

Comments on Decree No. 2-24-921

August 2025

The Global Data Alliance (GDA)¹ welcomes the opportunity to offer the following comments on Decree No. 2-24-921, published last year by Morocco's cybersecurity regulator (DGSSI). The Decree establishes a qualification regime for cloud service providers catering to infrastructures of vital importance (IVI), setting out rules for selecting providers managing sensitive information systems and sensitive data.

The GDA is concerned that the Decree's restrictive qualification requirements – limiting service providers to those that are majority owned by Moroccan persons and those whose entire operational systems are located in Morocco – will effectively deny Morocco access to international cloud services, severely limiting its access to best-in-class digital tools and technologies, while creating significant cybersecurity risks.

A. About the GDA

The GDA is a cross-industry coalition of companies committed to high standards of data responsibility, privacy, and security. Our members rely on the ability to transfer data across borders to innovate, create jobs, and deliver services across various sectors, including agriculture, automotive, biopharmaceuticals, finance, healthcare, insurance, logistics, payment processing, and telecommunications. Alliance member companies include domestic oriented businesses in Morocco that collectively invest millions of dollars in Morocco's economy, employ thousands of Moroccan citizens, and supporting numerous activities that advance inclusive growth, innovation, and economic development across the country.

Among other things, Alliance members help provide to Morocco financial services, enterprise software technologies, and health, scientific and educational resources. Alliance members also help make local enterprises, including micro-, small-, and medium-sized enterprises (MSMEs), more competitive globally. Alliance members also help deliver telecommunications and cloud-based technology solutions across Morocco, supporting cloud and broadband connectivity within Morocco and across neighboring markets.

B. Key Requirements for Use of Cloud to Process Sensitive Data and Sensitive Information Systems by IVI Entities

The Decree contains the following qualification requirements:

- When entities and IVI use cloud services for hosting, managing, or operating their sensitive information systems (whether partially or fully), they must use Level 1 qualified service providers.
- When entities and IVI use cloud services for processing, managing, and storing sensitive data, they must use Level 2 qualified service providers.
- Key qualifications for the different levels of qualified cloud service providers include:
 - **Level 1 Providers:** Must be companies incorporated in Morocco with their entire operational and business systems located within the country.
 - **Level 2 Providers:** Must have a majority of Moroccan shareholders, with Moroccan persons holding the majority of shares. It must ensure that processing, operations, and storage take place in Morocco, and conduct service management and supervision from within Morocco. There is an opportunity for the King to discretionally waive the share ownership requirements but the modalities for this waiver are not defined.

C. Discussion

We urge Morocco to avoid the exclusionary qualification criteria that are currently written into the Decree. The implementation of such restrictive requirements will ultimately harm Moroccan customers—private companies, public organizations, and even citizens.

A better approach is to allow Moroccan customers to assess, compare, and choose best-in-class products and services based on performance-based criteria relating to cybersecurity, data confidentiality, innovative capacity, digital transformative potential, and other measures of technical merit.

Doing so would allow Morocco to preserve the following priorities:

- **Freedom of Choice.** Public and private Moroccan customers should have the ability to select the most innovative cloud technologies or service providers that best meet their needs in terms of service or price, that also ensure they meet Moroccan laws requiring high levels of data protection and cybersecurity.
- **Promoting Competition.** Artificially limiting competitive services will reduce incentives to innovate among Moroccan providers and make it more difficult for cloud and AI customers across industries to compete against global competitors.
- **Security.** Transitioning from fact-based, technically sound cybersecurity standards for cloud services to politically-or nationality-based criteria will limit access to the best and most secure services and will degrade cybersecurity and resiliency in Morocco.
- **Technological Interoperability with Global Standards:** Allowing for best-in-class cloud solutions to be adopted in Morocco is important to promote technological interoperability with cloud environments across the globe, thus ensuring optimal connectivity between Moroccan stakeholders and their counterparts in other markets.
- **Legal Interoperability with Global Legal Norms:** The Decree's requirements that condition cloud market participation upon demonstration of Moroccan shareholding/ownership or location of all business systems within Morocco raise concerns under numerous international agreements to which Morocco is a party. This includes:
 - The WTO Agreement on Trade-Related Investment Measures (TRIMs), which prohibits investment provisions that treatment non-national investors less favorable than national investors, and which prohibits performance requirements (such as those here) that are conditioned upon satisfying local ownership or local content requirements. [Add cites]
 - The WTO General Agreement on Services, under which Morocco has already committed to permit both the cross-border provision of computer-related services by other WTO members, as well as the direct participation by other WTO members in the computer-related services market through local commercial presence. [Add cites]

D. Conclusion

Instead of advancing norms that would disqualify non-nationals from offering cloud services in Morocco, thus harming Moroccan interests more broadly, we urge Morocco to adopt a path that **promotes** the development of technology in the Morocco by creating the best legal environment; **encourages** outside capital investment in new technology; **facilitates Moroccan access** to information and digital tools from around the world; **enables Moroccan customers** in different industries to be more competitive and provide better service to their customers; **ensures** full compliance with Moroccan laws; and **establishes security** and resiliency as the touchstone rather than artificial barriers.

¹ For more information on the Global Data Alliance, please visit www.globaldataalliance.org.