

## **PRESS RELEASE**

### **Clarification about pilotage in the ports of Casablanca and Jorf Lasfar**

The port piloting is the assistance given to ship commanders, guiding them on the operations to undertake during the entry and exit movements, as well as position change in ports.

The compulsory pilotage for commercial ships trading in national ports is particularly important given the critical role it plays in the security of maritime navigation in these ports.

As such and through this communication, the National Ports Agency (ANP) aims to clarify the pilotage activities in the ports of Casablanca and Jorf Lasfar, highlighting in particular the legal framework for this activity in Morocco, compliance actions in relation to the current regulations, the location of the pilotage station providing this activity in these two ports and rate regulation of pilotage services.

#### **1. Legal framework of pilotage**

Port pilotage in Morocco is mainly governed by the Dahir of 20 February 1937 on the reorganization of pilotage service in the port of Casablanca. To this day, this Dahir continues having legal effects in particular with regard to the reorganization of the pilotage station at the port of Casablanca, to the rules of compulsory pilotage (such as the obligation to submit the ships to pilotage), to the conditions that pilots must meet to perform this function as well as the definition of their missions.

In turn, the 15-02 law on port reform which has been effective since December 2006 has not repealed the Dahir of February 20, 1937 but tackled the operational mode and conditions of port activities such the pilotage by stating, amongst other things, in Articles 12, 13 and 14 that (i) the pilotage, which is a public service of industrial and commercial character is part of the port activities subject to authorisation regime, (ii) the authorization to practice the activity of pilotage is granted by the National Ports Agency after competitive bidding and (iii) this authorization is granted to any legal entity committed to comply with the terms laying down the conditions of this authorization.

#### **2. Opinion of the Competition Council on the pilotage activity**

In its notice n° 6/09 of September, 7th 2009, and following a referral from the Marine pilots union affiliated to the Moroccan Workers Union, the Competition Council had expressed its view regarding the activity of pilotage in which the Council (i) confirmed the need to carry out this activity as part of the authorization regime under the plan

recommended by the 15-02 law on ports and (ii) recommended ANP to activate regulatory procedures to enforce competition in this sector.

### **3. Activity compliance with the 15-02 law:**

In line with the Competition Council guidelines and in accordance with the provisions of Law 15-02, the National Ports Agency launched in June 2012, open tenders for granting permits for the exercise of the pilotage activity in the ports of Casablanca and Jorf Lasfar. These tenders were reported unsuccessful because the bids received by the Agency did not meet the minimum requirements set by the documents of these tenders. Applicants who have submitted their bids in this competition transaction were informed in time by the National Ports Agency which plans to shortly relaunch these competitive bidding.

### **4. Pilotage exercise at the ports of Casablanca and Jorf Lasfar**

Awaiting the results of the new tenders launched by ANP, the pilotage activity at the ports of Casablanca and Jorf Lasfar is currently provided by the Pilot Station of the port of Casablanca and Jorf Lasfar carrying out this activity in the port of Casablanca under the terms of the Dahir of 20 February 1937 and the Vizierial Order of 20 February 1937 and in the port of Jorf-Lasfar as authorized the Ministry of Equipment and National Mutual Aid.

### **5. Pilotage rate regulation**

Finally, it is worth recalling that the rates of pilotage as established in February 2001 by Decision of the Minister of Social Economy, SME and Crafts, in agreement with the Interministerial Commission of Prices, are still in force at the ports of Casablanca and Jorf Lasfar and have not been revised since that date.