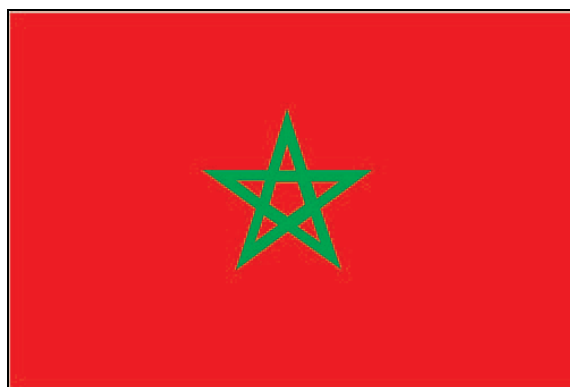


CLIMATE CHANGE LEGISLATION IN

MOROCCO

AN EXCERPT FROM

The 2015 Global Climate Legislation Study
A Review of Climate Change Legislation in 99 Countries



**Michal Nachmany, Sam Fankhauser, Jana Davidová, Nick Kingsmill,
Tucker Landesman, Hitomi Roppongi, Philip Schleifer, Joana Setzer,
Amelia Sharman, C. Stolle Singleton, Jayaraj Sundaresan
and Terry Townshend**

www.lse.ac.uk/GranthamInstitute/legislation/



**Grantham Research Institute on
Climate Change and
the Environment**



G L O B E
The Global Legislators Organisation



Inter-Parliamentary Union
For democracy. For everyone.

Morocco

Legislative Process

Morocco is a constitutional monarchy with an elected parliament. Political reforms in the 1990s expanded parliamentary power, and in 1996 a bicameral legislature was established. Responding to the Arab Spring movements and pro-reform demonstrations, King Mohammed VI proposed constitutional amendments in 2011. The electorate voted the amendments into law and a new constitutional text was enacted.

The 2011 constitution expanded the legislative power of the parliament. It maintained the bicameral parliament composed of a Chamber of Representatives with 395 members, elected by universal direct suffrage for five years, and a Chamber of Councillors, elected indirectly by local and national electoral colleges, with a minimum of 90 and a maximum of 120 members, who are elected for six years. The parliament enacts national laws, oversees the government, and assesses public policies.

The king exercises his powers through Royal Decrees, which are part of the king's discretionary powers in a variety of fields related to administration, legislation and other regulatory mechanisms. They are enforced as laws and constitute one of the most important sources of legislation in Morocco. There are two types of Royal Decree: those that allow the king to exercise his religious prerogatives and those related to his status as head of state. The constitution also distinguishes between decrees that are countersigned by the head of government and those that are signed only by the king.

The new constitution grants citizens the right to submit motions on legislation, but the conditions and under which that right can be exercised are established by an organic law. International treaties ratified by the Moroccan state supersede national laws.

The first parliamentary elections held following the adoption of the new Constitution took place in July 2011. At stake were all the 395 seats in the House of Representatives. The next elections should be in 2016.

Approach to Climate Change

In 2001 Morocco hosted COP 7 and in the same year, a National Committee for Climate Change was set up. The National Committee is chaired by the Department for the Environment, the national focal point for the UNFCCC, and includes nominated contacts from other ministries. The National Committee's main role has been to draft national communications to the UNFCCC. Morocco's first and second national communications were submitted in 2001 and 2010 respectively. The government is preparing its third national communication, which will be presented at the UNFCCC conference in Paris in 2015.

Following the ratification of the Kyoto Protocol, and with the support of a UNEP/UNDP programme, Morocco established the institutional set-up for the CDM (2003–2005). The country is among the most in North Africa in CDMs. A portfolio of 40 projects and programmes has been developed, of which eight projects are registered at the CDM Executive Board with a potential reduction of GHG emissions estimated at 5.4m tons of CO₂ equivalent per year.

A National Plan of Action against Climate Change (PNRC) was presented in 2009, at COP15, in Copenhagen. The PNRC focuses on developing renewable sources of electricity generation, particularly solar, and on investing in energy efficiency. The plan comprises a portfolio of governmental actions to mitigate and adapt to climate change, but with more of a focus on the latter. A range of sectoral strategies, including the “Plan Maroc Vert” for agriculture, complement the Climate Change Plan. The Plan is currently going through a process of updating.

On a broader scope, the adoption of the National Charter for Environment and Sustainable Development allowed Morocco to redouble its efforts to protect the environment and sustainable development. The Charter was formally adopted in 2012 and a Framework Law was enacted in 2014 to help its operationalisation. Framework Law 99-12 explicitly mentions the fight against climate change and calls for strengthening capacities to promote adaptation to climate change.

However, there is currently no formal climate change mitigation structure in place at either national or regional level. To address this issue, the German development agency GIZ is currently helping to set up a climate competence centre. The project, to be implemented between 2013 and 2016, aims to define the roles and tasks of the climate competence centre at regional and national level through consultation with the relevant partners. This work includes: establishing a climate database; developing vulnerability indicators; identifying, processing and disseminating data and tools that can be used in training in the climate field (climate proofing, NAMAs); designing an information system to facilitate the development of GHG inventories; creating and regularly updating a website for the centre. A Climate Change Policy (PCCM), which is currently being developed, is intended as a flexible and dynamic instrument combined with a monitoring and evaluation tool that will allow for necessary refinements over time.

Carbon pricing

In 2012 Morocco obtained USD350,000 under the World Bank Partnership for Market Readiness (PMR) to launch its pilot carbon market. The project includes a plan to establish a domestic Emission Trading Scheme (ETS) and programmes aimed at issuing carbon credits based on NAMAs. The government identified three main areas of action: electricity generation, cement production and phosphate extraction. The government started the PMR preparation phase in 2013, and intends to establish a pilot carbon market instrument based on

NAMAs by 2016. A domestic carbon market would start operating in 2018, and by 2020 the market would be linked with international carbon markets.

Morocco joined the Low-Emission Capacity Building Project to develop a Low-Emission Strategy as well as a NAMA project portfolio along with MRV systems and an associated knowledge base.

Energy supply

Morocco is the only North African country with no natural oil resources, and is the largest energy importer in the region, with 96% of its energy needs being sourced externally. Power generation is primarily fuelled by fossil energy sources, mainly oil (70%) but also coal and natural gas, all imported.

Morocco has ambitious plans for the renewable energy sector. The National Energy Strategy and the related National Priority Action Plan (PNAP), both launched in 2008, set a target to meet 10–12% of the country's primary energy demand by 2020 and 15–20% by 2030 from renewable energy. These targets were incorporated into the National Plan of Action against Climate Change. Morocco also expects solar, wind and hydro power to account for 42% (equivalent to about 6,000MW) of its total energy mix by 2020.

In order to achieve these targets, it is promoting policy and regulatory reform. In 2010, the Moroccan Agency for Development of Renewable Energy and Energy Efficiency (ADEREE), and the Moroccan Agency for Solar Energy (MASEN) were established. These agencies work in partnership with other institutions, such as the Research Institute on Renewable Energy (IRESEN), created in 2009, which aims to link the private sector and research institutions, and the Energy Development and Energy Investment Company (SIE), founded in 2010, which aims to promote renewable energy and energy efficiency.

REDD+ and LULUCF

The National Climate Change Plan establishes that the Ministry for Agriculture and Marine Fisheries and the High Commission for Water and Forests should promote the reduction of GHG emissions from agriculture and deforestation. The measures include improving the efficiency of agricultural land, promoting the recovery of methane from manure, and promoting sustainable farming through a certification scheme. There are also plans to implement a reforestation plan, establish green taxes for reforestation, and implement a fire-fighting plan. Further strategies for agriculture are expected to follow in the Energy Strategy.

Transportation

The National Climate Change Plan establishes mitigation measures in the transportation sector. These include measures to change the transportation mix and fuels used. Since 2009 the Ministry of Energy and Mines requires the use of Gasoil 50ppm and unleaded petrol.

Adaptation

The National Plan against Climate Change identifies a number of adaptation priorities in agriculture, coastal areas and water scarcity. These measures rely on elements of the 2007 Morocco Green Plan for agriculture, and of the 2009 National Water Strategy.

For agriculture, measures include developing the adaptive capacity of rural populations; developing a national forecast system for agricultural production; creating resistant varieties of wheat; improving the productivity and durability of farming systems through planting techniques; changing agricultural practices; optimising irrigation; improving tenure of agricultural land; incentives and subsidies for training farmers in sustainable farming; and establishing water pricing based on consumption.

For coastal areas, legislation will enable the implementation of integrated management of coastal zones and their adaptation to rising sea level by building dykes or other protective structures.

Measures to tackle water scarcity include education and public awareness about water conservation; installation of individual meters; revising tariff systems; investing in water saving and water recycling measures; and investing in new dams and drilling of deep wells.

In addition, between 2009 and 2012 the government took part in the Adaptation to Climatic Change in Morocco for Resilient Oasis (PACC/Oasis) project. PACC/Oasis, part of the “Programme Africaine d’Adaptation au Changement Climatique”, includes 20 different African countries, and involves the UNDP, the government of Japan, the National Commission on Water, Forests and Fight Against Desertification, as well as a range of other ministries, provinces and agencies. The project aimed to manage and reduce the risks of climate change to the economy by introducing adaptation approaches and by strengthening local capacities. As a result of this project, reports were produced covering: climatic scenarios for the oasis zones for 2021-2050, a vulnerability assessment, evaluation of possible risks (flooding, drought, fire and locusts), establishment of automatic climate stations, establishment of pilot sites, and a communication strategy.

Morocco: Legislative portfolio

Name of law	Framework Law 99-12 on the National Charter for the Environment and Sustainable Development
Date	6 March 2014 (published in the Official Gazette of 20 March 2014)
Summary	<p>The Framework Law lays the ground for a national policy for the protection of the environment and the sustainable development. It was prepared in consultation with all ministry departments, economic and social operators, civil society and academics. It gives legal basis to the National Charter for Environment and Sustainable Development, establishing the principles, rights, duties and obligations set forth by the Charter.</p> <p>The framework law aims to:</p> <ul style="list-style-type: none">• set out the rights and duties, inherent to the environment and sustainable development, recognized to physical and moral persons, and proclaim the principles that must be respected by the State, local authorities, public institutions, State-owned enterprises and their corporate partners, both in the development of their action plans and at the level of their implementation• strengthen the legal protection of resources and ecosystems by listing the types of actions or measures the State proposes to take in order to fight against all forms of pollution and nuisance and provide a high level of effective protection to such resources• establish sustainable development as a core value shared by all components of the society, but also as an approach to be covered in public policies for the global and sectoral development, and require that the government develops a national strategy for sustainable development in order to allow all parties involved to understand the main directions in this field to which they should refer• define the responsibilities and commitments that all stakeholders - government, local authorities, public institutions and State-owned enterprises, private enterprises, NGOs and citizens – must respect in terms of environment and sustainable development• plan institutional, economic and financial measures in order to establish a system of environmental governance characterized by the efficiency and coherence of actions, particularly in terms of assessment, awareness, education and social communication for the environment and sustainable development• lay the foundations for a system of environmental responsibility with a mechanism for compensating damages caused to the environment, and decide the establishment of an environmental police to strengthen the ability of the authorities to ensure proper environmental enforcement <p>It considers the sectors and activities related to energy, water, forests, marine fisheries, agriculture, transport, tourism, urbanism, construction, waste management and industry as having a high potential for sustainability, and a priority in terms of achieving sustainable development. To this end, the government authorities and relevant institutions in charge of these sectors and activities are required to ensure the adoption of concrete sustainability measures in their management and wide dissemination of these measures.</p> <p>The framework law explicitly mentions the fight against climate change. Environmental protection involves the promotion of sustainable uses of resources, the fight against pollution and the combined effects of desertification and climate change. It calls for strengthening national capacities to promote adaptation to climate change, as well as for the use of renewable energy and energy efficiency technologies to fight against energy waste.</p>

Name of law	Law 47-09 on energy efficiency
Date	29 September 2011
Summary	This law sets the criteria of "minimum energy performance" for appliances and electrical equipment powered by natural gas, liquid or gaseous petroleum products, coal and renewable energies. It makes mandatory energy audits for companies and institutions in the production, transmission and distribution of energy, as well as the performance of an energy impact study for new construction and urban projects. It also defines the role of energy services and facilities, and establishes technical control.

Name of law	Law 13-09 on renewable energy, regulated by Decree 2-10-578
Date	11 February 2010, regulated on 21 April 2011
Summary	<p>This law provides a legal framework for the development of renewable energy projects, which are defined as all sources of energy that are naturally renewable, except hydraulic energy (with installed power above 12MW), particularly solar energy, wind energy, geothermal energy, wave and tidal energy, as well as energy generated through biomass, waste and biogas. The law prioritises the development of renewable sources in order to promote energy security, access to energy, sustainable development, reduction of GHG emissions, reduction of deforestation, and integration/harmonisation of Morocco's renewable energy production with other Euro-Mediterranean markets.</p> <p>It also sets an authorisation/declaration system, depending on the capacity of the facility: a declaration if an electricity generating facility capacity is between 20kW and 2MW; an authorisation if an electricity generating facility capacity is equal to or higher than 2MW. In respect of facilities that produce thermal energy, there is only a declaration if the capacity is equal to or higher than 8MW. It also allows the supply and export of the electricity produced to the local market and/or through the national grid and interconnections with other countries.</p>

Name of law	Law 57-09, creating the Moroccan Agency for Solar Energy (MASEN)
Date	14 January 2010
Summary	Established the Moroccan Agency for Solar Energy (MASEN) as a Public Private Partnership. MASEN was established to ensure the implementation of the Moroccan solar programme. The MASEN aims to achieve the development of integrated production of electricity from solar energy, with a minimum total capacity of 2,000 MW. MASEN ensures the management of the projects and is liable for the decisions taken within the projects.

Name of law	Law 16-09, creating the Moroccan Agency for Development of Renewable Energy and Energy Efficiency (ADEREE)
Date	13 January 2010
Summary	Establishes The Moroccan Agency for Development of Renewable Energy and Energy Efficiency (ADEREE), as a public agency. The ADEREE aims to contribute to the implementation of the national policy on renewable energy and energy efficiency. It proposes national, regional and sectoral plans for the development of renewable energy and energy efficiency. The ADEREE is also competent to design and implement development programmes in the areas of renewable energy and energy efficiency.

Morocco: Executive portfolio

Name of Policy	National Plan Against Climate Change
Date	November 2009
Summary	<p>The National Plan presents the mitigation and adaptation actions taken to combat climate change. It consolidates within the Department for the Environment a number of initiatives related to climate change established by other ministries. It presents a summary of current emissions and projections of climate impacts, and it integrates the plans of individual ministries.</p> <p>The Plan includes a summary of current emissions and projections of climate impacts. The mitigation measures draw upon the 2008 National Energy Strategy and are mainly related to energy efficiency and the production of renewable energy. They comprise seven areas: energy demand and supply, transportation, industry, waste management, agriculture, forestry and construction. In order to promote mitigation measures, the Department for the Environment should: promote CDM projects; elaborate GHG inventories, particularly aiming at establishing carbon pricing; and establish green taxes for electric equipment and energy efficiency improvement in existing buildings.</p> <p>Adaptation measures are proposed within the areas of weather forecast, water resources, agriculture, forestry, desertification, fisheries, public health, and tourism.</p> <p>The National Plan against Climate Change establishes a number of research initiatives to promote climate change mitigation and adaptation. These include creating a human and technical apparatus to allow the identification, monitoring and alert of extreme climate events; promoting research on climate variation and climate change prediction; preparing climate risk assessments on regional and local levels; helping different sectors to evaluate their vulnerabilities to climate change; and elaborating climate change adaptation strategies.</p>
Name of Policy	Energy Security Plan
Date	2008
Summary	<p>The 2008 Energy Security Plan aims to reduce the country's dependence on foreign energy sources by increasing efficiency in general and using RES. The 2008 Mitigation Strategy sets an ambitious target of producing 12 % of primary energy and 42 % of electricity from RES by 2020.</p>

Sources:

- Adriani, B., Lignieres, P., Bennis, A. and Mokhtari, G., 2013. Lighting up the Kingdom of Morocco: Energy strategy and recent developments in power projects. Linklaters. [<http://www.linklaters.com/Publications/Lighting-Kingdom-Morocco/Pages/Index.aspx>]
- Energy Development and Energy Investment Company (Société d'Investissements Energétiques - SIE), 2013 [<http://www.siem.ma>]
- Fritzsche, K., Zejli, D. and Tänzler, D., 2011. The relevance of global energy governance for Arab countries: The case of Morocco. Energy Policy 39(8):4497-4506. [http://www.sgg.gov.ma/Projet_loi_99-12_Fr.pdf]
- GIZ. Establishment of a national competence centre for climate change mitigation and adaptation in Morocco, 2013-2016. Available at [<http://www.giz.de/en/worldwide/27018.html>]
- Law 16-09, creating the Moroccan Agency for Development of Renewable Energy and Energy Efficiency (ADEREE). [<http://www.mem.gov.ma/Documentation/pdf/Loi%20ADEREE/Loi%20ADEREE.pdf>]
- Law 47-09, 2011. [<http://www.mem.gov.ma/Documentation/pdf/Loi%2047-09-VF-BAT%209%20mai%202012.pdf>]
- Law 57-09, creating the Moroccan Agency for Solar Energy (MASEN) [<http://www.mem.gov.ma/Documentation/pdf/loiMASEN/Loi%20MASEN.pdf>]
- Moroccan Constitution, 2011. [http://www.sgg.gov.ma/constitution_2011_Fr.pdf]
- Moroccan environmental law compilation, 2010. [<http://www.minenv.gov.ma/index.php/fr/cadre-juridique/controle-env>].
- Moroccan environmental law compilation, 2012. [http://www.minenv.gov.ma/PDFs/Lois_Environnement_&_DD,VF_2012_remplace_5_lois_environnement.pdf]
- Moroccan Government, Ministry of Energy, Mines, Water and the Environment (Ministere de l'Energie, des Mines, de l'Eau et de l'Environnement), 2013. [<http://www.mem.gov.ma/Default.htm>]
- Moroccan Government, Ministry of Energy, Mines, Water and the Environment (Ministere de l'Energie, des Mines, de l'Eau et de l'Environnement), Department of Water (Département de l'Eau), 2013. [<http://www.water.gov.ma/>]
- Moroccan Government, Ministry of Energy, Mines, Water and the Environment (Ministere de l'Energie, des Mines, de l'Eau et de l'Environnement), Department of Water (Département de l'Eau), 2013. [<http://www.water.gov.ma/>]
- Moroccan Government, Ministry of Energy, Mines, Water and the Environment (Ministere de l'Energie, des Mines, de l'Eau et de l'Environnement), Department of the Environment (Département de l'Environnement), 2013. [<http://www.environnement.gov.ma/index.php/fr/>]
- Moroccan Government, Ministry of Energy, Mines, Water and the Environment (Ministere de l'Energie, des Mines, de l'Eau et de l'Environnement), Department of Mines and Energy (Département de Mines et Energie), 2013. [<http://www.mem.gov.ma/>]
- Moroccan Government, Ministry of Energy, Mines, Water and the Environment (Ministere de l'Energie, des Mines, de l'Eau et de l'Environnement), Department of the Environment (Département de l'Environnement). Adaptation au changement climatique au Maroc: Pour des Oasis résilientes (PACC-Oasis), 2013 [<http://www.oasisadaptation.com>]
- Moroccan Government, The National Charter for the Environment and Sustainable Development, 2011. [<http://www.chartenvironnement.ma/>]
- National Plan Against Global Warming (Plan National contre le Réchauffement Climatique), 2009 [<http://www.ccmorocco.ma/maroc/pnrc.pdf>].
- Research Institute on Renewable Energy (Institut de Recherche en Energie Solaire et Energies Nouvelles – IRESEN), 2013 [<http://www.iresen.org>]
- Second National Communication to the UNFCCC (Seconde Communication Nationale), 2010 [[http://www.cdmmorocco.ma/PDFs/Seconde_Communication_Nationale_\(SCN\).pdf](http://www.cdmmorocco.ma/PDFs/Seconde_Communication_Nationale_(SCN).pdf)].
- Sustainable Development in Morocco (Développement Durable au Maroc: Bilan et perspectives - De Rio à Rio +20), 2012. [<http://www.cdmmorocco.ma/PDFs/Developpement%20Durable%20au%20Maroc.pdf>]

Partnership for Market Readiness: Morocco (2014). Available at <http://www.thepmr.org/country/morocco-0>

United Nations Economic Commission for Europe and United Nations Economic Commission for Africa (2014). Environmental Performance Reviews: Morocco. Available at [http://www.unece.org/fileadmin/DAM/env/epr/epr_studies/ECE_CEP_170_En.pdf]