

**Presentation Note**  
**Regarding the draft law amending and supplementing Law No. 24-96 on postal and telecommunications**

In February 2010, the telecommunication sector in Morocco has adopted a new policy paper for the period to 2013. This note has mainly reviewed the achievements made during the period 2004 - 2008 and set out the objectives expected by 2013, given the development prospects of the sector.

To achieve the objectives set, the policy paper cited above has emphasized the need for a revision of the legislative and regulatory sector to adapt to market trends and technologies and that it may accompany and supervise the implementation of the measures.

This draft law amending and supplementing Law No. 24-96 on the post and telecommunication is in this context. It addresses the need to overcome the shortcomings, first, and upgrade report internationally accepted best practices in this area, on the other.

Thus, Article 8 of Law No. 24-96 relating to interconnection incorporates the notion of access to telecommunication network operators to offer innovative and competitive services and gives the ANRT care to impose, by transparent and proportionate manner, the technical conditions and pricing of interconnection or access, and this, in order to preserve the conditions for fair competition to the benefit of users.

It is the same for the provision of national roaming integrated in this draft law that specifies the conditions for its implementation in some localities and areas, sets out the conditions under which national roaming agreements are concluded and charges ANRT to resolve disputes related thereto.

In addition, sections 13bis and 13ter surrounding the Universal Service are reviewed to include the concept of broadband in the scope of universal service and provide opportunities for compensating operators had achieved under a given fiscal year, service missions universal that exceed that corresponding to their annual contributions.

As for the framework for the provision and operation of value added services, it is amended to provide for the possibility of submitting some value added services to special conditions, in particular to supervise the supply of wholesale services.

This draft law would also strengthen and clarify the concept of infrastructure sharing between telecom operators and determine the obligations, including publication by those operators job sharing and the establishment a database of infrastructure they have.

Concerning contractual relations between operators and their customers, the draft law requires telecommunication operators to modify, upon request of the ANRT, contract underwriting services to its compliance with the regulations in force. In this regard, those operators will be required to make available to the public by any means, in an accessible and transparent manner, any information on general conditions of supply of services, tariffs and coverage of their networks.

The draft law introduces also the possibility for any person to establish, provide, free or against payment, a directory of subscribers and / or service information, under conditions determined by the ANRT, and defines the obligations that its obligations as such.

Regarding ANRT assignments defined by Article 29 of the above Law No. 24-96, they were further highlighted by this draft law, as regards monitoring the implementation of obligations and universal service functions, management and monitoring of the radio spectrum, compliance with license terms and conduct, at the request of the Administration, projects within the framework of the development of information technology.

And also in accordance with recommendations of the policy paper, this draft law reviews the provisions of Article 30 of Law No. 24-96 to establish a system of penalties proportionate to the seriousness of the breach found, which would be pronounced by a Committee of the offenses established for this purpose. Members of this committee are appointed by the Board of Directors of the Agency. Financial penalties are imposed for all the identified deficiencies with the provisions of Law No. 24-96 and those of articles 6, 7 and 10 of Law No. 06-99 on free pricing and competition.

In addition, the draft law confirms the right of way and occupation by the telecommunication operators in the public domain in return for royalties and the right to establish and operate radio equipment, from parts of the apartment buildings and housing estates allocated to common use, on the ground and in the basement of undeveloped land and over private property.

Finally, this draft law recalls the legal obligation to developers and manufacturers to equip any building and any subdivision of telecommunication infrastructure for their connection to telecommunication networks, given the specifications and technical requirements established by regulation and precise that verification of the existence and compliance of established infrastructure with those specifications is vested in the audit offices approved for that purpose by the ANRT.

The telecommunication operator designated to take over the management and maintenance of infrastructure installed shall provide access to facilities made available to third party operators who so request, in terms of price and technical objective, transparent and non discriminatory.

The draft law provides for the possibility of corporation, other than telecommunication operators to be licensed in accordance with procedures established by regulation, managing and maintaining critical infrastructure of telecommunication in some areas, in order to make available to operators for the provision of telecommunication services.

This is the purpose of this draft law.