

Abstract

Decree project fixing the statute-type of consumer protection associations that may be recognized as public utility

The law N° 31-08 enacting consumer protection measures promulgated by the Dahir 1.11.03 of Rabii I 14th, 1432 (February 18th, 2011) provides an opportunity for consumer protection associations to be recognized as public utility on the condition of being governed by statutes corresponding to a model-type.

This decree project establishes the mandatory clauses with which must comply the statutes of consumer protection associations in order to claim the public utility.

Indeed, article 154 of the aforementioned law exhorts consumer protection associations wishing to acquire the statute of public utility to reproduce in their statutes the clauses appearing in the statute-type, and avoid any contrary disposal to these clauses.

The main disposals of this statute-type are as follows:

- The clauses of the statutes relating to the governance of the associations must comply with the disposals sections relating to the organization and the functioning of these associations;
- The association must guarantee to all its members the effective participation to the management, the direction and periodic control. The association must also obtain deliberating organs and expressly specifies in the statutes the role and the functions of these organs;
- The exclusive purpose of the association statutes must be the consumer protection and defense;
- The statutes must specify the conditions of accession of new members to the associations;
- The association can't, under any circumstances, have among its members a legal person having a gainful occupation;
- The association must have a Management Board and an Executive Board whose members are elected by the General Assembly. These organs must function and meet regularly.