

N/ 5584 - 25 kaada 1428 (6Y12Y2007)	OFFICIAL BULLETIN	1357
Article 7	Dahir of 1707Y129 of 19 kaada 1428 (November 30, 2007) promulgating Law No. 53Y05 relating to electronic exchange of legal data.	BBBBBBBBBB
The national electronic identity card exempts from the production of the birth certificate, residence certificate, certificate of life or certificate of nationality in all procedures for which these documents must be produced.	PRAISE TO GOD ALONE! (Great Seal of His Majesty Mohammed VI)	
Article 8	Let it be known hereby - may God uplift and to strengthen its content! May Our Cherifian Majesty, Having regard to the Constitution, in particular Articles 26 and 58, HAS DECIDED AS FOLLOWS	
The national electronic identity card must be renewed in the following cases: - modification of the first name, last name or date of birth ; - rectification of the place of birth, the number of the document civil status or filiation; - change of domicile ; - loss, theft or alteration of the national card electronic identity; - the expiry of the period of validity.	Is promulgated and will be published in the Official Bulletin, following of the present dahir, law no.53Y05 relating to electronic exchange legal data, as adopted by the Chamber of representatives and the House of Councillors. Done at Guelmim on 19 kaada 1428 (November 30, 2007).	
Article 9	For countersignature: The Prime Minister, A BRAS E L F ASSI -	
Anyone over the age of 18 years old, who fails to be issued the national card electronic identity.		k kk Law no.53Y05 on electronic exchange legal data
Anyone who does not have not requested the renewal of their national identity card electronic in accordance with the provisions of article 8 above.	PRELIMINARY CHAPTER ARTICLE FIRST	
Anyone who, although the holder of the national electronic identity card, was unable to present it to the requisitions of police officers and agents judicial.	This law sets the regime applicable to data documents exchanged electronically, on the basis of documents drawn up in paper and electronic form and at the electronic signature. It also determines the legal framework applicable to operations carried out by service providers electronic certificate, as well as the rules to be observed by these last and holders of electronic certificates issued.	
Article 10	TITLE ONE THE VALIDITY OF ACTS DRAWN UP UNDER ELECTRONIC OR TRANSMITTED BY ROUTE ELECTRONIC	
The provisions of this law come into force in a period of three months from the date of publication in the "Official Bulletin" of the regulatory text to be taken for its full application, for first-time applicants issuance of the national electronic identity card.	Article 2	
National identity cards, previously issued to the date of entry into force of this law and of validity, are valid until a date to be fixed by the government for their replacement by the national electronic identity card and remain governed by the provisions of the dahir on law n ° 1Y73Y560 of 25 safar 1397 (February 15, 1977) establishing the identity card national.	The first chapter of the first title of the first book of dahir forming code of obligations and contracts is completed by article 2Y1 as follows: "Article 2Y1. - When a writing is required for validity "Of a legal act, it can be drawn up and kept in the form "Electronic under the conditions provided for in Articles 41Y71 "And 41Y72 below. "When a written statement is required by the hand of "Whoever obliges himself, the latter can affix it in the form "Electronic, if the conditions of this affixing are of a "To ensure that it can only be done by himself."	
Subject to the foregoing, the provisions of the dahir establishing law n/ 1Y73Y560 of 25 safar 1397 (February 15, 1977) cited above.		
222	The text in Arabic was published in the general edition of the "Official Bulletin" No. 5583 of 22 kaada 1428 (December 3, 2007).	

<p>"This is put, electronically, to the Disposition of the person who must complete it."</p> <p>"Article 65Y4. - Anyone who offers, in a professional capacity, By electronic means, the supply of goods, the performance Services or the transfer of business or one of Their elements make available to the public the conditions Contractual applicable in a way that allows them to be Conservation and reproduction. Without prejudice to the conditions of validity provided for in The offer, its author remains committed by it, either during the Duration specified in the said offer, or, failing that, as long as it is Electronically accessible by itself.</p> <p>The offer also includes: "1 Y the main characteristics of the good, of the service Proposed or the business concerned or one of its Elements. "2 Y the conditions of sale of the good or service or those of Transfer of the business or one of its elements; "3 Y the different steps to follow to conclude the contract By electronic means and in particular the modalities according to Which the parties release from their reciprocal obligations; "4 Y the technical means enabling the future user, Before concluding the contract, to detect the errors Committed in entering data and correcting it;</p>	<p>"Article 65Y7. - When a plurality of originals is "required, this requirement is deemed to be met, for acts "established under electronic form, if the act concerned is established and kept in accordance with the provisions of articles 41Y71, 41Y72 and 41Y73 below and that the process used allows each of the "parties interested in having or "access to a copy. "</p> <p>Article 4 Section II of Chapter One, Title Seventh, of the Book first of the dahir forming the Code of Obligations and Contracts is supplemented by articles 41Y71, 41Y72 and 41Y73 as follows: "Section II. - Literal proof "Article 41Y71. - Written in electronic format at the Same probative force as the written document on paper. "Written documents in electronic form are admitted to evidence at Same time as writing on paper, provided that "Can be duly identified the person from whom it emanates and that it Is established and kept under conditions such as to Guarantee integrity. "Article 41Y72. - The signature required for perfection Of a legal act identifies the person who affixes it and expresses its Consent to the obligations arising from this act. "When the signature is affixed before an officer Public authorized to certify, it confers authenticity to the act.</p>	
<p>N/ 5584 - 25 kaada 1428 (6Y12Y2007)</p> <p>"When it is attached, it is advisable to use a "Reliable identification process guaranteeing its link with the act To which it is attached. "Section 41Y73. - The reliability of a signature process Electronic is presumed, until proven otherwise, when this Process implements a secure electronic signature. "An electronic signature is considered "Secure when created, the identity of the insured signature And the integrity of the legal act guaranteed, in accordance with Current legislation and regulations in this area. "Any document to which an electronic signature is affixed "Secure and which is time-stamped has the same probative force as the document Whose signature is legalized and of certain date.</p> <p>Article 5 The provisions of Articles 417, 425, 426, 440 and 443 of dahir forming Code of obligations and contracts are amended and completed as follows:</p>	<p>OFFICIAL BULLETIN</p> <p>D I LEGAL SYSTEM APPLICABLE SECURE ELECTRONIC SIGNATURE TO CRYPTOGRAPHY AND ELECTRONIC CERTIFICATION First chapter Secure electronic signature and cryptographically Section 1. - Secure electronic signature Article 6 The secure electronic signature, provided for by the provisions of article 41Y73 of the Dahir forming the Code of obligations and contracts, must meet the following conditions: - be specific to the signatory; - be created by the signatory; can the signatory can keep under its exclusive control; guarantee with the act to which it is attached a link such as any subsequent modification of the said act is detectable.</p>	<p>1359</p>

"The legislation in force.

"The successors and successors in the name of their

"Debtor.

"Article 426. - The Act by it.

"The signature at the bottom of

"The act; a stamp or seal cannot replace this and are

"Considered as not affixed.

"When it comes to a secure electronic signature, it

"Agrees to introduce it into the act, under the conditions provided for

"By the laws and regulations applicable in the matter.

"Article 440. - The copies originals.

"Copies of a legal document drawn up in

"Electronic are admitted in evidence as soon as the document answers

"Under the conditions referred to in Articles 41Y71 and 41Y72 and that the

"The process of preserving the deed allows each party to

"Have or have access to a copy.

"Article 443. - Conventions and other legal facts

"....., and exceeding

"The sum or the value of ten thousand dirhams cannot be

"Proven by witnesses. It must be passed in authentic act or

"Under private signature, possibly drawn up in electronic form

"Or transmitted electronically. "

The certificate of conformity, provided for in paragraph 2 of article 6 above, is issued by the national approval and regulatory authority monitoring of electronic certification, provided for in Article 15 of this law, when the signature creation device electronic meets the following requirements:

1) guaranteed by technical means and procedures appropriate as the electronic signature creation data:

a) cannot be established more than once and their confidentiality is assured;

b) cannot be found by deduction and the signature electronics is protected against tampering;

c) can be satisfactorily protected by the signatory against any use by third parties.

2) not cause any alteration or modification of the content of the deed to be signed and not prevent the signatory in have exact knowledge before signing it.

Article 10

The link between signature verification data electronic and the signatory is attested by a certificate electronic, which consists of a document drawn up in electronic.

This electronic certificate can be simple or secure.

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Article 11

The electronic certificate, provided for in article 10 above, is a secure electronic certification, when issued by a

electronic certification service provider accredited by the national authority for the approval and supervision of

electronic certification and that it includes the following data:

a) a statement indicating that this certificate is issued as secure electronic certificate;

b) the identity of the certification service provider electronic, as well as the name of the state in which it is established ;

c) the name of the signatory or a pseudonym where it exists, the latter must then be identified as such, holder of the secure electronic certificate;

d) where applicable, an indication of the capacity of the signatory in depending on the use for which the electronic certificate is intended;

e) the data which allow the signature to be verified secure electronics;

The government fixes:

1. the means or services meeting the criteria referred to in paragraph a) above;

2. the modalities according to which the declaration is subscribed and issued the authorization, referred to in the previous paragraph.

The government may provide for a simplified declaration or authorization or exemption from declaration or authorization for certain types or resources or services

cryptographic or for certain categories of users.

Article 14

The supply of means or services of cryptography subject to authorization is reserved for service providers electronic certification, approved for this purpose in accordance with the provisions of article 21 of this law. Otherwise, the

people who intend to provide cryptography services subject to authorization, must be approved for this purpose by

administration.

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Article 11	The government fixes: 1 the means or services meeting the criteria referred to in paragraph a) above; 2 the modalities according to which the declaration is subscribed and issued the authorization, referred to in the previous paragraph. The government may provide for a simplified declaration or authorization or exemption from declaration or authorization for certain types of resources or services cryptography or for certain categories of users. Article 14 The supply of means or services of cryptography subject to authorization is reserved for service providers electronic certification, approved for this purpose in accordance with the provisions of article 21 of this law. Otherwise, the people who intend to provide cryptography services subject to authorization, must be approved for this purpose by administration. Chapter II Certification of the electronic signature Section 1. - The national approval authority and monitoring of electronic certification Article 15 The national authority for the approval and supervision of electronic certification, hereinafter referred to by the authority national, has for mission, in addition to the competences which are devolved by virtue of other articles of this law: - to propose to the government the standards of the system approval and take the necessary measures to Implementation ; - approving certification service providers electronics and control their activities. Article 16 The national authority publishes an extract of the decision of approval to the "Official Bulletin" and keeps a register of accredited electronic certification service providers, which is the subject, at the end of each year, of a publication in the " Official Bulletin ". Article 17 The national authority ensures compliance by providers electronic certification services issuing certificates secure electronic systems, the commitments provided for by the provisions of this law and of the texts adopted for its application. Article 18 The national authority may, either ex officio or at the request of any interested person, verify or have verified compliance the activities of a certification service provider electronic delivery of secure electronic certificates to provisions of this law or of the texts adopted for its application. It may have recourse to experts for the carrying out of its control missions.	

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Article 19	3 - commit to: 3Y1 - verify, on the one hand, the identity of the person to whom an electronic certificate is issued, requiring it presentation of an official identity document for make sure that the person has the legal capacity to on the other hand, the quality of which this person avails itself and retains the characteristics and references of documents presented to justify this identity and this quality; 3Y2 - make sure when issuing the certificate electronic: a) that the information it contains is accurate; b) that the signatory identified therein holds the data of creation of the electronic signature corresponding to the verification of electronic signature contained in the certificate; 3Y3 - inform, in writing, the person requesting the issuance of an electronic certificate prior to the conclusion of a contract for the provision of electronic certification: (a) the terms and conditions for using the certificate; b) modalities for contesting and settling disputes; 3Y4 - provide people who rely on a certificate electronic elements of the information provided for in previous point that are useful to them; 3Y5 - inform the holders of the secure certificate at least sixty (60) days before the expiry date of the validity of their certificate, its expiry date and invite them to renew it or request its reactivation; 3Y6 - take out insurance to cover damage resulting from their professional misconduct; 3Y7 - revoke an electronic certificate, when: a) it turns out that it was issued on the basis of information erroneous or falsified, that the information contained in said certificate no longer conforms to reality or that the confidentiality of data relating to the creation of a signature been raped; b) the judicial authorities order him to inform immediately the holders of the secure certificates issued by him for their non-compliance with the provisions of this law and texts taken for its application. By way of derogation from the provisions of Articles 20 and 21 above: 1 - certificates issued by a service provider electronic certification, established in a foreign country have the same legal value as those issued by a service provider electronic certification established in Morocco if the certificate or certification service provider is recognized within the framework of a multilateral agreement to which Morocco is a party or of a bilateral reciprocal recognition agreement between Morocco and country of establishment of the service provider; 2 - can be approved the service providers of electronic certification headquartered in abroad, provided that the State in whose territory they carry out their activity has concluded with the Kingdom of Morocco a reciprocal recognition agreement for service providers electronic certification services.	

Electronic certification service providers are required, for themselves and for their employees, respect for professional secrecy, under penalty of the penalties provided for by the legislation in force.

They are responsible, in terms of common law, for their negligence, lack of respect or professional inadequacy, both vis-à-vis their co-contractors than third parties.

Electronic certification service providers must keep the certificate creation data and are required, by order of the Public Prosecutor, to communicate them to judicial authorities under the conditions provided for by the legislation. In this case, and notwithstanding any provision contrary legislation, certification service providers electronic system inform the users concerned without delay.

The obligation of professional secrecy, referred to in the first paragraph above, is not applicable:

- with regard to the administrative authorities, duly authorized in accordance with the legislation in force;
- with regard to the agents and experts of the national authority and agents and officers referred to in article 41 below in the exercise of the powers provided for in Articles 19 and 41 of the this law;
- if the holder of the electronic signature has consented to the publication or communication of information provided to the certification service provider electronic.

Section 3. - The obligation of the holder of the electronic certificate

Article 25

From the moment of creation of the data relating to the signature creation, the holder of the electronic certificate is solely responsible for the confidentiality and integrity of the data pertaining to the signature creation it uses. Any use of these is deemed, unless proven otherwise, to be its doing.

Article 26

The holder of the electronic certificate is required, within as soon as possible, to notify the certification service provider any modification of the information contained therein.

Article 27

In case of doubt as to the maintenance of the confidentiality of data relating to the creation of a signature or loss of conformity with the reality of the information contained in the certificate, its holder is required to revoke it immediately in accordance with the provisions of article 21 of this law.

Article 28

Is punished by imprisonment from one to five years and a fine of 10,000 DH to 100,000 DH, whoever uses, from illegally, personal signature creation elements relating to the signature of others.

Article 36

Is punished by a fine of 10,000 DH to 100,000 DH and from three months to six months imprisonment, any provider of electronic certification services that do not comply with the obligation to inform the national authority provided for in section 23 above.

Article 37

Is punished by a fine of 10,000 DH to 100,000 DH and a imprisonment from six months to two years, any holder of a electronic certificate that continues to use said certificate arrived expired or revoked.

Article 38

Without prejudice to more severe penal provisions, is punishable by imprisonment from one month to six months and a fine from 20,000 DH to 50,000 DH anyone who discloses, incites or participates in disclosing the information entrusted to it in within the framework of the exercise of its activities or functions.

However, the provisions of this article are not applicable to the authorized publication or communication, by written on paper or electronically, by the holder electronic certificate or publication or communication authorized by the legislation in force.

Article 31

Without prejudice to more severe penal provisions, is punishable by imprisonment from one to five years and a fine from 100,000 DH to 500,000 DH anyone who knowingly made false statements or given false documents to the service provider electronic certification services.

Article 32

Is punished by one year's imprisonment and a fine of 100,000 DH anyone who has imported, exported, supplied, exploited or used one of the means or a service of cryptography without the declaration or authorization required in Articles 13 and 14 above.

The court may, in addition, order the confiscation of means of cryptography concerned.

Article 33

When a means of cryptography, within the meaning of Article 14 above, has been used to prepare or commit a crime or an offense or to facilitate its preparation or commission, the maximum custodial sentence incurred is increased as follows:

- he is brought to life imprisonment, when the offense is punished by thirty years of criminal imprisonment;
- it is increased to thirty years of criminal imprisonment, when the offense is punished by twenty years of criminal imprisonment;
- it is increased to twenty years of criminal imprisonment, when the offense is punished by fifteen years of criminal imprisonment;
- it is increased to fifteen years of criminal imprisonment, when the offense is punished by ten years of criminal imprisonment;

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- it is increased to ten years of criminal imprisonment, when the offense is punished by five years of criminal imprisonment;

- it is doubled, when the offense is punished by up to three years imprisonment.

However, the provisions of this article are not applicable to the perpetrator or accomplice of the offense who, at the request from the judicial or administrative authorities, handed them the unencrypted version of the encrypted messages, as well as secret conventions required for decryption.

Article 34

Unless it can be demonstrated that they have committed no fault intentional or negligent, and that they have not used cryptographic services for confidentiality purposes are responsible, under these services, for the damage caused to people entrusting them with the management of their secret conventions cases of breaches of confidentiality, confidentiality or availability data transformed using these conventions.

Article 35

Is punished by imprisonment from one to five years and one fine of 10,000 DH to 100,000 DH, whoever uses, from illegally, personal signature creation elements relating to the signature of others.

Article 36

Is punished by a fine of 10,000 DH to 100,000 DH and from three months to six months imprisonment, any provider of electronic certification services that do not comply with the obligation to inform the national authority provided for in section 23 above.

Article 37

Is punished by a fine of 10,000 DH to 100,000 DH and a imprisonment from six months to two years, any holder of a electronic certificate that continues to use said certificate arrived expired or revoked.

Article 38

Without prejudice to more severe penal provisions, is punishable by imprisonment from one month to six months and a fine from 20,000 DH to 50,000 DH anyone who discloses, divulges, divulges, a company name, an advertisement and, in general, any expression suggesting that it is approved in accordance with provisions of article 21 above.

Article 39

When, on the report of its agents or experts, the authority national government notes that the certification service provider electronic device delivering secure certificates no longer responds to one of the conditions set out in article 21 above or that its activities do not comply with the provisions of this or regulations adopted for its application, it invites it to comply with said conditions or provisions, within the time that it determines.

After this period, if the service provider has not complied with it, the national authority withdraws the authorization issued, proceeds to the removal of the service provider from the register of approved service providers published in the "Official Bulletin" of an extract from the decision of withdrawal of approval.

When the activities of the offender are likely to lead to infringement of national defense or security requirements internal or external state, the national authority is empowered to take all precautionary measures necessary to make cease said activities, without prejudice to criminal proceedings that they call.

Article 40

When the offender is a legal person, and without prejudice to the penalties that may be applied to its managers, perpetrators or any of the above offenses, the fines provided for in this chapter are doubled.

In addition, the legal person may be punished by one of the following penalties:

- partial confiscation of its property;
- confiscation provided for in article 89 of the penal code;
- the closure of the person's establishment (s)
- morally used to commit the offenses.

Article 41

In addition to the officers and agents of the judicial police and the agent customers officers in their area of competence, customers officers the national authority entrusts the penalties that may be imposed, and sworn in forms of common law can seek and ascertain, by Minutes, infringements of the provisions of this law and texts taken for its application. Their minutes are transmitted within five days to the King's Prosecutor.

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- it is increased to ten years of criminal imprisonment, when the offense is punished by five years of criminal imprisonment; - it is doubled, when the offense is punished by up to three years' imprisonment. However, the provisions of this article are not applicable to the perpetrator or accomplice of the offense who, at the request from the judicial or administrative authorities, handled the unencrypted version of the encrypted messages, as well as secret conventions necessary for decryption. Article 34 Unless it can be demonstrated that they have committed no fault intentional or negligent, persons providing cryptography services for confidential purposes are responsible, under these services, for the damage caused to people entrusting them with the management of their secret communications cases of delivery integrity, confidentiality or availability data transformed using these conventions. Article 35 Is punished by imprisonment from one to five years and one fine of 10,000 DH to 100,000 DH, whoever uses, from illegally, personal signature creation elements relating to the signature of others. Article 36 Is punished by a fine of 10,000 DH to 100,000 DH and from three months to six months imprisonment, any provider of electronic certification services that do not comply with the obligation to inform the national authority provided for in section 23 above. In addition, the culprit can be beaten, for a period of five years, from the prohibition of the exercise of any provision of electronic certification services. Article 37 Is punished by a fine of 10,000 DH to 100,000 DH and a imprisonment from six months to two years, any holder of a electronic certificate that continues to use said certificate arrived expired or revoked. Article 38 Without prejudice to more severe penal provisions, is punished to a fine of 50,000 to 500,000 DH anyone who discloses, divulges, divulges, a company name, an advertisement and, in general, any expression suggesting that it is approved in accordance with provisions of article 21 above. Article 39 When, on the report of its agents or experts, the authority national government notes that the certification service provider electronic device delivering secure certificates no longer responds to one of the conditions set out in article 21 above or that its activities do not comply with the provisions of this or regulations adopted for its application, it invites it to comply with said conditions or provisions, within the time that it determines. After this period, if the service provider has not complied with it, the national authority withdraws the authorization issued, proceeds to the removal of the service provider from the register of approved service providers published in the "Official Bulletin" of an extract from the decision of withdrawal of approval.	When the activities of the offender are likely to lead to infringement of national defense or security requirements internal or external state, the national authority is empowered to take all precautionary measures necessary to make cease said activities, without prejudice to criminal proceedings that they call. Article 40 When the offender is a legal person, and without prejudice to the penalties that may be applied to his managers, perpetrators of any of the above offenses, the fines provided for in this chapter are doubled. In addition, the legal person may be punished by one of the following penalties: - partial confiscation of his property; - confiscation of the value of article 89 of the penal code; - the closure of the person's establishment (s) morality used to commit the offenses. Article 41 In addition to the officers and agents of the judicial police and the agents customs officers in their area of competence, customs officers the national authority empowered for this purpose and sworn in forms of common law can seek and ascertain, by law and Minutes, infringements of the provisions of this law and texts taken for its application. Their minutes are transmitted within five days to the King's Prosecutor. The agents and officers referred to in the previous paragraph may access the premises, land or means of transport used professionals and take a copy, collect, upon convocation or on site, information and justifications. They can proceed, in these same places, to the seizure of means referred to in article 12 above by order of the public prosecutor King or examining magistrate. The means seized appear in the Verbal report drawn up on the place. The originals of the minutes and the inventory are transmitted to the judicial authority which ordered the seizure. Chapter VII Final provisions Article 42 The conditions and modalities of application of the provisions of this law, real rights are fixed by decree. Article 43 By way of derogation from the provisions of the first paragraph of Article 21 above, the government may, on a proposal from the national authority referred to in Article 15, and subject to the public service, approve legal persons governed by public law and those and issue secure electronic certificates and manage the related services, under the conditions set by this law and the texts adopted for its application.	