

**Decret No 2-01-2324 of 27 hijja 1422 (12 March 2002) taken for the application of the Law No 9-94 on the protection of new plant varieties.**

(Official Gazette No 4988 of 21/03/2002, page 157)

**THE PRIME MINISTER,**

Having regard to Law No. 9-94 on the protection of new plant varieties, promulgated by Dahir No. 1-96-255 of 12 Ramadan 1417 (21 January 1997), in particular its articles 2 *e*, 4, 19, 30 (2<sup>nd</sup> paragraph), 39 (1<sup>st</sup> paragraph), 40 (1<sup>st</sup> paragraph), 50 (1<sup>st</sup> and 3<sup>rd</sup> paragraphs), 53 (1<sup>st</sup> paragraph), 54 (1<sup>st</sup> paragraph), 8 et 59 (1<sup>st</sup> and 2<sup>nd</sup> paragraph);

After examination by the Council of Ministers at its meeting of 20 Hijja 1422 (5 March 2002),

**DECREES:**

**Article 1.** - (Repealed by Decree No. 2-17-787 of 19 Jounada II 1440 (25 February 2019) – Official Gazette No. 6766 of 04/04/2019, page 555).

**Article 2.** - The list of genus and species of protectable varieties, the elements on which the breeder's right for each genera and species as well as the period of protection for each species, provided for in Articles 4 and 19 of the said Law 9-94, shall be determined by a decree of the Minister of Agriculture.

**Article 3.** - (Modified by Decree No. 2-17-787 of 19 jounada II 1440 (February 25, 2019) - BO No. 6766 of 04/04/2109, page 555) - The application for a plant variety certificate, provided for in Article 10 of Law 9-94, shall be made on a template called "Form A", provided by the competent services of the National Food Safety Office (ONSSA) or downloaded from its website, and submitted to the said services. It shall be accompanied by the following documents:

- Forms B and C provided by ONSSA relevant services, duly completed;
- The power of the agent if applicable;
- Evidence of the payment of the corresponding due fees at the time of application deposit;
- The applicant's commitment to provide to the above-mentioned services within the specified time limit and in quantities as set out in Article 4 below, the breeding material or vegetative propagating material of the variety, required for the examination of the said variety including, if necessary, the various elements necessary for the reproduction of the variety;
- The written authorization of the right holder(s) of a variety when the commercial production of the variety requires the repeated use thereof;
- If applicable, a written priority claim attached to an earlier filing which must mention the date, references of the previous filing, the name under which the variety was registered or otherwise, the reference of the provisional breeder, the country in which the filing was made and the name of the right holder linked to the application.

If necessary, the applicant may include annexes, such as drawings or photographs as well as any information likely to inform the above-mentioned services, namely growing trials, undertaken by an official or private entity, in Morocco or abroad.

**Article 4.** - The deadline for the filing of breeding or propagating material and the quantities required to conduct the examination of the variety shall be set by a decree of the Minister in charge of agriculture.

**Article 5.** - (Modified by Decree No. 2-17-787 of 19 jounada II 1440 (February 25, 2019) - BO No. 6766 of 04/04/2109, page 555) - In application of the provisions of Article 50 of the said Law 9-94, the competent services of the ONSSA shall be responsible for the study of the applications for plant variety certificates. This study shall include a review of the application file and the pre-examination of the variety, carried out in Morocco or abroad and, if necessary, the review of any observations related to it.

**Article 6.** - The Minister in charge of agriculture shall establish a list of the national and foreign technical bodies authorized to conduct the pre-examination of varieties, that are the subject of a plant variety certificate application, as provided for in the 3<sup>rd</sup> paragraph of Article 50 of the Law 9-94 referred to above.

**Article 7.** - In application of Article 53 (paragraph 1) of the Law 9-94 referred to above, the Minister in charge of agriculture shall decide on the application for a plant variety certificate, based on the opinion of an advisory committee called the "Advisory Committee on the Protection of Plant Varieties".

The composition, responsibilities and modus operandi of this committee shall be set by a decree of the Minister in charge of agriculture.

**Article 8.** - (Modified by Decree No. 2-17-787 of 19 jounada II 1440 (February 25, 2019) - BO No. 6766 of 04/04/2109, page 555) - The plant variety certificate shall be issued by the Director General of the ONSSA or the person delegated by him, based on the opinion of the Advisory Committee on the Protection of Plant Varieties, provided for in article 7 above.

**Article 9.** - (Modified by Decree No. 2-17-787 of 19 jounada II 1440 (February 25, 2019) - BO No. 6766 of 04/04/2109, page 555) - ONSSA shall keep a National Register of Applications for Plant Variety Certificates and a National Register of Plant Variety Certificates, provided for in Article 58 of the Law No 9-94 referred to above. These registers shall contain the information, particulars or additional acts, as may be set out by the Minister in charge of Agriculture.

**Article 10.** - (Modified by Decree No. 2-17-787 of 19 jounada II 1440 (February 25, 2019) - BO No. 6766 of 04/04/2109, page 555) - The "Plant Variety Protection Bulletin" provided for in Article 58 of the Law No 9-94 referred to above shall be published by the ONSSA.

The frequency and content of the Bulletin shall be set by order of the Minister in charge of agriculture.

**Article 11.** - In application of Article 30 (paragraph 2) of Law No 9-94 referred to above, the forfeiture of the rights of the owner of a plant variety certificate shall be decided by order of the Minister in charge of agriculture.

**Article 12.** - The Minister of Agriculture, Rural Development and Waters and Forestry shall be responsible for the implementation of this decree that shall be published in the Official Gazette.

***Done in Rabat, 27 hijja 1422 (12 March 2002).***

**Abderrahman Youssoufi**

**For countersignature:**

**The Minister of Agriculture, Rural Development and Waters and Forestry, Ismail Alaoui**