



GREEN HYDROGEN IN MOROCCO: OPPORTUNITIES FOR GLOBAL ENERGY DEVELOPERS

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“Although green hydrogen represents an opportunity for global developers, navigating transnational jurisdictions policies and regulation across the value chain of project development and finance remains a challenge that demands an understanding of this emerging industry.”

MOROCCO’S GREEN HYDROGEN OFFER: A GATEWAY TO STRATEGIC INVESTMENTS

In the global race to transition towards sustainable energy, Morocco has solidified its position as a key player with its ambitious green hydrogen strategy. The government’s adoption of Circular No. 03/2024 on 11 March 2024, known as the “Morocco Offer,” established an operational framework to facilitate large-scale green hydrogen projects. This initiative aims to attract international and local investors, leveraging Morocco’s unique geographic advantages, political stability, and abundant renewable energy resources.

Recent developments, such as the announcement of the Chbika project lead by TotalEnergies in partnership EREN Group, along with Danish partners Copenhagen Infrastructure Partners (CIP) and A.P. Møller Capital, underscore the progress being made.

This demonstrates Morocco’s ability to attract major international players and further cements its leadership in Africa’s energy transition.

A VISION ANCHORED IN POLITICAL WILL

Morocco’s green hydrogen strategy stems from a clear and determined political vision to lead in the renewable energy sector, not only regionally but on a global stage. Building upon over a decade of experience in solar and wind energy project development, the Morocco Offer represents a continuation of the country’s proactive stance on climate action. It also aligns with Morocco’s international

commitments under the Paris Agreement to reduce greenhouse gas emissions and support the global transition to clean energy.

To ensure effective coordination and governance, the Moroccan Agency for Sustainable Energy (MASEN) has been appointed as the central contact point for investors.

The establishment of a dedicated steering committee, comprised of representatives from key ministries, reinforces the government's commitment to creating a structured framework for project development. This initiative demonstrates the political resolve to offer clarity, support, and strategic oversight for green hydrogen investments.

ECONOMIC OPPORTUNITIES AND INCENTIVES

Green hydrogen presents a transformative economic opportunity for Morocco, offering the potential to address domestic energy needs while positioning the country as a major exporter to European and other global markets. The Morocco Offer has identified an initial allocation of 300,000 hectares of public land for green hydrogen projects, with the potential to expand up to one million hectares to meet investor demand.

To enhance the attractiveness of these investments, the Circular offers a range of fiscal incentives referred to in the Investment Charter set by Law 03-22. These incentives include, inter alia, VAT exemptions on equipment, reduced customs duties, and preferential tax regimes for exporting companies.

The Investment Charter provides a robust framework for these tax benefits, underpinned by the government's objective to stimulate local economic growth, create jobs, and foster industrial value chains.

ADDRESSING TECHNICAL CHALLENGES THROUGH INFRASTRUCTURE DEVELOPMENT

Morocco's strategy recognises the critical importance of infrastructure in supporting the green hydrogen industry. The Morocco Offer envisions the development of essential infrastructure, such as ports, desalination units, hydrogen pipelines, and storage facilities. These projects are to be developed when strategic for the State through public-private partnerships (PPPs), enabling the pooling of resources and shared responsibility for large-scale investments.

This collaborative approach not only lowers entry barriers for investors but also ensures long-term project viability, offering the predictability required to attract international stakeholders to the Moroccan market.

A DEVELOPING LEGAL FRAMEWORK

Circular No. 03/2024 provides the initial governmental policy for green hydrogen projects, focusing particularly on land allocation. Public and private lands under State ownership will be made available to investors under specific agreements. These include preliminary land reservation contracts, advanced

study agreements, and investment framework agreements. Each stage of these agreements is designed to balance the needs of project feasibility with the long-term commitments of both parties.

However, the framework still leaves certain legal ambiguities unresolved, including the precise nature of the public lands to be allocated, the types of agreements available (such as leasing or purchase), and the absence of a dedicated legislative framework for integrated green hydrogen projects.

While the Circular provides useful guidelines, its legal weight does not equate to that of a formal law or decree. In this context, several laws apply to the development of a green hydrogen project across the value chain, inter alia, renewable energy generation (Law 82-21 relating to the self-production for selfconsumption, with regulation covering on and off grid connections, or Law 13-09 related to renewable energy including permitted grid connection), seawater desalination (Law 36-15 related to water), as well as safety standards and regulation. Other laws related to associated infrastructure (ports, pipelines, etc) also apply when relevant.

A COMPETITIVE SELECTION PROCESS

The Morocco Offer's approach to project selection reflects the government's commitment to transparency and high standards. The rigorous process evaluates factors such as the financial strength of investors, their track record in renewable energy, and the anticipated economic and environmental benefits for Morocco. This ensures that selected projects align with the country's strategic priorities while fostering mutual value creation.

A UNIQUE OPPORTUNITY FOR GLOBAL DEVELOPERS

The Morocco Offer is a significant milestone in the country's green hydrogen journey, combining a clear vision with substantial incentives and an evolving legal framework. However, its success will depend on the resolution of existing regulatory uncertainties and the effective implementation of planned infrastructure projects.

For international developers, this initiative represents a gateway to one of the most promising green hydrogen markets in Africa. Morocco's unique geographic position, abundant renewable resources, and favourable policy environment create a compelling case for investment. To capitalise on these opportunities, developers must adopt a proactive approach, engaging in continuous dialogue with Moroccan authorities and leveraging tailored legal expertise to navigate the complexities of this emerging sector.

LOOKING AHEAD

There is no doubt that renewable hydrogen landscape in Morocco has tremendous potential. Although to develop projects destined for exports, developers will need to navigate several policies and legal frameworks across the green molecule value chain, both in Morocco and for the export market (Europe).

The availability of solar and wind capacity in the southern provinces and the worldclass infrastructure in the midlands and north of the Kingdom make sense for investors looking for opportunities in the emerging industry, albeit, that public-private partnership might need to be deployed to de-risk, inter alia, the transport/transmission and distribution network infrastructure needed.

SUPPORTING YOUR GREEN HYDROGEN AMBITIONS

As a law firm dedicated to energy and infrastructure projects across Africa, we are equipped to provide expert guidance at every stage of investment in Morocco's related to renewable hydrogen.

From project feasibility, regulatory compliance, development, finance, and strategic partnerships, our team offers tailored legal solutions to ensure the success of your project.

Contact us to learn how we can support your green hydrogen ambitions in Morocco.

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