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RESEARCH ARTICLE

Legal aspects of offshore wind energy in Morocco.

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Abstract

This paper presents the legal regime of offshore wind energy in Morocco, gaps and opportunities to improve the legal system.

Introduction:

The development of renewable energy is a phenomenon in strong expansion, wind energy at sea are a considerable asset. Morocco, to improve his vis-à-vis fossil energy independence and contribute, in a more general context, the reduction of greenhouse gas emissions, Morocco has undertaken to develop production of electricity from renewable energy sources.

The wind energy at sea are characterized by their lack of impact on the environment: low-waste or polluting emissions, they are recognized as contributing to the fight against the greenhouse effect. The development of wind energy is a way of both preserving energy independence and protection of natural resources[1].

Morocco has a high dependency on energy with respect to the outside, which represent 95% because it is not a fossil fuel producer.
For this Morocco, there has been such a general awareness of the place and the leading role occupied by renewables in the improvement and preservation of sustainable development.

Morocco's strengths in terms of wind power at sea and more generally of marine renewable energy are particularly very inadequate: vast maritime space, no industrial know-how, energy and maritime port capacity unsuitable for the construction of infrastructure dedicated to this activity, etc.

Our country has a maritime space in the world, with millions of km2 and thousands of kilometers of coastline on four coastlines. This favorable geography allows it to benefit from the potential for development of renewable marine energy among the largest in Africa.

[1]- A. EDDOUIB (2006), *Environmental protection in Morocco*, Master Thesis, Mohammed V University, Faculty of Legal Sciences, Economic and Social Agdal, Rabat, p. 29.

At the moment no tender has been launched since 2010 date of introduction of the law on renewable energy. These tenders for the installation of offshore wind will enable the emergence of this new industrial sector. Should nevertheless perpetuate it by developing new capacities which alone will ensure a level of activity capable of generating jobs and expected economic impact.

The Morocco has set itself the goal of becoming the most efficient economy as carbon at international level by 2020. To this end, it will play its part in achieving the reduction target of at least 20% of emissions of greenhouse gases due to this effect[2].

It is with this vision that our kingdom has given considerable priority to offshore wind energy, which resulted in the new specific legislation is Law No. 13-09 on renewable energy and the provisions of our Constitution providing and grateful for the first time sustainable development so that they also contribute to protecting and preserving our environment which is ultimately our national future and that of our planet.
Moreover, to accompany Act No. 13-09 of 11 February 2010 on renewable energy, a legal and regulatory arsenal is set up, it includes among others the creation of the Agency for Development of Renewable Energy and the 'Energy Efficiencies. Its mission is to contribute to the implementation of government policy in the energy sector.

In Europe, there was the appearance of several texts for the development of offshore energy. As in France, there was the promulgation of the Grenelle 1 and 2 laws bearing on the development of renewable energy.

However, if the right offshore energy is a measure forward in the recognition of their benefits in reducing greenhouse gases and reducing fossil fuel dependency, especially in the consecration of sustainable development, now indisputable, it leaves Pending many points thus remain questions and gray areas, including :

What is the legal basis on offshore wind energy in Morocco?
Is authorized to commit to investing in the field of power generation facilities based offshore wind energy?
And what should be the terms and conditions for the implementation of an effective legal framework favoring the development of these energies but also ensuring sustainable development?
Indeed, in the absence of effective legal provision enshrining the development of wind energy at sea. The vagueness and lack of legal clarity would remain and would hamper the development of offshore wind energy and any participation in sustainable development.

Thus, to regulate and secure the field of wind energy, the registration is required in positive law by legislating the specific implementing regulations for this purpose.

Thus, a comprehensive and effective legal framework to guide the wind energy is necessary in Morocco, allowing one hand to regulate renewable energy, on the other hand to enlighten many gray areas that exist around their implementation by the lack of legal clarity circumstances hindering the development of renewable energy. Therefore, a comprehensive and effective law on wind energy installed at sea would probably be one of the major developments in the legal question at the beginning of XXIst century. It is important today to give a clear and effective legal basis for wind energy at sea.

To this end, in order to address the issue should be addressed in the first place the legal regime for wind farm locations at sea and secondly to draw up the various existing legal gaps and suggest prospects for overcome.

I- Legal factors development of offshore wind power in morocco

The law is paramount in the behavioral component. The energy law is thus "all the legal rules that accompany the exploration, production, operation, import, transport, distribution and use of different energy sources." It regulates the entire energy cycle.

A- Exploitation of the book based offshore installed wind energy

Equipment to produce energy type offshore wind power, are bound to authorization or declaration regime.

[2]- A. HEGO DEVEZA-BARRAU (2011), *Law and integration of renewable energy*, ed., L'Harmattan, Paris, p. 32.

The idea of generating electricity using wind energy has become a reality by the end of the nineteenth century.

It is during winter 1887 as a pioneer of the American electrical industry, Charles F. Brush (1849-1929) built on his property in Cleveland located in the state of Ohio, the first onshore wind.

For any installation, modification or operation of a power capacity of renewable support, regulatory authorities apply depending on the installed power:

The production of electrical energy with an installed capacity below 20 kW Power is subject to a free system.

An installed capacity below 2 MW power is subject to a declaration regime.
Finally, an installation of a power greater than or equal to 2 MW is the subject of an application for authorization.

Power generation facilities based on energy sources of offshore wind can not be connected to a power grid type MV, HV and EHV.

Countries that have invested heavily in land and sea wind, such as Germany, Spain or Denmark, have not so far changed their emissions of greenhouse gases. A report by the Strategic Analysis Centre submitted to the French Prime Minister in December 2009 entitled "the wind energy bet", Denmark, undisputed champion of wind power is also "the first European CO^2 emitter per capita (0.84 g CO2 / kWh to 0.07 g against France[3]. "

Electricity generation facilities using wind power offshore, whose combined power is greater than or equal to 2 MW, are obliged to be located in areas adopted by the administration according to Order No. 2657-11 of 19 September 2011 certifying the areas intended to accommodate the sites capable of accommodating electric power generation facilities from a source of wind energy[4].

1- Operating Authorization electrical work based offshore wind energy

The right to use an installation for producing electrical-based offshore installed power must be issued by the Minister of Energy, Mines, Water and Environment.

Operating a power structure based offshore wind is therefore dependent on a declaration system or an authorization system.

It follows from Article 4 of Law No. 13-09 on renewable energy, which are subject to prior declaration implementation, operation, capacity expansion or modification of energy production facilities :

Electric based energy sources offshore wind turbines, where the installed power, by site or set of sites belonging to the same group, is less than two megawatts and greater than 20 kilowatts;

Thermal-based power sources offshore wind turbines, where the installed power, by site or set of sites belonging to the same group, is greater than or equal to 8 megawatts thermal.

Any filing statement record is under the authority of a consultation that lasts about two months.

However, if the realization has not started within 3 years or if a shutdown takes place during two consecutive years, then it is necessary to initiate a renewal of the declaration (Article 22 and 23 of Law No. 13-09).

Any declaration is granted on the basis of an administrative file and a technical file whose contents are imposed by regulation (implementing decree).

All that would change the main features of the system must be communicated in advance to the competent authority.

[3]- A. HEGO DEVEZA-BARRAU (2011), op. cit., p. 33.
[4]- B. LE BAUT-FERRARESE (2008), *Law, renewable energy*, ed., Le Moniteur, Paris, p. 45.

As the authorization system, it is applicable to the production of the production facilities of electricity from offshore wind energy sources, referred to in Article 3 of Law No. 13-09, and the operator is well subject to a provisional authorization granted by the Board after technical opinion of the manager of the national electricity network transport (Article 8 of Law No. 13-09).

It should be noted that the provisions of Article 9 of Law No. 13-09 provides that the applicant for authorization must meet the following conditions:
- For an individual:
• be of age;
• enjoy his civil rights;
• not be sentenced to the commercial forfeiture except rehabilitation.
- For a legal entity of private law:
• be incorporated as a company with registered office in the country;
• not be in a state of reorganization or liquidation.
- For a legal entity of public law :
• be empowered under the provisions of its constitutive text, to generate electricity from offshore wind energy.

Any provisional authorization application must be filed within 15 days to enter the manager of the national transmission mains, which must review the file and provide its technical opinion, within one month (Article 10 of the Law No. 13-09).

It should be noted as well that any final permit is issued on the basis of specific criteria laid down in the legal provisions of articles 8 to 12 of Law No. 13-09 and texts chosen for its implementation.

It is granted for a period of 25 years, renewable once for the same period (Article 13). However, this authorization lapses when the head ceases its operations for a period exceeding two consecutive years, it does so without valid reasons and justified and without informing the prior administration. It happens the same if the installation has not been commissioned in the year following the issuance of the authorization.

Instructions to mount and remove the application dossier completion of installation are defined by regulation[5].

As for the connection to the national transmission grid and interconnectors, filing an application for connection to the national grid high voltage (HV), Extra High Voltage (EHV) and Medium Voltage is mandatory for any new installation or modification. It must be sent to the national electricity network transport manager.

The arrangements for technical and commercial access to grid connection of MV, HV and EHV are regulated by an access agreement to the national transportation network, which occurs between the operator and the operator of the transmission network. Therefore, and according to the provisions of Article 26, the operator can provide electricity to a consumer or group of consumers connected to the national grid. It can be a power medium voltage, high voltage and very high voltage, under an agreement with the State or the agency delegated by him for this purpose. It is then provided including the validity of the agreement and the commercial terms of supply of energy generated by the operator.

If insufficient capacity of the electricity network, the operator may be authorized to carry and use, only for his own use, direct transmission lines, in a convention agreed with the network operator.

2- Marketing of electricity based on wind power

After implantation facilities, appears the stage of commercialization of the electricity generated from the wind. The operation requires a connection of the power plant to the public grid[6].
Holders developers or public or private entities authorization can sell electricity :
At the State or body authorized under an agreement (Article 24 of Law No. 13-09);

[5]- B. LE BAUT-FERRARESE (2008), op. cit., p. 49.
[6]- K. ANOUAR (2013), "The public-private partnership in the field of the environment in Morocco", REMALD, No. 112, p. 10.

At a consumer or consumer group connected to the national electricity transmission network MV, HV and EHV (Article 26), as part of an agreement by which they undertake to remove and consume electricity and produced exclusively for their own use;

At a consumer installed abroad.
As for the export of wind power is the subject of a payment to the State of annual harvesting rights based on a share of the exported electricity, defined by regulation (Article 27).

B- The control of wind energy based installations at sea and recognition offenses and sanctions

The provisions of law No. 13-09 provide for fairly stringent control measures to better supervise effectively based offshore energy installations. We will begin this purpose the control system and detection of crime (1) and penalties (2).

1- From the control and detection of crime

Any project may be subject to controls. The goal is to verify regulatory compliance of the installation.

Thus, the operator of the offshore wind project is the control object performed by authorized and sworn agents or by inspection bodies approved for that purpose by the administration.

He is required to make available to the administration the information or documents necessary to enable it to ensure compliance by him of the obligations imposed on him by the laws and regulations, as well as the specifications and / or concession agreements.

Under the provisions of Law No. 13-09 and its implementing texts, agents are responsible for record offenses, besides the officers of the judicial police, administration officials authorized specifically for this purpose and sworn under the legislation oath enforcement officers.

Officers prerogative right of access to all construction works or operation of an installation producing energy from renewable sources, to control:
Compliance with the terms of the authorization, declaration or agreement under which, the work is done;

The conditions for the technical operations of completion or operation of the facility and safety and hygiene relating thereto;
Compliance with the provisions of this Act and the texts adopted for its implementation.
The administration responsible for supervising officers may, on the occasion of their visits, conduct an audit of all documents the keeping is mandatory and ensure the content of the information to the administration.

They may require the operator switching on the facility for the purpose of verifying the characteristics[7].

Thus, the operator is obliged to ease the task of the agents giving them access to the facility and to information, data and documents on the state of implementation or operation of an installation producing energy from renewable energy sources.

In addition, the operator must inform the competent administration of places of archaeological and historical monuments encountered during the execution of construction works or modified and to ensure their preservation in accordance with the laws and regulations force.

The finding of the offense gives rise forthwith to draft a report, which must include in particular the circumstances of the offense, the explanations and justifications of the offender and the elements showing the materiality of the offense.

The minutes shall be forwarded to the competent courts within 10 days from the date of its establishment. The findings mentioned in the minutes are prima facie proof.

[7]- Article 36 of Law No. 13-09.

2- The sanctions measures

According to Law No. 13-09 on renewable energy, there are two types of administrative and criminal sanctions ones.

Regarding administrative penalties, it should be noted that any operator who violates any provision of provisions of law or texts adopted to implement or did not respect the clauses of the specifications referred to in article 12 the law, the administration can, after having given the opportunity to submit its observations, issue a warning to him then a warning.

It may also, under the same conditions mentioned above, it issue directions to the effect to take, within a period to be fixed, the necessary measures to restore the situation or correct its practices in accordance with the provisions of the this act and the texts adopted for its application[8].
In this sense, article 39 which states in essence that any authorization may be subject to a decision to withdraw, without indemnity or compensation for the fault committed by the license holder.

The decision to withdraw the authorization is pronounced, especially for the following facts:
Refusal to comply with the provisions of this act, texts taken for its application, the content of the authorization or specifications relating thereto, despite having been ordered by the administration to take the necessary measures compliance with the above provisions;
Loss of human, technical and financial resources for achieving the object of the work authorization;
Refusal to provide the information and documents required;
Failure to pay fees or charges;
Transfer of the operating authorization or the deposit receipt of the statement does not comply with the rules prescribed by law;
Grave breaches of safety or sanitation regulations.

The withdrawal decision referred to above can only occur after the operator has been previously warned and put on notice by registered letter with acknowledgment of receipt to the last known address, to present his defense in writing within a within 30 days, running from the date of receipt of the said letter (article 40).

As regards criminal penalties, any person who directed, operated, changed or increased the power a wind project without holding the authorization referred to in article 3 of this act, shall be punished by three months one year in prison and a fine of 100,000 to 1 million dirhams or one of these penalties.

Imprisonment is always pronounced when the facts under this section are in violation of a decision to withdraw the authorization.

In case of default of the declaration prior to the administration, is liable to a fine of 10000-20000 dirhams.

The confiscation of equipment and material object of the offense shall always be ordered by the court.

Shall be punished by imprisonment of two months to two years and a fine of 200,000 dirhams or to 5,000 from one of these penalties, any person who :
Objects to the exercise of control functions;
Refused to disclose the documents control officers involved in the exercise of its activities, as well as concealment and falsification of documents.

[8]- J. MORAND-DEVILLER (2011), "Architectural and urban heritage - historical monuments", JurisClasseur Territories, Paris, p. 34.

3- Opportunities moving towards a better legal framework in the field of development offshore wind energy in morocco

The review of positive law refers to the fact that the legal instruments and mechanisms capable of regulating the tension exerted around implementation projects have not yet been established.
It is first necessary to elucidate the various gaps in the legal framework wind energy (A). Subsequently, highlight proposals for legal measures to be put in place to curb these shortcomings (B).

A- Gaps and inaccuracies in the legal regime for offshore wind

It is emphasized a legal vacuum, the legal regime of establishment of offshore wind is not clearly defined and is not implemented. It faces a number of limitations, some are specific to more general.

1- The legal shortcomings

The legal framework related to offshore wind energy is incomplete and tainted by various legal deficiencies. Several implementing texts have not yet been adopted. This is the case for example of the details of the applicable general requirements of rehabilitation operations, or that relating to the specifications, but also the dismantling or feed-in tariffs that have not yet been established[9].

The realization of a park of marine renewable energy is not subject to obtaining a permit under the Water Act.
It is noted that Law No. 13-09 on renewable energy and more specifically its order No. 2657-11 of 19 September 2011 defining the areas intended to host the sites that can accommodate the production facilities of electrical energy from source of wind and solar energy in the field, the creation of areas of renewable energy.

They are not the main objective the restriction of the landscape impact of wind turbines through a concentration of settlements on some coastal areas only, thus avoiding the proliferation of small projects on the national marine territory. However, legislation is not yet clear on this subject, for example by not involving the governor by giving him fairly broad prerogatives based on the departmental consistency of these areas. These areas are unfortunately not defined by the public authorities or the governor.

In legal terms, these areas are intended to clarify the geographic areas that seem best suited for the operation of the wind at sea and protecting the marine and aquatic environment (fish, rare aquatic species, algae ...). Marine biodiversity is to be protected against any damage to the marine environment. However, the legislation is silent in this regard. Seashores must be protected from urban sprawl[10].

It should be emphasized that the marine area, the main violations relate primarily those related to the preservation of our health and our economy. Thus, marine managers should also manage particular bacterial or chemical pollution affecting the quality of bathing water or fish production. Regional, national control measures should be multiple.

Furthermore, efforts are undertaken for the prevention and treatment of pollution affecting the natural appearance of the coasts as the accumulation of solid wastes (waste macro) on the beaches, which are still very damaging to the tourism economy.

These maritime pollution are the subject of the great majority of scientific publications. All these pollutions are reversible and the most deleterious effects on the environment and species are often very localized.

Offshore wind operator is now subject to decommissioning obligations and reclamation of the site, so that the legislator does not provide for secondary liability device of the parent company in case of failure of the operator and, whatever the reason for the eventual retirement.

[9]- C. DAGORNE (2011), "The offshore wind", French Maritime Law Journal, No. 729, p. 18.
[10]- J. MORAND-DEVILLER (2011), op. cit., p. 37.

2- Lack of incentives to serve the offshore wind projects

The legal system is marked by a lack of support measures for offshore wind projects while they are fairly expensive investment in equipment. Public authorities and local authorities through their actions, do not encourage individuals to take action on offshore wind energy. In this sense, it does not allocate financial aid.

It is non aid granted on the one hand to the wind turbine secondly to the creation or development of enterprises whose activity is linked to the offshore wind energy[11].

Therefore, in the absence of distribution of aid and grants mark the lack of support for energy commitment.

At present, there is no aid for individuals for installing wind project in the sea.

Governments whose territorial authorities do not attribute a lump sum to any installation of offshore wind farms.

For entrepreneurs who want to integrate into their decision making energy savings, aid to the realization of preliminary studies for the rational use of energy, pre-diagnoses wind or aid for research and development are proposed and financed by an institution dedicated to that purpose. Similarly, there is also no aid to investment in equipment or work for wind projects at sea.
Finally, the lack of measures are supplemented by an absence of fiscal measures to encourage investment in clean books.

The authorities do not provide for the establishment modulation of aid for investment property and real estate. In other words, the community does not condition some of its aid according to the criteria of sustainable development[12].

However, the European Union has planned to allocate about 565 million euros of grants for implementation projects offshore wind (OWE, "offshore" wind electricity). Some governments have not hesitated to give generous subsidies (up to 50% of investments) to promote offshore wind energy. In Germany, a 5 billion euro aid program was established to facilitate investment for the construction of wind farms in the Baltic Sea and North Sea[13].

3- Shortcomings of planning and planning documents

It should be noted that the new legal regime for offshore wind is not now codified in the planning code or in other environmental guidelines which mainly the law on environmental impact studies.

In addition, the planning act does not provide for specific regional time to wind power at sea. This type of plan would identify regional geographic areas that seem best suited to the installation of plants producing the electricity using the mechanical energy of the wind at sea installed.

At the regional level, we must note a lack of planning instruments. This plan should include setting, at the level of long-term regional territory, by geographical area, the qualitative and quantitative objectives relating to the recovery of the Earth's energy potential. It should also inform the implementation of effective energy efficiency technologies, such as cogeneration units, according to the objectives derived from the European legislation on energy and climate.

B- The need to establish a specific legal framework for offshore wind turbines integrating environmental concerns

There really need to put in place a specific system on wind turbines at sea. It is in this context that we present reflections for the development of wind projects respecting environmental specificities, and accompanied strategic planning measures.

[11]- K. ANOUAR (2015), *The right to onshore wind energy and sustainable development in Morocco*, doctoral thesis, Faculty of Legal Sciences, Economic and Social Souissi Rabat, p. 247.
[12]- B. LE BAUT-FERRARESE (2008), op. cit., p. 85.
[13]- C. DAGORNE (2011), op. cit., p. 18.

1- Consecration and strengthening the role of local authorities in the development of offshore installed wind energy projects

Municipalities must have as prerogative to develop and operate production or make them develop and operate wind turbines. To this end, the legislation should allow local authorities to act for the development of wind energy since electricity is not to be sold to eligible customers, municipalities or public institutions. They will be able to develop, operate, develop and to be exploited, as provided by law, any new installation using the other wind energy with a maximum power which is still to be determined.

It is thus useful that the possibility of using a new installation using the wind would be reserved for municipalities and public institutions within their jurisdiction. Legislation should provide the conditions in which municipalities and public institutions may entrust to third parties the development and operation of wind turbines or other facilities using offshore wind energy[14].

In this sense, it is desirable to provide specific regulations for public-private partnership procedures in the field of renewable energy. It is clear that the lack of specific legislation contributes to the unequal participation of actors.

Note that the concept of public-private partnerships should be accurate in the Moroccan law. At present, there is a need for a clear and definitive definition of this concept would make particular reference to public-private partnerships in the wind turbine industry.

Furthermore, the installation of wind turbines should comply with local planning rules. They can for example be located in an agricultural zone. By cons, in principle, they can not be implemented within the areas tell "natural".

It is desirable to provide for the granting of an authorization under this act No. 13-09 which does not exempt its beneficiary to obtain other qualifications required by other legislation. This operating license would therefore not alone the building permit under the legislation on urban planning.

2- Framed by effective regional planning

Regional development planning offshore wind proves of great need. In this sense, the urban planning law must consider the approval of regional plans for offshore wind, so that each region can set up its own plan.

The plan would identify geographic areas that seem best suited to the installation of facilities that produce electricity using the mechanical energy of the wind.

It is therefore a specific planning tool for offshore wind to be developed by the regions. The creation of this plan is the best remedy to sprawl phenomenon. This should include setting, at the level of long-term regional territory, by geographical area, the qualitative and quantitative objectives relating to the recovery of the Earth's energy potential, renewable and recovery and for implementing effective techniques energy efficiency[15].

It should also be noted that it is necessary to provide specific areas for the development of offshore wind energy, the development tool for the development of wind energy[16].

It is desirable that the areas intended to accommodate sites that can accommodate the production facilities of electricity from sources of wind and solar energy provided by Order No. 2657-11 of September 19, 2011, be reviewed. Under this decree, the task of delimitation should be attributed to the governor. The latter would be responsible, in addition to delineate areas of development of wind power in terms of territorial boundaries and their wind energy potential, as we have seen, to do so also in terms of connection options to electricity grids , prevention of public safety, landscapes, biodiversity, marine and protected sites, and marine archaeological heritage.

[14]- K. DIOT (2004), "The new legal regime of implementation of wind farms", Law Bulletin for Industrial Environment, No. 4, Paris, p. 22.
[15]- A. HEGO DEVEZA-BARRAU (2011), op. cit., p. 35.
[16]- C. DAGORNE (2011), op. cit., p. 18.

To this end, it is desirable that the law provides that this development now depend mainly on the voluntarism of local authorities.

Not only they will be invested with special skills for the development of wind energy at sea, but this development can also be a source of revenue for them. The environmental impact of this development can be mastered, because of the plurality of the implementation of control instruments for offshore wind set up by the legislature.

The role of municipalities in the process of demarcation of specific areas for wind energy at sea should be recognized. It should be apparent from Law No. 13-09 on renewable energy as areas to implement offshore wind should be delineated by the governor, what we have seen before, but on the basis of proposals from the municipalities or.

The proposal should clarify the common perimeter of the area and set the minimum and maximum installed power plants producing electricity from mechanical energy of the wind.
Regarding the investigation of specific area of wind projects installed offshore, the legislation should provide that instruction specific areas for offshore wind projects would also be entrusted to governors. As well as offshore wind turbine is located on the maritime public domain, should be required to obtain a title of occupation of the maritime domain is required[17].
The governor's decision should be reached in the study of the proposal, within a certain time after receipt thereof, taken after advice from the competent authorities on nature, landscapes and sites. These opinions will be considered favorable opinions lack of response within a certain time after delivery of the request by the governor.

The governor would ensure consistency in the departmental areas of development of offshore wind to protect archaeological sites, conservation of marine resources but also landscapes and fight against noise.

3- Requirement of a building permit for the settlements of offshore wind energy

The settlements of wind turbines in the seas must be supervised by local development plans. Planning code provisions must be made to frame buildings and facilities for public services and operation. Keep in mind that the production of electricity from offshore wind energy is of collective interest.

Regarding settlements windmills in sea areas should also be governed by local development plans[18]. In this sense, the provisions of the town planning legislation should specify that the natural areas of the sea that can be classified into natural areas to be protected because of either the quality of sites, natural environments and their interests, particularly as aesthetic, historical or ecological view of either the existence of logging, or even of their natural space character.

Building permits issued for the construction of offshore wind must comply with general planning rules that will be established within the planning legislation. Therefore, legislation should thus provide several legal provisions constituting the general rules of urbanism opposed to offshore wind projects These rules should be included.:

Prevention of threats to food safety and public safety. The building permit may notably be refused subject to the non-compliance relating to respect for nature requirements, sanitation or public safety.

The preservation of affecting the countryside or the coast. The building permit could be granted subject to compliance with architectural requirements. The dimensions or external appearance of buildings or structures to build or modify, may not be such as to undermine the character or interest of the neighboring places, sites, natural and urban landscapes and conservation monumental perspectives and aquatic resources.

[17]- K. DIOT (2004), op. cit., p. 27.
[18]- J. MORAND-DEVILLER (2011), op. cit., p. 45.

Conclusion:

If it took years for the state to become aware of the urgency there was to legislate on the siting of wind turbines at sea, in the space of one year, a law, a decree application and an order came to fix the legal status of implementation of renewable energy, namely wind turbines at sea.

All measures have indeed been taken to encourage and regulate the wind, but it should be noted, it remains essential that all local actors and Moroccan projects adhere to local operations of wind turbines at sea. In this respect, the legislation should be laid to improve the conditions and speed instruction of offshore wind in the field.

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