

ANNEX I

1. The Schedule of a Party to this Annex sets out, pursuant to Articles 10.12 (Non-Conforming Measures) and 11.6 (Non-Conforming Measures), a Party's existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 10.3 or 11.2 (National Treatment);
- (b) Article 10.4 or 11.3 (Most-Favored-Nation Treatment);
- (c) Article 11.5 (Local Presence);
- (d) Article 10.8 (Performance Requirements);
- (e) Article 10.9 (Senior Management and Boards of Directors); or
- (f) Article 11.4 (Market Access).

2. Each Schedule entry sets out the following elements:

- (a) **Sector** refers to the sector for which the entry is made;
- (b) **Obligations Concerned** specifies the obligation(s) referred to in paragraph 1 that, pursuant to Articles 10.12.1(a) (Non-Conforming Measures) and 11.6.1(a) (Non-Conforming Measures), do not apply to the non-conforming aspects of the law, regulation, or other measure identified in the **Measures** element of an entry in the schedule of the United States, and to the non-conforming aspects of a law, regulation, or other measure that are set out in the **Description** element of an entry in the schedule of Morocco;
- (c) **Level of Government** indicates the level of government maintaining the scheduled measure(s);
- (d) **Measures** identifies the laws, regulations, or other measures for which the entry is made. A measure cited in the **Measures** element:

- (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure;
- (e) **Description**, for Morocco, sets out the non-conforming aspects of the measure for which the entry is made; and **Description**, for the United States, provides a general, nonbinding, description of the measure for which the entry is made.

3. In accordance with Articles 10.12.1(a) (Non-Conforming Measures) and 11.6.1(a) (Non-Conforming Measures), and subject to Articles 10.12.1(c) (Non-Conforming Measures) and 11.6.1(c) (Non-Conforming Measures), the articles of this Agreement specified in the **Obligations Concerned** element of an entry do not apply to the non-conforming aspects of the law, regulation, or other measure identified in the **Measures** element of that entry in the schedule of the United States, and to the non-conforming aspects of a law, regulation, or other measure that are set out in the **Description** element of that entry in the schedule of Morocco.

4. Where a Party maintains a measure that requires that a service supplier be a citizen, permanent resident, or resident of its territory as a condition to the supply of a service in its territory, a Schedule entry for that measure taken with respect to Article 11.2 (National Treatment), 11.3 (Most-Favored-Nation Treatment), or 11.5 (Local Presence) shall operate as a Schedule entry with respect to Article 10.3 (National Treatment), 10.4 (Most-Favored-Nation Treatment), or 10.8 (Performance Requirements) to the extent of that measure.

5. For greater certainty, an annex entry taken with respect to Article 11.4 (Market Access) shall apply to the cross-border supply of a service and to the supply of a service in the Party's territory by an investor of the other Party or a covered investment unless the text of the **Description** element provides otherwise. It is not necessary to reference "investment" in the heading of the **Description** element for the annex entry to apply in this manner.

ANNEX I
SCHEDULE OF MOROCCO

Sector:	Tourism – Guides and Accompanying Personnel
Obligations Concerned:	National Treatment (Articles 10.3, 11.2)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-97-05 of January 25, 1997 enacting Law No. 30-96 regulating tour and mountain guides and accompanying personnel <i>Dahir</i> No. 1-97-64 of February 12, 1997 enacting Law No. 31-96 regulating travel agencies
Description:	<u>Cross-Border Services and Investment</u> Only Moroccan nationals may serve as licensed tour or mountain guides. However, foreign nationals may accompany tour groups from a foreign country to Morocco and on tours of Morocco. Such accompanying personnel may not serve as licensed tour or mountain guides.

Sector:	Wholesale Fruit, Vegetable, and Fish Markets
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-297 of October 3, 2002 enacting Law No. 78-00 on the Charter of the Communes (<i>Charte Communale</i>) Order of May 22, 1962 of the Interior Minister regulating authorized agents and enacting the regulations on wholesale fruit, vegetable, and fish markets in urban districts
Description:	<u>Cross-Border Services</u> The operation of wholesale fruit, vegetable, and fish markets is a municipal monopoly.

Sector:	Slaughterhouse Operations
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-297 of October 3, 2002 enacting Law No. 78-00 on the Charter of the Communes (<i>Charte Communale</i>) <i>Dahir</i> No. 1-89-187 of November 21, 1989 enacting Law No. 30-89 on taxation of local communities and community associations
Description:	<u>Cross-Border Services</u> Slaughterhouse operations are a municipal monopoly.

Sector:	Wholesale Distribution of Ethyl Alcohol
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Vizierial Order of July 18, 1938 facilitating reductions of surplus wine stocks Decree No. 2-72-377 of December 18, 1972 on the elimination of the <i>Bureau des Vins et Alcools</i> and on the transfer of its functions
Description:	<u>Cross-Border Services</u> Wholesale distribution of ethyl alcohol, excluding derivative products containing ethyl alcohol, produced in Morocco for industrial use is a State monopoly exercised by the <i>Service Autonome des Alcools</i>, an entity of the Department of Commerce and Industry.

Sector:	Energy – Electrical
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-63-226 of August 5, 1963 creating the <i>Office National de l'Electricité</i> (“ONE”), as modified and completed by Decree 2-94-503 of September 23, 1994 Decree governing the establishment and operation of public utility companies (1964) Law No. 78-00 of October 3, 2002 on the Charter of the Communes (<i>Charte Communale</i>)
Description:	<u>Cross-Border Services</u> The transmission of electricity is a State monopoly exercised by the ONE. The distribution of electricity is handled by the ONE and municipal councils through public utility companies. The municipal council may authorize the distribution of electricity through public utility companies or may delegate the distribution of electricity, following a call for bids, to private enterprises.

Sector:	Potable Water, Excluding Bottled Water
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-72-103 of April 3, 1972 creating the <i>Office National de l'Eau Potable</i> ("ONEP") Law No. 78-00 of October 3, 2002 on the Charter of the Communes (<i>Charte Communale</i>)
Description:	<u>Cross-Border Services</u> The distribution of potable water, excluding bottled water, is handled by the municipal councils through ONEP and public utility companies. The municipal council is authorized to determine the terms of management of municipal-based public services related to potable water, excluding bottled water. It may authorize the distribution of such water through ONEP or public utility companies or may delegate the distribution of such water, following a call for bids, to private enterprises.

Sector:	Phosphates
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of April 16, 1951 enacting the mining regulations
Description:	<u>Cross-Border Services</u> The search (<i>i.e.</i> , exploration) for phosphates is a State monopoly exercised by the <i>Office Chérifien des Phosphates</i> .

Sector:	Ores Other than Phosphates
Obligations Concerned:	Local Presence (Article 11.5) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of April 16, 1951 enacting the mining regulations
Description:	<u>Cross-Border Services</u> An initial permit granted for the search (<i>i.e.</i>, exploration) for ores other than phosphates confers rights over a surface area of 4x4 km². Additional permits may be granted covering up to a maximum area of 250 km² (approximately 16 permits). This maximum area may not be exceeded unless authorized by the Prime Minister. The permit holder must designate an agent domiciled in Morocco to ensure the handling of applications or declarations regarding mining titles.

Sector:	Small-Scale Mining in the Tafilalet and Figuig Region
Obligations Concerned:	National Treatment (Article 10.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of December 1, 1960 regulating small-scale mining in the Tafilalet and Figuig region
Description:	<u>Cross-Border Services and Investment</u> The mining of lead, zinc, and barite ores in the Tafilalet and Figuig region is reserved for small-scale miners from that region.

Sector:	Hydrocarbons
Obligations Concerned:	Performance Requirements (Article 10.8)
Level of Government:	Central
Measures:	Hydrocarbon Code: Law No. 21-90, as amended and supplemented by Law No. 27-99, as enacted by <i>Dahir</i> No. 1-99-340 of February 15, 2000 Decree No. 2-93-786 of November 3, 1993 enforcing Law No. 21-90
Description:	<u>Investment</u> The granting of prospecting licenses for hydrocarbons is contingent on the conclusion of a petroleum agreement with the State, which may include performance requirements. For greater certainty, such performance requirements shall in all cases be consistent with the WTO Agreement on Trade-Related Investment Measures.

Sector:	Architectural Services
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-92-122 enacting Law No. 016-89 on the practice of the profession of architect and creation of the Moroccan Architects' Association <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> A foreign national may supply architectural services in Morocco if such person elects domicile with a Moroccan architect established in Morocco. To establish a practice as an architect, a person must be a Moroccan national. Notwithstanding the preceding sentence, a foreign national may be authorized to establish a practice as an architect, taking into account the needs of the sector. Such authorization may be granted for the territory as a whole or for a specific administrative district.

Sector:	Private Primary and Secondary Education
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Law No. 06/00 of May 19, 2000 (Official Bulletin No. 4800 of June 1, 2000) constituting the Statute on Private Education
Description:	<u>Investment</u> The supply of management or teaching services at private primary and secondary schools by foreign nationals is subject to the issuance of an employment authorization, which must take into account the needs of the sector.

Sector:	Private Higher Education
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	Law No. 01-00 establishing the higher education system (published June 1, 2000) Executive Order No. 2-00-1015
Description:	<u>Cross-Border Services and Investment</u> Only a Moroccan national may hold the position of educational director of a private institution of higher education. Notwithstanding the preceding sentence, an authorization for a foreign national to hold the position of educational director of a private institution of higher education may be granted on a case-by-case basis, taking into account the proposed academic program of the institution. In all cases, the educational director of a private institution of higher education must have residency in Morocco.

Sector:	Professional Services – Attorneys and Sworn Translators/Interpreters
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> enacting Law No. 1-93-162 of September 10, 1993 regulating the profession of attorney Decree No. 2-81-276 of February 1, 1982 establishing the conditions for obtaining the certificate of competence to practice the profession of attorney <i>Dahir</i> No. 1-01-127 of June 22, 2001 enacting Law No. 50-00 regarding sworn translators Executive Order No. 2826.01.2 of June 17, 2002
Description:	<u>Cross-Border Services and Investment</u> <u>Attorneys</u> An attorney may practice law in Morocco (that is, plead before the courts) only if he or she fulfills certain conditions, including the following conditions, which are inconsistent with the obligations listed above: (a) have status as a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing a national of either State to practice law in the territory of the other State; (b) have only one office, which may not be organized as a corporation;

- (c) have permanent residency in Morocco; and
- (d) in the case of foreign nationals, elect domicile with a duly admitted Moroccan attorney.

In a particular case, an attorney not otherwise authorized to practice law in Morocco may plead before the courts if:

- (a) he or she is a national of a State that has entered into an agreement with Morocco authorizing a national of either State to practice law in the territory of the other State; and
- (b) he or she elects domicile with a duly admitted Moroccan attorney.

For greater certainty, foreign legal consultancy services are permitted.

Sworn Translators/Interpreters

A person may practice as a sworn translator/interpreter in the courts only if he or she fulfills certain conditions, including the following conditions, which are inconsistent with the obligations listed above:

- (a) have status as a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing a national of either State to practice as a sworn translator/interpreter in the territory of the other State; and
- (b) have permanent residency in Morocco.

Sector:	Professional Services – Certified Legal Experts
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-01-126 of June 22, 2001 enacting Law No. 45-00 regulating the profession of legal expert Executive Order No. 2824.01.2 of June 17, 2002 adopted to implement law No. 45-00 regarding certified experts
Description:	<u>Cross-Border Services and Investment</u> A person may practice as a certified legal expert in the courts only if he or she fulfills certain conditions, including the following conditions, which are inconsistent with the obligations listed above: (a) have status as a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing a national of either State to practice as a certified legal expert in the territory of the other State; and (b) elect domicile with a Moroccan certified legal expert.

Sector:	Professional Services – Notaries
Obligations Concerned:	National Treatment (Articles 10.3, 11.2)
Level of Government:	Central
Measures:	<i>Dahir</i> of May 4, 1925 on the practice of the profession of notary (Official Bulletin No. 661 of June 25, 1925), as amended and supplemented by the <i>Dahir</i> of May 17, 1930, the <i>Dahir</i> of May 18, 1934, and the <i>Dahir</i> of May 25, 1934
Description:	<u>Cross-Border Services and Investment</u> Notaries must be Moroccan nationals.

Sector:	Professional Services – Bailiffs
Obligations Concerned:	National Treatment (Articles 10.3, 11.2)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-80-440 of December 25, 1980 enacting Law No. 41-80 on the creation and organization of a body of bailiffs (Article 4)
Description:	<u>Cross-Border Services and Investment</u> Bailiffs must be Moroccan nationals.

Sector:	Professional Services – Auxiliary Clerk-Notaries (<i>Adouls</i>)
Obligations Concerned:	National Treatment (Articles 10.3, 11.2)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-81-332 of May 6, 1982 (Article 2) enacting Law No. 10-81 on the organization of the profession of auxiliary clerk-notaries (<i>adouls</i>)
Description:	<u>Cross-Border Services and Investment</u> Auxiliary clerk-notaries (<i>adouls</i>) must be Moroccan nationals.

Sector:	Professional Services – Transcribers (<i>Nassikh</i>)
Obligations Concerned:	National Treatment (Articles 10.3, 11.2)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-01-124 of June 22, 2001 enacting Law No. 49-00 on the organization of the profession of transcribers (<i>nassikh</i>) (Article 3)
Description:	<u>Cross-Border Services and Investment</u> Transcribers (<i>nassikh</i>) must be Moroccan nationals.

Sector:	Health – Physicians
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-96-123 enacting Law No. 10-94 (B.O. of November 21, 1996) on the practice of medicine (Articles 11, 12, and 14) Decree No. 2-97-421 enforcing Law No. 10-94 (B.O. of November 6, 1997) on the practice of medicine (Articles 5, 6, 11, and 12)
Description:	<u>Cross-Border Services and Investment</u> A foreign physician may engage in the private practice of medicine only if he or she fulfills certain conditions, including the following conditions, which are inconsistent with the obligations listed above: (a) have permanent residency in Morocco; (b) have status as the spouse of a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing a national of either State to practice medicine in the territory of the other State; and (c) have government authorization. Notwithstanding paragraphs (a) and (b), the Ministry of Health may authorize foreign physicians to practice in Morocco for periods not exceeding one month with respect to specialties that do not exist in Morocco.

Sector:	Health – Establishing Clinics or Comparable Medical Facilities
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-96-123 enacting Law No. 10-94 (B.O. of November 21, 1996) on the practice of medicine (Article 22) Law No. 10-94 (B.O. of November 6, 1997) on the practice of medicine (Articles 22 and 24) <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> Only physicians who have fulfilled the requirements for practicing medicine in Morocco may establish private clinics and comparable medical facilities, such as birthing centers, water therapy (<i>thalassotherapie</i>) centers, medical care centers and other centers providing in-patient care for periods of at least twenty-four hours, kidney dialysis centers, radiotherapy centers, and chemotherapy centers.

Sector:	Health – Pharmacists
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-59-367 of February 19, 1960 on the practice of the professions of physician, pharmacist, dental surgeon, herbalist, and midwife <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> In deciding whether to authorize a foreign national to practice the profession of pharmacist, Morocco may take into account the needs of the sector.

Sector:	Health – Pharmaceutical Firms
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4) Senior Management and Boards of Directors (Article 10.9) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-59-367 of February 19, 1960 on the practice of the professions of physician, pharmacist, dental surgeon, herbalist, and midwife <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> The establishment in Morocco of a firm engaged in the manufacture or wholesale distribution of pharmaceutical products is contingent on the requirement that 51 percent of the capital stock be held by pharmacists. A majority of that 51 percent of capital stock (<i>i.e.</i> , at least 26 percent of the total capital stock) must be held by persons authorized to practice as pharmacists in Morocco. In an enterprise established in Morocco and engaged in the manufacture or wholesale distribution of pharmaceutical products, the following persons must be pharmacists: (a) in sole proprietorships, the sole proprietor; (b) in corporations, the president and one-half plus one of the members of the board of directors; (c) in limited-liability companies and limited partnerships, all managerial personnel; and (d) in other types of enterprises, all the principals.

Sector:	Health – Dental Surgeons, Midwives, Nurses, and Opticians
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-59-367 of February 19, 1960 on the practice of the professions of physician, pharmacist, dental surgeon, herbalist, and midwife <i>Dahir</i> No. 1-59-008 of February 19, 1960 regulating the practice of the profession of nursing <i>Dahir</i> of October 4, 1954 regulating the practice of the profession of optician <i>Dahir</i> of November 15, 1934 on immigration
Description:	<u>Cross-Border Services and Investment</u> In deciding whether to authorize a foreign national to practice the profession of dental surgeon, midwife, nurse, or optician, Morocco may take into account the needs of the sector.

Sector:	Health – Private Biomedical Analysis Laboratories
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-252 enacting Law No. 12-01 (B.O. of November 7, 2002) regarding private biomedical analysis laboratories (Articles 5 and 6)
Description:	<u>Cross-Border Services and Investment</u> A foreign pharmacist, physician, or veterinarian may establish, operate, and manage a private biomedical analysis laboratory only if he or she fulfills certain conditions, including the following conditions, which are inconsistent with the obligations listed above: (a) have permanent residency in Morocco; and (b) have status as the spouse of a Moroccan national or as a national of a State that has entered into an agreement with Morocco authorizing a national of either State to establish, operate, or manage private biomedical analysis laboratories in the territory of the other State.

Sector:	Accounting and Auditing Services
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	Law No. 15-89 regulating the practice of Certified Accountancy and establishing <i>l'Ordre des Experts-Comptables</i> , as enacted by <i>Dahir</i> No. 1-92-139 of January 8, 1993 Decree No. 2-92-837 of February 3, 1993
Description:	<u>Cross-Border Services and Investment</u> <u>Certified Accountants</u> In order to practice certified accountancy and financial auditing in Morocco, a person must be a member of <i>l'Ordre des Experts-Comptables</i> ("OCA"). Any enterprise providing certified accountancy and financial auditing services, even one possessing exclusively foreign share capital, may be established in Morocco if persons providing such services are members of the OCA. Membership by a foreign national in the OCA requires: (a) that the person be a national of a State that has entered into an agreement with Morocco authorizing a national of either State to practice certified accountancy and financial auditing in the territory of the other State; and (b) permanent residency in Morocco. For greater certainty, only certified accountants may certify accounts.

Qualified Accountants (*Comptables Agrées*)

To practice in Morocco as a qualified accountant (*comptable agréé*), a person must be a Moroccan national resident in Morocco.

Accountants

For greater certainty, the practice of accountancy in Morocco, other than as a certified accountant or a qualified accountant, is not limited, except that a person practicing such accountancy must be resident in Morocco. However, in a particular case, an accountant not resident in Morocco may supply accountancy services other than as a certified accountant or qualified accountant.

Sector:	Audiovisual Services – Film Production Services
Obligations Concerned:	Performance Requirements (Article 10.8) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 20-99 (B.O. of March 15, 2001) on the establishment of the film industry, production, and executive production Law 17-94 1997/1998 Appropriation Law <i>Dahir</i> No. 1-77-230 on the establishment of the Moroccan Film Center (<i>Centre Cinématographique Marocain</i>) Decree No. 2-87-749 of December 30, 1987
Description:	<u>Cross-Border Services and Investment</u> In order to be established in Morocco, production enterprises must be organized as corporations (<i>Sociétés Anonymes, SA</i>) or limited-liability companies (<i>Sociétés à Responsabilité Limitée, SARL</i>) with fully paid in capital. In order to be established in Morocco, a production enterprise engaging in executive production must fulfill certain conditions, including the following condition, which is inconsistent with the obligations listed above: have produced, as an enterprise established in Morocco, at least one feature-length film or three short films that are cinematographic and filmed in Morocco. “Executive production” means the supply of the following services pursuant to a contract with an enterprise not organized under Moroccan law: the management of film

production, the supply of services related to the constitution of technical/artistic teams, and filming.

Sector:	Audiovisual Services – Film and Videotape Distribution
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	Law No. 20-99 (B.O. of March 15, 2001) on the establishment of the film industry, production, and executive production Law 17-94 1997/1998 Appropriation Law <i>Dahir</i> No. 1-77-230 on establishment of the Moroccan Film Center (<i>Centre Cinématographique Marocain</i>) Decree No. 2-87-749 of December 30, 1987
Description:	<u>Cross-Border Services</u> In order to be established in Morocco, distribution enterprises must be organized as corporations (<i>Sociétés Anonymes, SA</i>) or limited-liability companies (<i>Sociétés à Responsabilité Limitée, SARL</i>) with fully paid in capital.

Sector:	Communications – Miscellaneous Services; Services Supplied to Enterprises
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-207 of October 3, 2002 enacting Law No. 77-00 modifying and completing <i>Dahir</i> 1-58-378 establishing the Publication and Press Code
	<i>Dahir</i> No. 1-02-212 of August 31, 2002
Description:	<u>Cross-Border Services</u> News agencies, other than the Maghreb Arab Press, may be established in Morocco only if they obtain government authorization. For greater certainty, foreign news agencies may supply their services from outside Morocco to any customers in Morocco without restriction.

Sector:	Agriculture
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-73-645 of April 23, 1975, regarding the purchase of agricultural land outside urban areas
Description:	<u>Investment</u> A foreign person may not purchase land located outside urban areas that is used, or could be used, for agricultural purposes, unless the foreign person intends to use such land for non-agricultural purposes. For greater certainty, a foreign person may lease such land for either agricultural or non-agricultural purposes.

Sector:	Tobacco Products
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-03-53 of March 24, 2003 enacting Law No. 46-02 on tobacco and the manufactured tobacco products regime
Description:	<u>Cross-Border Services</u> The wholesale distribution of manufactured tobacco products shall remain a State monopoly until December 31, 2007.

Sector:	Environment – Garbage and Trash Collection, Waste Disposal, and Sanitation and Similar Services
Obligations Concerned:	Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-02-297 of October 3, 2002 enacting Law No. 78-00 on the Charter of the Communes (<i>Charte Communale</i>)
Description:	<u>Cross-Border Services</u>

The municipal council shall have the authority to determine the terms of management of municipal-based public services related to garbage and trash collection, non-hazardous waste disposal, and sanitation and similar services. It shall decide on the methods of management of such services, *i.e.*, direct control by the municipal council, independent management, concession, or any other type of delegated management of public services in accordance with the laws and regulations in force.

Sector:	Fishing Licenses
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of November 23, 1973 establishing the regulations governing maritime fisheries <i>Dahir</i> of April 8, 1981 creating an exclusive economic zone extending 200 miles off the Moroccan coasts
Description:	<u>Investment</u> Commercial fishing requires a fishing license, which shall be issued to: (a) Moroccan-flag vessels (described in the schedule entry for “Moroccan-Flag Vessels”); (b) foreign-flag vessels chartered by Moroccan nationals; and (c) foreign-flag vessels operated by foreign nationals only if such nationals are from a State that has entered into a bilateral fishing agreement with Morocco.

Sector:	Fishing Enterprises
Obligations Concerned:	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	Maritime Commercial Code of March 31, 1919, as amended and supplemented
Description:	<u>Investment</u> In order for a fishing enterprise established in Morocco to own Moroccan-flag fishing vessels (described in the schedule entry for “Moroccan-Flag Vessels”) and to hold a fishing license for such vessels, the president and a majority of the members of the board of directors of the enterprise must be Moroccan nationals.

Sector:	Fish Farming
Obligations Concerned:	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	<i>Dahir</i> of November 23, 1973 establishing the regulations governing maritime fisheries <i>Dahir</i> of April 8, 1981 creating an exclusive economic zone extending 200 miles off the Moroccan coasts Decree of December 29, 1992 establishing the terms and conditions for issuance and renewal of fishing licenses Maritime Commercial Code of March 31, 1919, as amended and supplemented (Article 3)
Description:	<u>Investment</u> Vessels used for fish farming must be Moroccan-flag vessels (described in the schedule entry for “Moroccan-Flag Vessels”), and the president and a majority of the members of the board of directors of enterprises that own such vessels must be Moroccan nationals.

Sector:	Maritime Transportation – Passenger and Goods Transportation
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Maritime Commercial Code of March 31, 1919, as amended and supplemented
Description:	<u>Cross-Border Services and Investment</u> Regular shipping line services established in Morocco must use Moroccan-flag vessels (described in the schedule entry for “Moroccan-Flag Vessels”) exclusively. Cabotage is the exclusive purview of the national fleet. Only a person that owns a Moroccan-flag vessel may charter a foreign vessel. Morocco is a signatory to the U.N. Code of Conduct for Liner Conferences (the “Code”), which provides for the allocation of international liner vessel cargoes among the countries that are signatories to the Code on the basis of a 40:40:20 allocation scheme.

Sector:	Moroccan-Flag Vessels
Obligations Concerned:	National Treatment (Article 10.3) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	Maritime Commercial Code of March 31, 1919, as amended and supplemented
Description:	<u>Investment</u>

A ship whose owners wish to fly the Moroccan flag must meet the following requirements:

- (a) The ship must have its port of registry in Morocco.
- (b) The ship must engage in sailing activities that use Moroccan ports.
- (c) In the case of a ship whose owners are natural persons, the ship must be 75 percent owned by Moroccan nationals.
- (d) In the case of a ship whose owner is an enterprise, a majority of the members of the board of directors, as well as the president, must be Moroccan nationals.
- (e) The ship must be operated by a Moroccan crew.
- (f) The ship must be less than 21 years old, as measured from the date the ship was first put into service.

Notwithstanding paragraphs (c) and (d), ships owned by foreign nationals may fly the Moroccan flag, provided that Tangier is the port of registry and that, if the owner is a natural person, the owner is domiciled in Morocco, or if the owner is an enterprise, the owner has its headquarters in Tangier.

Sector:	Air Carriers
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-57-281 of 1957 and Decree No. 2-61-161 of July 10, 1962 enacting regulation of civil aviation
Description:	<u>Investment</u> An enterprise providing air transportation services may be established in Morocco if: (a) at least 51 percent of its capital is held by Moroccan nationals; (b) all of its aircraft have a regular home port in Morocco and are inscribed on Morocco's aircraft registry; (c) it is headquartered in Morocco; and (d) it has an authorization to operate issued by the Ministry of Transportation.

Sector:	Rail Transportation – Passenger and Goods Transportation and Pushing/Towing Service
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-63-225 of August 5, 1963 creating the <i>Office National des Chemins de Fer</i>
Description:	<u>Cross-Border Services</u> Rail passenger and goods transportation and pushing and towing services are a State monopoly.

Sector:	Land Transportation – Passenger and Goods Transportation
Obligations Concerned:	Most-Favored-Nation Treatment (Article 11.3) Market Access (Article 11.4)
Level of Government:	Central
Measures:	Decree No. 2-63-364 of December 4, 1963 concerning authorization of suppliers of public transportation services using motor vehicles and the authorization of the vehicles used in these haulage activities <i>Dahir</i> No. 1-63-260 of November 12, 1963 as amended by Law 16-99 on reform of the highway cargo-haulage system Decree No. 2-83-704 of January 29, 1985 amending and supplementing Decree No. 2-63-364 of December 4, 1963 concerning authorization of suppliers of public transportation services using motor vehicles and the authorization of the vehicles used in these haulage activities
Description:	<u>Cross-Border Services</u> In order to supply domestic point-to-point highway passenger and goods transportation services, an enterprise must be organized under Moroccan law. In order for an enterprise to supply highway passenger and goods transportation services from points outside the territory of Morocco to points in the territory of Morocco, or from points in the territory of Morocco to points outside the territory of Morocco, the enterprise must be organized under Moroccan law or under the law of a State that has entered into an agreement with Morocco authorizing the supply of such services.

Sector:	Postal and Mail Services
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> of November 24, 1925 and Law No. 24-96 of August 7, 1997 on postal and telecommunications services Order No. 393-98 of March 2, 1998 issued by the Ministry of Telecommunications
Description:	<u>Cross-Border Services</u> The postal-service sector is a State monopoly. However, this monopoly does not apply to the supply of express delivery services supplied from points outside the territory of Morocco to points in its territory, or from points in the territory of Morocco to points outside its territory, or from point-to-point in the territory of Morocco of letters and other materials over one kilogram.

Sector:	Port Operations
Obligations Concerned:	Market Access (Article 11.4)
Level of Government:	Central
Measures:	<i>Dahir</i> No. 1-84-194 of December 28, 1984 promulgating Law No. 6-84 creating the Port Authority (<i>Office d'exploitation des ports</i>) ("ODEP") Decree No. 2-84-844 implementing Law No. 6-84 creating the ODEP
Description:	<u>Cross-Border Services</u> Port operations are a State monopoly exercised by the ODEP. The ODEP carries out port-related services, including piloting, towing, refueling, cargo handling and warehousing, unloading, loading, and shipping of liquid products in bulk, and the handling and storage of solid products in bulk. However, vessels that are equipped with cargo handling gear may perform their own unloading and loading services using the vessel's crew. The State may transfer port-related services from the ODEP to state enterprises or, following a call for bids, to private enterprises.

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Article 7 of Law 35-94 of January 26, 1995 on negotiable debt securities
Description:	<u>Investment</u> Enterprises, other than banks or financing companies, operating through branches or other entities not organized under Moroccan law may not issue negotiable debt securities with a maturity of less than one year in Morocco.

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	Article 15 of the <i>Dahir</i> promulgating Law No. 1-93-211 of September 21, 1993 on the stock market, as modified and supplemented
Description:	<u>Investment</u> Enterprises not headquartered in Morocco and natural persons not resident in Morocco may effect a public issue of debt or equity securities only after securing the prior approval of the Finance Minister.

ANNEX I
SCHEDULE OF THE UNITED STATES

Sector:	Atomic Energy
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	<i>Atomic Energy Act of 1954</i> , 42 U.S.C. §§ 2011 <u>et seq.</u>
Description:	<u>Investment</u> A license issued by the United States Nuclear Regulatory Commission is required for any person in the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, use, import, or export any nuclear “utilization or production facilities” for commercial or industrial purposes. Such a license may not be issued to any entity known or believed to be owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government (42 U.S.C. § 2133(d)). A license issued by the United States Nuclear Regulatory Commission is also required for nuclear “utilization and production facilities,” for use in medical therapy, or for research and development activities. The issuance of such a license to any entity known or believed to be owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government is also prohibited (42 U.S.C. § 2134(d)).

Sector:	Business Services
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Export Trading Company Act of 1982</i> , 15 U.S.C. §§ 4011-4021 15 C.F.R. Part 325
Description:	<u>Cross-Border Services</u> Title III of the <i>Export Trading Company Act of 1982</i> authorizes the Secretary of Commerce to issue “certificates of review” with respect to export conduct. The Act provides for the issuance of a certificate of review where the Secretary determines, and the Attorney General concurs, that the export conduct specified in an application will not have the anticompetitive effects proscribed by the Act. A certificate of review limits the liability under federal and state antitrust laws in engaging in the export conduct certified. Only a “person” as defined by the Act can apply for a certificate of review. “Person” means “an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between such persons.” A foreign national or enterprise may receive the protection provided by a certificate of review by becoming a “member” of a qualified applicant. The regulations define “member” to mean “an entity (U.S. or foreign) that is seeking protection

under the certificate with the applicant. A member may be a partner in a partnership or a joint venture; a shareholder of a corporation; or a participant in an association, cooperative, or other form of profit or nonprofit organization or relationship, by contract or other arrangement.”

Sector:	Business Services
Obligations Concerned:	National Treatment (Article 11.2) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	<i>Export Administration Act of 1979, as amended</i> , 50 U.S.C. App. §§ 2401-2420 <i>International Emergency Economic Powers Act</i> , 50 U.S.C. §§ 1701-1706 <i>Export Administration Regulations</i> , 15 C.F.R. Parts 730 - 774
Description:	<u>Cross-Border Services</u> With some limited exceptions, exports and reexports of commodities, software, and technology subject to the Export Administration Regulations require a license from the Bureau of Industry and Security, U.S. Department of Commerce (BIS). Certain activities of U.S. persons, wherever located, also require a license from BIS. An application for a license must be made by a person in the United States. In addition, release of controlled technology to a foreign national in the United States is deemed to be an export to the home country of the foreign national and requires the same written authorization from BIS as an export from the territory of the United States.

Sector:	Mining
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
Level of Government:	Central
Measures:	<i>Mineral Lands Leasing Act of 1920</i> , 30 U.S.C. Chapter 3A 10 U.S.C. § 7435
Description:	<u>Investment</u> Under the Mineral Lands Leasing Act of 1920, aliens and foreign corporations may not acquire rights-of-way for oil or gas pipelines, or pipelines carrying products refined from oil and gas, across on-shore federal lands or acquire leases or interests in certain minerals on on-shore federal lands, such as coal or oil. Non-U.S. citizens may own a 100 percent interest in a domestic corporation that acquires a right-of-way for oil or gas pipelines across on-shore federal lands, or that acquires a lease to develop mineral resources on on-shore federal lands, unless the foreign investor's home country denies similar or like privileges for the mineral or access in question to U.S. citizens or corporations, as compared with the privileges it accords to its own citizens or corporations or to the citizens or corporations of other countries (30 U.S.C. §§ 181, 185(a)). Nationalization is not considered to be denial of similar or like privileges. Foreign citizens, or corporations controlled by them, are restricted from obtaining access to federal leases on Naval Petroleum Reserves if the laws, customs, or regulations of their country deny the privilege of leasing public lands to citizens or corporations of the United States (10 U.S.C. § 7435).

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
Level of Government:	Central
Measures:	22 U.S.C. §§ 2194 and 2198(c)
Description:	<u>Investment</u> The Overseas Private Investment Corporation insurance and loan guarantees are not available to certain aliens, foreign enterprises, or foreign-controlled domestic enterprises.

Sector:	Air Transportation
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	49 U.S.C. Subtitle VII, <i>Aviation Programs</i> 14 C.F.R. Part 297 (foreign freight forwarders); 14 C.F.R. Part 380, Subpart E (registration of foreign (passenger) charter operators)
Description:	<u>Investment</u> Only air carriers that are “citizens of the United States” may operate aircraft in domestic air service (cabotage) and may provide international scheduled and non-scheduled air service as U.S. air carriers. U.S. citizens also have blanket authority to engage in indirect air transportation activities (air freight forwarding and passenger charter activities other than as actual operators of the aircraft). In order to conduct such activities, non-U.S. citizens must obtain authority from the Department of Transportation. Applications for such authority may be rejected for reasons relating to the failure of effective reciprocity, or if the Department of Transportation finds that it is in the public interest to do so. Under 49 U.S.C. § 40102(a)(15), a citizen of the United States means an individual who is a U.S. citizen; a partnership in which each member is a U.S. citizen; or a U.S.

corporation of which the president and at least two-thirds of the board of directors and other managing officers are U.S. citizens, which is under the actual control of U.S. citizens, and in which at least seventy-five percent of the voting interest in the corporation is owned or controlled by U.S. citizens.

Sector:	Air Transportation
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Central
Measures:	49 U.S.C., Subtitle VII, <i>Aviation Programs</i> 49 U.S.C. § 41703 14 C.F.R. Part 375
Description:	<u>Cross-Border Services</u> 1. Authorization from the Department of Transportation is required for the provision of specialty air services in the territory of the United States.* <u>Investment</u> 2. “Foreign civil aircraft” require authority from the Department of Transportation to conduct specialty air services in the territory of the United States. “Foreign civil aircraft” are aircraft of foreign registry or aircraft of U.S. registry that are owned, controlled, or operated by persons who are not citizens or permanent residents of the United States (14 C.F.R. § 375.1). Under 49 U.S.C. § 40102(a)(15), a citizen of the United States means an individual who is a U.S. citizen; a partnership in which each member is a U.S. citizen; or a U.S. corporation of which the president and at least two-thirds of the board of directors and other managing

officers are U.S. citizens, which is under the actual control of U.S. citizens, and in which at least seventy-five percent of the voting interest in the corporation is owned or controlled by U.S. citizens.

*A person of Morocco will be able to obtain such an authorization given Morocco's acceptance of the U.S. definition of specialty air services in Chapter 11 (Cross-Border Trade in Services).

Sector: Transportation Services - Customs Brokers

Obligations Concerned: National Treatment (Articles 10.3, 11.2)
Local Presence (Article 11.5)

Level of Government: Central

Measures: 19 U.S.C. § 1641(b)

Description: Cross-Border Services and Investment

A customs broker's license is required to conduct customs business on behalf of another person. Only U.S. citizens may obtain such a license. A corporation, association, or partnership established under the law of any state may receive a customs broker's license if at least one officer of the corporation or association, or one member of the partnership, holds a valid customs broker's license.

Sector:	All Sectors
Obligations Concerned:	National Treatment (Article 10.3) Most-Favored-Nation Treatment (Article 10.4)
Level of Government:	Central
Measures:	<i>Securities Act of 1933</i>, 15 U.S.C. §§ 77C(b), 77f, 77g, 77h, 77j, and 77s(a) 17 C.F.R. §§ 230.251 and 230.405 <i>Securities Exchange Act of 1934</i>, 15 U.S.C. §§ 78l, 78m, 78o(d), and 78w(a) 17 C.F.R. § 240.12b-2
Description:	<u>Investment</u> Foreign firms, except for certain Canadian issuers, may not use the small business registration forms under the Securities Act of 1933 to register public offerings of securities or the small business registration forms under the Securities Exchange Act of 1934 to register a class of securities or file annual reports.

Sector:	Communications - Radiocommunications
Obligations Concerned:	National Treatment (Article 10.3)
Level of Government:	Central
Measures:	47 U.S.C. § 310 Foreign Participation Order 12 FCC Rcd 23891 (1997)
Description:	<u>Investment</u> The United States reserves the right to restrict ownership of radio licenses in accordance with the above statutory and regulatory provisions. Radiocommunications consists of all communications by radio, including broadcasting.

Sector:	Professional Services - Patent Attorneys, Patent Agents, and Other Practice before the Patent and Trademark Office
Obligations Concerned:	National Treatment (Article 11.2) Most-Favored-Nation Treatment (Article 11.3) Local Presence (Article 11.5)
Level of Government:	Central
Measures:	35 U.S.C. Chapter 3 (practice before the U.S. Patent and Trademark Office) 37 C.F.R. Part 10 (representation of others before the U.S. Patent and Trademark Office)
Description:	<u>Cross-Border Services</u> As a condition to be registered to practice for others before the U.S. Patent and Trademark Office (USPTO): (a) a patent attorney must be a U.S. citizen or an alien lawfully residing in the United States (37 C.F.R. § 10.6(a)); (b) a patent agent must be a U.S. citizen, an alien lawfully residing in the United States, or a non-resident who is registered to practice in a country that permits patent agents registered to practice before the USPTO to practice in that country; the latter is permitted to practice for the limited purpose of presenting and prosecuting patent applications of applicants located in the country in which he or she resides (37 C.F.R. § 10.6(c)); and (c) a practitioner in trademark and non-patent cases must be an attorney licensed in the United States, a “grandfathered” agent, an attorney licensed to practice in a country that accords equivalent treatment to attorneys licensed in the United States,

or an agent registered to practice in such a country;
the latter two are permitted to practice for the limited
purpose of representing parties located in the country
in which he or she resides (37 C.F.R. § 10.14(a)-(c)).

Sector:	All Sectors
Obligations Concerned:	National Treatment (Articles 10.3, 11.2) Most-Favored-Nation Treatment (Articles 10.4, 11.3) Local Presence (Article 11.5) Performance Requirements (Article 10.8) Senior Management and Boards of Directors (Article 10.9)
Level of Government:	Regional
Measures:	All existing non-conforming measures of all states of the United States, the District of Columbia, and Puerto Rico
Description:	<u>Cross-Border Services and Investment</u>