

Decree No 2-22-243 of Hijja 22, 1443 (July 21, 2022) taken for the application of certain provisions of Law No 76-17 relating to the protection of plants.

(OG No 7114 of August 04, 2022, page 990)

THE HEAD OF GOVERNMENT,

Having regard to law n°76-17 relating to the protection of plants, promulgated by Dahir No 1-21-66 of Hijja 3, 1442 (July 14, 2021), in particular its articles 6, 26, 27, 28, 33, 34 , 36, 37, 38, 41, 44, 47, 49, 52;

Having regard to Law No. 25-08 establishing the National Food Safety Office, promulgated by Dahir No. 1-09-20 of Safar 22, 1430 (February 18, 2009), in particular its article 2;

Considering the provisions of the International Convention for the Protection of Plants, made in Rome on December 6, 1951, published by Dahir No 1-73-439 of Hijja 14, 1393 (January 8, 1974);

After deliberation in the Government Council at its meeting of Kaada 30, 1443 (June 30, 2022),

DECREES:

**Chapter one
Methods of phytosanitary surveillance**

FIRST ARTICLE. - The declaration provided for in article 26 of the aforementioned Law No. 76-17 shall be made according to the model available on the website of the National Office for Food Safety, hereinafter referred to as "Office" or by any other means made available to the public by the said Office.

This declaration shall contain the identifying details of the declarant, the place or places where the presence of the pest is observed or suspected as well as the plants, plant products or other objects concerned.

The declaration may also mention any other useful information relating to the Pest and the plants, plant products or other objects concerned.

ARTICLE 2. - Upon receipt of the above-mentioned declaration, the agents of the competent departments of the Office shall carry out the necessary investigations provided for in article 27 of the aforementioned law No 76-17. They can move to the places mentioned therein and, if necessary, to the places and installations, located near or having any link with the pest or with the plants, plant products or other objects concerned .

ARTICLE 3. - For the recognition of the status of " *protected zone* " provided for in article 33 of the aforementioned law No 76-17, a delimitation of the said zone shall be carried out following the phytosanitary investigations carried out by the competent services of the Office.

The said investigations consist of visually observing plants, plant products or other objects in search for pests and, where appropriate, taking samples for study and carrying out phytosanitary analyses.

The procedures for recognizing, maintaining and lifting the status of protected area shall be set by an order of the government authority in charge of agriculture.

The updated list of protected areas, established according to the model set by the said order shall be published on the website of the Office.

ARTICLE 4. - The government authority in charge of agriculture shall set, by order, for one or more pests :

- the procedures according to which the investigations provided for in article 2 above are to be carried out as well as the procedures for the preparation of the related reports;
- the procedures for the implementation of the measures provided for in articles 27 and 28 of the aforementioned Law No. 76-17.

Chapter II

Phytosanitary control of plants, plant products and other objects at import, transit and on the national territory

ARTICLE 5. - The application for import authorization provided for in article 36 of the aforementioned Law No 76-17 shall be accompanied by a file containing the documents, the list of which shall be fixed by an order of the government authority in charge of agriculture, allowing in particular to identify the importer and his authorized representative, if any, as well as the plants, plant products and other objects to be imported, their quantity, their place of origin and their recipients.

The import authorization shall be issued by the Director General of the Office or the person mandated by him for this purpose, according to the terms set by an order of the government authority in charge of agriculture.

ARTICLE 6. - The phytosanitary inspection provided for in article 37 of the aforementioned Law No 76-17 shall be carried out by the agents of the competent services of the Office at the border posts, the list of which shall be fixed by an order of the governmental authority in charge of agriculture.

ARTICLE 7. - The documentary check provided for in Article 38 of the aforementioned Law No. 76-17 shall consist of the examination of phytosanitary certificates or phytosanitary certificates for re-export provided for in Article 41 of said Law No. 76-17 for the purpose of ensuring their compliance with the provisions of Articles 10 and 11 below as well as any other document useful for the phytosanitary inspection, accompanying, where applicable, the said plants, plant products or other imported objects.

ARTICLE 8. - The physical inspection, provided for in Article 38 of the aforementioned Law No. 76-17, shall consist of the visual examination of plants, plant products or other objects to ensure that they:

- correspond to the ones mentioned in the certificates and documents referred to in article 7 above;
- are free from quarantine pests visible to the naked eye;
- comply with the regulatory provisions relating to non-quarantine pests visible to the naked eye.

ARTICLE 9. - The laboratory analyzes provided for in article 38 of the aforementioned Law No 76-17 consists of verifying that the samples taken:

- are free from quarantine pests not visible to the naked eye;
- comply with the regulatory provisions relating to non-quarantine pests not visible to the naked eye.

ARTICLE 10 . - The phytosanitary certificates provided for in article 7 above shall be drawn up according to the models set by the International Convention for the Protection of Plants and shall meet the requirements of the international standards for the corresponding phytosanitary measures.

They shall be written legibly in at least one of the following languages: Arabic, French or English, using the measurements of the international system of units (SI).

ARTICLE 11. - The phytosanitary certificate and the phytosanitary certificate for re-export shall include mentions stating that plants, plant products or other objects:

- have been inspected and/or tested according to appropriate official procedures;
- are free from quarantine pests;
- comply with phytosanitary requirements including those concerning non-quarantine pests.

If one or more additional declarations are required in accordance with the provisions of Article 41 of the aforementioned Law No. 76-17, they shall be mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export, in the section reserved for this purpose.

The additional declaration(s) may also be annexed to the corresponding phytosanitary certificate or phytosanitary certificate for re-export and shall, in this case, bear the references of the said certificate.

The phytosanitary certificate and the phytosanitary certificate for re-export shall be established, in the country of origin, at most fourteen (14) days before the date of shipment or re-export, as the case may be, of the plants, plant products or other objects concerned.

ARTICLE 12. – A phytosanitary inspection shall give rise to the issuance by the competent department of the Office, of a "*phytosanitary import inspection certificate* ", drawn up according to the model set by an order of the government authority in charge of agriculture.

This certificate shall specify whether the shipment inspected was admitted for import with or without prior treatment or whether it must be returned or destroyed.

The phytosanitary import inspection certificate shall be given to the importer or his agent.

ARTICLE 13. - The "phytosanitary pass" provided for in Article 44 of the aforementioned Law No. 76-17 shall be issued by the competent department of the Office when it is found, following a phytosanitary control, that the plants, products plants or other objects concerned comply with the required phytosanitary requirements.

The list of plants, plant products and other objects subject to obtaining a phytosanitary pass as well as the technical conditions and procedures for the issuance and use of the said pass shall be set by an order of the government authority in charge of agriculture.

ARTICLE 14. – Shall be fixed by a decree of the governmental authority in charge of agriculture:

- the list of pests quarantine, provided for in Article 8 of the Law No. 76-17 referred to above;

- the rates of infestation by non-quarantine pests of imported plant propagation material, provided for in 2) of article 35 of the aforementioned Law No. 76-17;
- the list of plants, plant products and other objects provided for in 4) of Article 35 of the aforementioned Law No. 76-17;
- the methods for the conduct by the competent departments of the office of the prior assessment provided for in article 36 of the aforementioned Law No. 76-17;
- the technical conditions and the methods of execution, by the competent agents of the office, of the phytosanitary measures provided for in article 39 of the aforementioned Law No. 76-17;
- the list of plants, plant products and other objects, exempted from the phytosanitary certificate or the phytosanitary certificate for re-export provided for in Article 41 of the aforementioned Law No. 76-17;
- the phytosanitary requirements that the plants, plant products and other objects must meet for their import and the list of plants, plant products and other objects subject to the additional declaration provided for in Article 41 of the aforementioned Law No. 76-17;
- the conditions and procedures for the seizure and destruction, where applicable, of plants, plant products and other objects in the event of non-presentation of the phytosanitary pass, provided for in Article 44 of the aforementioned Law No. 76-17;
- the procedures for the conduct of the phytosanitary checks referred to in Articles 7, 8 and 9 above.

Chapter III

Miscellaneous and final provisions

ARTICLE 15. - The missions of the agents of the phytosanitary police provided for in article 49 of the aforementioned Law No. 76-17 shall be exercised by:

- the plant protection inspectors of the Office, referred to in article 3 of the aforementioned Law No. 25-08;
- the engineers and technicians of the Office, tenured and working within the departments in charge of plant protection.

ARTICLE 16. - Agents of the phytosanitary police shall, during the exercise of their duties, be provided with and clearly wear a professional card issued by the Director General of the Office, in accordance with the model, set by an order of the governmental authority in charge of agriculture.

The reports drawn up by the said agents shall be established according to the models set by an order of the governmental authority in charge of agriculture.

ARTICLE 17. - The Minister of Agriculture, Maritime Fisheries, Rural Development and Waters and Forests shall be responsible for the implementation of this decree which shall be published in the Official Gazette.

Done in Rabat on Hijja 21, 1443 (July 21, 2022)

The Head of Government, Aziz AKHANNOUCH

For countersignature: The Minister of Agriculture, Maritime Fisheries, Rural Development and Waters and Forests, Mohamed SADIKI