

Memorandum of presentation for a bill that would change the Dahir No. 1-60-085 of April 20, 1960 approving the agreement of creating the Société Centrale de Réassurance (SCR) and mandating cession to said company of a portion of the premiums paid to the insurance entities.

By Dahir issued on April 20, 1960, insurance companies established in Morocco cede a portion of the premiums arising from their operations in the territory of Morocco to the SCR. This percentage shall be set by decree of the Financial Minister and may not exceed 10%.

However, in the framework of the Free Trade Agreement signed between Morocco and the United States, which was signed in June 15, 2004 and entered into force on January 1, 2006, and published in the Law No. 28-04 of 28 December 2004 (BO No. 5294 issued on February 24, 2005), our country has committed to delete the mandatory of legal compulsory reinsurance to the SCR within a period not exceeding eight years from the entry into force of the agreement.

This process of deletion began since January 2006, and has removed until this day the mandatory of legal compulsory reinsurance for some categories. And for the remaining categories ("civil liability resulting from the use of vehicles" and the "industrial accidents"), the proportion of referrals has been reduced to 7.5 % instead of 10%.

In view of the above, and given the commitment of Morocco in the framework of the Free Trade Agreement signed between Morocco and the United States, the removal of the remaining categories must be carried out before January 2014. By abolishing this restriction, some of the clauses of the Dahir issued on April 20, 1960 become inapplicable . It is therefore proposed to repeal the clauses of the articles 2, 3, 4, 6, 6-bis et 8 of the Dahir aforementioned.

It should be noted that this project has been submitted to the Advisory Committee on Insurance, who issued a positive opinion on the subject during its meeting held on June 26, 2013 (in accordance with Article 285 of the Insurance Code).