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Environmental Performance Review Programme:

Environmental Performance Review of Morocco

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Environmental Performance Review of Morocco: Recommendations

Note by the secretariat

Summary

The present document provides recommendations of the Environmental Performance Review of Morocco agreed upon by the Expert Group on Environmental Performance at its meeting held in Rabat on 11–12 September 2013.

The Committee on Environmental Policy is invited to adopt these recommendations.

I. Environmental policymaking, planning and implementation

Chapter 1: Policymaking framework for environmental protection and sustainable development

Recommendation 1.1:

To enable the national environmental authority to ensure environmental protection and promote sustainable development, the Government should:

- (a) Consider restoring the status of the National Environmental Authority to that of a ministry;
- (b) Ensure the active participation of the National Environmental Authority in the new institutional structures on sustainable development to be created at the national level;
- (c) Raise and formalize the status and strengthen the capacity of the National Environmental Authority's regional offices;
- (d) Promote better coordination among and greater effectiveness of the work of the High Commission for Water, Forestry and Desertification Control and the National Councils (i.e., the National Council for the Environment, the High Council for Water and Climate and the National Forest Council).

Recommendation 1.2:

The Government should

- (a) Further promote the development of the National Strategy on Environment and the National Strategy on Sustainable Development, and their submission to the parliament for adoption;

- (b) Ensure adequate financing for the implementation of these national strategies and establish clear reporting mechanisms and reporting obligations for the implementation of their objectives.

Recommendation 1.3:

The Government should adopt the necessary legislation for the introduction of strategic environmental assessment.

Recommendation 1.4:

The Government should finalize the law on the development, protection, enhancement and preservation of the coastline and, once it has been adopted by the parliament, ensure its implementation through the integrated management of coastal zones.

Chapter 2: Compliance and enforcement mechanisms

Recommendation 2.1

The Government should align national regulatory requirements for large installations, emission limit values for air and water and environmental liability regimes with good international practices by:

- (a) Making a detailed assessment of remaining secondary legislation that must be developed and closing the gaps identified;
- (b) Aligning procedural requirements of environmental laws with good international practice;
- (c) Adopting and systematically using better regulation principles, such as simplicity, enforceability, feasibility and participatory development;
- (d) Introducing and monitoring indicators of environmental compliance.

Recommendation 2.2

The Ministry of Energy, Mines, Water and Environment should improve the current EIA procedures and adopt modern permitting practices, in order to effectively enforce the existing EIA procedures, and in particular their public participation element. In particular the Ministry should:

- (a) Review the list of projects subject to EIA and adjust the respective annex to Law 12-03;
- (b) Systematically review actual EIA practices at the subnational level and provide quality control, quality assurance and capacity development, where needed;
- (c) Review the classification of industrial installations, possibly using the European Union's relevant legislation as a benchmark;
- (d) Introduce environmental permits for emissions of pollutants and waste generation to ensure compliance, with integrated environmental permitting when enterprises need a permit for more than one media.

Recommendation 2.3

The Ministry of Energy, Mines, Water and Environment should give higher priority to compliance monitoring by:

- (a) Delegating adequate powers and resources to the corps of environmental inspectors, which should be strengthened, particularly at the subnational level;
- (b) Making a comparative analysis of national and international environmental legislation, with a view to improving the effectiveness of relevant national legislation in addressing cases of non-compliance;
- (c) Agreeing on an enforcement strategy that is guided by the principle of proportionality, with responses to non-compliance applied in accordance with the enforcement pyramid.
- (d) Establishing a system of planned, risk-based verification of compliance with at least annual inspection of installations posing high risks;
- (e) Making self-monitoring and self-reporting standardized requirements clear and unambiguous and phasing them in in all sectors

Recommendation 2.4

The Government should continue to facilitate voluntary measures by private sector actors while, in parallel, enabling indirect environmental regulation and enforcement by non-governmental actors, such as insurers, banks, and the general public. To this end, the Government should:

- (a) Further develop sector-specific guidelines in support of environmental compliance and provide capacity-building;
- (b) Establish a web-based platform that would bring together all promotional and awareness-raising compliance materials;
- (c) Strengthen its partnership with the Cleaner Production Centre and help it to extend its activities to small and medium-sized enterprises;
- (d) Periodically analyse the results of voluntary agreements in order to increase their effectiveness and terminate those that have not achieved their goals;
- (e) Promote voluntary disclosure of environmental management practices by enterprises and, establish an environmental performance rating of industries based on the information disclosed.

Chapter 3: Monitoring, information and education

Recommendations 3.1

The Ministry of Energy, Mines, Water and Environment, in cooperation with other relevant public authorities, including regional environmental bodies, should draft legislation on environmental monitoring, assessment and reporting on all environmental media (air, water, soil and biodiversity), waste, noise and vibration, and radioactivity to support national and international reporting obligations. The legislation should address data quality, classification issues and monitoring. It should also designate a technical institution to address, among other things, the development and coordination of all environmental monitoring activities at the national level, as well as overseeing such activities at the regional level.

Recommendation 3.2

The Ministry of Energy, Mines, Water and Environment, in cooperation with other relevant public authorities, including regional environmental bodies, and other stakeholders, should continue working towards the establishment of an integrated environmental information system that should provide relevant comprehensive, accurate and publicly accessible information on the state of the environment. Future steps should include:

- (a) Establishment of standards to regulate methodologies and procedures in the collection of, access to and protection and uniformity of environmental data and information in the related institutions and the country as a whole;
- (b) Preparation of appropriate secondary legislation on different environmental areas related to data acquisition and sharing between the Ministry and other stakeholders;
- (c) Identification of a core set of environmental indicators to support decision-making;
- (d) Creation of a nationwide multi-media (i.e. covering releases to air, water and land) pollutant release and transfer register (PRTR), which should constitute publicly accessible online inventories of pollution from point and diffuse sources.

Recommendation 3.3

In order to implement provisions of the Constitution related to access to environmental information, the Ministry of Energy, Mines, Water and Environment should speed up the drafting of the law on public access to environmental information and promote its adoption by the parliament.

Recommendation 3.4

The Ministry of National Education, the Ministry of Higher Education, Scientific Research and Executive Training, the Ministry of Habous and Islamic Affairs in cooperation with the Ministry of Energy, Mines, Water and Environment, the High Council for Education and other relevant public authorities, media representatives, non-governmental organizations (NGOs) and other stakeholders, should coordinate the development of a national strategy for environmental education and education for sustainable development.

Chapter 4: Economic instruments and expenditures for environmental protection

Recommendation 4.1

The Government should:

- (a) Take the necessary measures for the effective implementation of pollution charges for the discharge of wastewater into surface water;
- (b) Develop the necessary secondary legislation for the application of monetary fines, at an adequate level, for non-compliance with environmental standards established in the corresponding legislation;
- (c) Evaluate the impact of environmental regulations concerning industrial air pollution and the potential role that could be played by a tax on emissions of major pollutants.

Recommendation 4.2

The Government should:

- (a) Establish an independent national regulator for water sector services (drinking water, sewerage, irrigation), as well as for the electricity markets;
- (b) Implement a (gradual) tariff reform designed to improve cost recovery and ensuring the financial sustainability of the water sector services operators;
- (c) Introduce a system of targeted social assistance for low-income households that cannot afford the reformed tariff structures in order to ensure that they have an adequate access to water supply, sewerage and electricity.

Recommendation 4.3

The Government should:

- (a) Reform the subsidy scheme operated by the Compensation Fund to ensure — via direct income transfers — the effective targeting of financial support to low-income persons;
- (b) Develop a strategy for the phasing out of fuel subsidies.

Recommendation 4.4

The Government should draft the necessary legislation (law and application regulations) for ensuring proper environmental impact assessment before the start of quarrying operations, as well as adequate rehabilitation measures (based on the deposit of a financial guarantee) at the end of the operations.

Recommendation 4.5

The Government should:

- (a) Make the necessary arrangements for the National Environment Fund to become fully operational soon;
- (b) Endow the Fund with adequate resources to be able to effectively contribute to the urgently needed progress on environmental protection matters.

Chapter 5: Implementation of international agreements and commitments

Recommendation 5.1:

The Government should improve its reporting under the multilateral environmental agreements to which Morocco is a Party, or in accordance with Morocco's obligations thereunder, where necessary.

Recommendation 5.2:

The Government should:

- (a) Accelerate the establishment of a legal framework on biosafety;

- (b) Consider accession to the ECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and its Protocol on Pollutant Release and Transfer Registers.

Recommendation 5.3:

The Government should continue building synergies in its efforts to implement the various multilateral environmental agreements to which it is a Party.

II. Pollution and natural resource management

Chapter 6: Air protection

Recommendation 6.1:

The Ministry of Energy, Mines, Water and Environment, in cooperation with relevant stakeholders and taking stock of measures already implemented, should:

- (a) Finalize the national programme on air protection covering all sectors with air pollution impacts by identifying priorities, designing prevention and abatement measures with time frames, and estimating the related budget;
- (b) When ready, submit the programme to the Government for approval and promote its adoption by the parliament.

Recommendation 6.2:

The Ministry of Energy, Mines, Water and Environment, in cooperation with the relevant ministries and departments, should:

- (a) Speed up the elaboration of the implementing regulations called for in the Law on Combating Air Pollution and its implementing decrees, and promote their adoption, in order to make the Law operational;
- (b) Finalize decrees on sectoral air emissions limit values and ensure that self-monitoring and self-reporting are mandatory for the most polluting industrial facilities.

Recommendation 6.3:

The Ministry of Handicrafts and the Ministry of Energy, Mines, Water and Environment, with the support of the Mohammed VI Foundation and relevant stakeholders, should continue to work out technical solutions and incentives to shift traditional pottery kilns from wood to gas fuel.

Chapter 7: Water management

Recommendation 7.1:

The Government should reinforce integrated water resources management at the institutional level, by:

- (a) Stimulating action by the High Council of Water and Climate to fulfil its strategic advisory role, with the involvement of water stakeholders;
- (b) Extending the jurisdiction of river basin districts to transitional and coastal waters in order to improve integrated water management;
- (c) Creating an independent body for water services regulation, covering both drinking water and wastewater, with jurisdiction over public and private companies;
- (d) Improving cooperation among the responsible actors.

Recommendation 7.2:

The Ministry of Energy, Mines, Water and Environment should reinforce integrated water resource management at the policy and legal level by:

- (a) Revising the Water Law accordingly;
- (b) Submitting the National Water Plan and the River Basin Master Plans (RBMPs) to the High Council of Water and Climate for consultation prior to their submission to the Government for adoption;
- (c) Promoting a national water information system, as a part of the national environmental information system, which could be interoperable among all river basin district administrations and that would contain the geo-referenced inland water and maritime domains, a database of all water uses, and could produce an annual monitoring report on the implementation of the water strategy and RBMPs.

Recommendation 7.3:

The Ministry of Energy, Mines, Water and Environment should guarantee the security of water supply under scenarios of climate variability, by:

- (a) Preparing a national programme for a more efficient water use, encompassing all sectors in cooperation with the National Office of Electricity and Drinking Water, existing private enterprises and municipal systems;
- (b) Taking effective measures for artificial recharge of aquifers;
- (c) Supporting efforts to reach the 2030 goal of 100 per cent of treatment of wastewater;
- (d) Ensuring that climate adaptation and flooding risk concerns are properly reflected in the design of water supply systems in inland and coastal urban settlements, with the cooperation of the Ministry of Housing, Town Planning and Urban Policy;
- (e) Implementing measures to mitigate erosion in the watersheds, with the cooperation of governmental authority responsible for forests and other relevant stakeholders.

Recommendation 7.4:

The Ministry of Energy, Mines, Water and Environment should protect human health, aquatic ecosystems and biodiversity by:

- (a) Supporting sustainable and resource-recovery wastewater treatment strategies, which discourage wastewater discharge into transitional and coastal waters;
- (b) Implementing discharge standards for industrial and municipal wastewater into the environment, with values aligned with ecosystem resilience, and collect the corresponding pollution loads charges;
- (c) Implementing the National Strategy on Wastewater Sludge Management;
- (d) Setting up a regime of ecological water flow and increasing the ecological connectivity on existing and new dams;
- (e) Preparing, in cooperation with the Ministry of Agriculture and Maritime Fisheries, an action plan to reduce nitrate concentration in contaminated aquifers.

Chapter 8: Waste management

Recommendation 8.1:

The Ministry of the Interior, in collaboration with the Ministry of Energy, Mines, Water and Environment, should continue strengthening capacity, especially in terms of human and financial resources, and developing expertise, especially by staff training, in waste management at the national and territorial levels.

Recommendation 8.2:

The High Commission for Planning and the Ministry of the Interior, in cooperation with the Ministry of Energy, Mines, Water and Environment, should set up a system to collect data on generation and disposal of municipal and industrial waste according to international waste classification.

Recommendation 8.3:

The Government should promote mechanical-biological treatment of waste, in particular to stimulate recycling and the effective use of existing composting facilities.

Recommendation 8.4:

The Ministry of Energy, Mines, Water and Environment should ensure that environmental monitoring is performed around landfills and dumpsites.

Recommendation 8.5:

The Government should:

- (a) Conduct a study on the costs of the landfills under operation and development for the duration of their expected life cycles;
- (b) Based on the results, ensure that the landfill tax is sufficient to cover the post-operational monitoring and rehabilitation of the landfills.

Recommendation 8.6:

The Government should:

- (a) Study the possibility of implementing collection and recycling systems for waste with a high pollution risk, such as electrical and electronic equipment waste, in order to prevent informal collection and disassembly, which are extremely harmful to human health and the environment;
- (b) Consider, on the basis of the experience gained so far (e.g., with packaging wastes) promoting the principle of extended producer/importer responsibility, especially for electric and electronic equipment waste.

Recommendation 8.7:

The Ministry of Health, in cooperation with the Ministry of Energy, Mines, Water and Environment, relevant territorial authorities and other stakeholders, should develop a national strategy for the safe disposal of medical and pharmaceutical waste. Such a strategy should aim to:

- (a) Strengthen capacity to handle the sanitary risks posed by this waste;
- (b) Establish and ensure implementation of a master plan to manage hazardous medical and pharmaceutical waste;
- (c) Establish and ensure implementation of regional master plans to manage non-hazardous medical and pharmaceutical waste;
- (d) Strengthen the institutional, legal and regulatory frameworks regarding the management of medical and pharmaceutical waste;
- (e) Build capacity of medical staff to manage medical and pharmaceutical waste.

Chapter 9: Biodiversity and protected areas

Recommendation 9.1:

The High Commission for Water, Forestry and Desertification Control, in cooperation with the Ministry of Energy, Mines, Water and Environment, other relevant governmental bodies, the scientific community and international donors, should conduct a systematic analysis of knowledge gaps relating to Moroccan biodiversity, which would provide the basis for a research plan to address the gaps identified, and which should be accompanied by a comprehensive needs assessment and an action plan.

Recommendation 9.2:

The Ministry of Energy, Mines, Water and Environment and the High Commission for Water, Forestry and Desertification Control, in cooperation with protected area managers, conservation bodies and NGOs, should:

- (a) Conduct evaluations of management effectiveness across protected areas and for other conservation plans/measures, on a regular basis, with such evaluations institutionalized as part of

the management process, and considered to form a key part of adaptive management strategies in order to ensure the conservation and the sustainable use of natural resources;

- (b) Build capacities for implementation and enforcement of conservation measures through financing, investment and training.

Recommendation 9.3:

The High Commission for Water, Forestry and Desertification Control, in cooperation with the Ministry of Energy, Mines, Water and Environment, should:

- (a) Integrate conservation planning needs with socioeconomic concerns when preparing management plans for protected areas in order to reduce the pressure on biodiversity while also catering to socioeconomic needs;
- (b) Raise public awareness of biodiversity conservation matters.

Recommendation 9.4:

The Government, in collaboration with the scientific community and other relevant stakeholders, should review the main activities on biodiversity conservation in the country and develop proposals to promote cross-sectoral and interdisciplinary initiatives; especially in the areas of wetlands, water resources, agricultural land management, mining and tourism.

Recommendation 9.5:

The Ministry of Energy, Mines, Water and Environment, the High Commission for Water, Forestry and Desertification Control, the Ministry of Housing, Urban Development and Spatial Planning and the Ministry of Agriculture and Maritime Fisheries, in cooperation with other relevant stakeholders, should prepare legislation to protect sensitive oasis and mountain areas and promote its adoption by the parliament.

III. Integration of environmental concerns into economic sectors and promotion of sustainable development

Chapter 10: Health and environment

Recommendation 10.1

The Ministry of Health, in cooperation with and the Ministry of Energy, Mines, Water and Environment, should draft a coherent legal framework on health and environment and promote its adoption by the parliament.

Recommendation 10.2

The Ministry of Health, the Ministry of Energy, Mines, Water and Environment, the Ministry of the Interior and the Ministry of Agriculture and Maritime Fisheries, with other relevant stakeholders, should ensure that regional plans for health and environment are implemented by enhancing the existing cooperation.

Recommendation 10.3

The Ministry of Health, in cooperation with the Ministry of Equipment and Transport and the Ministry of Energy, Mines, Water and Environment, the Mohammed VI Foundation and other relevant stakeholders, should work out a legal framework relating to bathing water profiles in order to accelerate the improvement of the health and environmental quality of the coast.

Recommendation 10.4

The Ministry of Health, in collaboration with the regional health departments, the regional observatories of environment, and the Ministry of Energy, Mines, Water and Environment, should elaborate a health and environment information system compatible with the integrated information system for environmental data and WHO standards and guidelines for information, to be run in a first stage at the regional and national levels, with access to data at the provincial and communal levels.

Recommendation 10.5

The Ministry of Housing, Town Planning and Urban Policy, in collaboration with the Ministry of Health and the Ministry of Energy, Mines, Water and Environment, should develop a strategy on how to effectively address the health and environment implications of suburbanization and urban sprawl.

Recommendation 10.6

The Ministry of Health, in cooperation with the Ministry of Energy, Mines, Water and Environment should promote eco-epidemiological studies to assess, in particular, the impact of air pollution on human health and to develop methodologies for health impact assessments that could be included in the EIA documentation when human health might be at risk.

Recommendation 10.7

The Ministry of Energy, Mines, Water and Environment, in cooperation the Ministry of Health and other relevant stakeholders, should implement an early warning system in case of extreme air and water pollution episodes.

Recommendation 10.8

The Ministry of Health should:

- (a) Reinforce the national system for assessing risks to human health from the chemical contamination of food, based on relevant international guidelines;
- (b) Actively participate in international programmes on the exchange of information on risks to human health from the chemical contamination of food.

Recommendation 10.9

The Ministry of Health should develop and implement water safety plans for drinking water in accordance with WHO guidelines.

Recommendation 10.10

The Ministry of Health should ensure that integrated vector control management (IVCM) is implemented throughout the country by, inter alia, establishing IVCM committees at the territorial level.

Chapter 11: Industry and environment

Recommendation 11.1:

Following the proposal by the Ministry of Energy, Mines, Water and the Environment, the Government should approve a decree establishing an effective mechanism for collection and validation of data on pressures by industry on the environment inspired by international PRTR experience and specifying:

- (a) The type of data, their format and the frequency of collection;
- (b) The authorities, by responsible departments, that would collect data from industry, and validate and assess them.

Recommendation 11.2:

The Government should revise the 1914 Law relating to the authorization of industrial activities to include the categorization of activities based on the environmental pressure principle, with activities exerting higher environmental pressures categorized into classes to which more stringent requirements apply, and promote the adoption of the revised Law by the parliament.

Recommendation 11.3:

The Ministry of Energy, Mines, Water and the Environment, in cooperation with other relevant stakeholders, should:

- (a) Speed up defining emission limit values and discharge limit values for sectoral industrial activities based on best available technology, and link them with the categorization/authorization system;

- (b) Introduce a flexible approach, which would permit industries, where this is not economically feasible, to be exempt from implementing best available technology.

Recommendation 11.4:

The Ministry of Energy, Mines, Water and the Environment, in cooperation with other Government institutions such as Ministry of the Interior, should elaborate a comprehensive legal basis for prevention and preparedness for industrial accidents.

Recommendation 11.5:

The Government should:

- (a) Identify and implement solutions to ensure funding for the industrial clean-up programme when the international donor support ends;
- (b) Continue to further improve cooperation with industrial associations to further accelerate the transition to a sustainable industry.

Chapter 12: Energy and environment

Recommendation 12.1

The Ministry of Energy, Mines, Water and Environment should propose to the Government that it revise the 2010 Decree No. 2-09-631 to ensure environmental self-monitoring and self-reporting by energy operators, among other operators that cause significant adverse environmental impacts.

Recommendation 12.2:

The Ministry of Energy, Mines, Water and Environment, in cooperation with the relevant ministries and departments, should finalize secondary legislation on:

- (a) Sectoral air emissions limit values related to energy sources, especially for combustion plants;
- (b) Threshold values for energy audits and energy impact assessments, as called for in Law No. 47-09 on Energy Efficiency.

Recommendation 12.3:

The Government, supported by the National Agency for Renewable Energy Development and Energy Efficiency, should:

- (a) Create incentives for private investors to attract them to co-finance renewable energy projects;
- (b) Reconsider its electricity pricing policies to allow electricity companies to recover the costs of electricity generation and transmission from renewable sources.

Chapter 13: Agriculture and environment

Recommendation 13.1:

The Ministry of Agriculture and Maritime Fisheries, in cooperation with the relevant authorities, should perform an interim assessment of the plans and projects under the umbrella of the Green Morocco Plan and present the conclusions to the Government, focusing on the environmental benefits of increasing the consolidation and overall security of land tenure of agricultural producers and support for the use of sustainable agricultural techniques assisted by intensified extension services.

Recommendation 13.2:

The Ministry of Agriculture and Maritime Fisheries should define and implement a national agricultural soil protection strategy focusing on environmentally friendly farming methods protecting soil, saving water, promoting adaptation to climate change and capable of co-producing food, fodder and energy biomass.

Recommendation 13.3:

The Government should:

- (a) Give the status of autonomous agency to the National Agency for the Sanitary Safety of Food Products;

- (b) Place this Agency under the authority of the Prime Minister, since its mandate covers subject matters falling currently under many important ministries;
 - (c) Secure and sustain the Agency's human and financial resources.
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