

## Law No. 24-09 on the safety of products and services

**Reference:** Dahir No. 1-11-140 of 16 Ramadan 1432 (17 August 2011) promulgating Law No. 24-09 on the safety of products and services and supplementing the Dahir of 9 Ramadan 1331 (12 August 1913) forming the Code of Obligations and Contracts

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**Practice areas:** Civil law, Commercial law and debt recovery, Business law

Law 24-09 imposes a general safety obligation on products and services placed on the market, organises withdrawal and recall measures, and introduces into the Code of Obligations and Contracts (DOC) a liability regime for defective products, under which the producer is liable even in the absence of fault.

### General safety obligation

- Any product or service placed on the market must, under normal conditions of use, offer the safety that may legitimately be expected.
- The producer and the distributor inform users of the risks and ensure product traceability.
- The administration may order the withdrawal of dangerous products from the market, their recall from consumers or their destruction.

### Liability for defective products

- The producer is liable for damage caused by a defect in its product, whether or not it is bound by a contract with the victim.
- The defect is assessed in light of the product's presentation, the use that may reasonably be expected of it and the time it was put into circulation.
- The action is time-barred within the periods laid down by the Code of Obligations and Contracts, running from knowledge of the damage and the defect.

### Points to watch

- Keep the packaging, the instructions and the proof of purchase: they establish when the product was put into circulation and its expected use.
- The distributor may be sued where the producer cannot be identified.
- A clause excluding or limiting product liability has no effect against the victim.

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