

# Cross-Regional Court Performance Assessment – Country Report

📍 Morocco



**European Bank**  
for Reconstruction and Development

**DENTONS**





# Key findings

## Macro Data

Southern and Eastern Mediterranean<sup>1</sup>

EBRD region of operation

37,076,584 (2021)<sup>2</sup>

Population size

446,300.0<sup>3</sup>

Land area (sq.km.)

3,795.4 (2021)<sup>4</sup>

GDP per capita in USD

Morocco's performance is inconsistent across MLAT's dimensions and indicators. Morocco has lower than average scores for Dimension 1. Policies and Infrastructure for E-justice, particularly low scores for Dimension 3. Uncontested Procedures for Enforcing a Claim, and close to average scores for Dimension 4. Small Claims Procedures. At the same time, Morocco's results in Dimension 2. Commercial Dispute Resolution are higher than the average for other EBRD CoOs.

In terms of **Policies and Infrastructure for E-justice**, Morocco's performance is inconsistent, indicating weaknesses to its strategic approach to e-justice. Morocco has an internet penetration of 84%, making it the country with the highest internet penetration in Africa. However, the download speed is particularly low. While the legal framework and infrastructure are generally available, the practical use of e-signatures is

limited. There is no legislation governing electronic documents in Morocco. Digitisation of court processes is at a low level, with e-filing not yet fully operational, and e-service not available.

As previously stated, Morocco's scores in **Commercial Dispute Resolution** are higher than the average for other EBRD CoOs. This is mainly due to the high level of specialisation of commercial dispute resolution. There are 10 first instance commercial courts and 4 commercial courts of appeal in Morocco. The inception and continuous training in commercial law for commercial judges is well developed. The mediation



legislative framework is not well developed. No court-annexed mediation is available in Morocco. However, a new law promulgated in June 2022 provides for forms of alternative conflict resolution as a tool for investors who want to avoid lengthy and costly legal proceedings. Morocco does not have disaggregated statistics on the effectiveness and efficiency of commercial litigation.

Morocco has consistently low scores in **Uncontested Procedures for Enforcing a Claim**. In Morocco, the assistance of a lawyer is mandatory for every written procedure, including uncontested procedures. Debtors must expressly justify their opposition to the procedure by providing supporting evidence.

<sup>1</sup> See <https://www.ebrd.com/where-we-are.html>.

<sup>2</sup> See <https://data.worldbank.org/country/morocco?view=chart>.

<sup>3</sup> See <https://data.worldbank.org/indicator/AG.LND.TOTL.K2?locations=MA>.

<sup>4</sup> See <https://data.worldbank.org/country/morocco?view=chart>.

There are no statutory timelines for pronouncement on the request to issue an enforceable title, and actual timelines vary greatly on a case-by-case basis. Furthermore, in Morocco the fee due in a litigious procedure that follows a statement of opposition is of the same amount that would have been due if the litigious procedure was launched without resorting to the order for payment procedure first, which represents a disincentive for using the procedure.

Morocco performs better than average in **Small Claims Procedures** compared to other EBRD CoOs. This is mainly due to the ease of filing of small claims. Notably, in Morocco, the claim can also be filed orally and in this case court clerks would be available to record it. However, online filing is not available for small claims in Morocco. There are no significant simplifications of the small claims procedure.

Overall, Morocco has a low level of readiness for the introduction of ODR. Both the e-justice IT infrastructure and the supporting legal framework require significant and focused improvements. Despite the high level of specialisation of commercial litigation, court processes need to be digitised to a much greater extent before an ODR initiative could be considered.





# Questionnaire

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 1. Policies and Infrastructure for E-Justice</b>			
	Link to the strategy that covers e-justice (if any) and time-period of the strategy.		<p>Morocco does not have a formally announced E-justice strategy although it plans to digitalize all public services by 2025 according to article 25 of the law 55.19, relating to the simplification of administrative procedures of March 19, 2020.</p> <p>The document (in Arabic) outlining the steps that the Moroccan government intends to follow in order to digitalise justice is provided below :</p> <p><a href="#">بیر غمل اب-ةل ادعلا-ةموظن م-ی ف-ی یقر ل ال وحتلل-ی دهی جوتل اططخمل.pptx (live.com)</a></p>
	Which body is responsible for digitization of the judiciary?		Ministry of Justice
	Which body is responsible for digitization in public administration?		The Ministry of Digital Transition and Administrative Reform is in charge of initiating, proposing and carrying out, in consultation with the ministerial departments, any action to simplify administrative procedures, including the digitization of public administrative services.
	Is there a formal coordination mechanism for digitization projects in the judiciary and public administration? What is it?		No.
	Does the Case Management System of the courts allow for auto-generation of parts of the judicial acts?		No.
	Can judges work remotely by accessing the Case Management System of the courts from a distance?		No.

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.1. Level of Development of E-governance and E-infrastructure</b>			
1.1.1.	Level of internet penetration	3	As of January 2022, Morocco had an internet penetration of 84 %, making it the country with the highest internet penetration in Africa <sup>5</sup> .
1.1.2.	Level of development of electronic signatures	2	<p>There is a legal and regulatory framework in Morocco that governs the electronic signature process and allows any person to sign by electronic means, provided that the legal and regulatory conditions are met.</p> <p>The electronic signature is governed by (i) Dahir dated 12 September 1913 forming the Code of Obligations and Contracts, (ii) Dahir No. 1-07-129 dated 6 December 2007 promulgating law No. 53-05 relating to the electronic exchange of legal data and (iii) Decree No. 2-08-518 of 21 May 2009 implementing Law No. 53-05.</p> <p>However, the areas of use of the electronic signature remain limited. A secure electronic signature in Morocco can be used for the signature of some legal acts such as contracts, online tenders, some tax returns, bank transfers approved by the bank.</p> <p>However, for notarized acts, acts under private signature or related to the family code and acts with cross-border implications requiring a handwritten signature, an electronic signature cannot be used.</p> <p>The electronic signature is also not supported in judicial and administrative proceedings.</p>
1.1.3.	Level of development of electronic documents	1	There is no legislation regulating electronic documents in Morocco.
1.1.4.	Level of development of national electronic identification	2	<p>There is legislation governing personal electronic identification and such e-ID is being issued. The e-ID can be used to access administrative and/or other services.</p> <p>The e-ID is governed by Law No. 04.20 on the Electronic National Identity Card.</p> <p>The e-ID has characteristics that make it more secure and reliable, it is considered as one of the key pieces of the governmental digitalization strategy and one of the main tools for strengthening the digital identity of citizens.</p>

<sup>5</sup> <https://data.worldbank.org/indicator/IT.NET.USER.ZS>

No.	Indicator Component	Score	Justification for the scoring and sources
1.1.5.	Level of online access to administrative services	3	<p>There is interactive online access to administrative services, including electronic declaration and obtaining valid electronic certificates from various administrations. For example, it is possible to obtain company registration certificates, ownership certificates, various permits and licenses, criminal records, etc.</p> <p>The users are required to identify themselves and register their personal information to access to administrative e-services. It depends on websites, some e-services requests a professional registration number, other requires just basic informations (name, e-mail, phone number...)</p> <p>Below are the main links to e-services portals:</p> <p><a href="http://justice.gov.ma">قضاءاتشول تابلطل ينورتاكل ال ا كابلش ل ا (justice.gov.ma)</a></p> <p><a href="#">ROKHAS</a></p> <p><a href="#">ANCECC</a></p>
1.1.6.	Level of broadband internet access	1	<p>According to Speedest Global<sup>6</sup>, the median fixed broadband download speed in Morocco is 15,82 Mbps.</p>

<sup>6</sup> <https://www.speedtest.net/global-index>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.2. Overall level of development of justice system digitalisation</b>			
1.2.1.	Status of e-Justice strategy	1	Morocco does not have a formally announced E-justice strategy although it plans to digitalize all public services by 2025
1.2.2.	Case management system (CMS) deployment rate	3	According to the CEPEJ Evaluation Report, the rate of deployment of CMS is 100%. <a href="https://rm.coe.int/en-morocco-2018/16809fe2e5">https://rm.coe.int/en-morocco-2018/16809fe2e5</a>
1.2.3.	Level of integration of the Case Management System	3	A centralised and interoperable database and CMS applicable to all types of cases is available according to reporting to CEPEJ, section 3.5.5. at <a href="https://rm.coe.int/en-morocco-2018/16809fe2e5">https://rm.coe.int/en-morocco-2018/16809fe2e5</a>
1.2.4.	Official information about the justice system available over the internet	3	<p>The relevant information portals provide online all the following types of information:</p> <p>(1) the contact information of all courts;</p> <p>(2) schedules of court hearings; and</p> <p>(3) forms that can be used by citizens and businesses for various filings with the court.</p> <p>In Morocco, there are two main e-service portals for Moroccan courts. These are the following:</p> <p><a href="http://mahakim.ma">مكاحم (mahakim.ma)</a></p> <p><a href="http://courdecassation.ma">قبر غملا نكل ممل - ضقنل ا قمكحم (courdecassation.ma)</a></p> <p>These portals allow to follow-up and request remotely to retrieve a set of documents related to legal proceedings and files processed by the courts.</p>
1.2.5.	Publication of court judgments and free online access to them	1	The publication of the announced judgments is not available, but the publication of some selected judgments of the court of cassation is made available to the public via the website: <a href="http://cspj.ma">ضقنل ا قمكحم تار ارقل قبعقنل ا قننل (cspj.ma)</a>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.3. Digitisation of court processes</b>			
1.3.1.	Availability and use of e-filing	2	<p>The submission of a case by electronic means is possible, as well as its follow-up (submission of replies, attachment of supporting documents, etc.). However, this is only possible for professionals, especially for lawyers, through the following portal:</p> <p><a href="http://justice.gov.ma">يماحكلا قصنم (justice.gov.ma)</a></p> <p>However, the e-filing is not yet fully operational, but should be in the near future as its importance has been stressed out by the Ministry of justice.</p>
1.3.2.	Availability and use of electronic service of process (e-service)	1	These services are not digitized.
1.3.3.	Possibility to check case files and track case progress remotely	2	<p>Parties can track progress of the case and key procedural events remotely by entering the case number/reference through:</p> <p><a href="https://www.mahakim.ma/Ar/Services/SuiviAffaires_new/CA/?Page=ServicesElectronique&amp;TypJur=CA">https://www.mahakim.ma/Ar/Services/SuiviAffaires_new/CA/?Page=ServicesElectronique&amp;TypJur=CA</a></p>
1.3.4.	Possibility to hold online / videoconference hearings (for any type of case)	2	<p>In criminal cases, it is possible to hold hearings electronically, including by videoconference.</p> <p>This method was successfully adopted in the context of the Covid-19 pandemic and is still used in criminal courts.</p>
1.3.5.	Court fees	2	<p>There are available means for online payment of court fees for lawyers via: <a href="http://justice.gov.ma">يماحكلا قصنم (justice.gov.ma)</a></p> <p>The calculation of the court fees is not available online.</p>
1.3.6.	Ability to initiate enforcement based on electronic enforceable titles	1	There is no legislation governing electronic enforceable titles and enforcement can only be initiated based on an enforceable title presented on paper.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 1.4. Stakeholder engagement</b>			
1.4.1.	Existence of an obligation for professional court users to interact with the court only electronically	1	There is no legislation governing the obligation for any types of professional court users to interact with the court only electronically.
1.4.2.	Availability of monetary incentives for conducting certain court actions electronically	1	There are no monetary incentives for conducting certain court actions electronically.
1.4.3.	Availability of user guides, help desk and guidance in the e-filing system	2	There are various support services for e-filing dedicated to professionals, including a user guide and tutorials posted on YouTube to assist them in the process, notably through the following link: <a href="https://www.mahakim.ma/capsules/">https://www.mahakim.ma/capsules/</a>
1.4.4.	Whether court user surveys are conducted by the courts/ the judicial system on a regular basis	1	There are no surveys of court users in Morocco.

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 2. Commercial Dispute Resolution</b>			
<p>What is the definition of commercial case for the purposes of determining the jurisdiction of the commercial courts/divisions/chambers (if available in the country)?</p>	<p>Commercial competence is determined by law No. 53-95 instituting commercial jurisdictions by taking into account two complementary criteria: a criterion relating to the subject matter of the competence and a criterion relating to the rate of competence.</p> <p><b>(i) The matters of competence</b></p> <p>According to article 5 of Law No. 53-95 instituting the commercial jurisdictions as amended and completed, the commercial court is competent to hear:</p> <ul style="list-style-type: none"> <li>- actions relating to commercial contracts;</li> <li>- actions between traders in the course of their commercial activities;</li> <li>- actions relating to trade bills;</li> <li>- disputes between shareholders of a commercial company;</li> <li>- disputes relating to business assets.</li> </ul> <p><b>(ii) The rate of competence</b></p> <p>The commercial jurisdictions are competent to hear claims whose principal exceeds the value of MAD 20,000, they also hear all counterclaims or claims for compensation whatever their value.</p> <p>The president of the commercial court is competent to hear requests for payment injunctions whose value exceeds MAD 20.000, based on commercial bills and authentic instruments, in application of the provisions of chapter III of title IV of the Moroccan Code of Civil Procedure.</p> <p>However, the disputes whose rate is lower than MAD 20.000 are submitted to the chambers of commerce existing in all the jurisdictions of first instance.</p>		
<p>Have significant reforms of commercial dispute resolution been introduced in the previous three years in the country (e.g., changes to the practice and procedure of commercial litigation and/or related alternative dispute resolution (ADR))? Briefly describe the nature and impact of the reforms.</p>	<p>One of the major reforms is the publication of <a href="#">Law No. 95-17 on arbitration and conventional mediation</a> which was published in the Official Bulletin No. 7099 of June 13, 2022.</p> <p>This long-awaited law offers a sort of code of alternative dispute resolution, which is a tool for investors wishing to avoid resorting to long and costly legal proceedings.</p> <p>This law amends the provisions applicable to alternative dispute resolution methods, with a guiding principle of flexibility and rapidity. The first aspect is that of arbitration, for which the law introduces expected clarifications through definitions of concepts such as international arbitration, the arbitral tribunal or the competent state court, and the consecration of principles such as the principle of independence of the arbitration clause or the principle of competence-competence, allowing to favour the recourse to arbitration and the celerity of this procedure. The law also stands out for its flexibility with regard to domestic or international arbitration, the conditions of validity of the arbitration agreement or the conditions for resorting to arbitration in administrative matters. It takes into account the technological advances to allow the conclusion of the arbitration agreement, the exchange of claims and pleadings by electronic means or the possibility to make arbitral awards by the same means, as well as the holding of meetings and hearings by videoconference.</p> <p>As for the second aspect of the law, which is mediation, the advances are important, since the mediation process becomes more flexible with regard to the conditions for the establishment of the mediation agreement or the conditions for the conduct of the mediation, which are also specified.</p>		

No.	Indicator Component	Score	Justification for the scoring and sources
	What has been the impact of the COVID-19 pandemic on commercial litigation in the country, e.g. introducing more electronic interactions?		<p>Due to the strong spread of the Covid-19 virus within the courts, several of them have even been temporarily closed. As a result of the contamination of the magistrates and clerks, many cases were postponed for several weeks.</p> <p>The commercial courts have unfortunately not been left out of these deadlocks, which has caused significant delays in the conduct of cases.</p> <p>Contrary to what has been adopted in criminal matters, commercial jurisdictions have not seen any remedial measures such as the introduction of electronic interactions except for the platform devoted to lawyers already mentioned in section 1.3.1 that has not been really effective.</p>
	Number of female/male judges in the country.		To the best of our knowledge, these statistics are not published.
	Number of female/male first-instance commercial judges in the country.		To the best of our knowledge, these statistics are not published.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.1. Level of specialisation of commercial dispute resolution</b>			
2.1.1.	Availability of a specialised commercial court or specialised commercial divisions in courts	3	<p>There are ten (10) first instance commercial courts located in different cities in Morocco.</p> <p>There are four (4) commercial courts of appeal distributed in different cities of Morocco.</p> <p>There are chambers of commerce in all the jurisdictions of first instance.</p>
2.1.2.	Modifications of the general procedural rules in respect of commercial cases as compared to general civil cases	3	<p>The following points are typical of commercial jurisdictions:</p> <ul style="list-style-type: none"> <li>- expedited court proceedings (shorter timelines, as the periods between the hearings are shorter than in other matters);</li> <li>- special rules regarding evidence (evidence is free in commercial cases). “Free” means that the evidence does not have to be written, article 334 of the Commercial Code approved the principle of freedom regarding evidence. The reason for adopting such freedom in commercial matters is due to the characteristic of the speed of commercial procedures so that it is difficult or impossible to restrict or record all commercial transactions and thus prove them in writing, and this evidence can be by resorting for example to the testimony of witnesses or the merchant’s accounting books.</li> <li>- The appeal deadlines are shorter (15 days after the notification of a first instance court decision as opposed to 30 days in civil cases);</li> <li>- The statute of limitation is of 5 years in commercial cases according to Article 5 of the Moroccan Commercial Code as opposed to longer periods in other matters (for example 15 years in civil cases according to Article 387 of the Moroccan Civil Code)</li> </ul>

No.	Indicator Component	Score	Justification for the scoring and sources
2.1.3.	Inception training in commercial law for commercial judges	3	<p>There is mandatory training in commercial law provided to commercial judges upon entry/appointment. Inception training are also required for judges each time a legal/regulatory text is promulgated.</p> <p>The Director-General of the Higher Judicial Institute prepares a list of topics for each year, after consulting the General Inspectorate, the Secretariat of the Supreme Judicial Council, the directorates in the central administration of the Ministry of Justice, the first presidents, the general attorneys of the King, and the heads of the administrative and commercial courts through:</p> <p>Provide a list of topics they deem worthy of discussion in order of priority;</p> <p>(i)Mention the legal articles that require further training and research development, (ii)Develop future visions for building an integrated program of continuous training, (iii) Develop suggestions related to continuing training activities.</p> <p>The Director General presents the outcome of the annual program project for the various continuing training activities to the Scientific Committee, before presenting it to the Board of Directors in the June session, which decides the topics to be included.</p> <p>During the month of September, the Director General shall direct to the General Inspectorate, the Secretariat of the Supreme Judicial Council, the directorates in the central administration of the Ministry of Justice, to the first presidents of the courts of appeal and commercial courts of appeal, their general attorneys and heads of administrative courts, a guide containing the topics proposed in the annual program of continuing training.</p> <p>A list of the topics proposed in the continuing training program is directed with a form to be filled out by the judges, where five topics are selected by the judge according to the priority he deems to be among the topics specified in the list, bearing in mind that the administration of the Institute takes only one proposal according to the planned program for these seminars, which attract Each symposium has a number ranging from 25 to 30 judges.</p> <p>According to Article 50 of the law regulating the Higher Judicial Institute, the director may include some meetings, seminars or presentations outside the scheduled annual program, when necessary or when the institute wishes to organize a meeting with a visiting scholar of the institute, or to receive honorary judges or persons outside the judiciary Qualified persons as lecturers or participants.</p>
2.1.4.	Continuous (regular) commercial law training for commercial judges	3	<p>There is mandatory training in commercial law provided regularly to commercial judges.</p>
2.1.5.	Capacity building for commercial judges' judicial assistants or for other types of specialised judicial clerks engaged in commercial justice (e.g., rechtspflegers)	3	<p>Commercial judges have judicial assistants other specialised legal clerks, and they receive specialized commercial law training.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.2. Use of mediation/ADR tools</b>			
2.2.1.	Availability of mediation in civil/commercial disputes	2	There is legislation governing mediation in civil/commercial disputes ( <i>Law No. 95-17 on arbitration and conventional mediation</i> ), but no court related mediation is available.
2.2.2.	Availability of an official register of mediators accessible online	1	No accreditation of mediators is required.
2.2.3.	Availability of incentives for mediation	1	There are no incentives for the use of mediation in commercial disputes.
2.2.4.	Enforceability of mediation settlement agreements	2	A mediation settlement agreement is directly enforceable and has the legal force of a court judgment, subject to the approval of the competent court following the exequatur procedure.
2.2.5.	Availability and use of online solutions for out-of-court settlement	1	No online solutions for out-of-court settlement of disputes are available.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 2.3. Efficiency and effectiveness of commercial litigation (to be assessed only if statistical disaggregation of commercial cases is available)</b>			
2.3.1.	Clearance rate of first-instance commercial cases for the latest year for which statistics is available	N/A	This information is not available.
2.3.2.	Disposition time of 1st instance commercial cases as compared to CoE median for first-instance civil/commercial cases	N/A	This information is not available.
2.3.3.	Disposition time of commercial cases as compared to the disposition time of general 1st instance civil cases in the latest year for which statistics is available	N/A	This information is not available.
2.3.4.	Dynamic of commercial cases disposition time over a 3-year period (the latest 3 years for which data is available)	N/A	This information is not available.

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 3. Uncontested Procedures for Enforcing a Claim</b>			
	<p>What is the name of the procedure (e.g., order for payment, issuance of a writ of execution based on document, other)? If there are several such procedures, please, describe each of them.</p>		<p>The order for payment is an accelerated procedure that allows the claimant (creditor) to obtain from a judge an enforceable order (an order for payment) in view of forcing the debtor to honour his commitments.</p> <p>It is a special procedure made available by the legislator to the creditor to allow him to recover his debt in a reduced time, at the lowest cost and without even needing the presence of his debtor. It is used when there is no dispute about the claim, and generally for small claims. It can be used in civil or commercial matters.</p> <p>The procedure of order for payment is regulated by articles 155 to 165 of the Code of Civil Procedure.</p>
	<p>Which authority is entrusted with examining claims that may be uncontested by the debtor?</p>		<p>The order for payment procedure is of exclusive competence of the president of the court of first instance or the president of the commercial court or their delegates, depending on the civil or commercial nature of the claim and its amount. Thus, in the case of claims arising from commercial bills or authentic instruments or acknowledgements of debt, resulting from commercial transactions and whose value exceeds MAD 20,000, the requests for order to pay are within the competence of the president of the commercial court, in accordance with article 22 of the law No 53.95 instituting the commercial courts as amended.</p> <p>However, in the case of claims arising from the same types of documents, but with a value ranging between MAD 5,000 and MAD 20,000, requests for payment orders are within the jurisdiction of the president of the court of first instance, in accordance with article 158 of the code of civil procedure. It should be remembered that the jurisdiction for claims under MAD 5,000 is assigned to the local courts.</p>
	<p>If the courts are competent to examine such claims, do the general rules of territorial jurisdiction apply to them or is the process centralized?</p>		<p>The request for an order for payment is brought before the court of first instance, or the commercial court, as the case may be, within the limits of the competence of these two jurisdictions.</p>
	<p>What claims is the procedure applicable to (i.e., only claims based on certain trustworthy documents such as checks, bills of exchange, notary deeds, utility claims, or also all types of civil and commercial monetary claims)?</p>		<p>The debt must be payable by virtue of an authentic title, a commercial instrument such as the payment of a bill of exchange or a promissory bill or a cheque, or an acknowledgement of debt.</p> <p>The acknowledgement of debt should be preferably Legalized/ Authenticated to avoid any contestation regarding the authenticity of the signature of the debtor by the latter. Otherwise, courts would admit a simple acknowledgment of debt if not challenged by the debtor. In case the latter challenges the authenticity of its signature, an expertise aiming at proving or rejecting the authenticity of the signature might be ordered by the court.</p>
	<p>Is there a monetary threshold for applying the uncontested claims procedure?</p>		<p>The order for payment procedure can only be applied for sums of money whose threshold exceeds MAD 5,000.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.1. Ease of filing</b>			
3.1.1.	Effective self-representation	1	Self-representation is not allowed. As the procedure is written, the assistance of a lawyer remains mandatory.
3.1.2.	Availability and use of forms for filing the claim	1	There is no form. The request introducing the proceedings must indicate the first and last names, profession and domicile or place of residence of the creditors and debtors. If one of the parties is a company, the legal form, the company name and the registered office must be mentioned. Finally, the amount and cause of the claim must be indicated. The claimant must produce the deed justifying the validity of the claim in support of his request.
3.1.3.	Availability and use of online filing	2	Please refer to section 1.3.1.
3.1.4.	Level of court fees for filing a claim	3	<p>Generally, on a request initiating litigation proceedings of a determined amount, a proportional fee is applied to the amount requested with a minimum of collection:</p> <ul style="list-style-type: none"> <li>- If the amount claimed is between MAD 1,000 and MAD 5,000, the judicial fees are 4% of the amount in addition to MAD 50 related to the judicial tax;</li> <li>- If the amount claimed is between MAD 5,000 and MAD 20,000, the judicial fees are 2,5% of the Amount in addition to MAD 200 of judicial tax;</li> <li>- If the amount requested is higher than MAD 20.000, the judicial fees are 1% of the Amount in addition to MAD 300 of judicial tax.</li> </ul> <p>However, for any claim for payment filed under the provisions of articles 155 and following of the code of civil procedure relating to the order for payment procedure, a judicial tax equal to MAD 100 is applied when the claim exceeds MAD 5,000. The amount of the judicial tax does not vary according to the amount of the claim to be collected under the said procedure. If the amount does not vary and is always 100 MAD, for a hypothetical claim of MAD 10 000, the fee for the order for payment procedure would be 100 MAD but for normal litigation, it would be 250 MAD. The difference would be substantial also with other amounts. Therefore, the fee for the order for payment procedure is more than 50% lower than the fee for the general procedure for a claim of the same amount. Therefore, the score is 3.</p>
3.1.5.	Simplified rules on attachment of evidence to the claim	1	As mentioned above, the creditor must attach to the request the title on which the amount claimed is based.



No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.2. Efficient processing</b>			
3.2.1.	Predictability of the timelines for pronouncement	1	The timelines for pronouncement on applications under the procedure are unpredictable as they are not regulated and vary greatly on a case-by-case basis.
3.2.2.	Length of timelines for pronouncement	1	<p>The approximate timelines (as there are no published statistics to our best knowledge) for pronouncement on applications under the procedure can exceed 3 months (from 3 to 6 months).</p> <p>However, in the interest of speeding up the recovery of debts, the legislator has set a maximum period of 3 months for ruling on opposition and appeal in the context of an order for payment procedure.</p>
3.2.3	Availability of options for service to the debtor without proof of receipt	1	<p>It should be noted that the procedure of the order for payment is non-adversarial, as it allows to obtain a judicial decision without any of the parties having to appear. The effect of the celerity which characterizes it is due in particular to its non-adversarial aspect. However, it becomes contradictory if the debtor opposes the order for payment, once it has been notified to him.</p> <p>It is important to specify that in the case where the service must be carried out abroad, or where the debtor has no known domicile in the Moroccan territory, the creditor cannot claim the application of the order for payment procedure, in accordance with article 157 of the Code of Civil Procedure, which provides that the application is not admissible in this case. The reason for this lies in the fact that this procedure is intended to have a speedy effect, as the notification abroad will make it ineffective.</p> <p>In this respect, in case of total or partial condemnation of the debtor, the order becomes enforceable as soon as it is issued. Thus, a certified copy of the order, accompanied by a copy of the request and of the debt title, is notified to the debtor.</p> <p>It should be noted that failure to notify the order for payment within a period of one year from the date on which it was issued will result in the nullity of the order.</p> <p>The service is made by one of the means mentioned in article 37 of the Code of Civil Procedure, namely</p> <ul style="list-style-type: none"> <li>- by one of the agents of the clerk's office;</li> <li>- by one of the judicial officers;</li> <li>- by letter sent by registered mail with acknowledgement of receipt;</li> <li>- or by administrative means.</li> </ul> <p>The methods for service of process without proof of receipt are not available in Morocco.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
3.2.4.	Ease of debtor's objection	1	<p>The debtor may, when the creditor's claim is granted, either in whole or in part, challenge the order made against him, by way of opposition before the same court that issued it, within 15 days of the date of notification of the order.</p> <p>The law requires supporting evidence to oppose the payment of a debt either in its entirety or partially, as indicated in article 255 of the Moroccan civil code.</p> <p>However, under the terms of article 164 of the Code of Civil Procedure, if the court considers that the debtor's recourse has had a purely dilatory purpose, the court must pronounce against the debtor a civil fine which cannot be less than 10% of the amount of the claim, nor more than 25% of this amount for the amount to the benefit of the Treasury.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 3.3. Effective linkages between the uncontested procedure and the procedure following a statement of opposition</b>			
3.3.1.	Consequence of debtor's lack of objection	3	The order becomes enforceable upon issuance. However, the court may, upon request of the debtor, suspend the execution of the condemnation order in part or in full by a reasoned judgment.
3.3.2.	Launching the litigious stage of the procedure	1	<p>Please note that the debtor may, when the creditor's claim is granted, either in whole or in part, challenge the order made against him, by way of opposition before the same court that issued it.</p> <p>This right is specified in a notice, given to the debtor at the level of the notification of the said order, which specifies his forfeiture of any right of appeal, should he renounce it. The court may in this case, upon request of the debtor, suspend the partial or total execution of the condemnation order by reasoned judgment.</p> <p>The confirmation judgment issued by the court in the context of the opposition is provisionally enforceable. It may be appealed within 15 days of its notification and the court of appeal may also, at the request of the debtor, stay the partial or total execution of the judgment by reasoned judgment.</p> <p>Still with a view to speeding up the recovery of the debt, the legislator has set a maximum time limit for the opposition and the appeal, namely three months, in the context of the order for payment procedure.</p> <p>However, the creditor who has not benefited from a successful judgment under the accelerated procedure of the order for payment has then to initiate an ordinary procedure (i.e. to initial legal proceedings on the merits of the case).</p>
3.3.3.	Link between the fees due in the uncontested claims procedure and in the litigious procedure	1	<p>The prior recourse to the order for payment procedure does not affect the costs of the litigious procedure.</p> <p>Please refer to section 3.1.4.</p>
3.3.4.	Management of statements of opposition	2	This information is not available.

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Dimension 4. Small Claims Procedures (this dimension is to be evaluated only in case a small claims procedure is available)</b>			
	What is the name of the procedure (e.g., small claims procedure, simplified procedure, written procedure, fast-track procedure, other)? If there are several such procedures, please, describe each of them.		Small claims are governed by <u>Law No. 42-10 on the organization of proximity jurisdictions</u> (local jurisdictions).
	Is there a special small claims court or a special court division examining small claims?		Proximity jurisdictions are established within the jurisdiction of the courts of first instance, whose territorial jurisdiction is distributed as follows: <ul style="list-style-type: none"> <li>- sections of the courts of proximity within the courts of first instance whose territorial jurisdiction includes the local communities located within the jurisdiction of these courts;</li> <li>- sections of the courts of proximity within the centers of the sitting judge; whose territorial jurisdiction includes the local communities located within the jurisdiction of the center of the resident judge.</li> </ul>
	What is the monetary threshold for the applicability of the procedure?		The jurisdictions of proximity can handle all actions whose value does not exceed MAD 5,000.
	What claims is the procedure applicable to?		The jurisdictions of proximity are competent: <p><b>In civil matters:</b> for all personal and movable actions less than or equal to the value of MAD 5,000. The jurisdiction of these courts does not include all disputes relating to personal status, real estate, social affairs and evictions and all disputes, regardless of the field to which they relate, with a value of more than MAD 5,000;</p> <p><b>In criminal matters:</b> in principle, for all listed contraventions committed by adults punishable by fines ranging from MAD 200 to MAD 500, from MAD 300 to MAD 700, from MAD 500 to MAD 1000 and from MAD 800 to MAD 1200 depending on the severity of the offence. For example, the jurisdictions of proximity are competent in matters of disturbance to the exercise of justice, in matters of assault or light violence, in matters of raiding, in matters of occupation of public roads as a dwelling by homeless and unprofessional people who have no means of living, or in matters of mutilation of domestic animals, etc.</p>

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 4.1. Ease of filing</b>			
4.1.1.	Effective self-representation	3	The procedure being oral, the parties are not assisted by a lawyer.
4.1.2.	Existence of forms for filing the claim	3	The judge of proximity is seized by a written request or by an oral statement received by the clerk of the court, which he records in a report which states the object of the request and the reasons invoked, in accordance with a model established for this purpose which he signs with the claimant.
4.1.3.	Availability and use of online filing	1	The claim cannot be filed online.
4.1.4.	Guidance to self-represented litigants	1	There are no special rules that require judges/court clerks to provide guidance to self-represented litigants.

No.	Indicator Component	Score	Justification for the scoring and sources
<b>Indicator 4.2. Availability of meaningful procedural simplifications of the small claims procedure</b>			
4.2.1.	Statutory timelines in the small claims procedure	3	<p>Being competent only for minor claims, timelines in the small claims procedure are shorter than the statutory timelines in the general civil/commercial procedure and they lead to a significantly shorter process overall.</p> <p>According to Article 13 of Law 42.10 related to the jurisdictions of proximity, the judge rules within 30 days from the date of filing of the application. The judgment rendered is not appealable.</p>
4.2.2.	Simplified evidentiary rules	1	There are no specific provisions related to evidentiary rules before the proximity jurisdictions.
4.2.3.	Simplified rules on hearings	1	<p>There are no specific provisions related to hearings before the proximity jurisdictions except for the attempt at conciliation.</p> <p>Given the fact that the small claims procedure is an oral procedure, the parties are obliged to appear in person before the judge and defend themselves by answering his questions and giving details about their case.</p>
4.2.4.	Special rules on encouraging conciliation or mediation	2	<p>Before examining the claim, the local judge must make an attempt at conciliation. If it takes place, a report is drawn up in which the judge notes this conciliation.</p> <p>If the attempt at conciliation fails, the judge rules on the merits of the case within a period of 30 days, by a judgement that is not subject to any ordinary or extraordinary means of recourse.</p>
4.2.5.	Simplified content of the judgment	1	There is no difference between the rules on the content of court judgment in general litigation and in small claims litigation



No.	Indicator Component	Score	Justification for the scoring and sources
4.2.6.	Modifications to the rules on appealing the judgment in the small claims procedure	2	<p>There is no possibility of appeal before the court of appeal in small claims procedure. To object or contest the judge's decision, the parties can only file an application/claim for annulment of the judgement.</p> <p>In order to do so, the admissible grounds are very limited. Indeed, in virtue of provision 9 of the law n° 42-10, only 8 grounds are admissible for the annulment of a judgment in small claims and these are as follow:</p> <ul style="list-style-type: none"> <li>- If the judge didn't respect his jurisdiction (competence rationae personae)</li> <li>- If the judge didn't attempt to resolve the dispute through conciliation first;</li> <li>- If the judge has failed to rule on one part of the plaintiff's claim or if his decision exceeded the claim of the plaintiff or if he adjudicated in something that wasn't in the plaintiff's claim ;</li> <li>- If the judge gave his verdict without verifying beforehand the identity of the parties ;</li> <li>- If the judge convicted the defendant without having the proof that he was effectively summoned/notified to appear before court to the hearing ;</li> <li>- If there are contradictions in the same judgement ;</li> <li>- If, within the examination of the case, there was fraudulent misrepresentation (dol) ;</li> <li>- If the judge adjudicated whereas he was rightly recused by one of the parties.</li> </ul>

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