[MA] HACA adopts new procedures for licensing and authorisation of audiovisual services

IRIS 2017-4:1/27

Department for Legal Information
European Audiovisual Observatory

The Conseil Supérieur de la Communication Audiovisuelle (Higher Council of Audiovisual Communication - CSCA), the deliberative body of the Haute Autorité de la Communication Audiovisuelle (Moroccan High Authority for Audiovisual Communication - HACA), adopted two decisions on 19 and 25 January 2017 concerning the licensing and authorisation of audiovisual services.

These two decisions help to implement two laws that entered into force in August 2016, amending certain aspects of the legal framework of the Moroccan audiovisual sector, that is to say, Law no. 11-15 on the reorganisation of the High Authority for Audiovisual Communication and Law no. 66-16 amending and supplementing Law no. 77-03 on audiovisual communication.

The decision of 19 January lays down the process for awarding licences to companies setting up and operating audiovisual communication services. It defines the procedure for the submission and processing of applications received in response to calls for expressions of interest and calls for tender. In accordance with Article 23 of Law no. 77-03 on audiovisual communication, the HACA issues calls for expressions of interest through a decision of the CSCA, at the request of the government authority responsible for communication, with a view to the creation of audiovisual communication services. It issues a call for tender if more than one bid or expression of interest is received with the aim of providing the same type of service or covering the same geographical area, for example (Article 24 of Law no. 77-03).

The decision in question also describes the process for awarding licences through a direct negotiation procedure, which the HACA uses when it only receives a single expression of interest, application or bid. This procedure is also automatically applied to bids for the creation and operation of audiovisual communication services based on non-terrestrial transmission methods.

The CSCA’s decision of 25 January, meanwhile, lays down the procedure for authorising the transmission of audiovisual programmes by organisers of short-term cultural, artistic, commercial, social or sporting events; the distribution of conditional access services; the distribution of on-demand audiovisual services; and the creation and operation of audiovisual communication networks on an experimental basis.

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Décision du CSCA N° 04-17 DU 20 RABII II 1438 (19 janvier 2017) portant adoption de la procédure d'attribution de licence pour l'établissement et exploitation de services de communication audiovisuelle

http://www.haca.ma/html/pdf/Decision

CSCA decision no. 04-17 of 19 January 2017 on the adoption of the licensing procedure for the creation and operation of audiovisual communication services

Décision du CSCA N° 05-17 DU 26 RABII II 1438 (25 janvier 2017) portant adoption de la procédure des autorisations

http://www.haca.ma/html/pdf/Decision

CSCA decision no. 05-17 of 25 January 2017 on the adoption of the authorisation procedure

Dahir n°1-16-155 du 21 kaada 1437 (25 août 2016) portant promulgation de la loi n°66-16 modifiant et complétant la loi n° 77-03 relative à la communication audiovisuelle

http://www.haca.ma/pdf/BO_6526_VF.pdf

Decree no. 1-16-155 of 25 August 2016 promulgating Law no. 66-16 amending and supplementing Law no. 77-03 on audiovisual communication

Dahir n°1-16-123 du 21 kaada 1437 (25 août 2016) portant promulgation de la loi n°11-15 portant réorganisation de la Haute Autorité de la communication audiovisuelle

http://www.sgg.gov.ma/Portals/0/BO/2016/BO_6522_Fr.PDF?ver=2016-12-09-101012-843

Decree no. 1-16-123 of 25 August 2016 promulgating Law no. 11-15 on the reorganisation of the High Authority for Audiovisual Communication

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