

Your World First

C/M/S/ Francis Lefebvre Maroc

Conseil juridique et fiscal

Supporting you in your  
real estate and construction  
projects in Morocco





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## Addressing your needs

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**Building on its historical ties with European countries – reinforced by the Association Agreement signed with the European Union in 1996 – Morocco is the second largest economic power in Africa.**

Many foreign investors have established solid commercial bases and production units in the country. Its major international airport, its technological advances and the quality of its workforce, accompanied by low production costs and investment incentives, represent powerful pull factors and investment incentives, contributing to sustained economic growth.

The increasing complexity of regulations and case law at every stage of the real estate investment, occupation and operation of a site, require an optimised approach to the resulting issues and challenges.

The rise of disputes observed indicates that increasingly rigorous forward planning is required by existing operators, whether in relation to the planned procedure, the content of written documents, particularly if they are contractual, the type of actions to carry out and the approach to be adopted.

CMS Francis Lefebvre Maroc Conseil juridique et fiscal has developed solid experience in Moroccan real estate and construction law. Our clients seek our legal assistance to help and accompany them in their “risks” management and receive strategic advice on practical and vital questions of real estate and construction law, as well as day-to-day assistance and support.

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# What we do

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Our knowledge of business law and tax law, as well as our experience of relations with Moroccan authorities, allows us to advise you throughout your real estate and construction projects.

— **Building acquisitions and sales**

We support our clients with the acquisition and sale of industrial and/or commercial land and buildings, whether existing or pending development.

— **Construction**

We assist our clients with negotiation and drafting of agreements governing construction, assistance to the contracting authority, delegation of contracting authority, project management, real estate development and contracts with architects, engineering offices and inspection offices.

— **FOREX**

We advise our clients on drafting, negotiating and concluding commercial, industrial, professional, long-term and building leases.

— **Leases**

We advise our clients on drafting, negotiating and concluding commercial, industrial, professional, long-term and building leases.

— **Co-ownership and tourist and residential complexes**

We support our clients on the establishment of co-ownership in accordance with the law in force. We also assist real estate developer clients on drafting and implementing regulations governing tourist and residential complexes as well as town planning specifications.

— **Environment**

Our expertise covers all aspects of environmental law. We particularly provide support on the drafting of contracts for environmental impact studies and acquisition/sales of companies (operating sites, pollution, classified facilities, etc.) and sites.

— **Real estate project financing**

We regularly work for industrial and commercial groups in Morocco, structuring and implementing financing for all types of real estate transactions.

— **Real estate taxation**

Our tax team provides regular advice to our clients, particularly on implementation of real estate investment schemes and taxation of real estate transactions.

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# Our experience

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## Building acquisitions and sales

- Advisor to several **automotive suppliers** on the acquisition of undeveloped land in a free zone for the construction of their industrial units.
- Advisor to numerous **foreign investors** on the acquisition of properties in Morocco (Riad, Dar, etc.) for the development of hotel and tourist projects.
- Advisor to **investors** on the procedure for acquiring agricultural land.



## Construction

- Comprehensive legal assistance to several **automotive suppliers** for the construction of industrial plants: drafting of the “design & build” contract and/or general contractor agreement for the construction of the industrial unit, contracts for earthworks, the fire prevention contract, the contracts with the engineering office and the architect.
- Assistance to **Defacto**, the leading Turkish clothing group, on the drafting of contracts with contractors and architects for the development of premises leased by the group in Morocco (in shopping centres).
- Assistance to **Yazaki Morocco** on preparation of the contract to supply a metal frame for the construction of an industrial unit.
- Assistance to the **Institut Français du Maroc** in relation to a major construction and development dispute.
- Assistance to **Keller Fondations Speciales** on various legal issues relating to its business.
- Assistance and advice to **Cegelec** regarding public contracts concluded in Morocco and Africa and also on the review of contracts with NAREVA Holding relating to the Tarfaya project (a wind farm project).
- Assistance and advice to **foreign companies** in relation to appeals following the execution of public contracts in Morocco (drafting of claims submissions and management of appeal).



## FOREX

- Assistance to **Keller Fondation Speciales** on the repatriation abroad of profits from its construction activity in Morocco.
- Advice and assistance to **Bymaro** on the establishment of international contracts in compliance with foreign exchange regulations.



## Co-ownership and tourist and residential complexes

- Drafting of the co-ownership regulations for several horizontal residences belonging to the **Beachcomber group** (New Mauritius Hotel) and establishment of co-owners’ associations (land registry formalities, adoption of co-ownership rules, convening and holding of co-owners’ meetings).
- Drafting of the rules and town planning specifications of the **Domain Palm** tourist and residential complex and establishment of the association for said complex (drafting of articles of association and holding of the first general meeting for the complex).



### Environment

- Advice to **Gestamp** on the acquisition of an automotive supplier (completion of the environmental and classified facilities due diligence ).
- Advice and drafting of contracts for completion of the environmental impact study requested by our clients for the acquisition of land.
- Advice to **Hili Ventures** in connection with the acquisition of Techniplus (audit of the permit for temporary occupancy of the port domain).



### Real estate project financing

- Assistance and advice to the **APTIV Group** and the **URC Group** on property issues during the negotiation of investment agreements with the Moroccan government.
- Advice and assistance to an **International Group** on the negotiation and drafting of a financial lease contract for financing of the construction and development of an industrial unit.
- Advice and assistance to the **URC (Domaine Assoufid)** Group for the structuring of their real estate and tourism project in Marrakesh.
- Advice and assistance to **Pestana** to obtain the first RIPT (tourist residence) licence in Morocco.



### Real estate taxation

- Tax advice to entities in the **Bouygues Group** in Morocco, particularly in relation to the construction of the Mosquée Hassan II, the project to build the port Tanger-Méditerranée (€250 million) and on the establishment in Morocco of a real estate development company (choice of legal form, real estate development tax regime and transactions inherent to that activity).
- Advice to **Domaine Palm Marrakech** (leader in the field of luxury hotels and tourism in Morocco) for completion of the “Domaine Palm Marrakech” project: tax assistance regarding the establishment of an optimal structuring tax regime (particularly in relation to Moroccan VAT).
- Advice to the **Vinci Group**, particular in relation to the construction contract for the Renault plant in Tangier (analysis of various potential partnership schemes with its subcontractors and co-contractors to secure the Vinci Group’s involvement in the contract from a legal and tax perspective).
- Advice to **Actif Invest** (a subsidiary of the **Argan Invest Group**, a platform dedicated to investment and consulting in the field of real estate and tourism development in the Maghreb): tax assistance in relation to implementation of a tourism real estate project.
- Advice to **Pestana**: assistance in analysis of the tax regime applicable to tourist residences (RIPTs).
- Advice to **URC Group** for the structuring and securing of its real estate investments in Morocco.
- Advice and assistance to various predominantly real estate companies.
- Assistance to our clients who are leading in the real estate and construction market in respect of tax audits by the tax authorities.
- Advice and assistance to our clients on implementation of “turnkey” contracts relating to real estate contracts (construction of plants, etc.).
- Advice and assistance to our clients on tax aspects of commercial and professional leases.



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## Our team

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**CMS Francis Lefebvre Maroc Conseil juridique et fiscal** is composed of 15 lawyers, legal experts and tax experts, speaking French, English and Arabic. Our team offers efficient and constructive assistance to our clients. Our firm has developed excellent knowledge of business law and tax law as well as good experience in relations with the Moroccan authorities.

As a member of the Africa Practice **CMS** Network, our team works closely with the 800 lawyers in the CMS Real Estate Group.

Your primary contact for all your real estate & construction projects in Morocco are :



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This firm handles a comprehensive range of real estate and construction transactions and advises significant clients in the tourism, hospitality and energy sectors. It advised Royal Palm on all aspects of its projects in Morocco and is also recognised for its tax expertise. One client source said «the service was perfect and the opinions were robust.

**Chambers Global 2018 Real Estate and construction | Morocco**

[...] Marc Veillot advises clients such as Pestana Group, Sogea and Royal Palm on real estate transactions.

**Legal 500 EMEA 2018 Tourism and real estate | Morocco**



This multinational firm is particularly regarded for its tax work. Its corporate law experience includes insurance, employment, financing and energy matters. Clients describe it as always available and with a very high level of knowledge. Sources also say of the team that «they listen carefully.

**Chambers Global 2018 Corporate/Commercial | Morocco**

CMS is 'among the best because it knows the legal and tax environment very well'.

Managing partner Marc Veillot and Rachid Mejdoubi are all recommended. The team advised international companies on local and cross-border tax matters. It is also recommended for tax litigation.

**Legal 500 EMEA 2017 | Tax | Morocco**

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## Asia/Pacific

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