

Law No. 54-05 on delegated management of public services

Reference: Dahir No. 1-06-15 of 15 Moharrem 1427 (14 February 2006) promulgating Law No. 54-05 on delegated management of public services

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Practice areas: Administrative law, Business law

Law 54-05 defines delegated management as the contract by which a public entity delegates, for a limited period, the management of a public service to a delegatee who operates it at its own risk. It sets out the content of the contract and the specifications, the rights and obligations of the parties and the delegating authority's oversight.

The delegated management contract

- The contract and the specifications define the scope of the service, the term, the tariffs and the conditions for revising them.
- The delegatee operates the service at its own risk, under the oversight of the delegating authority.
- The delegatee is in principle selected through a competitive tendering process, save for exceptions for which reasons are given.

Financial balance and end of contract

- The contract organises the financial balance and the conditions for revising it in the event of major disruption.
- Reversionary assets (biens de retour) revert to the delegating authority at the end of the contract in the manner agreed.
- Forfeiture and termination are governed by the terms of the contract and the principles of administrative law.

Points to watch

- Users of the delegated service are not parties to the contract but may challenge its regulatory clauses before the administrative courts.
- The fate of reversionary assets and of investments not yet amortised must be settled when the contract is drafted.
- Tariff revisions not provided for in the contract are a major source of litigation.

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