Law No. 53-95 establishing the commercial courts

Reference: Law No. 53-95 (Dahir No. 1-97-65 of 12 February 1997)

Practice areas: Business and company law, Debt recovery

> This is an unofficial explanatory note; only the Arabic text published in the Bulletin officiel is authoritative. Law No. 53-95 created the commercial courts and commercial courts of appeal, which hear disputes between businesses. It defines their jurisdiction, organisation and the main procedural rules that apply before them.

Who this law applies to

The law concerns traders, commercial companies, their members and managers, and anyone involved in a dispute over a commercial contract, a negotiable instrument or a business (fonds de commerce). It also concerns creditors of businesses and businesses in financial difficulty.

Key rules

- The commercial courts hear, among other things, actions relating to commercial contracts, disputes between traders connected with their business, disputes over negotiable instruments, disputes between members of a commercial company and disputes concerning a business (fonds de commerce).
- They handle insolvency proceedings: prevention, safeguard, judicial reorganisation and judicial liquidation.
- The president of the commercial court rules on urgent applications and issues payment orders in commercial matters.
- Proceedings are brought by a written application signed by a lawyer.
- The parties may agree to refer their dispute to arbitration instead of the commercial court.

Key deadlines and figures

- The system comprises commercial courts at first instance, commercial courts of appeal and, at the top, the Court of Cassation.
- The time limit for appealing a commercial judgment is short and runs from notification: it should be checked as soon as the judgment is received.

- Obligations arising between traders in the course of their business are in principle time-barred after five years, unless a special period applies.
- Jurisdiction also depends on the value of the claim and on the allocation set by the judicial organisation rules, which should be checked before filing.

What this means in practice

Bringing the case before the right court is a decisive step: a claim filed with a court that lacks jurisdiction wastes time and may jeopardise compliance with deadlines. The commercial court is often better suited to technical cases (accounting, negotiable instruments, relations between members).

For a business creditor, the commercial courts offer several tools: payment orders, interim payment in summary proceedings, protective measures. For a business in difficulty, they oversee the procedures for negotiating with creditors or reorganising the business.

Reforms and recent developments

Law No. 38-15 on judicial organisation, adopted in 2022, reshaped the structure of the courts, including the framework for courts specialised in commercial matters. Book V of the Commercial Code on businesses in difficulty was reformed by Law No. 73-17 in 2018. Proceedings are gradually going digital.

When to consult a lawyer

The application to the commercial court must be signed by a lawyer. It is worth seeking advice as soon as an unpaid debt, a contractual dispute or a disagreement between members arises, in order to check jurisdiction, deadlines, the available evidence and whether an amicable approach should come first.

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