

General Statute of the Civil Service of Morocco (Dahir No. 1-58-008), unofficial English translation

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Preamble

PRAISE BE TO GOD ALONE! (Great Seal of Sidi Mohammed ben Youssef) Let it be known by these presents – may God raise and fortify its tenor! – that Our Sharifian Majesty has decided as follows:

Chapter 1 – General principles and legal status of civil servants

Article 1

Every Moroccan has the right of access, under conditions of equality, to public employment (**).

Subject to the provisions which it lays down or which result from special statutes (statuts particuliers), no distinction shall be made between the two sexes in the application of this statute.

Article 2

Any person appointed to a permanent post and established (titularisé) in a grade of the hierarchy of the cadres of the State administration has the status of civil servant (fonctionnaire).

Article 3

The civil servant is, vis-à-vis the administration, in a statutory and regulatory situation.

Article 4

This statute governs all civil servants of the central administrations of the State and of the external services which depend on them. However, it does not apply to members of the judiciary (magistrats), to military personnel of the Royal Armed Forces, to health professionals, or to the corps of administrators of the Ministry of the Interior and its deconcentrated services. [TN1] (1)(2)(3)(15)(16)(18)

As regards members of the diplomatic and consular corps, the teaching corps, the corps of the General Inspectorate of Finance, the staff of the corps of court registry clerks of the justice sector [TN2], the police, the prison administration and the fire brigade, as well as the officers of the active service of the Customs and Indirect Taxes Administration, the inspectors, controllers and maritime guards of the merchant navy, harbour officers and lighthouse staff, and the staff of Water and Forests, special statutes may derogate from certain provisions of this statute that are incompatible with the obligations of those corps or services.

Article 5

For the application of the provisions of this General Statute, decrees shall be issued laying down special statutes for the corps of civil servants performing the same or similar functions or, where appropriate, statutes made necessary by the particular features of certain ministerial departments. (14)

Article 6

Access to the various permanent posts may take place only under the conditions defined by this statute.

However, appointment to certain senior posts (emplois supérieurs) is left to the decision of Our Majesty, on the proposal of the minister concerned. The list of these posts shall be determined by dahir. Appointment to the posts referred to in the preceding paragraph is essentially revocable, whether the appointees are civil servants or not. It shall in no case entail their establishment (titularisation) in respect of those posts in the cadres of the administration.

Article 6 bis

Public administrations may, where appropriate, recruit staff (agents) by contract, under the conditions and in accordance with the procedures laid down by decree.

Such recruitment shall in no case confer any right to establishment (titularisation) in the cadres of the administration. (14)

Article 7

Any appointment or any promotion in grade whose sole purpose is not to fill a vacancy is prohibited.

Chapter 2 – Organisation of the civil service

Article 8

Under the competent governmental authority, the department responsible for the civil service has, in particular, the task of:

- 1° ensuring the application of this statute and, in particular, ensuring that the regulatory provisions specific to each administration or service conform with the general principles which it sets out;
- 2° drawing up, in agreement with the Ministry of Finance and the other ministries concerned, the general rules for the recruitment of civil servants and the further training of staff, and ensuring the application of those rules;
- 3° monitoring, in agreement with the Minister of Finance, the application of the principles relating to the organisation of the cadres of the civil service, to remuneration and to the staff welfare and social-insurance scheme (régime de prévoyance);
- 4° undertaking, in agreement with the various ministries, the improvement of staff working methods;
- 5° compiling overall documentation and statistics concerning the civil service.

Article 9

The governmental authority responsible for the civil service endorses (vise) the regulatory texts relating to the civil service. Those of the aforementioned texts which have budgetary implications shall, in addition, be submitted for the endorsement (visa) of the Minister of Finance.

Article 10

A Higher Council of the Civil Service (conseil supérieur de la fonction publique) is hereby established, which shall examine any bill aimed at amending or supplementing the General Statute of the Civil Service. It is also competent to examine any questions of a general nature concerning the civil service which the Government submits to it.

To that end, it is responsible for:

- giving its opinion on draft laws and regulations concerning civil servants subject to the General Statute of the Civil Service;
- giving its opinion on the orientations of government policy in the field of in-service training (formation continue) of civil servants and staff of the State and of local authorities (collectivités locales);

- proposing any measures likely to improve the human resources management system.

Within the framework of the tasks assigned to it, the Higher Council of the Civil Service ensures respect for the fundamental guarantees granted to civil servants. It is chaired by the Prime Minister or by the governmental authority responsible for the civil service delegated by him for that purpose.

The Higher Council of the Civil Service comprises representatives of the administration and of local authorities and representatives of civil servants. The number of each category of the aforementioned representatives is fixed by decree. The representatives of civil servants are elected by and from among an electoral college composed of the representatives of civil servants within the joint administrative committees (commissions administratives paritaires). (5) (14)

Article 11

Each minister shall establish, in the administrations or services placed under his authority, joint administrative committees (commissions administratives paritaires) having competence within the limits laid down by this statute and its implementing decrees.

The joint administrative committees comprise an equal number of representatives of the administration, designated by order (arrêté) of the ministers concerned, and of staff representatives elected by the civil servants in activity in, or seconded to, the administration or service concerned. In the event of a tie, the chairman, designated from among the representatives of the administration, has the casting vote.

Article 12

A specific decree shall lay down the procedures for the application of Articles 10 and 11 above.

Chapter 3 – Rights and obligations of civil servants

Article 13

The civil servant is bound in all circumstances to respect, and to ensure respect for, the authority of the State.

Article 14

The right to organise (droit syndical) is exercised by civil servants under the conditions laid down by the legislation in force.

Membership or non-membership of a trade union shall not entail any consequence as regards the recruitment, advancement or assignment and, generally, the situation of the staff subject to this statute.

Article 15

Subject to contrary legislative provisions specific to certain corps, every civil servant is prohibited from engaging, on a professional basis, in a private gainful activity or an activity falling within the private sector, of whatever nature, on pain of disciplinary proceedings, with the exception of:

- the production of scientific, literary, artistic and sporting works, provided that their commercial character is not predominant. The civil servant concerned may mention his administrative capacity on the occasion of the publication or presentation of such works only with the agreement of the head of the administration to which he belongs;
- teaching, expert appraisals, consultancy or studies, provided that these activities are carried out on an occasional basis and for a limited duration and that their commercial character is not predominant.

The civil servant may benefit from these two exceptions only after submitting a declaration to that effect to the head of the administration, who may object if he finds that the activities carried out by the civil servant take place during regulatory working hours, or subject him to a legal constraint other than that arising from his public office, or place him in a situation of incompatibility with that office.

A civil servant whose spouse engages, for gain, in a liberal profession or a regular activity falling within the private sector must declare this to his administration. The administration must, where appropriate, take the measures necessary to safeguard the interests of the administration.

The procedures for applying the provisions of this article are laid down by regulation. (14)

Article 16

Every civil servant, whatever his position, is prohibited from holding, himself or through an intermediary and under any designation whatsoever, interests of such a nature as to compromise his independence in an undertaking subject to the supervision of the administration or service to which he belongs or in relation with his administration or service.

Article 17

Every civil servant, whatever his rank in the hierarchy, is responsible for the performance of the tasks entrusted to him. A civil servant responsible for running a service is answerable to his superiors for the authority conferred on him for that purpose and for the execution of the orders he has given. The individual responsibility of his subordinates in no way relieves him of the responsibilities incumbent upon him.

Any fault committed by a civil servant in the performance of, or in connection with the performance of, his duties exposes him to a disciplinary sanction, without prejudice, where applicable, to the penalties provided for by the Criminal Code.

Where a civil servant has been sued by a third party for a service-related fault (*faute de service*), the public authority must indemnify the civil servant against the civil judgments pronounced against him.

Article 18

Independently of the rules laid down in the Criminal Code concerning professional secrecy, every civil servant is bound by the obligation of professional discretion as regards all facts and information of which he becomes aware in the performance of, or in connection with the performance of, his duties. Any misappropriation of service papers or documents, and any communication of them to third parties contrary to the regulations, are formally prohibited. Apart from the cases provided for by the rules in force, only the authority of the minister on whom the civil servant depends may release him from this obligation of discretion or lift the prohibition laid down above.

Article 19

The administration is bound to protect civil servants against threats, attacks, insults, abuse or defamation to which they may be subjected in connection with the performance of their duties. It shall, where appropriate and in accordance with the regulations in force, make good the resulting damage in cases not covered by the legislation on pensions and on the death grant (*capital-décès*), the State being subrogated to the rights and actions of the victim against the author of the damage.

Article 20

An individual file shall be established for each civil servant. All documents concerning his civil status, his family situation and his administrative situation shall be recorded, numbered and filed in that file without discontinuity. No mention of the political, philosophical or religious opinions of the person concerned may appear in it.

Chapter 4 – Access to the civil service and regulation of the career

Section 1 – Recruitment

Article 21

No person may be appointed to a public post:

- 1° if he does not hold Moroccan nationality;
- 2° if he does not enjoy his civic rights and is not of good character;
- 3° if he does not meet the conditions of physical fitness required for the performance of the duties;
- 4° if he is not in a regular position with regard to the law on military service. (4)

Article 22

Recruitment to a public post must be carried out in accordance with procedures guaranteeing the equality of all candidates applying for access to the same post, in particular the competitive examination (concours) procedure. The end-of-studies examinations of institutes and establishments responsible for providing training solely on behalf of the administration are deemed to be a competitive examination. By way of derogation from the provisions of the first paragraph, the Government may authorise the authorities responsible for national defence or for the internal and external security of the State to carry out recruitment after examination of the aptitudes required of applicants, without prior or subsequent publicity. The conditions and procedures for applying the provisions of this article are laid down by decree. (14)

Article 23

Within one and the same ministry, a cadre (cadre) consists of all the posts made subject by the special statute to the same conditions of recruitment and career.

Article 24

Any candidate whose recruitment has been authorised by the competent minister must hold himself entirely at the disposal of the administration for his appointment and assignment. If he refuses to take up the post allocated to him, he shall, after formal notice (mise en demeure), be struck off the list of recruited candidates.

Article 25

The results of examinations and competitive examinations, and the appointments and promotions of civil servants, shall be published at the premises of the administrations and on their websites. [TN3] (18)

Section 2 – Remuneration

Article 26

Remuneration comprises the salary (traitement), family benefits (prestations familiales) and all other allowances or bonuses established by legislative or regulatory texts.

Article 26 bis

A civil servant is prohibited from receiving two or more remunerations in return for the performance of a function on a permanent or occasional basis, paid from the budget of the State, of local authorities, of public establishments or of companies or undertakings in which the State, public establishments or local authorities hold, individually or jointly, directly or indirectly, the majority of the shares in the capital or a predominant power in decision-making.

For the purposes of this article, "function" means the performance of any work carried out by the civil servant during administrative working hours, in addition to his statutory function, on a permanent or occasional basis, in return for remuneration of any nature or type whatsoever.

The prohibition laid down in the first paragraph of this article does not concern:

- allowances and fees connected with the activities referred to in Article 15 above;
- supplementary remuneration or statutory allowances. (14)

Article 27

For each administration or service, decrees shall classify the posts of each cadre in relation to the salary scales (échelles de traitements) and determine the salaries corresponding to each grade or step (échelon).

Section 3 – Performance rating and advancement

Article 28

The power of rating (notation) belongs to the head of the administration, who each year assigns to every civil servant in activity or on secondment a numerical rating (note chiffrée) followed by a

general assessment expressing his professional worth. This rating is entered on an annual rating sheet appended to the file of each civil servant.

Numerical ratings are communicated to the persons concerned and to the joint administrative committees; the latter may also take cognisance of the general assessments.

Article 29

The advancement of civil servants comprises advancement in step (échelon), in class and in grade. It takes place continuously from step to step, from class to class and from grade to grade, after the opinion of the competent joint administrative committee.

Article 30

Advancement in step takes place continuously from one step to the immediately higher step, according to the civil servant's seniority and rating. Advancement in grade or in cadre takes place from grade to grade or from cadre to cadre following a professional aptitude examination, and by selection (au choix) on the basis of merit after entry on the annual promotion list (tableau annuel d'avancement).

Any civil servant who has been promoted to a higher grade or cadre is bound to accept the post assigned to him in his new grade or cadre. In the event of refusal, his promotion is cancelled.

The conditions and procedures for applying the provisions of this article are laid down by decree.
(13)

Article 31

The special statutes referred to in Article 5 above lay down the conditions corresponding to each of the modes of advancement referred to in Article 30 above, subject to ensuring the principle of harmonisation of those statutes as regards the modes of advancement applied. (14)

Article 32

Whatever the step to which he is promoted in his new grade, a civil servant who is advanced may not receive a salary lower than his former salary. He shall, where appropriate, be granted a compensatory allowance subject to pension deduction.

Article 33

Civil servants may benefit from advancement only if they are entered on a promotion list (tableau d'avancement) prepared each year by the administration. The list is drawn up by the authority vested with the power of appointment after having been submitted for the opinion of the joint administrative committees, which then act as promotion committees. It ceases to be valid at the end of the year for which it was drawn up. If the said list is exhausted before the end of the year of validity and the vacancies have not all been filled, a supplementary list may be drawn up for the same year.

Article 34

For the drawing up of the list, a thorough examination must be made of the professional worth of each staff member, taking principally into account the ratings he has obtained and the reasoned proposals made by the heads of service. Civil servants are entered on the list in order of merit. Candidates whose merit is judged equal are ranked by seniority. Promotions must take place in the order of the list, subject to the needs of the service. Save for derogations provided for in the special statutes of each administration or service, the number of candidates entered on the promotion list, where the list covers a fixed number of posts, may not exceed the number of notified vacancies by more than 50%.

Article 35

The composition of the joint administrative committees shall, when they act as promotion committees, be modified in such a way that in no case is a civil servant of a given grade called upon to make a proposal relating to the advancement of a civil servant of a hierarchically higher grade. In any event, civil servants eligible for entry on the list may not take part in the committee's deliberations.

Article 36

The promotion lists must be brought to the attention of staff.

Section 4 – Positions

Article 37

Every civil servant is placed in one of the following positions: 1° in activity; 2° on secondment (en service détaché); 3° in non-active status (en disponibilité); 4° with the colours (sous les drapeaux).
(4)

1 – Activity – leave

Article 38

A civil servant is deemed to be in activity when, being established in a grade, he actually performs the duties of one of the corresponding posts in the administration to which he is assigned.

The following are deemed to be in the same position: the civil servant placed at the disposal of another administration (mis à disposition); the civil servant on administrative leave, on leave for health reasons, on maternity, paternity or kafala leave or on breastfeeding rest (repos d'allaitement), on unpaid leave, or released from duty (décharge de service) to carry out trade-union activity with one of the most representative trade-union organisations. (11) (14) (17)

Mobility of civil servants

Article 38 bis

Civil servants belonging to corps and cadres common to the administrations are in the normal position of activity in the State administrations and in the local authorities to which they are assigned. They may be reassigned from one public administration to another, from one local authority to another, from a public administration to a local authority, or from a local authority to a public administration. Civil servants are reassigned under the following conditions:

- at their request;
- ex officio, on the initiative of the public administration or local authority, where the needs of the service so require. In that case, the competent joint administrative committee is consulted for its opinion, or where such reassignment entails a change in the civil servant's place of residence. In that case, he may be granted a special allowance.

The procedures for applying the provisions of this article are laid down by decree. (11) (14)

Article 38 ter

In cases of transfer of services from one public administration to another, or of deconcentration or decentralisation of an administrative service, the civil servants belonging to those services are transferred (mutés) or seconded ex officio. (11) The procedures for applying the provisions of this article are laid down by decree. (11)

Article 39

Leave is divided into: 1) administrative leave, comprising annual leave and exceptional leave or leave of absence (permissions d'absence); 2) leave for health reasons, comprising: a) short-term sick leave; b) medium-term sick leave; c) long-term sick leave; d) leave in the event of illness or injury resulting

from an accident occurring in the performance of duties; 3) maternity, paternity and kafala leave and breastfeeding rest; (17) 4) unpaid leave. (10)

Save as otherwise provided in this General Statute, civil servants on leave for health reasons receive, as the case may be, all or half of their emoluments taken into account for the calculation of the retirement pension as defined in Article 11 of Law No. 011-71 of 12 Kaada 1391 (30 December 1971) establishing a civil pensions scheme, as amended and supplemented. The persons concerned retain the benefit of all family benefits in all cases of leave for health reasons. (10)(11)

Article 40

Every civil servant performing his duties is entitled to paid annual leave.

The duration of the leave is fixed at twenty-two (22) working days per year during which the civil servant has performed his duties, the first leave being granted only after twelve months of service.

The administration retains full latitude to stagger annual leave and may, if the interest of the service so requires, refuse to allow it to be split.

Account shall be taken of family situation in granting priority in the choice of annual leave periods.

Annual leave may be carried over from any given year to the following year only on an exceptional basis and once only.

Not taking annual leave confers no right to any compensation. (14)

Article 41

Exceptional leave or leave of absence may be granted on full salary without being counted in the calculation of regular leave:

- 1 – to civil servants holding a public mandate, within the limit of the total duration of the sessions of the assemblies of which they are members, where the mandate with which they have been entrusted does not, by reason of its nature or duration, allow them to be placed on secondment;
- 2 – to duly mandated representatives of civil servants' trade unions or elected members of governing bodies, on the occasion of the convening of professional trade-union, federal, confederal and international congresses;
- 3 – to civil servants providing evidence of family reasons or of serious and exceptional grounds, within a limit of ten days;

4 – to Muslim civil servants wishing to perform the pilgrimage to the Holy Places. This authorisation is granted only once during their career. The civil servants concerned do not acquire the right to the leave provided for in Article 40 in the year in which they benefit from this special authorisation.

Article 42

In the event of a duly established illness rendering the civil servant unable to perform his duties, he is placed on leave as of right.

A medical certificate stating the presumed period during which the civil servant is unfit to perform his duties must be produced to the administration by the person concerned. The administration shall, where necessary, carry out all appropriate medical and administrative checks in order to ensure that the civil servant uses his leave only for the purpose of receiving treatment.

In the event of non-compliance with the provisions of the preceding paragraph, and without prejudice to the disciplinary sanctions provided for by this General Statute, the emoluments paid to the person concerned during the sick leave shall be withdrawn for service not performed (service non fait), in accordance with the legislation in force.

With the exception of short-term sick leave, which is granted directly by the head of the administration, other leave for health reasons may be granted by that authority only after the binding opinion (avis conforme) of the medical board (conseil de santé). (10)

Article 43

Short-term sick leave may not exceed six months in any period of twelve consecutive months. During the first three months, the civil servant receives all of his emoluments referred to in Article 39 above. These emoluments are reduced by half during the following three months. (10)

Article 43 bis

Medium-term sick leave may not exceed three (3) years in total. It is granted to a civil servant suffering from an illness that renders him unable to perform his duties and that, in addition, requires prolonged treatment and care and is disabling and of confirmed seriousness.

Throughout the duration of the said leave, the civil servant receives the full remuneration corresponding to his statutory situation. [TN4] (18)

The list of illnesses giving entitlement to the leave provided for in this article is fixed by decree. (10)

Article 44

Long-term sick leave not exceeding five years in total [TN5] is granted to civil servants suffering from one of the following conditions:

- cancers;
- leprosy;
- AIDS (acquired immunodeficiency syndrome);
- tetraplegia;
- transplantation of a vital organ;
- chronic psychoses;
- serious personality disorders;
- neurocognitive or cognitive disorders. [TN6]

Throughout the duration of the said leave, the civil servant receives the full remuneration corresponding to his statutory situation. [TN6] (10) (18)

Article 45

Where the illness is contracted or aggravated either in the performance of, or in connection with the performance of, his duties, or while performing an act of devotion in the public interest or to save the life of one or more persons, or following an accident occurring in the performance of, or in connection with the performance of, his duties, the civil servant receives all of his emoluments until he is fit to resume his service or until he is recognised as permanently unfit and retired under the conditions laid down by the aforementioned Law No. 011-71 of 12 Kaada 1391 (30 December 1971), as amended and supplemented.

In all the cases provided for in this article, the civil servant is in addition entitled to reimbursement by the administration of medical fees and of the costs directly entailed by the illness or accident. (10)

Article 45 bis

Where the medical board (conseil de santé) finds, on expiry of the period of leave for health reasons, that the civil servant is permanently unfit to resume his duties, the person concerned is retired either at his request or ex officio under the conditions laid down by the aforementioned Law No. 011-71 of 12 Kaada 1391 (30 December 1971), as amended and supplemented.

If the civil servant is not recognised by the medical board as permanently unfit and is unable, on expiry of the leave for health reasons, to resume his service, he is placed ex officio in non-active status (disponibilité). (10)

Article 46

A pregnant female civil servant is entitled to maternity leave of fourteen weeks (14), during which she receives her full remuneration. (10)(13)

A female civil servant who, in accordance with the legislation and regulations in force, provides kafala [TN7] for a child under twenty-four (24) months of age is entitled to kafala leave of fourteen (14) weeks, during which she receives her full remuneration.

The female civil servant is also entitled to breastfeeding rest of one hour per day, from the date of expiry of the maternity leave or of the kafala leave, as the case may be, until the child born or placed in kafala reaches the age of twenty-four (24) months.

The administration fixes the hours of the breastfeeding leave in accordance with the wishes of the female civil servant concerned, without disrupting the proper functioning of the service.

A male civil servant is entitled, on the birth of his child, to paternity leave of fifteen (15) continuous paid days from the child's date of birth.

A male civil servant who, in accordance with the legislation and regulations in force, provides kafala for a child under twenty-four (24) months of age is entitled to kafala leave of fifteen (15) continuous paid days.

He benefits from the kafala leave provided for in this article from the date of execution of the order granting kafala. (18) [TN8]

Unpaid leave

Article 46 bis

A civil servant may, at his request and with the agreement of the head of the administration, be granted unpaid leave, granted only once every two years, within the limit of one indivisible month.

The procedures for granting unpaid leave are laid down by decree. (11)

Article 46 ter

A civil servant is placed at the disposal of another administration (mise à disposition) when, while remaining in his cadre in his administration of origin within a public administration or a local authority and occupying his budgetary post there, he performs his duties in another public administration.

A civil servant placed at the disposal of another administration retains, within his administration or local authority of origin, all his rights to remuneration, advancement and retirement.

Placement at the disposal of another administration may take place only for the necessary needs of the service, in order to carry out specific tasks during a limited period and with the agreement of the civil servant.

A civil servant placed at the disposal of another administration performs tasks of a hierarchical level similar to that of the tasks he performed in his administration or local authority of origin, with the obligation to submit a periodic report to it so as to enable it to follow his activity.

The procedures for applying the provisions of this article are laid down by decree. (14)

Article 46 quater

A civil servant benefits from release from duty (décharge de service) to carry out trade-union activity when, while remaining in his cadre in his administration of origin and occupying his budgetary post there, he performs his tasks in one of the most representative trade unions.

A civil servant released from duty to carry out trade-union activity with one of the most representative trade unions retains, in his administration of origin, all his rights to remuneration, advancement and retirement.

The procedures for applying the provisions of this article are laid down by decree. (14)

2 – Secondment (détachement)

Article 47

A civil servant is on secondment (détachement) when he is placed outside his cadre of origin but continues to belong to that cadre and to enjoy therein his rights to advancement and retirement.

Article 48

Secondment takes place at the request of the civil servant and is revocable. It is made to:

1° a State administration;

2° a local authority;

3° public establishments, State companies, public subsidiaries, mixed-economy companies and concession undertakings referred to in Article 1 of Law No. 69-00 on State financial control of public

enterprises and other bodies, promulgated by Dahir No. 1-03-195 of 16 Ramadan 1424 (11 November 2003);

4° a private body of public interest or an association recognised as being of public utility;

5° a foreign country or a regional or international organisation.

The procedures and the process of secondment are laid down by decree. (14)

Article 48 bis

Notwithstanding the provisions of Article 48 above, a civil servant is seconded as of right in the following cases:

- appointment as a member of the Government;
- exercise of a public mandate or a trade-union mandate, where that mandate entails obligations preventing the normal performance of his duties;
- occupation of one of the senior posts provided for in Article 6 above. (14)

Article 49

A seconded civil servant bears the deduction provided for by the retirement scheme to which he is affiliated, on the salary of activity pertaining to his grade and step in the service from which he is seconded.

Article 50

Secondment is ordered for a maximum period of three years and may be renewed for equal periods. However, civil servants placed on secondment with a public administration or local authority for a period of at least three years may, at their request, be integrated into the public administration or local authority to which they are seconded, in a cadre corresponding to the statutory situation they hold in their cadre of origin on the date of their integration. The procedures for applying the provisions of this article are laid down by decree. (7) (11)

Article 51

A seconded civil servant may be replaced immediately unless he is seconded for a period equal to or less than six months and that period is not renewable.

On expiry of the secondment, and subject to the provisions of Article 52 below, the seconded civil servant must return to his administration of origin, where he occupies the first vacant post. If he

cannot be reinstated for lack of a vacant post corresponding to his grade in his cadre of origin, he continues to receive from the host administration the remuneration corresponding to his statutory situation during the current budgetary year.

The administration of origin must take charge of the civil servant concerned, from the following year, on one of the corresponding budgetary posts. (14)

Article 52

A civil servant seconded to a foreign State or to a regional or international organisation is reinstated immediately in his cadre of origin when his secondment is terminated.

Failing a vacant post corresponding to the civil servant's grade in his cadre of origin, the person concerned is reinstated as a supernumerary (en surnombre) by order of the head of the administration concerned, endorsed by the governmental authority responsible for finance. The supernumerary post thus created must be absorbed at the first vacancy that becomes budgetarily available in the grade concerned.

The following are also reinstated as supernumeraries:

- the civil servants referred to in Article 48 bis above;
- civil servants seconded to serve as members of a ministerial cabinet. (14)

Article 53

A seconded civil servant is rated, under the conditions laid down in Chapter IV, Section III of this statute, by the administration or body to which he is seconded. The latter transmits his rating sheet to the administration of origin.

3 – Non-active status (disponibilité)

Article 54

A civil servant is in non-active status (disponibilité) when, placed outside his cadre of origin, he continues to belong to that cadre but ceases to enjoy therein his rights to advancement and retirement. The position of non-active status entails no payment of emoluments, except in the cases expressly provided for by this statute.

Article 55

Non-active status is ordered by order (arrêté) of the minister to whom the civil servant reports, either ex officio or at the latter's request. The civil servant retains the rights acquired in his cadre of origin on the day his placement in non-active status took effect.

Article 56

A civil servant may be placed in non-active status ex officio only in the case provided for in Article 45 bis of this General Statute. In the case of ex officio placement in non-active status following short-term sick leave, the civil servant receives for six months half of his emoluments taken into account for the calculation of the retirement pension, as defined in Article 11 of the aforementioned Law No. 011-71 of 12 Kaada 1391 (30 December 1971), as amended and supplemented, and continues to receive all family benefits. (10)

Article 57

The duration of non-active status ordered ex officio may not exceed one year. It may be renewed twice for an equal period and, on expiry of that period, the civil servant must be:

- either reinstated in the cadres of his administration of origin;
- or retired;
- or, if he is not entitled to a pension, removed from the cadres by discharge (licenciement).

However, if on expiry of the third year of non-active status the civil servant is unfit to resume his service, but it results from an opinion of the medical services that he should normally be able to resume his duties before the expiry of a further year, the non-active status may be renewed a third time.

Article 58

Placement in non-active status at the request of the civil servant may be granted only in the following cases:

- 1° accident or serious illness of the spouse or of a child;
- 2° enlistment in the Royal Armed Forces;
- 3° studies or research of undeniable general interest;
- 4° personal convenience (convenances personnelles).

In the last two cases, the joint administrative committee is called upon to give an opinion.

The duration of non-active status may not exceed three years in the cases referred to in paragraphs 1°, 2° and 3°, and two years in the case of personal convenience.

These periods are renewable only once for an equal period.

Renewal of non-active status for personal convenience is granted as of right to civil servants who request it, without prior consultation of the joint administrative committee.

A civil servant placed in non-active status for personal convenience may request his reinstatement under the conditions laid down in Article 62 below only after the end of at least the first period. (8)

Article 59

A special non-active status exists for female staff. Placement in non-active status is granted as of right to a female civil servant, at her request, to raise a child under five years of age or suffering from an infirmity requiring continuous care. This placement in non-active status may not exceed two years, but may be renewed for as long as the conditions required to obtain it are met.

Where the female civil servant is head of the family, she continues to receive family allowances under the conditions laid down by the regulations in force.

Article 60

Placement in non-active status may also be granted, at her request, to a female civil servant in order to follow her husband if the latter is required, by reason of his profession, to establish his habitual residence in a place distant from that where his wife performs her duties. In that case, the duration of the non-active status, likewise ordered for a renewable period of two years, may not exceed ten years in total. A male civil servant wishing to join the place where his wife performs her duties may also benefit from the provisions of the first paragraph above, under the same conditions. (9)

Article 61

The administration may at any time have the necessary inquiries carried out to ensure that the activity of the civil servant concerned actually corresponds to the grounds on which he was placed in non-active status.

Article 62

A civil servant placed in non-active status at his request must apply for reinstatement at least two months before the expiry of the current period. Such reinstatement is as of right at one of the first three vacancies. Until it takes place, the civil servant remains in non-active status.

Article 63

A civil servant in non-active status who does not apply for reinstatement within the prescribed time limits, or who refuses the post assigned to him on his reinstatement, may be removed from the cadres by discharge (licenciement) after the opinion of the joint administrative committee.

3 bis – The position "with the colours" (sous les drapeaux)

Article 63 bis

A civil servant incorporated into the army to perform active military service is placed in the position known as "with the colours" (sous les drapeaux).

In this position, he retains his rights to advancement in his administration of origin. He loses his emoluments of activity and receives only his military pay.

On his release, the person concerned is reinstated as of right in his cadre of origin. (4) (***)

4 – Staff movements

Article 64

The minister carries out the movements of the civil servants under his authority.

The assignments ordered must take account of the requests made by the persons concerned and of their family situation, insofar as is compatible with the interest of the service.

Chapter 5 – Disciplinary sanctions

Article 65

Disciplinary power belongs to the authority holding the power of appointment.

The joint administrative committees act as the disciplinary board (conseil de discipline); their composition is then modified in accordance with the provisions of Article 35.

Article 66

The disciplinary sanctions applicable to civil servants comprise, in increasing order of severity:
[TN9]

1. warning (avertissement);
2. reprimand (blâme);
3. removal from the promotion list (radiation du tableau d'avancement);
4. reduction in step (abaissement d'échelon);
5. demotion in grade (rétrogradation);
6. dismissal (révocation). (18)

There are, in addition, two sanctions of a particular character: temporary exclusion depriving the civil servant of all remuneration, except family benefits, for a period not exceeding six months; and compulsory retirement (mise à la retraite d'office). The latter may be imposed only if the civil servant meets the conditions laid down by the legislation on pensions.

Warning and reprimand are imposed by a reasoned decision of the authority holding disciplinary power, without consultation of the disciplinary board but after the person concerned has been called upon to give his explanations; the other sanctions are imposed after the opinion of the disciplinary board. The board is seised by a written report from the authority holding disciplinary power, clearly stating the acts with which the accused civil servant is charged and, where applicable, the circumstances in which they were committed.

Article 67

As soon as disciplinary proceedings are initiated, the accused civil servant is entitled to obtain full disclosure of his individual file and of all appended documents. He may submit written or oral observations to the disciplinary board, call witnesses and be assisted by a defender of his choice.

The administration also has the right to call witnesses.

Article 68

If it does not consider itself sufficiently informed about the acts with which the person concerned is charged or the circumstances in which those acts were committed, the disciplinary board may order an inquiry.

Article 69

In the light of the written observations submitted to it and taking into account, where applicable, the oral statements of the persons concerned and of the witnesses as well as the results of any inquiry carried out, the disciplinary board issues a reasoned opinion on the sanction which it considers the acts with which the person concerned is charged should entail, and transmits that opinion to the authority holding disciplinary power.

Article 70

The disciplinary board must transmit the opinion provided for in the preceding article within one month of the day on which the matter was referred to it. This time limit is extended to three months where an inquiry is carried out.

In the event of prosecution before a criminal court, the disciplinary board may decide to defer issuing its opinion until that court has given its decision.

Article 71

In no case may the penalty actually imposed be more severe than that proposed by the disciplinary board, save with the approval of the President of the Council. [TN10]

Article 72

The decision taken must be notified to the person concerned.

Article 73

In the event of a serious fault committed by a civil servant, whether a breach of his professional obligations or an offence under ordinary law, the author of that fault may be suspended immediately by the authority holding disciplinary power.

The decision ordering the suspension of a civil servant must specify whether the person concerned retains the benefit of his salary during the period of suspension, or determine the proportion of the deduction to which he is subject. An exception is made for family-related benefits, which he continues to receive in full.

In the event of suspension, the disciplinary board must be convened as soon as possible. The situation of the suspended civil servant must be definitively settled within four months of the day on which the suspension decision took effect. Where no decision has been taken at the end of four months, the person concerned again receives his full salary.

Where the person concerned has suffered no sanction, or has been subject only to a warning, a reprimand or removal from the promotion list, or if on expiry of the time limit provided for in the preceding paragraph no ruling could be made on his case, he is entitled to reimbursement of the deductions made from his salary.

However, where the civil servant has been the subject of criminal proceedings, his situation is definitively settled only after the decision rendered by the court seised has become final. In that

case, the provisions of the third paragraph above concerning the time limit for restoring payment of the full salary do not apply.

Article 74

Decisions imposing sanctions are placed in the individual file of the civil servant concerned. The same applies, where appropriate, to the opinions or recommendations issued by the board and to all appended papers and documents.

Article 75

A civil servant who has been subjected to a disciplinary penalty and who has not been excluded from the cadres may, after five years in the case of a warning or reprimand and ten years in the case of any other penalty, submit to the minister to whom he reports a request that no trace of the sanction imposed remain in his file.

If, by his general conduct, the person concerned has given full satisfaction since the sanction imposed on him, his request must be granted. The minister rules after the opinion of the disciplinary board.

The file shall be reconstituted in its new composition.

Article 75 bis

A civil servant who, apart from duly justified cases of absence, does not perform his service is in a state of abandonment of post (*abandon de poste*); he is therefore regarded as having deliberately waived the disciplinary guarantees provided for by this statute.

The head of the administration sends the civil servant guilty of abandonment of post a formal notice (*mise en demeure*) calling on him to resume his service and informing him of the measures to which he exposes himself by not complying with the order to resume his service.

The formal notice is sent to the civil servant at the last home address declared by the person concerned to the administration, by registered letter with acknowledgement of receipt. If he has not resumed his service within seven days following the date of notification of the formal notice, the head of the administration is empowered to impose the sanction of dismissal (*révocation*) directly and without prior consultation of the disciplinary board. [TN11] (18)

Where the formal notice could not be notified, the head of the administration immediately orders the suspension of the remuneration of the civil servant concerned. If the latter does not resume his service within sixty (60) days following the date on which the decision to suspend remuneration was

taken, the sanction provided for in the third paragraph above applies. If he returns to his post within the aforementioned time limit, his file is submitted to the disciplinary board.

In the cases referred to in this article, dismissal takes effect from the day on which the abandonment of post was established. (6) (11)

Chapter 6 – Leaving the service

Article 76

Definitive cessation of duties, entailing removal from the cadres and loss of civil-servant status, results from: 1° resignation duly accepted; 2° discharge (licenciement); 3° dismissal (révocation); 4° retirement.

Article 77

Resignation may result only from a written request by the person concerned expressing his unequivocal wish to leave the cadres of his administration or service otherwise than by retirement. It takes effect only if it is accepted by the authority vested with the power of appointment, which must take its decision within one month of the date of receipt of the offer of resignation.

The resignation takes effect on the date fixed by that authority.

Article 78

Acceptance of the resignation renders it irrevocable. It does not preclude, where appropriate, the exercise of disciplinary action on account of acts that came to the knowledge of the administration only after such acceptance.

If the competent authority refuses to accept the resignation, the person concerned may refer the matter to the joint administrative committee. The committee issues a reasoned opinion which it transmits to the competent authority.

Article 79

A civil servant who ceases his duties before the date fixed by the competent authority for accepting the resignation may be subject to a disciplinary sanction.

Article 80

The discharge of civil servants resulting from the abolition of the permanent posts they occupy may take place only pursuant to special dahirs on reduction of staff (dégagement des cadres), laying down in particular the conditions of notice and compensation.

Article 81

A civil servant who demonstrates professional inadequacy (insuffisance professionnelle) and cannot be redeployed in another administration or service is either retired or, if he is not entitled to a pension, discharged. The decision is taken by the minister concerned in compliance with the formalities prescribed in disciplinary matters.

A civil servant discharged for professional inadequacy may receive compensation under conditions to be determined by decree.

Article 82

Retirement is ordered under the conditions laid down by the legislation on pensions, either on request or ex officio, on grounds of age limit or physical unfitness, or as a disciplinary sanction, or for professional inadequacy.

Article 83

A decree shall define the private activities which, by reason of their nature, a civil servant who has definitively ceased his duties or who has been placed in non-active status may not engage in. It shall define, where appropriate, the periods during which engaging in those activities is prohibited. In the event of breach of the above prohibition, the retired civil servant may be subject to deductions from his pension and, where applicable, be deprived of his pension rights.

Article 84

Under the conditions laid down in the preceding article, and on pain of the same sanctions, the prohibition laid down in Article 16 of this statute applies to civil servants who have definitively ceased their duties.

Article 85

The sanctions provided for in Articles 83 and 84 may be imposed only after the opinion of the joint administrative committee of the administration or service to which the person concerned belonged.

Article 86

A civil servant who definitively ceases to perform his duties may be granted honorary status (honorariat) either in his grade or in the immediately higher grade.

Chapter 7 – Miscellaneous and transitional provisions

Article 87

In the event of the death of a civil servant in active service, his beneficiaries (ayants droit) receive payment of a death grant (capital-décès) under the conditions laid down by the regulations in force.

Article 88

The provisions of this dahir whose application is not subject to the promulgation of a decree enter into force immediately. In addition, the staff referred to in the second paragraph of Article 4 remain subject to the provisions of their special statute until it is amended in accordance with the procedure provided for in that article.

Article 89

The measures to be taken for the application of this dahir may be laid down by decree.

Done at Rabat, 4 Chaabane 1377 (24 February 1958).

Registered at the Presidency of the Council, 4 Chaabane 1377 (24 February 1958).

BEKKAI.

Note under Article 63 bis

(***) Article 14 of Law No. 44-18 on military service: Notwithstanding any contrary legislative and regulatory provisions, civil servants and staff of public administrations and territorial authorities (collectivités territoriales), as well as the staff of public establishments and enterprises and other bodies subject to Law No. 69-00 on State financial control of public enterprises and other bodies, are placed at the disposal of the National Defence Administration for the period of military service. They retain, in their cadre within their administration of origin, all their rights, in particular the right to advancement, retirement, remuneration and social welfare cover (prévoyance sociale). They also benefit, on the same basis as military personnel, from death and disability insurance and from

medical and social assistance. The amounts of the related contributions are borne by the State. At the end of their military service, the persons concerned are reinstated in their administration of origin. Conscripts are entitled to take part in competitive examinations organised during the period of military service.

Principal revisions of the General Statute of the Civil Service

(As listed in the source consolidation; Bulletin officiel (B.O.) references as given there, see [TN12].)

- (*) Dahir No. 1-58-008 of 4 Chaabane 1377 (24 February 1958) laying down the General Statute of the Civil Service (B.O. No. 2372 of 11 April 1958). (**) Article 31 of the Constitution.
- (***) Article 14 of Law No. 44-18 on military service, promulgated by Dahir No. 1-19-03 of 23 January 2019 (B.O. No. 6750 of 7 February 2019).
- (1) Dahir No. 1-59-329 of 15 Joumada I 1379 (16 November 1959) amending and supplementing Dahir No. 1-58-008 (B.O. No. 2459 of 11 December 1959).
- (2) Dahir No. 1-61-400 of 10 Rebia II 1382 (10 September 1962) amending and supplementing Dahir No. 1-58-008 (B.O. No. 2604 of 21 September 1962).
- (3) Dahir No. 1-63-039 of 5 Chaoual 1382 (1 March 1963) amending and supplementing Dahir No. 1-58-008 (B.O. No. 2629 of 15 March 1963).
- (4) Royal Decree No. 138-66 of 20 Safar 1386 (9 June 1966) having the force of law, supplementing Dahir No. 1-58-008 (B.O. No. 2798 of 15 June 1966).
- (5) Royal Decree No. 354-67 of 17 Rebia I 1387 (26 June 1967) having the force of law, amending and supplementing Dahir No. 1-58-008 (B.O. No. 2863 of 13 September 1967).
- (6) Royal Decree having the force of law No. 710-68 of 26 Ramadan 1388 (17 December 1968) supplementing Dahir No. 1-58-008 (B.O. No. 2930 of 25 December 1968).
- (7) Law No. 28-90 promulgated by Dahir No. 1-91-119 of 6 Rebia II 1412 (15 October 1991) supplementing Dahir No. 1-58-008 (B.O. No. 4123 of 6 November 1991).
- (8) Law No. 19-87 promulgated by Dahir No. 1-88-125 of 22 Rebia I 1414 (10 September 1993) amending and supplementing Article 58 of Dahir No. 1-58-008 (B.O. No. 4225 of 20 October 1993).
- (9) Law No. 15-93 promulgated by Dahir No. 1-94-125 of 19 Ramadan 1414 (2 March 1994) supplementing Dahir No. 1-58-008 (B.O. No. 4246 of 16 March 1994).
- (10) Law No. 20-94 promulgated by Dahir No. 1-95-2 of 24 Chaabane 1415 (26 January 1995) amending and supplementing Dahir No. 1-58-008 (B.O. No. 4294 of 15 February 1995).
- (11) Law No. 10-97 promulgated by Dahir No. 1-97-165 of 27 Rabii I 1418 (2 August 1997) amending and supplementing Dahir No. 1-58-008 (B.O. No. 4518 of 18 September 1997).

- (12) Law No. 75-99 promulgated by Dahir No. 1-00-341 of 29 Ramadan 1421 (26 December 2000) amending and supplementing Dahir No. 1-58-008 (B.O. No. 4866 of 18 January 2001).
- (13) Article 87 of Law No. 30-09 on physical education and sport, promulgated by Dahir No. 1-10-150 of 24 August 2010 (B.O. No. 5888 of 4 November 2010).
- (14) Law No. 50-05 promulgated by Dahir No. 1-11-10 of 14 Rabia I 1432 (18 February 2011) amending and supplementing Dahir No. 1-58-008 (B.O. No. 5944 of 19 May 2011).
- (15) Law No. 04-11 promulgated by Dahir No. 1-11-87 of 29 Rajab 1432 (2 July 2011) supplementing Dahir No. 1-58-008 (B.O. No. 5962 of 2 July 2011, Arabic edition).
- (16) Law No. 39-21 promulgated by Dahir No. 1-21-87 of 15 Hija 1442 (26 July 2021) supplementing Dahir No. 1-58-008 (B.O. No. 7010 of 5 August 2021).
- (17) Law No. 30-22 promulgated by Dahir No. 1-22-55 of 13 Moharrem 1444 (11 August 2022) amending and supplementing Dahir No. 1-58-008 (B.O. No. 7196 of 18 May 2023).
- (18) Law No. 46-24 promulgated by Dahir No. 1-24-44 of 2 Safar 1446 (7 August 2024) amending and supplementing Dahir No. 1-58-008 (B.O. No. 7328 of 22 August 2024, Arabic edition). [TN12]

Translator's notes

These notes are not part of the legal text.

- **[TN1] Article 4, first paragraph.** Law No. 46-24 amended the first paragraph (Arabic text, B.O. No. 7328, p. 5429) so that it ends "...the corps of administrators of the Ministry of the Interior and its deconcentrated services" (وبمصالحتها اللامركزية). The French consolidation does not include these words and refers to the Arabic text. In the Arabic text, the scope sentence and the exclusions form one paragraph; the French consolidation splits them into two. They are merged here so that the "second paragraph" cited in Article 88 is the derogations paragraph, as in the Arabic text.
- **[TN2] Article 4, derogations paragraph.** The French consolidation omits "staff of the corps of court registry clerks of the justice sector" (موظفي هيئة كتابة الضبط بقطاع العدل), added by Law No. 04-11 (amendment reference (15)). The words are taken from the Arabic consolidation of the Ministry of Justice.
- **[TN3] Article 25.** Translated from the Arabic text as replaced by Law No. 46-24. The French consolidation still reads: "The appointments and promotions of civil servants must be published in the Bulletin officiel".
- **[TN4] Article 43 bis, second paragraph.** Replaced by Law No. 46-24 (Arabic text). The superseded French text gave full emoluments for the first two years and half emoluments in

the third year.

- **[TN5] Article 44, duration.** The French consolidation reads "cinq (4) ans". The Arabic text reads "five years" (خمس سنوات), and Law No. 46-24 left the duration unchanged. "Five years" is used here.
- **[TN6] Article 44, list and pay.** Law No. 46-24 replaced the last item of the list ("dementia", *démence*) with "neurocognitive or cognitive disorders" (الاضطرابات العصبية المعرفية أو الإدراكية). It also replaced the pay paragraph: the superseded text gave full emoluments for three years and half emoluments for the following two years.
- **[TN7] Kafala.** Kafala is the legal fostering (care and guardianship) of a child under Moroccan law. It is not adoption.
- **[TN8] Article 46.** The French consolidation places reference (18) (Law No. 46-24) at the end of this article. Law No. 46-24 does not amend Article 46; the kafala and paternity provisions come from Law No. 30-22 (17). The text is translated as it stands.
- **[TN9] Article 66.** The list is translated from the Arabic text as replaced by Law No. 46-24. The superseded French list had seven sanctions, ending with "dismissal without suspension of pension rights" and "dismissal with suspension of pension rights". The amended list has a single sanction, "dismissal" (العزل). The rest of the article is unchanged.
- **[TN10] Article 71.** "Président du conseil" is translated literally as "President of the Council". In the 1958 context it denotes the head of government; the Arabic text reads رئيس الوزارة.
- **[TN11] Article 75 bis, seven-day rule.** Law No. 46-24 amended this sentence (the "fifth paragraph" in the Arabic paragraph numbering) to remove the words "with or without suspension of pension rights". The sentence is translated from the Arabic text. The French paragraph layout is kept, so the reference in the next paragraph to the "third paragraph above" points to this paragraph. Both texts use that wording.
- **[TN12] Bulletin officiel references.** The French consolidation dates B.O. No. 7328 as "22.8.2023". The Arabic gazette header shows 17 Safar 1446 = 22 August 2024, so 2024 is used here. Other references, such as Law No. 30-22, are the French-edition B.O. references given in the source. Arabic-edition numbers and dates differ: for Law No. 30-22, B.O. No. 7122 of 1 September 2022.

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