritime
Office National de la Sécurité Sanitaire des Produits Alimentaires ONSSA
Avenue Haj Ahmed Cherkaoui- Agdal-Rabat- Morocco
Phone : (212-5) 37 67 65 00
Fax : (212-5) 37 68 20 49
http://www.onssa.gov.ma/onssa/fr/doc_pdf/Circulaire_version_2009.pdf

Approval of New Additives

Pre-market approval is required for food additives. Before marketing an additive in Morocco, a petition must be submitted to ONSSA:

Ministère de l'Agriculture et de la Pêche Maritime
Office National de la Sécurité Sanitaire des Produits Alimentaires (ONSSA)
Avenue Haj Ahmed Cherkaoui- Agdal-Rabat-Morocco
Phone: (212-5) 37 67 65 00
Fax : (212-5) 37 68 20 49

In addition to the explicit request, include the following information:

- Name, Address, phone, and contact of the organization making the request.
- Designation of the substance to be approved:
 - a. Nature of the substance (chemical name, usual name, chemical formula expressed in international standards).
 - b. Commercial name of the substance, name of the producer
 - c. Identity and purity criteria of the substance. Indicate also the percentage of impurities.
 - d. Daily Admissible Dose (indicate name of the organization that issued it).
 - e. Any other physical or chemical information deemed useful.
- Information on the food to which the additive is going to be added:
 - a. Definition of the food(s) for which the approval is requested
 - b. Procedure and dose to use the substance
 - c. Description of the fabrication procedure with all necessary details on the mode of incorporation of the additive.
 - d. Justification of the use of the additive: purpose, expected effect, advantage of its use for the manufacturer, user, and consumer. Determination of the necessary dose to obtain the expected effect. Proofs of the effectiveness of the suggested doses. Criteria used to determine the effectiveness of the substance and conditions under which the effectiveness trial was conducted (temperature, pH, duration, etc...). Mention also any

- other procedures used to obtain similar results. Results of comparative trials where already one or more approved additive(s) play the same role.
- e. If the substance is capable of affecting the hygienic characteristics of the food, provide results of the microbiological analysis showing that the hygienic quality of the final product has been preserved.
 - f. Method of analysis to control the additive doses in the product.
- Data on approval by other countries indicating the authorized doses, conditions under which the substance is to be used, and the food product(s) for which the authorization has been granted. (If possible attach copies of the official authorizations).
 - Provide if possible:
 - Evaluation of the quantities of the substance absorbed by the consumer as a function of the doses included in the food products and the estimated quantity of consumed food.
 - Statistical information on the consumption of the food product. Evaluation of excessive use by particular groups of consumers.
 - Provide list of joint documents.
 - Any physiological, toxicological, nutritional information on animal or human that may support the request.
 - Toxicological & Physiological information:
 - a) Information on methods used to determine experimentally:
 - Toxicity
 - Effect on reproductive functions
 - Carcinogenic/mutagenic effects
 - Allergenic properties and effect on immune functions.
 - Nutritional effect, whether favorable or not.
 - Provide results of the methods used.
 - b) Any physiological or toxicological information on use on humans.
 - c) Any other relevant information that is deemed to be useful.

Section V. Pesticides and Other Contaminants:

Pesticide imports, manufacturing, storage, and marketing are subject to strict government control (law 32-00, of February 21, 2002, Official Bulletin 4980 that modified law 42-95 of 1997). Importers, producers, and distributors of pesticides need to be licensed by the government (Decree 2-99-106 of May 5, 99) and each pesticide marketed has to be approved by ONSSA of the Ministry of Agriculture.

Ministère de l'Agriculture et de la Pêche Maritime
Office National de la Sécurité Sanitaire des Produits Alimentaires (ONSSA)

Avenue Haj Ahmed Cherkaoui- Agdal-Rabat-Morocco
Phone: : (212-5) 37 67 65 00
Fax : (212-5) 37 68 20 49

The request for pesticide approval has to be made by the importer or the local producer according to the procedure described by the Ministerial Decree (*Decree 2-99-105 published on May 5 in the Official Bulletin# 4692*).

Pesticide Control on Food Products

Imported food products are not systematically controlled for pesticide residues but ONSSA agents are authorized by law to request, if deemed necessary, that laboratory analysis be made for certain products or for products originating in some countries. ONSSA refers to CODEX standards for tolerance levels.

Section VI. Other Regulations and Requirements:

Biotechnology Products

Although there is no detailed regulation regarding biotechnology products, the Moroccan government is currently tolerating feed corn and soybean shipments, but is not allowing entrance of food items and planting seeds that are known to be genetically modified. A certificate of non-GMO might be required for some food products if the Government has evidence that the imported product contains products of biotechnology.

On April 25, 2011, Morocco ratified the Cartagena Protocol on Biosafety that entered in force on July 24, 2011. The protocol is a legally binding international agreement governing the trans-boundary movement of genetically modified organisms (GMOs) resulting from biotechnology and addresses their intentional introduction to the environment and utilization in feed and food processing. On June 17, 2012 the Moroccan Government approved the Nagoya Protocol on sharing genetic resources. With the approval of this protocol, Morocco should have access to genetic resources and to equitable sharing of the benefits arising from their utilization.

On February 15, 2013, Morocco published its National Biosafety Framework under the link:
<http://bch.cbd.int/database/record.shtml?documentid=104706>.

Importers who have doubts about the acceptance of their products into Morocco should contact ONSSA:

Office National de la Sécurité Sanitaire des Produits Alimentaires (ONSSA)

Avenue Haj Ahmed Cherkaoui- Agdal-Rabat-Morocco
Phone: (212-5) 37 67 65 00
Fax : (212-5) 37 68 20 49

Alcoholic Beverages

Although imports of alcoholic beverages can be done theoretically by any importer, their marketing,

sale, storage, and handling are subject to strict government control. Marketing of wines at the wholesale and retail levels is subject to a special license from the Ministry of Agriculture and to the local authorities (Ministry of Interior). Alcoholic beverages can be sold only at licensed retail and wholesale points.

Alcoholic beverage bottles of more than 25 cc, except wines, whisky, and beers, whether produced locally or imported cannot be distributed to retailers or end-users unless a “Control Stamp” is stuck on the cap of each bottle. The stamp should be long enough to cover part of the bottleneck and should be stuck so that the stamp number remains readable (*Ministry of Finance Decision, 723-96, April 12, 1996, Official Bulletin 4383*).

Wine

Morocco’s regulations recognize four categories of wine (*Decree 275-321 of 8/12/77*):

- “*Old Wine*” that is over 25 months old and “*Selected Wine*” that is over 13 months old.
- “*Vintage Wine*”: includes the “*Guaranteed Vintage Wine*”, the “*Controlled Vintage Wine*” and the “*Local Wine*” which are produced under conditions and areas determined by the Ministry of Agriculture.
- “*Sparkling Wines*”
- “*Ordinary wines*”: Alcoholic content must be at least 12 percent in order to be imported and marketed in Morocco. The law also explicitly prohibits the sale of wines that have alcohol content of less than 12 percent (of volume). The characters specifying the type of wine must be at least 5 millimeters high. The labels “*Red Wine*”, “*White Wine*”, “*Rosé*”, “*Table Wine*”, and “*Mixed Wine*” can be used.
- The origin labeled wines can be imported into Morocco if they comply with the regulations prevailing at the country of origin. (*Ministry of Agriculture Decision 736-96, of June 27, 1996, published in the official bulletin 4384*).

In addition, the Ministry of Agriculture published a regulation that defines the conditions that wine must meet before it can include the *denomination of “Chateau”* on the label (*Ministry of Agriculture decision 815-04, October 14, 2004, Published in the Official Bulletin 5266 of November 18, 2004*).

Labeling and marketing of wine is subject to the basic law issued by the Ministry of Agriculture (*Decree 2-75-321 issued on August 12, 1977*). Alcohol content must be specified in unit or half units and should not differ by more than 0.5 percent of the content determined by analysis. Non-origin labeled sparkling wines cannot be sold unless the label “*Sparkling Wine*” is indicated on the bottle. The size of the characters should be at least half of the size of the largest characters used on the label.

Origin labeled wines must have the following information on their label: 1) geographical denomination, 2) the labels “*Origin label guaranteed*” or “*Guaranteed vintage wine*” 3) brand name printed in readable characters. 4) Alcohol content 5) name and address of the bottler printed in characters not exceeding two-thirds the size of the characters used to print the geographical denomination.

Bottling of wine is subject to strict requirements. Ordinary wines and common wine can be sold in 1 liter glass bottle or 1.5 liters PVC bottle. Guaranteed vintage wines, old wine, origin labeled wines can be marketed only in glass bottles of specific sizes (75 cc, 37.5 cc, 72 cc and 18 cc) (*Article 19 of the 275-321 law on wine marketing*). Sparkling wine bottles must have a capacity of 80 cc or 40 cc.

A certificate of origin and a certificate of laboratory analysis are required by the Ministry of Agriculture for imported of origin labeled wines.

Other Alcoholic Beverages

The Ministry of Agriculture amended the regulation regarding the marketing of spirits and similar products (*Minister of Agriculture Decision 1628-07 dated August 22, 2007*) modifying the *May 16, 1916 decision, Official Bulletin 558 of September 6, 2007, Page 1028*). Major additions and changes are:

- The denomination “Mahia” that can be used only for brandy issued from fermented figs / dates and aniseed with no ethylic alcohol being added.
- Marketing of alcoholic drinks using designations such as “type”, “style”, “taste”, “brand”, “fantasy” is prohibited.
- Imports, processing, bottling, and trading of alcoholic beverages is subject to a license from ONSSA that will be delivered following authorization of the local authorities (prefecture or province level).
- The Minimum alcohol content by volume must be (in %): Whisky, pastis and Mahia 40; Rum, Wine Brandy, raisin brandy, Fruits Brandy, Gin, Vodka 37.5; Brandy 36 ; anis and spirits from grains 35; spirits drinks from fruit 25; aniseed spirits 15; and spirits called “Mixed Drinks” 5 percent.
- Packaging requirements (see Packaging and Container Regulation Section above).
- The labeling of spirits must include:
 - Commercial Name,
 - Net Volume;
 - Acquired alcoholometry volume;
 - Name and address of the importer for imported products);
 - List of ingredient for the spirits drinks other than natural brandies.
 - Validity date for drinks having less than 10 percent of alcohol in volume.
 - Processing Lot number.
 - Place of origin if omitting it creates confusion in the buyers’ mind as to the origin of the product.

Dairy Products

The current regulation for production and marketing of dairy products was amended on 2001 (*Decree 2-00425, December 7, 2000, Official Bulletin # 4862 of January 4, 2001*). This Decree abrogated and replaced three major requirements:

- a. The basic old regulation undermining milk marketing in Morocco. It included the requirement to add starch to imported milk powder (Ministerial Decision of August 6, 1926).
- b. The requirement specifying that unless the milk is from cows, the species should be mentioned in the label. (*Article 20 of the October 14, 1914 decision*).
- c. For establishing controlled Milk processing units (*Ministerial Decision of March 10, 1917*).

The Decree provides definitions of various milk products and sets the hygienic and sanitary conditions for milk production, processing, and sale.

The Decree also stipulates that milk reconstitution from sterilized or UHT milk requires an authorization from the Ministry of Agriculture. Reconstitution of milk from pasteurized milk is prohibited. Addition of starch to imported milk powder for industrial use is no longer required.

The various milk products as defined in the Decree must include in their label the following indications:

- a. Name of the product.
- b. Brand name or Company Name.
- c. Expiration date.
- d. Fat Content.
- e. Volume or Net Weight.
- f. The citation: "*to store at...*" followed by the appropriate storage temperature as set by the current regulations.
- g. In addition to the label "*Pasteurized Milk*", "*Sterilized Milk*", or "*UHT Sterilized Milk*", indicates "*Whole*", "*semi-skimmed*", or "*skimmed milk*".
- h. Registration number of milk pasteurization/sterilization plant.
- i. The mention "*Refrigerate after opening*" or "*use rapidly*".

The specifications for processed milk Fat content are regulated by the Decree 2-02-94 of June 6, 2002 (*Official Bulletin # 5010*).

Dietetic or Special Use Food

These products are consumed for special nutritional purposes. They include baby formulas, infant food, dietetic food, food with a guaranteed amount of vitamins, amino-acid, or magnesium, food particularly high or low in energy, lipids or proteins, low sodium, and low calorie diet food, etc.

These ***products must be registered at the Ministry of Health before they can clear customs***. Since the registration process might take several weeks, it is advisable to apply for registration of the product by sending small samples, get the product approved, and then proceed with the shipment.

The importer applies for registration by submitting the following:

- A request to register the product addressed to:
Ministère de la Santé (Ministry of Health)
Direction du Médicament et de la Pharmacie
B.P. 6202, Rabat Institut, Morocco
Tel :(212-5) 37 77 06 45
- Detailed information on the ingredients, on the production and control process, and on the stability of the product.
- An export certificate provided by the Official Authorities in the exporting country stating that the product is legally marketed for human use in the country of origin. In case of the United States, although the circular does not state it, the FDA certificate is accepted.
- Laboratory analysis certificate provided by official authorities of the exporting country. The result of the analysis should include information on the ingredients, toxicological and

bacteriological analysis, and provide reference of the relevant prevailing regulations in the country of origin.

- Result of the scientific work and experiments made to show the advantage of using the products.
- A sample of the item to be marketed.

Based on the decision of the joint commission from the Ministry of Health and the Ministry of Agriculture, the Ministry of Health issues the Registration Certificate that can be used to clear customs. The certificate is valid for 5 years and is renewable upon request from the importer.

Infant powder milk can only be sold in pharmacies (decision of the joint commission of Ministry of Agriculture and Ministry of Health).

Products included in this group can be sold as “*Dietetic Food*” or “*Diet Food*” except baby formulas and infant food used by healthy children. The labels of these products should include:

- a. Name of the product.
- b. Qualitative and quantitative information or the production process that gives the food its special characteristics.
- c. List of ingredients and additives.
- d. Net weight.
- e. Name and address of the importer.
- f. Lot number.
- g. Production and expiration dates (mention the year) and, if needed, limit date for optimal use.
- h. Precaution measures for its use.
- i. Special storage conditions if any.
- j. Energy content expressed in Kilo-Joules (KJ) or Kilocalorie (Kcal) as well as sugar, protein and fat content per 100 grams or 100 milliliters and daily recommended intake. When the energy content of the food is less than 50 KJ (12 Kcal) the exact energy content may be replaced by the expression “*Energy Value Lower Than 50 KJ (12 Kcal) for 100 Grams Per 1000 Milliliter*”.

For this special group of food, the label should not include any mention of prevention, treatment, or recovery.

Honey

The name “*Honey*” can be used exclusively for the honey produced by bees. When the bees are fed sugar or other sweet feed, except honey, the products should be designated as “*Sugar Honey*”. The label “*honey*” cannot be used for honey caramelized by heat or containing over 25 percent of water. (*Article 5, Ministry Decision March 5, 1928*).

Products that look like honey and that can be used for similar purposes cannot be imported, produced, or held for sale under any name unless they fulfill the conditions above (*Article 6, Decree May 16, 1961*).

The word “*Pure*” can be used only for the honey issued from bees and not for honey from sugar. The country of origin must appear in the honey product label. It should be printed in indelible characters of

at least 5 millimeters. The name of the region may also be indicated on the label of “*Pure honey*”. Mixing honey of different origins is prohibited (*Article 7, Minister’s decision February 6, 1950*).

Marmalade, Jelly, Jams

The denomination “*Marmalade, Jelly, and Jams*” followed by the name of one or several fruits or printed with the indication “*Pure Fruit and Sugar*”, can be used only for the products issued from refined sugar, white crystallized sugar, brown sugar, fresh or dried fruit, or fruit juice. They must be conserved without addition of any antiseptic except Sulfur Anhydride.

Milk replacers containing non butyric are prohibited for imports into Morocco.

The label for milk replacers must have:

- Brand Name, company name and the Import Authorization Number
- The label “Milk for feed use”
- Expiry date

Mixed Feeds

In April 2004, the Ministry of Agriculture issued a decision that amends the original 1948 decision related to mixed feed for animals. The recent decision has, for each type of animals (i.e. cattle, sheep and goats, laying hens, poultry breeding stock, broiler, turkey, quail, ducks, rabbit, ostrich), new minimum nutritional characteristics that must be met depending on the production phases (*Ministry of Agriculture Decision 1239-03 of December 29, 2003, published in Official Bulletin 5200 issued April 1, 2004*).

A license from the Ministry of Agriculture is required to market mixed feed in the Moroccan Market. (*Decision of August 7, 1946 published in the Official Bulletin 1766 of August 30, 1946*). Another decision of the Ministry of Agriculture (*Decision of January 1947, published in Official Bulletin 1788, January 31, 1947*) stipulates that:

- The Ministry of Agriculture issues a license once the Official Laboratory approves the products and assigns a registration number to it.
- The label of the feed must include: the brand, the name and address of the manufacturer, the name of the product, the specie for whom the feed is made, the official laboratory registration number, the manufacturing date.
- The label should be of one of the following colors:
 - a. Red with black printing for mixes
 - b. Blue with black printing for nitrogen concentrate and mineral supplements
 - c. White with printing of different colors according to the targeted species for balanced mixed feed.

The indications on the label should be also printed on promotional material.

The label for feed mixes, defined as 2 or 3 well-mixed feed ingredients whether added or not with minerals or vitamins, must indicate the names of the ingredients and the percentage of each ingredient in the mix.

The label of balanced mixed feed must include also the name and the percentage of the ingredient, the

content in digestible protein, the dry matter content in grams per kilogram, and the feed value expressed in Scandinavian Feed unit per kilogram.

The protein meals cannot be sold without a certificate showing their protein and fat content (*Decision of June 9, 1950, published in the official bulletin #1965 of June 23, 1950*).

The most current positive list of feed and premix additives can be found on the following link:

http://www.onssa.gov.ma/onssa/fr/doc_pdf/liste-positive-aditifs-juin-2013.pdf

Mineral and Nitrogen Supplement for feed

In addition to the labeling required for mixed feed, the labels should include (*Article VII, Decision of January 1947, published in Official Bulletin 1788, January 31, 1947*):

- The amounts at which the supplement is to be incorporated in the rations according to the species, age of the animals and production level.
- Nitrogen concentrate label should show the percentage of digestible protein.
- The content in grams per kilogram of calcium, phosphate, chloride for mineral supplements.

Use of Estrogen, Arsenical, Antimonial Substances, Meat Meal and Animal Fats

Morocco amended its regulation that prohibited imports of animals, and animal products from animals, to which hormones (estrogens) have been administered. The current regulation still prohibits imports of animal products and animals that have been fed animal origin feed (Meat and bone meals – except fish meal) and animal fat. (Decree 2-05-1223 of December 2, 2005, Official Bulletin 5384 published on January 5, 2006).

Beef

The Moroccan government and USDA have worked to lift the ban on imports of beef from the United States as related to bovine spongiform encephalopathy (BSE), and the sanitary certificate that would accompany U.S. beef exports to Morocco is currently under discussion. On May 28, 2013, the World Organization for Animal Health (OIE) approved the United States negligible risk status for BSE, and the new BSE status should accelerate these negotiations.

In addition, meat imported into Morocco for consumption by Moslems, the majority of Morocco's population, needs a "Halal Certificate" issued by a religious organization and recognized by the government of the exporting country. Recently, Morocco's Institute for Normalization (IMANOR) established the Halal standard and certification procedures for food products. The Halal norm for certification is mainly intended for the export market and concerns all products not only meat. The certification requirements are available under the following link:

<http://www.snima.ma/Certification/Labellisation-HALAL/Le-label-National-Halal>



The Halal norm is effective after its publication on the Official Bulletin (*Ministry of Commerce and Industry Decision 2098-12, published in the Official Bulletin 6062 of July 5, 2012*). Until mid-May 2013, Imanor approved eleven companies for using the Halal label and made the list available under the following link:

<http://www.snama.ma/Certification/Labellisation-HALAL/Liste-des-titulaires-du-label-Halal>

A joint circular from the Ministry of Health, Ministry of Agriculture and Ministry of Commerce and Industry sets up maximum microbiological tolerances for meat, dairy, poultry and egg products (*Decision 624-04 of April 8, 2004 published at the Official Bulletin 5214 of May 20, 2004*). Products that do not meet these maximum tolerances are considered unsuitable for consumption.

On June 26, 2013, Morocco made law project # 122.12, which regulates the import of animal and animal products, available for public comment. Starting from the publication date, the government reserved a period of 28 days for public comment. The law # 122.12 aims to enforce the tractability and the control system along the value chain. The new law is intended to align Morocco's regulation to that of the EU and may affect future import requirements. The proposed law is available under the following link: http://www.sgg.gov.ma/projets_com/49/Avp_Loi_122.12_Fr.pdf

Cattle Semen

On February 6, 2013, the Moroccan Ministry of Agriculture issued new performance requirement (# 51 DDFP) for cattle semen imports. Since that time U.S. bovine semen exports have been stopped at the border, and trade has been interrupted. The new requirements contain abnormally high performance standards, and the United States is in discussion with Morocco on these requirements.

Fruit and Vegetable Juices

The basic regulation controlling the production, marketing, and labeling of fruit and vegetable juice is the joint circular 002/97 issued by the Ministry of Agriculture and the Ministry of Health. A copy of the circular can be obtained from FAS -Rabat or directly from ONSSA.

The circular defines which products can have the label "*Vegetable Juice*" and when to use the name of the vegetable, or the words "*Fresh*", "*Pure*", and "*Salted*". It also defines under what conditions mixing and concentration of juice is permitted. Dilution of vegetable juice is prohibited except when it is done right before consumption in presence of the consumer or using adequate mixing machines verified by the Government. It is also prohibited to add alcohol, antiseptics, lactic acid as well as any non-authorized substance.

Juice labels should indicate the name of the importer and the net weight in centiliters.

Salt

All salt whether produced locally or imported must contain Iodine. The iodine must be added in the form of Potassium Iodated (KIO_3) at 80 milligram for every kilogram of salt. A waiver of 10 mg/kg is tolerated.

Salt must be packed with rainproof, chemically stable material. Packs cannot exceed 1-kilogram net weight.

The label "*Iodized Salt*" must be apparent and have a dimension of at least 6 milliliters. It must indicate: the name of the producer, the country of origin, the rate of iodine used, production date, the number of the lot, ingredient list, authorized additives used and net weight. No therapeutically information should be on the label. (*Decree 2-95-709, December 12, 95, Official Bulletin 4338*)

Product Samples and Mail Order Shipments

Samples of food products sent to importers are subject to the full import regulations.

Section VII. Other Specific Standards:

Butter

The prevailing regulation governing the marketing of butter has been issued in 1995 (*Decree 2-93-179, Dec. 12, 1995, issued in the Official Bulletin 4338 and as modified by the Decree 2-99-940 of November 22, 1999, Official Bulletin 4748 of December 12, 1999*).

Morocco defines butter as having a minimum of 82 percent fat and 16 percent water. The United States require the standard butter to have 80 percent minimum fat. The Ministry of Agriculture is amending its regulation on fat content to meet the CODEX requirements but this might take several months.

Meanwhile, a waiver on the 80 percent fat content was given to some importers provided the butter is sold to food processors (and not directly to the public). Butter must also comply with the microbiological requirements as specified by the Ministry of Agriculture.

When the butter is not from cows, the species from which it is issued must be indicated.

Butter with an acidity of over 15 (number of cc of normal potash for each 100 grams of finished products) is considered not suitable for consumption.

In addition to the minimum labeling requirement, imported butter labels must bear the statement "*Pasteurized Butter*", and indicate the country of origin, name of producer and its address, net weight, production date, and the shelf life.

The microbiological, physical, and chemical specifications are required for local and imported butter can be found in the Ministry of Agriculture Decision 699-93 of March 1996 (*Official Bulletin 4370*). This decision sets the maximum tolerated germ concentration and stipulates that the imported butter must fulfill the additional following requirements:

- 1) Imported Butter must be pasteurized and labeled as "*Pasteurized Butter*";
- 2) Butter must not be renovated or regenerated;

3) Butter must be stored at less than - 15 centigrade.

Chocolate

After almost ten years of negotiations between the United States and the relevant Moroccan regulatory agencies, the Moroccan government amended its regulation on the minimum requirement of cocoa in chocolate to meet international standards. In 2010, the new regulation governing chocolate labeling was approved by the Government Council and the Minister's Council (*Decree 2-06-517, JAN. 7, 2010, issued in the Official Bulletin 5802*) to abrogate the old one dated March 15, 1927. Under the old law the term "*chocolate*" could only be used on the label for products containing at least 32 percent of cocoa powder or paste. The term "*Milk chocolate*" could only be used for products containing at least 15 percent of solid matter obtained from evaporated milk. Under the new regulation, the standard is set to 25% cocoa powder or paste for the label chocolate and to 14% of solid matter obtained from evaporated milk for the label "*Milk chocolate*."

Coffee

On July 2012, the Moroccan government amended its regulation to tolerate up to 2 percent of spices of the coffee net weight. The Moroccan government amended its regulation and procedures for labeling "Spiced Coffee" for roasted and ground coffee tolerates the mixed with spices such as canella, ginger, cardamom, clove, nutmeg, white pepper and coriander.

The decree formalizing the new regulation was published on the official bulletin (*Decree 2-12-281, August 1, 2012 issued in the Official Bulletin n°6074*) and is currently in effect. Previously, the main law regulating trade in coffee, chicory and tea was under decree # 2016 of June 15, 1951, which was amended later by the decree # 4440 of November 22, 1996. This law did not allow the mixing of roasted and ground coffee with external substance such as spices or different kinds of coffee.

Day Old Chicks

The most recent regulation governing the imports of day old chicks into Morocco was issued in January 1998 (*Ministry of Agriculture decision of 2421-97 of January 29, 1998, published in the Official Bulletin 4558*). Under this regulation, imported breeding day old chicks that weigh no more than 185 grams must comply with the following requirements:

- Maximum age 1 day.
- The male chicks should represent no more than 20 percent per lot. All male chicks must be nail-trimmed and delivered in separate cases.
- Chicks must be shipped with a Certificate of Origin mentioning the strain and that the birds are for breeding purposes. This certificate must be delivered by the official authorities of the exporting country.

The Ministry of Agriculture and USDA/APHIS finalized a sanitary certificate for imports of day old turkey from the United States.

Live Animal

Bovine:

Effective 2009, U.S. live bovine export to Morocco has been interrupted due to a lack of sanitary certificate. In 2007 and 2008, U.S. exported live bovine to Morocco using an exceptional sanitary certificate. Currently, the sanitary certificate model for importing live bovine is still under negotiation and trade is not allowed yet.

Horses

Effective May 2011, U.S. horses' export to Morocco has been allowed. A sanitary certificate to export U.S. horses to Morocco has been finalized and approved by ONSSA and APHIS. The certificate model is available under the link:

http://www.aphis.usda.gov/regulations/vs/iregs/animals/downloads/mo_eq_hc.pdf

Organic Food

On February 21, 2013, Morocco established its legal framework for organic products and published law # 39-12 in the Official Bulletin #6128. The law # 39-12 regulates production, processing, marketing, and labeling of organic products. To apply for organic product labeling, producers have to file a request (cahier des charges) to a national commission (article 19 of the law). Among other measures, the new law bans genetically engineered (GE) content from being used in the entire production process (Article 11). The law is available under the following link:

http://www.sgg.gov.ma/BO/bulletin/FR/2013/BO_6128_Fr.pdf

Imported organic products should comply with the following:

- The exporting country's organic production process and control system are equivalent to that of Morocco (Article 27).
- The competent authority of the exporting country certifies that organic products comply with its domestic requirements, which are equivalent to that of Morocco (Article 22).

Section VIII. Copyright and/or Trademark Laws:

Morocco is a member of the World Intellectual Property Organization (WIPO) and signed several international agreements for intellectual property rights protection.

The law 31/05 amending and supplementing the law 17/97 relating to the protection of industrial property adopted by the Parliament on December 14, 2005 and was published in the official bulletin n° 5397 on February 20, 2006. This law comprises provisions, which reinforce the system of the industrial property in Morocco, in particular those relating to the opposition system of trademarks, measurements at the borders and the national register of the geographical indications and appellations of origin.

Under the law #25-06 mentioned above, all food and agricultural products with a distinctive sign of origin and quality are protected. The Moroccan Office of the Industrial and Commercial Property (OMPIC) is a key member of the distinctive signs National Commission (article 17 of the law).

Foreign companies enjoy trademarks and brand protection in Morocco as stipulated by the Madrid April 14, 1891, Protocol. Exporters from countries not signatory of the Madrid Arrangement must apply through a resident in Morocco to have their trademarks and brand names registered.

Detailed guides for registration can be obtained through FAS- Rabat Office or directly from:

Office Marocain de la Propriété Industrielle et Commerciale (OMPIC)
Route Secondaire 114, Km 9.5, route de Nouaceur, Sidi Maarouf, Casablanca
Tél: (212-52) 233-5486 Fax: (212-52) 233-5480
Web site: <http://www.ompic.org.ma>

Intellectual Property Right

Plants and Plant Products

Morocco is implementing its intellectual property right (IPR) law for protecting new plant varieties. The basic 9/94 IPR law was published by the Government in 1997, but has been effectively implemented since October 28, 2002 with the publication of various implementing orders.

The IPR law is patterned after the 1991 UPOV (International Union for the Protection of New Varieties of Plants) Convention and should provide adequate protection of breeders' rights and allow plant breeders to reap fair returns from their investment. The law will also allow Moroccan agriculture to benefit from new developments in plant breeding.

Protection of new varieties is not mandatory. The Moroccan law provides breeders from other countries reciprocal treatment. That is, the protection is granted if the country of origin provides at least the same protection to Moroccan breeders. Protection is granted to the breeder if the variety is deemed new, distinct, uniform, stable, and has the appropriate denomination.

A variety is considered new if, at the implementation date, the material to protect has not been sold or given to third parties for use for over 1 year in Morocco and for 4 years abroad (for trees and vineyards, 6 years). The variety has to be distinguishable from any commonly known variety, sufficiently uniform in its relevant characteristics, and have stable characteristics even after repeated propagation. The Ministry of Agriculture has established a list of organizations (local and foreign) that are able to evaluate the variety to protect.

The Ministry of Agriculture has published a list of 76 species for which the breeders' rights can be protected. The list establishes also, for each species, the elements that can be protected. As required by the UPOV convention, the list is expected to be extended to all species within 10 years. A more detailed report on IPR (MO3001) in Morocco can be found at the www.fas.usda.gov.

Also information can be obtained through FAS- Rabat Office or directly from:

Ministère de l'Agriculture et de la Pêche Maritime
Office National de la Sécurité Sanitaire des Produits Alimentaires (ONSSA)

Avenue Haj Ahmed Cherkaoui- Agdal-Rabat-Morocco
Phone: (212-5) 37 67 65 00
Fax : (212-5) 37 68 20 49

Section IX. Import Procedures:

The basic regulation for inspection of food and agricultural products imported into Morocco is the joint Ministry of Finance and Ministry of Agriculture Circular # 1. This circular gives Ministry of Agriculture inspectors of ONSSA and Customs Officials authority to inspect imported food and agricultural products.

The following documentation is normally required to clear imported products:

1. Bill of Lading
2. Certificate of Origin
3. Commercial Invoice
4. Customs Import Declaration
5. Gate Pass (Bon de Sortie);
6. Import Registration Form (engagement d 'importation);
7. Inspection Report (Via the quality control directorate (DCQ) for food and feed products)
8. Packing List

Depending on their nature (animal, plant, raw, or processed) imported products are inspected by different divisions. In major ports (Casablanca, Agadir, and Tangier), the importer deals with the quality control directorate under the regional direction ONSSA, the DCQ (Direction de Contrôle de la Qualité) and the dispatch of the file is done internally depending of the type of product. This office is responsible for controlling most food and agricultural products. In some special cases of products with dietetic or health indications, the Ministry of Health inspectors would intervene.

Typically, the clearing process through DCQ inspectors consists of up to three major steps based on the familiarity with commodity, importer's experience, and sometimes the origin.

- a) Checking the import documents;
- b) Physical control of the commodity, and
- c) Drawing of sample for more detailed laboratory analysis.

DCQ inspectors issue a certificate that authorizes the importer to clear customs. Customs Officers will not authorize the goods into the country without a certificate issued at the point of entry by the DCQ inspectors.

The imported product can follow three possible paths:

- ***Animal and animal products:*** this category includes live animals, animal products and by-products, animal breeding products, sea products, fresh water products, and feedstuffs, including mineral complements and premixes. In this case, a Veterinarian from the Ministry of Agriculture/ONSSA's DCQ issues a sanitary certificate that might result in the imported goods

being admitted or rejected.

- **Plants and plant products** are inspected by inspectors from the DCQ. Based on the results of the control, the Plant Protection inspector issues a phytosanitary certificate in which: a) allows the products to enter the country; b) orders that the product be fumigated at the port or in approved stations; or c) rejects the product and/or orders its destruction.
- **Laboratory analysis:** In addition to the sanitary and phytosanitary control, foodstuffs and feedstuffs are controlled by representatives from the Ministry of Agriculture's and by customs officers who have the authority to request laboratory analysis. Eventually, the designated government laboratories issue a certificate that is necessary for customs clearance.

In order to help DCQ inspector make a quick decision and not request laboratory analysis, the exporter (or local importer) should provide extensive documentation (description of the products, lab analysis result, certification of approval by the government of the exporting country, etc.). Some importers send product samples to the DCQ office before they ship the products to get a feel of what would be required to swiftly clear customs. Also, the most widely used business language in Morocco is French. Therefore, even if English documents are acceptable, it is generally a good practice to present French documents to expedite customs clearance. Normally, it takes less than a week to clear products through customs, with intense scrutiny, particularly for new-to-market items. If a sample of food is taken for laboratory analysis, the customs clearance may be delayed up to 8 days and the importers have to pay the cost of the laboratory analysis.

In order to ease the customs clearance process, it is recommended to use a seasoned customs broker/agent as a key to ensuring an adequate flow through the system; and to explore the online customs system. The Moroccan Customs administration already has in place an online system to provide more predictable information to importers. The online customs system consists of "ADIL" which provides assistance to importers on customs clearance. ADIL system helps the importer obtain the correct tariff classification for the goods they plan to import for the first time. ADIL is available under the following link: <http://www.douane.gov.ma/adil/>. A complementary online system "BADR" is also in place, which provides online customs clearance. "BADR" is available under the following link: <http://badr.douane.gov.ma/Acceuil.html>. The online systems help reducing the customs clearance formalities and will consequently reduce release times. Importers are thus encouraged to seek classification of goods well in advance of their arrival to Morocco in order to avoid delays. Interested parties should visit the online system or contact the Moroccan Customs for more information (see Appendix I for contact information).

Point of Entry to Morocco for Animals and Animal Products

Imported live animals, animal products, and byproducts can enter Morocco only through specified ports and airports. Entry ports are Casablanca, Tangier, Kenitra, Safi, Agadir, Jorf Lasfar, Nador, Al Hoceima, Dakhla and Laayoune. Entry airports are Casablanca (Mohamed V), Agadir, Fes, Tangier, Oujda, Rabat-Sale, Marrakech, Laayoune, Dakhla, and Ouarzazate. (*Minister of Agriculture and Minister of Finance Decision 1726-96 of September 1996, published in Official Bulletin 4418 of October 3, 1996*).

Government Approved Laboratories

The list of approved ONSSA laboratories has been set by decree as stipulated in the 13/83 Fraud Repression Law. The most widely used laboratories are:

Laboratoire Officiel d'Analyse et de Recherches Chimiques-Casablanca

Laboratoire d'Analyse et de Recherches Vétérinaires, Casablanca

Laboratoire du Service du Contrôle et de la Multiplication des Semences et plants-Rabat

Laboratoire de Technologie des Céréales de l'INRA

Laboratoire de Technologie des Céréales de l'ONICL

Laboratoire de l'Institut Pasteur-Casablanca

Laboratoire d'Analyse et de Recherches Vétérinaires de Tanger

Laboratoire d'Analyse et de Recherches Vétérinaires d'Agadir

Laboratoire de l'Institut National d'Hygiène

Appeals System

According to the 13-83 food law, when the laboratory results provides evidence that the imported product does not comply with the prevailing regulations, the importer is notified by the chief of the competent authority at ONSSA. The importer may appeal within eight days after the receipt of the notification and may request a second laboratory analysis be made. The chief of the competent authority sends the product samples to a second approved laboratory. The results of the second analysis are also provided to the head of ONSSA.

Normally, the importer will pay a deposit to the Moroccan Treasury that will be used, if the second analysis confirms the first results, to pay additional charges such as storage of the goods, laboratory cost, and sample delivery. If the results of the second analysis don't provide any evidence of law violation, the deposit is refunded back to the importer.

When the importer does not appeal within eight days, and the results of the second analysis confirm the results of the first one, the Directorate of Quality Control (DCQ) delivers to the Customs Service a sanitary certificate of non admission into the national territory, in order to proceed with rejecting the product. A copy of the certificate is sent to the importer or to his representative. Rejected products are not allowed entry and all transshipment or re-export must be through a written request to the DCQ.

Appendix I. Government Regulatory Agency Contacts:

Ministère de l'Agriculture et de la Pêche Maritime

Office National de la Sécurité Sanitaire des Produits Alimentaires (ONSSA)

Avenue Haj Ahmed Cherkaoui- Agdal-Rabat- Morocco

Phone : (212-5) 37 67 65 00/

Fax : (212-5) 37 68 20 49

Contact List : http://www.onssa.gov.ma/onssa/fr/doc_pdf/page_de_contact.pdf

Direction du Contrôle de la Qualité (DCQ) - Port Casablanca

Port de Commerce de Casablanca, Morocco

Phone : (212-2) 231-7047 Fax : (212-2) 231-8648
Email : dcqcasa@yahoo.fr

Ministère de la Santé (Ministry of Health)

Direction du Médicament et de la Pharmacie

B.P. 6202, Rabat Institut, Morocco

Tel : (212-53) 777 0645

Web Site: <http://www.sante.gov.ma/Departements/DMP/index-dmp.htm>

Office Marocain de la Propriété Industrielle et Commerciale (OMPIC)

Route Secondaire 114, Km 9.5, route de Nouaceur, Sidi Maarouf, Casablanca

Tél: (212-52) 233-5486 Fax: (212-52) 233-5480

Web site: <http://www.ompic.org.ma>

Institut Marocain de Normalisation (IMANOR)

Angle Avenue Kamal Zebdi et Rue Dadi, Secteur 21, Hay Riyad, Rabat, MAROC

Tél: (212 53) 771 6214 Fax : (212 53) 771 1798

Contacts List : <http://www.snima.ma/IMANOR/Contacts>

Administration de la Douane Marocaine

Avenue Annakhil, Hay Riad- Rabat-Morocco

Phone: 212 (0)5 37 57 90 01/02/03

Web Site: www.douane.gov.ma

Contact List : <http://www.douane.gov.ma/web/guest/contacts>

Appendix II. Other Import Specialist Contacts:

Agricultural Affairs Office

American Embassy-Rabat

2, Avenue Mohamed El Fassi

B.P. 120, Rabat.

Contact : Sarah. Hanson, Agricultural Attaché

Idriss El Honsali, Agricultural Specialist

Phone: (212-5) 3776-5987 Fax :(212-5) 3776-5493

Email: AgRabat@usda.gov

