

Law No. 104-12 on Freedom of Prices and Competition

Reference: Dahir No. 1-14-116 of 2 Ramadan 1435 (30 June 2014) promulgating Law No. 104-12 on freedom of prices and competition, supplemented by Law No. 20-13 on the Competition Council

Official Bulletin: Official Bulletin (B.O.) No. 6280 of 7 August 2014

Practice areas: Business law, Commercial law and debt recovery

Law 104-12 lays down the principle of freedom of prices, prohibits anti-competitive agreements and abuses of a dominant position, subjects mergers to prior review and penalises restrictive trade practices (resale at a loss, resale price maintenance, refusal to sell). The Competition Council is responsible for its enforcement.

Anti-competitive practices

- Agreements, concerted practices and coalitions whose object or effect is to prevent, restrict or distort competition are prohibited (Art. 6).
- The abuse of a dominant position or of a situation of economic dependence is prohibited (Art. 7).
- Agreements and clauses in breach of these rules are void; the Competition Council may impose fines of up to 10% of worldwide or national turnover.

Merger control

- Any merger exceeding the thresholds set by decree must be notified to the Competition Council before it is implemented (Art. 11 et seq.).
- Implementing a transaction without notification exposes the companies to financial penalties.
- The Council may clear the transaction, clear it subject to commitments, or prohibit it.

Restrictive practices and transparency

- Obligation to communicate general terms of sale, mandatory invoicing, prohibition of resale at a loss and of imposed minimum prices.
- Refusal to sell and discriminatory practices between business partners give rise to the civil liability of the perpetrator.
- Disputes between businesses fall within the jurisdiction of the Commercial Court; public and administrative enforcement falls to the Competition Council and the administration.

Key articles

ART. 6

Concerted actions, agreements, understandings or coalitions, whether express or tacit, in whatever form and for whatever reason, are prohibited where their object is, or their effect may be, to prevent, restrict or distort competition in a market.

ART. 7

The abuse by an undertaking or a group of undertakings of a dominant position in the domestic market or a substantial part of it, or of a situation of economic dependence in which a customer or supplier finds itself, is prohibited where its object is, or its effect may be, to prevent, restrict or distort competition.

Points to watch

- Exclusivity, non-compete and pricing clauses in distribution agreements should be reviewed in light of Articles 6 and 7.
- Check the notification thresholds before any acquisition or takeover: notification is mandatory in advance and suspends completion.
- Leniency programmes allow a company that reports a cartel to obtain reduced penalties.

Sheet prepared by Maître Mouad Lahfaia, lawyer at the Rabat Bar. 69 Rue Tansift, Apt 6, Agdal, Rabat 10090, Morocco · +212 808-507367 · cabinetlahfaia@gmail.com

General information document and unofficial English translation. Only the version published in the Official Bulletin of the Kingdom of Morocco is authoritative; the articles cited may have been amended since this sheet was written. Last updated : 13 October 2026.