

**COMPENDIUM OF ALGERIAN
FOREIGN TRADE PROCEDURES**

Foreword

This publication is an update of the document “Compendium of Algerian Foreign Trade Procedures” the National Agency for Promotion of Foreign Trade (ALGEX) published in 2008. It comprises the numerous changes occurring in laws, regulations, policies and practices concerning foreign trade, since the publication of the first edition of the Compendium. This document has benefited from suggestions and validations from qualified organizations and institutions in charge of regulation, related to foreign trade.

The publication of this document is still in the context of the foreign trade economic and financial transactions for companies and other economic agents.

The Compendium is primarily aimed at economic operators, especially SMEs and aims to facilitate the knowledge and understanding of the mechanisms and procedures to achieve their import and/or export operations. The extent and quality of the information it contains makes it also a useful handbook for many other institutions and national administrations involved in the process of foreign trade.

The material presented in this Compendium may be periodically amended by legislative action or new information or as a result of changes in economic reforms in Algeria. The update of this collection was stopped at December 31ST, 2011.

The Compendium has not intended to cover the entire economic sphere of Algeria and is, as such, complementary to other features, collections and booklets related to investment promotion, tax, customs, banking procedures, to international transportation and the circulation of persons.

This book is certainly not free of flaws and could be further improved; it is nevertheless an important step for an increased visibility and transparency of the business climate in Algeria.

Accordingly, it would be desirable that all readers and users, Algerian or foreign enterprises, public institutions, professionals of foreign trade, share with us their remarks about the content or the presentation of this guide. We assure you that these comments would be appreciated and considered with all the necessary attention and in advance, we thank you.

Acknowledgements

The National Agency for Promotion of Foreign Trade (ALGEX) expresses its gratitude to the institutions and organizations related to foreign trade for their advice, their observations and their important contribution to the material presented in this Compendium. We will mention:

- The Ministry of Agriculture and Rural Development
- The Ministry of Trade
- The Ministry of Communication
- The Ministry of Culture
- The Ministry of Energy and Mines
- The Ministry of Finance
- The Ministry of Interior and Local Communities
- The Ministry of Post and Information and Communication Technology
- The Ministry of Health, Population and Hospital Reform
- The Ministry of Transport
- The National Agency for Investment Development (ANDI)
- The Bank of Algeria
- The National Center of Register of Commerce (CNRC)
- The Algerian Chamber of Commerce and Industry (CACI)
- The Algerian Company of Insurance and Guarantee of Exports (CAGEX)
- Customs Head Office
- The Algerian National Institute of Intellectual Property (INAPI)
- The National Office of Legal Metrology (ONML)

The contribution of these institutions and organizations has enabled the National Agency for Promotion of Foreign Trade (ALGEX), to achieve this Compendium, a crucial document for the foreign trade operators. They are, again, warmly thanked.

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Part one

The operating mode of the Algerian economy

**Outline of the business context
and international trade relations**

The company law and liaison bureau

Object:

The Algerian trade law is similar to the one prevailing in many countries. It is based on freedom of trade and establishment. The individuals and legal entities, both domestic and foreign, have the right to establish themselves and have merchant status in Algeria. They are subject to registration at the Register of Commerce (see Sheet No. 09) or in opening a representative office (which is not enlisted at the Register of Commerce).

Types of Companies:

The legal forms of companies in Algeria are very similar to those known in many national laws (LLCs, Stock Companies etc.). These are:

The Joint Stock Company (SPA)

The joint stock company exists in two forms:

- Those involving public offering, in which case the capital may not be less than five million dinars (DZD 5,000,000).
- Those not involving public offering, in which case the capital is one million dinars (DZD 1,000,000) at least. (Art 594 of the Commercial Code). The number of partners may not be less than seven (07) members. The SPA is governed by a board, which means:
 - a President and a CEO , or
 - a CEO.

The CEO does not necessarily have to be a trader and can be employed. The president and the CEO may be of foreign nationality.

The Limited Liability Company (LLC)

The Limited Liability Company is the status of a small or medium business. Its capital may not be less than one hundred thousand dinars (DZD 100,000) and is divided into shares of equal nominal value of one thousand Dinars (DZD 1,000) at least.

The number of associates is 1 to 7. They do not necessarily have to be traders. The company is headed by a Manager who may be Algerian or foreigner, a partner or an employee.

The Limited Liability Sole Proprietorship Company (EURL)

An LLC, limited to one single person as “sole associate” is called sole proprietorship limited liability company (EURL). Its capital is not less than

one hundred thousand dinars (DZD 100,000). It is divided into shares of at least one thousand dinars (DZD 1,000).

The General Partnership Company (NCS)

In this society, each of the partners has to be a trader. They are jointly and severally liable for partnership debts. The shares are registered and can be transferred only with the unanimous consent of the partners.

The Limited Partnership (SCS)

The limited partnership: its rules are modeled on those of the general partnership company. It consists of partners, whose status is identical to that of partners in a general partnership and sponsors, who meet the company's liabilities to the extent of their contributions.

The Publicly Traded Partnership Company (SCA)

This company is a hybrid of general partnership and joint stock company.

Other forms of establishment and organization

The representative (or liaison) bureau

The representative office is a formula that continues to be used by a number of companies because it allows, for a limited investment, to ensure a direct presence of the company on the Algerian territory. It features:

- direct control by the parent structure of the activities in Algeria,
- the possibility of using commercial personnel directly employed by the company for the exploration, promotion and customer tracking.

The financing of the liaison bureau is exclusively in foreign currency, since the liaison office does not earn revenues and has no local lucrative activity. The office and its agents cannot enter into any contract on their own behalf. Registration in the commercial register only concerns companies that carry on business in Algeria, on behalf of a trading company with headquarters located abroad.

Liaison bureaus are not compelled to the obligation to register at the Register of Commerce, because of the mission assigned to them, namely prospecting the local market for the benefit of a trading company based abroad, without recourse to contract conclusion or any lucrative action on the company's behalf.

The establishment of a liaison bureau is on request to the Ministry of Trade. It requires the deposit of a caution to a primary bank and the payment of a registration fee of DZD 100,000 (see the sheet concerning the Liaison Bureau).

Procedures

The Company is necessarily created by an authentic act, “the articles”, made before a notary and published on the Official Bulletin of Legal Announcements (BOAL) and in two national newspapers. These operations are costly, in proportion to the capital of the Company for the notarial fees, plus a fixed fee for the publication in BOAL. The duration of establishment of the acts and of their publication varies, but does not exceed two months. The onset of the activity is subject to the declaration of existence with the Taxes and to the registration at the Register of Commerce (See Sheet No. 09).

Companies under Algerian law whose shareholders are foreigners cannot be controlled more than 49% by individuals or legal entities of foreign nationality.

For foreign companies engaged in the resale of the goods in unchanged state, 30% of their capital must be owned by individuals of Algerian nationality, for legal persons and at least 30% of their capital must be owned by associates or shareholders, of Algerian nationality.

References:

- Law 90-22 of August 18th, 1990 on the Register of Commerce, as amended and supplemented.
- Law 90-31 of December 24th, 1990 on associations.
- Law No. 04-08 of August 14th, 2004 as amended, relating to the operating conditions of business (Article 6).
- Ordinance No. 75-59 of September 26th, 1975 concerning the Commercial Code, as amended and supplemented. (Articles: 564 to 591)
- Executive Decree No. 09-181 of May 12th, 2009 setting the conditions for conducting activities of importing raw materials, products and goods for resale in the state by corporations whose members or shareholders are foreigners.

For more information, please contact the:

Ministry of Trade

HEAD OFFICE of Regulation and Organization of Activities –
DGROA

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Investing in Algeria

Object

The domestic and foreign investments, public and/ or private, in the economic activities of producing goods and services, in particular the asset acquisitions within the scope of the creation of new businesses, expansion of production capacity, rehabilitation or restructuring, are governed by the Algerian Investment Code.

Advantages access conditions

- the activity is subject to registration at the Register of Commerce.
- the activity is not on the excluded activities list.
- the amounts corresponding to granted reductions or exemptions pursuant to any tax, fee, duty, parafiscal tax and other, under the preferential regime are reinvested. The investor may be exempted from this requirement by special derogation from the National Investment Council (CNI).

FDI conditions (foreign direct investments)

- Any investment project involving foreign participation in the capital of the company to be created must be subjected to the prior examination by the National Investment Council (CNI);
- Any proposed foreign direct investment must be made within a partnership framework, where the national resident ownership holds at least 51% of the capital. By national ownership it can be understood the addition of several partners;
- The State and the public economic companies must be granted the right of preemption over all disposals of shareholdings by foreign shareholders or for the benefit of foreign shareholders. This right must be exercised accordingly to the registration code (Article 118);
- The requirement to use local banks and financial institutions to finance foreign investments, whether direct or in partnership, with the exception of creation social capital;
- The requirement to present a balance surplus in foreign currency, to the benefit of Algeria, throughout the project life for foreign direct investment or in partnership;
- The obligation to channel its funds through legal means, via the official banking system, in order to have the right to transfer its profits or proceeds of sale on disposal of capital.

Nature of facilitations

The National Agency for Investment Development (ANDI) is a government institution responsible for the facilitation, promotion and support of investment. As such, it helps, informs, assists, directs and accompanies investors and formalizes the decisions to grant benefits. It was created in 2001, replacing the APSI, the Agency for Promotion, Support and Monitoring of Investment, created in 1993. It is represented through the national territory by its decentralized “Unique counters”.

The “Unique counter”

Under the authority of ANDI, the “Unique counter” gathers in one place several administrations involved in the act of investment, namely, the representative of ANDI, the Tax, Customs, the Fields, the National Centre of Register of Commerce, the Ministry of Territorial Management and of the Environment, the NSCC, the CASNOS, ANEM, the APCs and Urban Development.

The “Unique counter” is decentralized within the forty-eight provinces of the country, that is a counter by province. These decentralized counters are created to ensure smooth and stable investment operations, to facilitate the procedures for setting up companies and the realization of the investment. They are the sole interlocutors of investors.

The Incentive scheme

There are two benefit scheme:

- The “general” scheme: granted to the current investment in not excluded activities.
- The “exemption” scheme, which has two subsystems:
 - The scheme “areas to be developed” for investments in areas requiring the State contribution to their development.
 - The scheme of the “granted convention”.

Benefits are twofold:

- those related to the implementation of the investment
- those related to operations of the investment

To receive these advantages, investors must make an express request for advantages with ANDI.

The “general” scheme

The granting of benefits under the “general” scheme is subject to the beneficiary’s written commitment to give preference to products and services of Algerian origin.

Under implementation and for goods and services acquired as part of the investment for a period of three years from the date of notification of the decision granting benefits:

- exemption from customs duties for non-excluded goods, imported, used directly in the realization of the investment;
- franchise tax (VAT) on non-excluded goods and services, imported or acquired locally, going directly into the realization of the investment;
- exemption from property transfer tax.

N.B.:

The grant of exemption from VAT is limited only to the acquisitions of Algerian origin, except in special cases of absence of similar local production.

Under operation

- for a period of one (01) to three (03) years, for investments that create fewer than 100 jobs, after conclusion of entry into business established by the tax to the diligence of the investor:
 - tax exemption on corporate income (IBS);
 - tax exemption on professional activities (TAP).
- for a period of five (05) years, if the investment creates more than 100 jobs on activity startup. Are not subject to this requirement, investments located in places eligible for Southern Special Fund and Highlands.

N.B.:

For Algerian investments whose amount is equal to or greater than 500 million dinars, the granting of benefits under the “general” scheme is necessarily subject to a decision of the CNI.

The “exemption” scheme

Applies to investments:

1. On non-excluded activities, based in certain priority areas (South, Highlands, poor areas...).

- The benefits of the implementation phase of the investment, similar to those of the “general” scheme above, comprising furthermore:
 - the application of the registration fee at the reduced rate of 2 ‰, for articles of incorporation of companies and capital increases;

-
- the possibility to get partial or total support from the Algerian State, for some infrastructure work necessary for the realization of the investment.
 - The benefits of the operational phase include (after concluding by the Tax services, through the diligence of the investor, that the operation has been established):
 - IBS and TAP exemption, for ten years of actual activity;
 - the property tax on real estate exemption, within the scope of investment, since the acquisition date, for a period of ten years;
 - the granting of additional benefits that improve and/ or facilitate investment, such as the postponement of deficits and payback periods.
 - The granting of benefits under this sub-scheme operates on a decision of ANDI, after declaration of the investment.
2. *Of particular interest to the national economy (sustainable development, particular technologies, energy saving, major scope...).*
Eligibility to this sub-scheme is decided by the CNI. The benefits likely to be granted, if eligible, are:
- ***During the investment implementation phase***, for a maximum of 5 years:
 - exemption and/ or deductibility of fees, taxes, charges and other levies of a fiscal nature on acquisitions made either by importation or on the local market, of goods and services necessary for the realization of the investment;
 - exemption from registration fees of real estate property transfers and their legal publication;
 - exemption from registration fees on the constitutions of companies and capital increases;
 - exemption from property tax on real estate allocated to the production.
 - ***During the operational phase***, for a maximum of 10 years:
 - IBS and TAP exemption;
 - possible additional benefits determined by the CNI.

Benefits under this scheme are provided by way of agreement between the investor and the ANDI acting on behalf and for the account of the State. The agreement shall be signed after approval by the CNI and gives rise to the establishment of a decision to grant benefits under the implementation, then, after presentation of the statement of commencement of operations, to the establishment of a decision to grant benefits under exploitation.

The CNI is entitled to consent, for a period not exceeding 5 years, exemptions from or reduction of fees, duties or taxes, including VAT, levied on prices of goods produced by inward investment in emerging industrial activities.

Warranties and coverage

- intangibility of acquired benefits in the event of changes of the legal framework;
- transfer of capital and income, subject to the regulations in this matter;
- identical treatment of foreign firms and of Algerian individuals and legal entities, subject to the provisions of agreements with States to whom they belong;
- coverage by international conventions and agreements of bilateral or multilateral investment encouragement and protection;
- right of appeal to administrative and judicial courts or international arbitration in disputes for non-resident investors.

Procedures

Files are to be presented to the decentralized “unique counters” of ANDI, except for projects under the sub-scheme of the agreement. These are introduced to the HEAD OFFICE of ANDI.

Costs

The Agency shall levy a DZD 10,000 fee for the treatment of files relating to applications for benefits.

References:

- Ordinance No. 01-03 of August 20th, 2001 on the development of investment, as amended and supplemented by Ordinance No. 06-08 of July 15th, 2006.
- Ordinance No. 03-11 of August 26th, 2003 on money and credit and Regulations of the Bank of Algeria.
- Complementary Finance Act for 2009 (Articles 57.58, 60 to 62).
- Complementary Finance Act for 2010 (Article 49 and 55).
- Executive Decree No. 07-08 of January 11th, 2007 listing the activities, goods and services excluded from the benefits established by Ordinance No. 01-03 of August 20th, 2001 on the development of investment

-
- Executive Decree No. 08-98 of March 24th, 2008 on the form and terms of the investment declaration, demand and the decision to award benefits.
 - Inter-ministerial Order of June 25th, 2008 concerning the conclusion of entry into operation of investments reported under the Investment Law.
 - Decree of February 17th, 2009 establishing procedures for processing and composition variation cases decisions to grant benefits.
 - Decree of 18 March 18th, 2009 establishing the composition of matter and the procedure of introducing the investment declaration.

For more information, please contact the:

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Settlement modalities abroad for Algerian economic operators representations

Object

The installation abroad of Algerian economic operators, despite the legal form it may take in the host country, is subject to prior approval of the Council of Money and Credit.

General Terms

- An annual activity report on investment and/ or the authorized representation must be sent every year to the Foreign Exchange head office in the Bank of Algeria.
- The Governor of the Bank of Algeria, after consulting the Council of Money and Credit, may withdraw by resolution, the authorization to install a representation or abroad investment office, in the following cases:
 - at the request of the concerned Algerian economic operator;
 - non-compliance with legal and regulatory provisions on the matter (following a report of the relevant services of the Bank of Algeria);
 - adverse and/ or harmful economic and financial growth to the national economy.

Procedures

An application made by the authorized person must be submitted to the Council of Money and Credit. The application must be supported by the following documents:

- the status of the concerned Algerian company;
- statement of resolution by the Special General Assembly or any other competent organ, approving the decision to invest or to install a representation abroad;
- a copy of the special report of the auditor, which establishes that the financial strength of the company allows such investment. Otherwise, the report of any other person or entity justifying a conclusive expertise in this area;
- a techno-economic study, justifying the conformity of the investment or the creation of an economic representation abroad with the requirements of the law and specifying its impact on the balance sheet–Currency;

-
- a budget estimate of revenue and expenses over a period of three (03) years.

References:

- Ordinance No. 03-11 of August 26th , 2003 on money and credit,
- Regulation No. 2002-01 of February 17th , 2002 laying down the conditions for setting up file application for leave to investment and/ or installation abroad of representation office of economic operators of Algerian law.

For more information, please contact the:

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The protection of intellectual property

Object

In Algeria, the intellectual property is protected, both from the perspective of the fight against counterfeiting and of the preservation of the rights of owners (literary and artistic property, industrial property). It extends to the individuals or legal entities established in Algeria or abroad as part of multilateral treaties or conventions to which Algeria is a party.

Nature of the protection

Industrial Property: The different forms of industrial property protection (trademarks, patents, designs, appellations of origin, schemes of integrated circuits) constitute the intellectual property rights, nationally and internationally protected and managed by INAPI, as part of conventions and treaties to which Algeria is a party.

Copyrights and Related Rights: The rights of authors and related rights (rights of performing artists, phonogram producers, producers of videograms and Algerian or foreign broadcasting organizations) are managed by the National Office of Copyrights and Related Rights (ONDA). On foreign territory, these rights are protected through contracts with similar organizations, under international conventions to which Algeria is a party.

The royalties payment conditions, when importing media of any kind for private copying under copyright, are dealt with according to special administrative procedures.

Procedures

The national protection of the industrial property

The national registration is done at the request of the applicant, personally or by an agent approved by the Ministry of Industry, Small Business and Investment Promotion (optional for national citizens, mandatory for foreigners not resident in Algeria) and sent to the Algerian National Institute of Industrial Property (INAPI) on forms supplied by the latter or downloaded from the website www.inapi.org according to the nature of the application.

Before submitting the application a prior art search must be requested to the INAPI services.

The report of the prior art search mentions everything that has been filed or registered with INAPI, up to the date of the search request or of the preparation of the report.

The search is subject to the payment in advance of a national parafiscal tax and may be accomplished via the INAPI website: www.inapi.org.

Directions and specific details will be asked, such as copies of models, brands, description of the invention, indicating what is to be protected (claim) etc.

a. Duration of the protection

The duration of the protection is limited in time. It is originally of:

- 10 years for trademarks,
- 10 years for designs and models,
- 20 years for patents.

A registered trademark can be renewed indefinitely every ten (10) years, at the request of the proprietor, but the renewal is conditioned by the payment of fees and proof of use. Maintenance of patents is subject to annual fees.

b. Taxes

Parafiscal taxes defined by the Finance Act apply to requests for protection and prior art searches. For more information, visit the INAPI website: www.inapi.org.

c. Special registration

The industrial property rights and any changes to ownership or characteristics, such as trademark licenses, are included in the records under penalty of nullity.

The international protection of the industrial property

a. The international registration of marks

The System of International Registration of Marks, “Madrid System”, is governed by two treaties:

- The Madrid Agreement Concerning the International Registration of Marks of April 14, 1891;
- The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks of June 27, 1989 (Madrid Protocol).

Managed by the International Bureau of WIPO, the Madrid System offers a trademark owner the possibility to obtain protection of its mark in several countries by filing a single application for registration directly from his National Office.

b. Terms and Conditions

- the basic registration in the country of origin must be in effect;
- the filing or sending of an international application with INAPI;
- the payment by the holder of:
 - Algerian duties and taxes (application fee in DA)
 - fees payable with the World Intellectual Property Organization (WIPO) in Geneva.

c. The Treaty of Cooperation in Respect of Patents (PCT)

The PCT allows the filing of a single international application in one language and at one receiving office in the member countries of the said Treaty, which will be extended, at applicant's option, to all member countries.

References

Copyright and Related Rights

- Law No. 03-17 approving Ordinance No. 03-05 of July 19th, 2003 on copyright and related rights.

Protection of Industrial Property in Algeria

- Law No. 03-18 approving Ordinance No. 03-06 of July 19th, 2003 on Trademarks
- Law No. 03-19 approving Ordinance No. 03-07 of July 19th, 2003 on the protection of invention
- Law No. 03-20 approving Ordinance No. 03-08 of July 19th, 2003 on the protection of layout designs of integrated circuits
- Ordinance No. 66-86 of April 28th, 1966 relating to designs and models
- Ordinance No. 76-65 of July 16th, 1976 on Appellations of Origin

For more information, please contact the:

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Customs legislation

Object

Algeria operates in the regime of free external transactions. Goods imported or exported through formal trade relations are subject to customs procedures and are subject to payment of duties and taxes.

Guidelines

- Algeria applies the 2007 version of the Harmonized System Customs Tariff, under which all goods and services (5,996 positions) are denominated according to an internationally recognized reference at eight figures. This system aims at the international harmonization and facilitation of the procedures.
- Imports are subject to duties and taxes, especially in the case of goods released for home use.
- Exports are not subject to duties and taxes and are particularly encouraged and facilitated.

In both cases the procedures vary, depending on the purpose of the transaction and are expressed in the form of three possible regimes, namely:

- the general clearance scheme for release for home use.
- the economic clearance schemes whose main characteristic is to put the goods under a provisional status bound to change (see below, to the point “exemptions”).
- the specific schemes, not applicable to commercial transactions (import of personal objects, import of diplomatic missions and others). This last category is not exhaustively addressed here.

Absolute bans and prohibitions are pronounced against certain items, for reasons of security and public morality, health, decency etc.

The possibility of goods control by certified companies, on behalf of the customs administration, before their dispatch in the customs territory. This includes the control of the customs declaration (the mode of application will be specified by a bye-law).

Procedures

Some goods imported or exported are subject:

- to general procedures (subject of Part II of the Compendium);
- to formalities called “special administrative procedures” for certain goods, as indicated in the specific texts and that give rise to permits

issued by relevant government agencies and other institutions (ONDA, ONML etc.);

- to a standard specification, for the export of certain products, goods and materials, particularly cork. The list of products and goods as well as the standard specifications are determined by regulation;
- to a clearance permit for release for consumption of refurbished production lines (complete factory). This permission is granted by special dispensation of the Minister responsible of the investment.

The goods are in some cases subject to the *justification of the real origin* of the imported or exported product or good, mostly by presenting a certificate of origin particularly with regard to a preferential origin.

Several facilitations are provided for both import and export, Including:

- in the establishment and registration of the detailed declaration, the right of sampling, the declaration in advance and the deposit of incomplete declaration;
- in examining goods, particularly the partial control of goods or documents;
- in the area of determination the duties and taxes and the methods of collecting them, the advantage of the most favorable past rate;
- in terms of procedures, home customs clearance and control.

Pursuant to the provisions of the Constitution and the Civil Code *all administrative decisions may be appealed before the competent courts.*

Fees and taxes on imports:

The Customs Tariff:

- provides *ad valorem* fees (based on the value of the product) for all subheadings;
- rates are currently aligned with the MFN clause (Clause of the Most Favored Nation);
- the number of rates is of four: 0%, 5%, 15% and 30%.

Other taxes on imported products:

Other fees, particularly the Value Added Tax (VAT), apply to imported products and are payable upon clearance (local productions are also subject to these rights), as well as the following fees that can be payable:

- domestic consumption tax (T.I.C);
- additional tax on tobacco products (TAPT);
- tax on petroleum products (TPP);
- fuel tax;
- parafiscal tax;

-
- tax on cereals and dried vegetables (TCLS);
 - sanitary tax on meat (TSV);
 - tax on plastic bags (TSP);
 - rights of movement (DCA);
 - specific duties on batteries radio-broadcast receivers TVs, antennae, demodulation or decoding devices;
 - guarantee fee on the works in gold, silver and platinum;
 - tire tax;
 - oil, lubricants and lubricating preparations tax;
 - royalty on the use of road infrastructure;
 - charge on changes of residence;
 - fee for service provision (RPS).

Suspensions by virtue of economic regimes:

A total or partial suspension of customs duties and VAT is granted, particularly for goods imported or exported subject to the following customs procedures:

- transit;
- public warehouse;
- private warehouse;
- industrial warehouse;
- used factories;
- temporary admission with re-export;
- temporary admission for inward processing;
- duty-free replenishment;
- temporary export.

No specific exemption is granted for goods imported by the State or public companies, except in the case of donations (Finance Act 1997, article 98).

References

- Law 79-07 of July 21st, 1979 on Customs Code as amended and supplemented particularly by the law 98-10 of August 22nd, 1998 and its implementing regulations.
- Law 01-15 of October 21st, 2001 approving the Ordinance of August 20th, 2001 establishing the Customs Tariff and its annexes.
- Supplementary budget law for 2009 (Article 50).
- Supplementary budget law for 2010 (Articles 43 and 54).
- Ordinance 03-04 of July 19th, 2003 on the general rules applicable to the importation and exportation of goods.

For more information, please contact the:

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International agreements

Bilateral and multilateral agreements

Object

The bilateral or multilateral trade agreements allow the creation of a partially or totally free trade area between a country and a regional economic grouping or between two countries. These agreements allow stimulating trade relations between the signatory countries.

The agreements of mutual protection of investments and those of avoidance of double taxation are intended to safeguard business relationships and mitigate the costs of trade transactions between signatory countries, thus promoting commercial flows and investments between these countries.

Signed agreements

- ***Commercial cooperation agreement with Jordan***: This agreement was signed on May 19th, 1997 in Algiers and ratified by Presidential Decree No. 98-252 of August 8th, 1998 to develop and expand trade between the two countries, to harmonize their economic relations and remove all administrative obstacles which impede the flow of their trade. The Convention entered in effect on January 31st, 1999.
- ***Association Agreement with the European Union***, effective on September 1st, 2005 (see Sheet No. 07).
- ***Membership in the Great Arab Free Trade Area (GAFTA)***: The agreement, signed and ratified by Algeria, provides a total exemption with 18 Arab countries from January 1st, 2009. (see Sheet No. 8)

Agreements currently under negotiation

- ***Agreement with the European Free Trade Association (EFTA)***: The free trade agreement with the European Free Trade Area (EFTA) provides for the establishment of a free trade area after a period of twelve years dedicated to the dismantling of tariffs between the two parties. EFTA comprises Iceland, Lichtenstein, Norway and Switzerland.
- ***Commercial and Investment Agreement with the countries of the Economic and Monetary Union West – Africa (UEMOA)***: This agreement covers the tax and customs exemption for Algerian products with the regional community. UEMOA comprises the following countries: Niger, Burkina Faso, Côte d'Ivoire, Senegal, Mali, Benin, Togo and Guinea Bissau.
- ***Agreement of the countries of the Arab Maghreb Union (AMU)***: A draft convention on the gradual establishment of a free trade area is currently under negotiation between the countries of the Arab

Maghreb Union (AMU). It aims to gradually phase out all tariff and non-tariff barriers between these countries. This draft convention supersedes the Maghrebian agreement of trade and tariff of March 10th, 1991 and the Convention on the North African trade in agricultural products of July 23rd, 1990. These two conventions are not enforced.

Other Agreements

Algeria is bound with some sixty countries through trade agreements not providing benefits.

Joint Chambers of Commerce:

Libya – Tunisia – Morocco.

Countries with whom Business Councils exist:

Belgium	United States of America	Lebanon
Portugal	Egypt	Mauritania
Russia	Syria	South Africa
Turkey	Jordan	Sultanate of Oman
Britain	UAE	Brazil
Romania	Saudi Arabia	India
Spain	Qatar	

Countries with whom agreements of reciprocal protection of investments and/ or avoidance of double taxation exist:

South Africa, Germany, Argentina, Austria, Bahrain, Belgium, Bulgaria, Canada, China, Korea (South), Denmark, Egypt, UAE, Spain, United States of America, Ethiopia, France, Greece, Indonesia, Italy, Jordan, Kuwait, Libya, Luxembourg, Malaysia, Mali, Mozambique, Niger, Nigeria, Oman, Qatar, Romania, Sudan, Syria, Sweden, Czech Republic, Turkey, Yemen, Ukraine.

For more information, please contact the:

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The Eu-Algeria association agreement

Object

The Euro-Mediterranean Association Agreement between Algeria and the European Community and its Member States (Ireland, Sweden, Germany, Belgium, France, UK, Austria, Finland, Luxembourg, Greece, Portugal, Denmark, Italy, Spain, Netherlands, Poland, Hungary, Slovenia, Slovakia, Czech Republic, Estonia, Latvia, Lithuania, Cyprus, Malta, Romania and Bulgaria), provides a framework encouraging the development of a partnership between Algeria and the European Union. It creates a favorable climate to the development of their economic, trade and investment relations, which are essential to support economic restructuring and technological modernization.

This agreement came into effect on September 1st, 2005 and should lead to the establishment of a free trade area by the year 2017.

Guidelines

Customs regulations related to the circulation of goods between Algeria and the European Community is the main component of interest to traders (importers and exporters) and this aspect is included in Title II of the Agreement entitled “Free circulation of Goods “.

As such, the Agreement provides for several schemes of tariff concessions for Algerian exports of products to the EU and Algerian imports of products originating in the community, either industrial, agricultural, processed agricultural or fishery products.

Are considered as products originating in Algeria or the Community: products wholly obtained in Algeria or in the Community and the products obtained in one or the other party and incorporating materials which have not been obtained there, provided that such materials have undergone in Algeria or in the Community sufficient working or processing, beyond the working or processing which are considered insufficient to confer origin to the product as defined in Article 7 of Protocol 6 of the Agreement.

As part of establishing a free trade area between the European Community and the countries from the Maghreb (Algeria, Tunisia and Morocco), common rules have been set on accumulation in using materials originating from partner countries. This use gives the products the originating status in the country where they were manufactured. It is understood that such accumulation can not be implemented until the Maghreb states have similar rules on the definition of origin.

Content

Industrial products:

For export:

Industrial products of Algerian origin, exported to the EU are exempt from duties and taxes, since September 1st, 2005.

For import:

Industrial products of European origin are exempt from duties and taxes to enter Algeria, as each product list annexed to the Association Agreement, as follows:

- List 1: exempted entirely from customs duties since the coming into effect of the Association Agreement, i.e. since September 1st, 2005.
- List 2: tariff dismantling over a period of five years since September 1st, 2007, to reach 0% customs duty on September 1st, 2012.
- List 3: tariff dismantling over 10 years, since September 1st, 2007, to reach 0% customs duty on September 1st, 2017.

Agricultural products and processed agricultural products:

Preferential treatment is accorded to both sides, including the implementation of quota provisions for the benefit of preferential treatment.

Fishery products:

The fishery products originating in Algeria shall be imported into the Community free of customs duties. Preferential treatment is granted by Algeria to fishery products originating in the Community.

Procedures

The quota management related to agricultural products and processed agricultural is part of the clearance process, based on the principle “first come, first served”.

The Movement Certificate EUR.1

To benefit from preferential access on the Community or Algerian market, under the Association Agreement, the products must be accompanied by a Movement Certificate EUR.1, which provides proof of origin.

- This certificate is required for the clearance of goods originating in the Community or in Algeria respectively, in order to claim preferential treatment.
- It is endorsed by the customs authorities of the exporting country, upon written request by the exporter or his authorized representative.

-
- In Algeria, the export companies should approach the Algerian Chamber of Commerce and Industry (CACI) or the various regional Chambers of Commerce and Industry, to obtain the EUR.1 certificates and documents.
 - Only the Algerian customs are empowered to endorse it.
 - It is filled in one of the languages in which the Agreement is drawn.

Cases of wine exports:

The wines of fresh grapes originating in the People's Democratic Republic of Algeria and labeled wines of Controlled Origin Designation (AOC) (i.e. Ain Bessem-Bouira, Médéa, Coteaux du Zaccar, Dahra, Coteaux de Mascara, Tessalah Mountains, Coteaux de Tlemcen) are subject to presentation of a certificate of origin. The AOC are certified by the Technical Institute of Fruit Tree and Vine (ITAF). This document is presented to Customs for endorsement at the time of exportation, along with the Movement Certificate EUR 1.

For more information, please contact the:

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The commercial cooperation agreement with Jordan

Object

The convention of facilitation and trade development between the Arab States was signed on February 27th, 1981 in Tunis. This agreement, which aims at establishing an Arab Free Trade Area (AFTA), was ratified by Algeria by the Presidential Decree No. 04-223 of August 03rd, 2004 and came into effect on January 1st, 2009.

Legal instruments on which it rests are:

- Art. 02 of the Charter of the League of Arab States;
- Art. 07 and 08 of the Treaty of Joint Defense and Economic Cooperation between the states of the Arab League;
- Decision 712 of the Economic Council of the League of Arab States February 22, 1978.

A more recent text (Executive Decree No. 10-89 of March 10th, 2010) regulates the procedures for monitoring imports under exemption from customs duties within the framework of free trade agreements. It relies on Article 6 of Ordinance No. 03-04 of July 19th, 2003 on the general rules applicable to the importation and exportation of goods. This is a franchise, actually a license for the purpose of statistical monitoring imports for any corporation engaged in production and/ or business who must first apply (see decree quoted above for documents that should accompany it). The visa, following an examination of the record by the regional office of trade is valid for 6 months.

Arab members of the GAFTA

In addition to Algeria, 18 other Arab countries: Jordan, Egypt, United Arab Emirates, Bahrain, Tunisia, Saudi, Arabia, Sudan, Syria, Iraq, Oman, Palestine, Qatar, Kuwait, Lebanon, Libya, Morocco, Mauritania and Yemen, are members of the Great Free Trade Area (GAFTA).

The provisions of the Convention and its executive program are applied on originating goods transported directly between the Arab countries that can be traded under a preferential tariff arrangement between Algeria and the Arab States, with the exception of a list of 384 products, excluded from the preferential advantage for religious, health, safety and environmental reasons.

Other lists with 1,260 products excluded from the exemption of customs duties on import into Algeria have been developed.

Preferential tariff scheme for products exchanged between the Arab countries

For export

All products originating in Algeria and transported directly benefit, when imported to the Arab States members of the GAFTA, from an exemption of customs duties and taxes of similar effect, from January 1st 2009, except products of the negative list mentioned above.

For imports

Any product originating in a member country of the GAFTA and transported directly to Algeria is exempt from customs duties and charges having equivalent effect on imports, except the products mentioned in list 1: ([http:// www.algex.dz/doc/File/Gzale/Liste1_negative384.pdf](http://www.algex.dz/doc/File/Gzale/Liste1_negative384.pdf)) and lists 2, 3, 4 and 5: ([http:// www.algex.dz/ doc/File/Liste2_3_4_5_Negative24042011.pdf](http://www.algex.dz/doc/File/Liste2_3_4_5_Negative24042011.pdf))

Rules of origin under the GAFTA

All merchandise, within the framework of GAFTA, must satisfy the principle of origin rules announced in Article 09 of the Convention and regulated by the decisions of the Economic and Social Council of the Arab League No. 1687 of February 15th, 2007, No. 1702 of June 6th, 2007 and No. 1707 of September 6th, 2007. The originating status of the goods shall be justified by a certificate of origin. Goods must also be transported directly between the Arab states. General provisions and detailed rules of origin for products of each chapter and tariff heading are adopted by the Council and finally regulated by the Technical Committee on Rules of Origin of the Arab League. Products that may acquire originating status are:

- Items entirely produced
- Items products not entirely obtained or processed
- Items qualifying under the rules of accumulation of origin.

For items whose rules of origin are not yet defined by the Technical Committee, they are said to originate if they contain a national added value of at least 40%.

Certificate of Origin

To benefit of preferential advantages upon importation of a product from an Arab member of the GAFTA, a certificate of origin justifying the originating status of a product should be supplied at the time of clearance of goods.

When is the certificate of origin not required?

Are exempt from producing the certificate small packages with no commercial character, sent to private persons or carried in the luggage of travelers, where their total value does not exceed:

- the equivalent in Algerian Dinars of U.S. \$ 500 for small packages.
- the equivalent in Algerian Dinars of U.S. \$ 1,200 for travelers' personal luggage.

Where to get the certificate of origin?

The certificate of origin is issued by the various regional Chambers of Commerce and Industry (CCI) and is endorsed by the Algerian Chamber of Commerce and Industry (CACI), before it is transmitted to customs.

Validity of the certificate of origin:

Proof of origin shall be valid for six (06) months from the date of issuance.

For more information, please contact the:

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Part two

The foreign trade procedures

The register of commerce

Registering with the register of commerce

Object

The registration with the Register of Commerce is required for any individual or legal entity, for the exercise of any business.

Only one extract from the Register of Commerce is delivered for each business, either individual or legal entity. The extract from the Register of Commerce includes the registration with the Register of Commerce of the main establishment.

The primary registration is done by reference to the particulars in the classification of economic activities subject to registration in the Register of Commerce.

The registration of any secondary establishment created throughout the national territory is done by reference to the primary listing.

The validity period of the registration with the Register of Commerce is unli-mited, except for the following activities, whose duration is set at two years, renewable:

- imports of raw materials, products and goods for resale unchanged, with the exception of import operations carried out for own behalf, within activities of production, processing and/ or finishing.
- retail trade carried by foreign traders, either individuals or legal entities.

A more simplified registration of exporters in the Register of Commerce and the recent introduction of three codes of activities to complement the facilitations:

- 411.101 for the export of food products.
- 411.102 for the export of industrial and manufactured goods, exclu-ding hydrocarbons.
- 411.103 for export of non-hydrocarbon products not included elsewhere, such as: plants, floricultural products, animals etc.

Terms and conditions

For the activities of import of raw materials, products and goods for resale unchanged, by foreign natural or legal persons, the register of commerce is only granted through a partnership whose national resident shareholding is not less than 30% of their capital.

Foreign investment in production activities of goods and services can only be exercised as p art of a n ational partnership whose national resident

shareholders hold at least 51% of the capital. By national shareholding it can be understood the addition of several partners.

Concerning the documents provided by foreigners, they must be translated, if any, in the national language (Arabic). This requirement is not mandatory for French nationals.

Procedures

The application for registration with the Register of Commerce is presented in the form provided by the National Center of the Register of Commerce or its local branch, by the head of the company (manager or general manager in the case of corporations, the merchant himself in the case of individuals) or his appointed representative (with a notarized power of attorney). The forms must be signed and notarized with the APC of the involved site (seat or location of secondary establishment) in a single original in Arabic. The use of French is accepted. The application form is filed by the registrant at the local office having territorial jurisdiction for the exercise of import activities.

Minimum information required by the form

- the merchant's address or the company headquarters (department, municipality, phone, fax);
- business status;
- name in Arabic, or equivalent, if applicable, in Latin characters or French
- trade name;
- address of dismemberments, if applicable;
- beginning of the activity (forecast for the new creation and historical for the former entities);
- identification of the applicant: name, place and date of birth, permanent address, nationality, profession;
- for foreigners: the residence card number and the authority which issued it;
- for foreign companies: identification documents of members of the board of the joint stock company or of the shareholders of the LLC.

In case of changes, it is necessary to present information on the previous activity, particularly:

- classification number of the previous activity;
- statistics of production and sales;
- statistics of imports and exports, as appropriate.

Documents that must be enclosed:

- CNRC forms, signed and notarized;
- certificate of ownership or notarized legal rental agreement (for corporations, notarial act);
- two copies of the articles, for companies;
- copies of publications of the CNRC to BOAL and in a national newspaper (note);
- birth certificate of the merchant (individual), of the manager or members of the board (corporation);
- criminal record for the merchant, the manager and members of the board;
- receipt confirming the payment of stamp fee;
- copy of the remittance of fees;
- certificate of non registration of trade (companies only);
- certified copy of any authorization or any prior technical authorization for regulated activities.

N.B.:

The same documents are required for the establishment of branches and other secondary establishments or in the case of change of activity, whether individual businesses or companies.

For foreigners, all documents to be produced, issued by authorities outside the national territory, including civil documents, must be translated into Arabic or French.

Durations

The extract from the Register of Commerce shall be issued within 24h.

Radiation

Any request for cancellation of a register of commerce is subject to the submission of a certificate of tax situation, issued by the tax authorities having territorial jurisdiction. This certificate is issued to the applicant within 48 hours after filing the application, whatever his tax status.

Obligation for legal entities to proceed to the legal deposit of their annual accounts:

Every company (SPA, LLC, EURL, SNC, SCS) is required to file financial statements, at the decentralized local branch, in the month following their adoption by the General Assembly. The filing must be done each year. Failure to carry out this procedure entails, in addition to the penalties provided by law 04-08 of August 14th, 2004, concerning the conditions for

carrying out commercial activities, the following measures (see Article 29 of the Finance Act 2009):

- exclusion from entitlement to tax and customs advantages related to investment promotion;
- exclusion from facilitations granted by the tax, customs and trade administrations.
- exclusion from to public contracts submission;
- exclusion from foreign trade operations.

Costs

Registration fees in the commercial register vary according to the capital of the company, business sectors for the individual etc. and are summarized as follows:

Legal entity:

- Registration from 9,120 DZD to 9,760 DA
- Modification from 3,360 DZD to 4,160 DA
- Radiation 2,080 DA

Individual:

- Registration from 2,080 DZD to 4,320 DZD
- Modification 2,160 DA
- Radiation 1,200 DA

Plus an extra 200 DZD for each additional coding on the same register.

In terms of rates applicable in the case of the modification of the Register of Commerce extending the period of validity of commercial registers, in the context of the implementation of the Decree of June 13th, 2011, they were reduced 50%, as follows:

- Individual: main and secondary: 1,080 DA
- Corporation: main and secondary: 1,280 DA

In addition to the cost of registration operations or modification, including extension of the RC, there is the payment of a stamp tax, as set by the regulations, namely: 4,000 DA.

References:

- Law No. 04-08 of August 14th, 2004 on conditions for the exercise of commercial activities which sets, among others, the basic rules on registration in the Register of Commerce.
- Law No. 04-02 of June 23rd, 2004 laying down the rules applicable to business practices in order to regulate the

professions and commercial activities that require special regulations.

- The supplementary budget law for 2009 (Article 29).
- Ordinance No. 75-59 of September 26th, 1975, amended and supplemented, relating to the Commercial Code.
- Executive Decree No. 03-453 of December 1st, 2003 amending and supplementing Decree No. 97-41 of the Executive January 18th, 1997, as amended and supplemented, concerning the conditions of registration in the Register of Commerce.
- Executive Decree No. 09-183 of May 12th, 2009 laying down the conditions for conducting activities auxiliary to maritime transport.
- Article 48 and 58 of the Supplementary Budget Law for 2010.

For more information, please contact the:

National Center of the Register of Commerce

R.N. n° 24, le Lido, Mohammedia, Alger

PO Box 18 Bordj el Kiffan, 16120, Alger

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Customs declarations

The detailed customs declaration

Object

All imported or reimported goods, intended for export, must be subject to a detailed customs declaration.

This document is the act whereby the registrant shall indicate the Customs procedure to be assigned to the goods and communicates the items required for the application of fees and taxes and for the purposes of customs control.

Obtaining the detailed customs declaration

The detailed declaration is edited on a form conforming to the model stored at the Customs Head Office, in four different colors:

- Customs copy;
- return copy;
- registrant copy;
- bank copy.

After editing, the registrant must immediately sign the four copies and attach the required documents (domiciled invoices, transport documents, register of commerce etc.)

Printing of the detailed declaration is reserved exclusively for the Customs administration, which ensures providing users for a fee.

Each clearance operation should be subject to the input in the Customs Information System (SIGAD), by the registrant, of the mandatory elements of the statements required on the detailed declaration.

The detailed declaration must include the following:

- the shipper and recipient of the goods;
- the code of the customs procedure assigned to the goods;
- the sheet number;
- the total number of the declared items;
- the type of operation;
- the customs value;
- the country code for the purchase or sale, consignment or destination;
- the code of the country of origin;
- the registrants (accreditation no., line/ directory, credit no.)
- the number of banking domiciliation;
- the relevant Customs office;
- the previous customs procedure (if applicable);
- the summary declaration (wholesale and article);

-
- the total number of the reported parcels, their total gross weight and the location of the goods;
 - the designation and codification of goods tariff;
 - the tax applying to the goods.

Procedures

The customs declaration is made by the rightful owner of the goods or a customs broker (freight forwarder).

It is deposited at the Customs office to which is attached the storage of these commodities and within a maximum of 21 days. At the end of this period, the goods in question are automatically constituted into customs deposit.

The customs declaration and by the required complementary documents circulate in a cardboard folder called “declaration folder.”

Costs

The customs declaration gives rise to fees and taxes on goods and to the payment of a fee for provision of services, determined as follows:

- 200 Dinars by computerized declaration under all customs procedures for imports;
- 100 Dinars by computerized declaration under all customs procedures for export, with the exception of export for single exit;
- 500 Dinars by computerized summary declaration (manifest);
- 20,000 Dinars annual subscription fee for users connected to the Customs Information System (SIGAD).
- 05 Dinars per minute of the Customs Information System usage (SIGAD)

For more information, please contact the:

Ministry of Finance

Customs Head Office

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The customs data entry form

Object

The data entry form accompanies the detailed declaration and facilitates data entry and compilation of statistics. Some of the included indications are the same as those of the customs declaration.

The data entry form is composed of two parts:

1 – The fixed part of the data entry form contains the following information:

- year of registration in the Register of Commerce of the importer;
- registration no. in the Register of Commerce;
- method of payment (cash, deposit, undertaking to pay);
- name or business name of the importer;
- tax code (identification NIS);
- address and postal code of the importer;
- banking domiciliation (department code, branch code, code file).
This information is provided by the bank, through a stamp containing all those codes, affixed on the supplier's invoice;
- address of the supplier;
- type of contract (FOB, C & F, CIF);
- financing (cash, bank loans, supplier credit,...);
- operation (operation, investment);
- relationship buy/ sell;
- country of origin;
- international transport (sea, air, land);
- nature of the statement (final, temporary);
- type of clearance (partial, total);
- number of packages;
- net weight, gross weight;
- name or business name of the supplier;
- previous statement (office, year, number);
- in case of transit, the office of departure, the office of destination;
- if manifested goods: manifest type, office, large, number);
- payment currency;
- economic regime.

2 – The variable part of the grid, to fill for each item, includes:

- the item number;
- the commercial designation of goods;

-
- the unit price, quantity, net weight of the article;
 - the code of the country of origin of the product;
 - the code of the attached documents.

On this sheet there may be attached as many additional pages as there are items (sheet 2 of the grid which can contain 4 items).

Procedures

The data entry form is established in most customs offices by the registrant, on computer. Otherwise, it is written by the registrant in a legible manner, according to the form and the conditions established by the Customs.

At the end of the editing, the registrant gets the filled D10 customs declaration (declaration of release to the market ex-D3).

Costs

The cost of the data entry operation is of 200 dinars per sheet plus the billing of computer usage time.

For more information, please contact the:

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The declaration folder

Object

The “Declaration folder” is used to ensure the routing of the documents in the detailed declaration system. It can be used for any remarks from the service. Its detachable flap will enable the registrant to monitor the clearance file to the various levels of control.

Procedures

- The first page of the “Declaration folder”, served by the registrant, must include the number and the date of registration of the declaration, the business name of the customs agent and the cargo owner and possibly the customs procedure to the goods.
- It also includes the Customs and return copies of the declaration and any other documents required by the current regulations.
- The detachable flap is endorsed by the service and returned to the registrant, after filing of the declaration.
- The service must indicate on the cover the name of the inspector auditor to whom the customs computer system SIGAD assigned the declaration.
- The other pages of the folder are reserved exclusively to the service annotations.
- The detachable flap should be submitted by the registrant at each stage of the clearance circuit (document control, scheduling and progress of physical control, recovery and disposal).

Duration: The detailed declaration is archived under prescribed conditions, with the folder.

Costs:

Costs fall within those relating to the clearance process.

For more information, please contact the:

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Organization of the international transportation

Transportation documents

Object

The transportation documents accompanying the goods when traveling are required for the customs clearance, insurance and banking formalities. They are of three types, according to the mode of transport, namely:

- The Bill of Lading (B/ L)
- The LTA – Air Way Bill
- The International Consignment – Convention of Merchandise by Road

I – The Bill of Lading: (Art. 748 to 769 Algerian Maritime Code)

The characteristics of the Bill of Lading:

The Bill of Lading is the main shipping document. It represents:

- a proof of ownership of the goods, so it is a “receipt”.
- a proof of contract of carriage.
- a document of title to the merchandise, but not a title of property.

By whom is it issued?

By the shipping company or its agent, at the request of the shipper.

How is it filled in?

On statement of the shipper and based on the information provided by him.

When is it issued?

Within 24h after loading and at the latest before the departure of the ship.

How many copies?

The number of copies must be indicated on each copy (usually 3-4 copies).

Forms of Bill of Lading:

The “ Straight consigned“ bill of lading

The bill of lading issued to a named person or nominative (Straight consigned) is a document where the person named under “consignee” is the only one entitled to take delivery of the goods at destination. It must provide the following information:

- the name and address of consignee “the party under consignee”
- the “promissory” mention: scratched.
- the “non-negotiable” mention: apparent.

The bill of lading “to order”

This ticket is transferable by endorsement. For example, a bank or a freight forwarder can be specified as consignee, that will not yield the title (by endorsement) until after obtaining a guarantee of payment.

It can be issued to the order the shipper, who can sell the goods during transport – and that by endorsement (usually for traded goods: coffee).

The bill of lading issued “to bearer” (to order blank endorsed)

It is endorsed by the shipper, without mention of the recipient. It is then transmitted by mere delivery and the delivery of the goods shall be made upon presentation of this document. This form is dangerous in case of loss or theft.

However, there are other types of lading issued by forwarding agents or brokers of transportation (in general). These are:

- FIATA Bill of Lading (FLB): issued by a freight on the occasion of a combined transport and for all such transportation;
- Combined transport Bill of Lading (CTBL) issued by a carrier liable for the entire carriage;
- Direct lading (through Bill of Lading, TBL): There is a single contract that covers several successive transports.

Each carrier is responsible for the part of the carriage operated by himself (cf. art. from 802 to 816 of the Algerian Maritime Code).

II – The LTA – Air Way Bill

The air waybill is a document of carriage of goods, constituting the contract of carriage. Frequently abbreviated as LTA, it is designated in English by AWB (for Air Way Bill). This document is regulated by the Convention for the Unification of Certain Rules Relating to International Air Transport signed at Warsaw, October 12th, 1929 (Warsaw Convention). The document format is standardized by the Cargo Services Conference (SCC) of the International Association of Air Transport (IATA). The exporter is responsible for the statements which are inscribed on the AWB. The AWB is signed by the airline and then returned to the shipper before the actual loading of the commodity.

This is actually the “ticket” of transport of the goods.

The AWB is a document with multiple uses:

- it is a proof of receipt of the goods by the carrier;
- it is an invoice indicating the amount of transportation;
- it is a certificate of insurance if the property is covered by the airline;
- it is a document explaining the nature of the goods, at customs controls;
- it can serve as a support to specify special instructions.

1. *The air waybill in accordance with Article 8 of Convention WARSAW must contain the following information:*

- where the document was created and the date on which it was established;
- the starting and destination points;
- the scheduled stops, subject to the option, for the carrier, to stipulate that he can modify them if necessary, such modifications not depriving the carriage of its international character;
- the name and address of the sender;
- the name and address of the first carrier;
- the name and address of the recipient, if applicable;
- the nature of the goods;
- the number, the method of packing and the particular marks or numbers on packages;
- the weight, quantity, volume or dimensions of the goods;
- the apparent condition of the merchandise and packaging;
- the fare if given, the date and place of payment and the person who should pay;
- if the shipment is made against payment, the price of goods and possibly the costs;
- the amount of the value declared in accordance with Article 22, paragraph 2;
- the number of copies of the air waybill;
- the documents submitted to the carrier to accompany the air waybill;
- the transport delay and a brief indication of the way (via), if they have been agreed upon;
- a statement that the carriage is subject to rules relating to liability established by this Convention.

2. *The carrier's liability* is governed by Chapter III – Section 3 “concerning the air carrier liability in respect of passengers, cargo and baggage.”

3 – *The International Consignment – Convention of Merchandise by Road (CMR)*

The CMR is issued by the ground transportation company or its agent. It is the proof of the contract of transport by road and of the instructions given to the carrier. It is not negotiable. The CMR is issued by the shipper, the forwarding agent or the carrier. It is established in three (03) original copies.

4 – The carrier’s liability: (Art. 802 to 816 of the Algerian Maritime Code)

The carrier is always deemed responsible for damage or loss occurred between the reception and the delivery of the goods. The production of contrary evidence is his responsibility. He is liable or waived on the basis of:

- statements made in the transport document, for the description of the goods and their destination. The word “clean” certifies the reception of goods clear of reserves, the words “overloaded” or “claused” certifies the carrier reserves;
- the alleged apparent good condition of the goods, packaging and content;
- any possible reservations.

In the event that the carrier would have noticed the damage on the departure, the reserves waive his liability.

For **shipping**, it concerns:

- missing items,
- reserves dues to specific facts, expressed through the description of the verifications carried out;
- reserves by default, in the case of physical impossibility of verification;

In the case of **road transport**, reservations must be formally accepted by the shipper “accepted reserves”.

References:

- Law No. 98-05 of June 25th, 1998 amending and supplementing Ordinance No. 76-80 of October 23rd, 1976 Algerian Maritime Code.
- Law No. 98-06 of June 27th, 1998 laying down general rules of civil aviation, as amended and supplemented, in the provisions of Chapter 3 Section 2 “contract of carriage of goods” – Articles 138 to 143.
- Convention for the Unification for Certain Rules Relating to International Carriage by Air signed at Warsaw

For more information, please contact the:

Ministry of Transport

Chemin IBN Badis, El Biar, Alger, 16 000

Phone: +213-(0) 21-71 13 66/ 92 98 85/91

Fax: +213-(0) 21-73 64 50/ 73 27 58/ 92 98 90

Web: www.ministereustransports.dz

The notice of arrival

Object

The notice of arrival is a document sent by the consignee of the ship or of the goods to the person in the “NOTIFY” of the ticket, to inform him of the arrival of the goods. It also includes certain information related to the identification of the goods, means of transportation, stopover (dock, storage area), shipping costs and possibly due to destination (freight and charges). It is established by the shipping agent.

The minimum requirements are extracted from the manifest and include the following information concerning the goods:

- the No. of the bill of lading or AWB;
- the ship name or flight number or number of travel;
- the number and the list of containers;
- the sender;
- the origin;
- the nature of the goods;
- the freight;
- the date of loading;
- the date of arrival;
- the landing dock or place of storage.

The notice of arrival is used to determine the costs of unloading and storage and possibly other charges. A receipt stamp of 1,000 DZD must be affixed.

For more information, please contact the:

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The “good for delivery” document

Object

The “Good for delivery” is a document issued by the shipping agent, stating that the recipient has paid the expenses related to shipping and the fees generated at the destination (landing charges). This document is required by downstream stakeholders (customs, handling, storage etc.). It is established by the shipping agent, in a single copy.

The minimum information is extracted from the manifest and includes the following information concerning the goods:

- the No. of the bill of lading or AWB;
- the ship name or flight number;
- the origin;
- the recipient, with name and address;
- the nature of the goods;
- the number of packages;
- the landing dock or storage area.

For more information, please contact the:

Ministry of Transport

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Sheet No. 16

The “good for wharfage” document

Object

The “Good for wharfage” document allows the exporter to deposit his goods within the port or airport area for embarkation.

This document is required by the port company and customs services.

It is established by the customs agent and signed by the shipper and delivered to the shipping agent before any deposit of goods in port.

Brief description of the “Good for wharfage” document

It is established in seven copies as follows:

- Form 1: stevedoring sheet (strain)
- Form 2: “declaration of shipment” sheet (sheet feeder)
- Form 3: “boarding control” sheet
- Form 4: “manifesto” sheet
- Form 5: board sheet
- Form 6: Customs form
- Form 7: “permit notes” sheet (strain)

Form no. 3: “boarding control” must be endorsed by the Customs to certify the boarding and returned to the shipping agent. It includes indications on:

- the exporter;
- the vessel or flight;
- the destination;
- the number, references, dimensions, weight and value of the packages.

For more information, please contact the:

Ministry of Transport

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Financial procedures

The domiciliation certificate for imports

Object

Any import of goods and services is subject to mandatory domiciliation from an accredited intermediary bank installed in Algeria, with the following exceptions: transit operations, imports worth less than the equivalent of 100,000 DZD against FOB value, imports of samples, gifts and goods received in the case of the involvement of the warranty.

This allows identifying the business transaction by its registration. It is the subject of a domiciliation certificate, necessary for customs clearance of goods, to make payments in dinars and foreign currency transfers.

How to obtain the domiciliation certificate

The domiciliation certificate is issued by the accredited intermediary bank where the importer chooses to domicile his transaction.

The owner of the extract from the Register of Commerce and the manager of the importing company are the only ones authorized to perform banking formalities.

Their presence is also required for border control formalities; however, the legal representatives of the SPA and the managers of LLCs and EURLs are allowed to appoint an employee of the company to carry out these formalities, provided that the latter is declared to the CNAS and registered with the Directorate of Commerce of the competent department.

Terms and Conditions

- Can benefit from the domiciliation certificate: the individuals or legal entities possessing a commercial register as an importer;
- Required documents: copy of the contract, invoices, firm purchase order, final confirmation of purchase;
- The procedures for banking domiciliation and customs clearance related to foreign trade operations can be performed exclusively via the magnetic card of the tax identification number;
- The documentary credit as the only means of payment for imports, except for imports of inputs and spare parts made by the producers, is governed by two conditions:
 - these imports are only intended for production requirements;
 - the annual cumulative orders made in this context do not exceed the amount of two million Algerian dinars (DZD 2,000,000) for the same company.

-
- Imports of services are excluded from the requirement of documentary credit.
 - Any payment of imports worth at or above the equivalent of DZD 100,000 by debiting a currency account must be performed by an accredited intermediary bank paying agent;
 - If the commercial contract so provides, the agreed intermediary bank may pay in installments of up to 15% of the total contract.
 - This measure is applicable for import of goods and services, subject to the submission of a deposit for Advance Payment refund of equal value, issued by a bank of first order;
 - The regulation of any import of goods by “documentary discount” or “documentary credit”, according to the Uniform Customs and Practice of the International Chamber of Commerce (ICC), must be accompanied by the following documents:
 - the health certificate for any food product;
 - the certificate of quality control of the goods;
 - the certificate of origin of imports.

These documents shall be made by duly authorized agencies of the exporting country, which are necessarily different from the supplier.

The health certificate is not required in the case of a payment by way of “documentary discount” or “documentary credit” for the products having undergone processing by heat treatment or conservation, which avoids any risk of spreading harmful organisms.

- The domiciliation certificate includes the following topics:
 - the codes of the domiciliary bank and bank branch;
 - the designation of customs inspection of the place of duty;
 - the designation of the importer (business name, address, register of commerce, the identifier number of statistics);
 - the designation of the provider (business name, address)
 - the nature of the imported goods (trade description, tariff, country of origin, number and date of the final invoice);
 - the value of the imports (in original currency with equivalent value in dinars, quantity and possibly unit price);
 - the method of payment: payment on sight, via a currency account, by documentary discount or by documentary credit.

Procedures

The certificate shall be issued by the domiciliary bank, in quadruplicate:

- the sheet No. 1 is for the customer,
- the sheet No. 2 is transmitted by the bank to the Customs inspection of the Customs clearance location,

-
- the sheet No. 3 is transmitted by the bank at the Foreign Trade Department of the Ministry of Trade,
 - the sheet No. 4 is retained by the bank.

Duration of validity

The domiciliation certificate is established for each operation of foreign trade.

Costs: The authorization of transfer by the importer is subject to a fee amounting to:

- DZD 10,000 for any application to open a domiciliation file for an import operation of goods or merchandise;
- 3% of the amount of the direct debit for imports of services;

The authorization of transfer by the importer of capital goods and raw materials not intended for resale unchanged are excluded from this requirement, subject to underwriting prior to each importation of an undertaking not to sell the good.

References:

- Complementary Finance Act 2009 (Section 36 and 63).
- Complementary Finance Act 2010. (Article 44)
- Regulation No. 11-06 of October 19th, 2011 amending and supplementing Regulation No. 07-01 of the Bank of Algeria from February 3rd, 2007 concerning the rules applicable to current international transactions and to foreign currency accounts.
- Executive Decree No. 93-286 of November 23rd, 1993 regulating the phytosanitary border control (Section 3).
- Note No. 21/ DGC/ 2009 of March 4th, 2009 to banks and authorized intermediaries financial institutions.
- Note No. 164/ DGC/ 2011 of March 24th, 2011 of banks and authorized intermediaries financial institutions.
- Instruction No. 04/11 of October 19th, 2011 amending and supplementing instruction n° 79-95 of December 27th, 1995 on the organization and functioning of the interbank foreign exchange market.

For more information, please contact the:

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The domiciliation certificate for exports

Object

Export transactions of goods on consignment or firm sale and exports of services are subject to mandatory domiciliation⁽¹⁾ from an accredited intermediary bank installed in Algeria.

This operation allows identifying the business transaction by its registration. It is the subject of a domiciliation certificate, required by the Customs at the completion of the declaration of export clearance.

How to obtain the domiciliation certificate

The domiciliation certificate is issued by the accredited intermediary bank chosen by the exporter and where he owns a bank account.

Terms and Conditions

- Are entitled to domiciliation certificate all legal entities and individuals engaged in economic activities, with a commercial register and authorized to carry out foreign trade transactions.
- Content of the commercial contract: the following information must be included on any commercial contract justifying a sale of goods or services abroad:
 - the names and addresses of the contracting parties;
 - the country of origin, of provenance and of destination of goods or services;
 - the nature of goods and services;
 - the quantity, quality and technical specifications of the goods;
 - the sale price of goods and services in the currency of invoicing and payment of the contract;
 - delivery dates for goods and achievement dates for services;
 - the terms of the contract for the risks management and other incidental costs (FOB and CIF);
 - the conditions of payment is due;

(1) Exceptions: transit operations, temporary exports not giving rise to payment of benefits by currency repatriation; exports with the repayment of a value less than or equal to the equivalent of DZD 100,000 made by Algerian Post, exports worth less to the equivalent of DZD 100,000 FOB value, export of samples, gifts and goods received as part of the implementation of the caution.

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- The exporter is required to indicate on the customs declaration, the particulars of the bank domiciliation, within a period not exceeding five (05) working days after the shipment, except: not domiciled exports, and exports of fresh, perishable and/ or dangerous goods.
 - In the case of exports of fresh, perishable and/ or dangerous goods, the exporter may undergo the domiciliary operation during the five (05) working days after the shipment and customs declaration date.

Procedures

The domiciliation is established from the original and two copies of the commercial contract or of any other replacing document (invoices, orders etc.). After verification, a copy of the document is returned to the exporter, bearing the domiciliation file number and the stamp of the bank of domiciliation.

After clearance, the “bank” copy of the customs declaration is sent by the Customs to the accredited intermediary bank, domiciliary of the export.

The discharge of the export file is at the time of repatriation of export earnings.

Duration of validity: The domiciliation certificate is established for each export operation.

Costs

The certificate is delivered free of charge.

References:

- Regulation No. 11-06 of October 19th, 2011, amending and supplementing Regulation No. 07-01 of the Bank of Algeria from February 3rd, 2007 concerning the rules applicable to current transactions with foreign currency and accounts.

For more information, please contact the:

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Repatriation of the exports income

Object

All export operation must be subject to a payment and repatriation to Algeria of the income from the sale.

Terms and conditions

Any breach of the obligations and time limits for repatriation may result in disqualification from exercising foreign trade.

In terms of retrocession of the sale income, the registration of the export earnings is determined by the Instruction no. 05/ 11 of October 19th, 2011 of the Bank of Algeria, amending the provisions of Instruction no. 22/ 94 of April 12th, 1994.

The allocation of proceeds of export shall be as follows:

- 50% in Algerian Dinars, on the “dinars exporter account”
- 50% in foreign currency, where:
 - 40% in foreign currency on his “foreign currency exporter account” that can be used freely at his discretion and under his responsibility, as part of the promotion of exports.
 - 60% on his foreign currency account as a legal entity.

The deadline for repatriation of the sale income is set at a maximum of 180 days after the date of shipment of the goods. Prior authorization may however be requested from the Bank of Algeria, for repatriation terms exceeding 180 days. Not domiciled export earnings and those repatriated after the deadline are not eligible to benefit of the foreign currency retrocession.

In the case of a consignment sale, payment of exports is due gradually with the sales, by the trustee or the commission agent. A monthly statement of sales accounts, accompanied by duplicates of invoices drawn on foreign buyers, is required. Remittances should be made within the prescribed time limits counted (180 days) from the date of each sale.

Procedures

The obligation of repatriation of export earnings lies only to the exporter. It is considered to have been satisfied:

- since the transfer of the export income for the benefit of the Bank of Algeria;
- when the product has been the subject of a foreign exchange settlement by mail.

The obligation of repatriation amounts to the value of goods and the amount of incidental expenses:

- when they are incorporated into the selling price of goods sold CIF or FOB destination etc.) or
- when the exporter makes the advance on behalf of the foreign buyer.

References:

- Regulation 90-02 of September 8th, 1990 laying down the conditions for opening and operating accounts of foreign currency for legal entities.
- Regulation No. 11-06 of October 19th, 2011 amending and supplementing Regulation No. 07-01 of the Bank of Algeria from February 3rd, 2007 concerning the rules applicable to current transactions with other countries currency and foreign currencies accounts.
- Note of the Bank of Algeria No. 09/92 of November 26th, 1992 concerning the collection and repatriation of export proceeds.
- Instruction of the Bank of Algeria No. 07-2002 of December 26th, 2002 amending the provisions of Instruction No. 22-94 of April 12th, 1994 as amended establishing the percentage of non-hydrocarbon and mining products export earnings qualifying the registration(s) of foreign currencies account(s) for legal entities.
- Instruction of the Bank of Algeria No. 05/90 of October 8th, 1990 laying down the conditions for opening and operating foreign currencies accounts for legal entities.
- Instruction No 04/11 of October 19th, 2011 amending and supplementing instruction No. 79-95 of December 27th, 1995 on the organization and operation of the interbank foreign exchange market.
- Instruction of the Bank of Algeria No. 05/11 of October 19th, 2011 amending the provisions of Instruction No. 22/94 of April 12th, 1994 as amended and supplemented fixing the percentage of non-hydrocarbon and mining products export earnings qualifying the registration(s) of foreign currencies account(s) for legal entities.

For more information, please contact the:

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The export credit insurance

Object

The export credit insurance was established by Ordinance No. 96-06 of January 10th, 1996. CAGEX has been appointed to manage the system of export credit insurance in Algeria, by Executive Decree No. 96-235 of July 2nd, 1996. It is responsible to insure:

- commercial risks, for its own account and under the control of the State;
- political risk, non-transfer risk and risk of natural disasters, on behalf of the State and under its control.

Categories of covered risks:

- risk of market disruption;
- manufacturing risks;
- credit risk or risk of non-payment by private or public buyers;
- risk of non-repatriation of exhibited materials and products.

Principally, the export credit insurance is designed to:

- indemnify the insured for the loss sustained as a result of non-recovery of his claim for the price of the exported goods or services;
- compensate the insured for the consequences of the interruption or the permanent discontinuation of an export market;
- partially cover the costs arising from prospecting abroad.

Additionally CAGEX also has activities such as:

- the sale of business information on buyers and suppliers.
- recovery of debts contracted abroad.

How to obtain export credit insurance

The export credit insurance can be purchased by any individual or legal entity duly registered in Algeria, conducting export transactions of goods and services.

The insurance policies offered by CAGEX to the exporters:

Global policy: it consists in covering the whole annual turnover realized from export and whose term of payment does not exceed 180 days, against non-payment of claims resulting from:

- insolvency or failure of the buyer;
- political events, natural disasters or non-transfer.

Individual policy: it consists in covering individually contracts for goods and services, markets of work or surveys. The guarantee can cover, at the convenience of the operator, credit risks and market disruption or manufacturing risks.

Buyer credit insurance: it allows a guarantee of payment to the bank (ensuring the financing) for credit risk and a guarantee to the exporter for the manufacturing or market disruption risk.

Prospecting fairs and exhibitions insurance: it covers the risk of non-repatriation of exhibited material and/ or products, the risk of non-transfer of funds from sales made during the commercial event.

Inter-company credit insurance: it covers the risks of non-payment, at the agreed date(s) of the amounts due to commercial transactions between companies in Algeria.

Economic and commercial information: it consists in providing the insured with information on foreign buyers and on the legal, political, economic and commercial systems of their respective countries.

Assistance in collection of the debt: it concerns claims by Algerian operators on foreign buyers. Debt collection is intended for all operators of Algerian law, either insured or uninsured.

Corporate rating: it consists in anticipating the existence of a potential risk of business failure. This notation allows:

- strategic and financial diagnosis for the use of the management;
- a transparency to investors;
- a reliable communication tool on the financial strength.

Documentary credits insurance: it addresses the risks of insolvency or lack of payment from the bank issuing the L/ C. It allows the distribution of the damage (financial loss) that may be suffered by both the bank of notification, if confirmed, or by the exporter in case of non confirmation.

Investment insurance: it is an insurance against political risks, on behalf of any investor under Algerian law wishing to invest (first realizations or extension), or any foreigner wishing to invest in Algeria.

Coverage Period

The insured is covered:

- prior to delivery, by subscribing for additional guarantees called MDR (Market Disruption Risk).
- after delivery, in case of non-payment of debts arising from the execution of the commercial contract.

Benefits

- a better guarantee for the bank and facilitation of obtaining bank financing.

-
- monitoring of client risk and a portfolio of secured claims.
 - the operator can place himself in a better competitive position.
 - the study of the creditworthiness of the buyer, through the databases of CAGEX network, is a benefit for the insured, in terms of risk prevention.
 - substantial compensation for losses up to 90% of the contract amount, which may extend to compensation for the consequences of interruption or permanent cessation of a market.

Percentage of cover

CAGEX covers up to 90% of the contract amount. In detail, the compensations are as follows:

- 80% of the amount of insured outstanding, under the commercial risk;
- 90% of the amount of insured outstanding, under the political risk;
- 90% of the amount of insured outstanding, under the risk-to-business (domestic policy).

Costs

These rates vary on average, taking into account the parameters below, around $\pm 1\%$:

- the amount of turnover with cover credit;
- the quality of the buyer;
- the method of payment (bank guarantee, free transfer etc.);
- the credit period;
- country risk.

References:

- Ordinance No. 96-06 of January 10th, 1996 on the export credit insurance.
- Executive Decree No. 96-235 of July 2nd, 1996 setting out the terms and conditions of management of risks covered by export credit insurance

For more information, please contact the:

Insurance and Guarantee of Exports Company

10, Route Nationale N° 36 BP 116, Dely Ibrahim - Alger

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Export support measures

The special fund for the promotion of exports (F.S.P.E.)

Object

The Special Fund for the Promotion of Exports(FSPE) provides financial support to exporters in their promotional and placement activities for products in foreign markets, through the following topics:

- In respect of participation in fairs, exhibitions and trade fairs abroad and the participation of enterprises in international technical forums:
 - 80% of the cost of the participation listed in the official annual program of Algeria's participation in economic events abroad;
 - 50% of the cost of individual participation in economic events abroad;
 - 100% of the cost of participation of an exceptional character, following a political decision or following the establishment of a "Unique Counter".
- In respect of international transport for export of perishable products or to distant destinations:
 - 50% of the cost of international transportation of perishable products;
 - 25% of the cost of international transportation of non-agricultural products with distant destination.
- The deadline for submitting applications for reimbursement of transport costs on exports is fixed at 180 days after the completion of the export transaction, the export documents being authoritative.
- For expenses related to the study of foreign markets, to the information of exporters and to studies for improving the quality of products and services for export:
 - 50% of charges related to the study of foreign markets to find opportunities for Algerian products;
 - 25% of expenses related to information on the possibilities of exporting and export opportunities;
 - 50% of expenses related to studies aimed at improving the quality and adaptation of products and services for export.
- Under the development of "export" diagnosis and the creation of internal "export" cells:
 - 50% of development costs of "export" diagnosis
 - 50% of the costs of creating internal "export" cells.
- For the costs of prospecting external markets faced by exporters, as well as financial aid to the initial establishment of business entities in foreign markets:

-
- 50% of charges relating to the exploration of foreign markets export;
 - 10% of initial implementation costs, under a single commercial presence in foreign markets;
 - 25% of initial implementation costs for a group of companies under a collective commercial presence in foreign markets.
 - Under the publishing and distribution of promotional products and services for export and use of modern information and communication techniques:
 - 50% of the costs of printing and distributing promotional materials for products and services for export;
 - 50% of the costs associated with the use of modern information and communication techniques.
 - Under the creation of labels, the protection abroad of products for export and for the financing of medals and decorations awarded annually to first-time exporters and rewards of academic work that contributed to the improvement or creation of products for export:
 - 50% of the costs of creating labels;
 - 10% of the costs of protection abroad of products for export;
 - 100% of the costs of realization of medals and decorations awarded to first-time exporters;
 - 100% of the cost for the granting of awards for academic work that contributed to the promotion of non-hydrocarbon exports.
 - Under the implementation of training programs for jobs in the export:
 - 80% of the costs of implementing specialized training programs on export techniques.

Any company established in Algeria, producing goods or services, working in the field of export of domestic production, gives rise to the benefit of support from this fund, either for the promotion of domestic production, (fairs and exhibitions abroad) or for export activities established by documentary evidence.

However, waste, recovered products and raw skins, prepared or semi-finished, are not eligible for state assistance for transportation. Similarly, the cost of international transportation of exported goods, as part of an intergovernmental agreement for repayment of debt, is not covered by the fund.

Procedures

The admissibility of the files is conditioned by the registration of applications with the departments in charge of the management of FSPE (Ministry of Trade).

The benefit of the support FSPE is subject to:

- For individual participation, the presentation by the operator of a prior request, before the start of the event and of the final documents to justify participation in the event, as follows:
 - certified copies of the register of commerce and tax identification number;
 - the technical presentation of the company;
 - the quantified list of products to be exhibited;
 - the application form for participation, issued by the organizer of the economic event, stating the rates of rental of the exhibition stand;
 - the quote issued by the transport company (air or sea);
 - any documentation relating to the event in question and any relevant information to support the request.

- In the case of an export requesting support for transport costs, the presentation of the final documents, in original, justifying the realization of export operations:
 - the legalized copies of the register of commerce and tax identification number;
 - the original domiciled export invoice or duly certified duplicate;
 - the freight bill (original);
 - the transit bill (original);
 - the final Customs export declaration (copy);
 - the ticket (LTA, lading, waybill copies...);
 - the bank certificate of repatriation of funds.

For invoices denominated in foreign currencies, a debit note to an account “open foreign currencies” with an Algerian bank is mandatory.

Terms

Files must be submitted within 180 days after the completion of the export transaction, except in the case of dates where it should be introduced no later than December 31 for the operations planned during the period October 1st of one year to September 30 the following year.

References:

- Ordinance No. 95-27 of December 30th, 1995 concerning the Finance Act 1996 (art.195)
- Ordinance No. 96-31 of December 30th, 1996 concerning the Finance Act 1997 (s.129)
- Ordinance No. 07-03 of July 24, 2007 concerning the Supplementary Finance Act 2007 (s.11)
- Executive Decree No. 08-07 of January 19th, 2008, amending and supplementing Executive Decree No. 96-205 of June 5th, 1996 laying down procedures of the Trust Account No. 302-084 entitled “Special Fund for the Promotion Exports “.
- Government decree on July 12th, 2009, amending and supplementing the ministerial order of June 1st, 2002 establishing a classification of income and expenditure account of the Trust Treasury No. 302-084 entitled “Special Fund for Export Promotion.”

For more information, please contact the:

Ministry of Trade

National Agency for Promotion of Foreign Trade – ALGEX

Route nationale n° 5 – Cinq Maisons – Mohammadia – Alger

Phone: +213-(0) 21-52 12 10 / +213-(0) 21-52 15 71

Fax : +213-(0) 21-52 11 26

E-mail : info@algex.dz

Web : www.algex.dz

Tax incentives for export

Object

Tax exemptions are granted to export activities. They concern the Tax on Professional Activity (TAP), the Value Added Tax (VAT) and the Tax on Company Profit (IBS). The main tax benefits granted to exporters are:

Tax Exemptions relating to Direct and assimilated Taxes

Exemption from Tax on Professional Activity (TAP)

It is not included in the turnover used as the basis for calculating the tax on professional activity: the amount of sales transactions, transportation or brokerage which relates to objects or goods for direct export.

Exemption from Tax on Company Profit (IBS):

Exemption from Tax on Company Profit (IBS) and removal of the condition of reinvestment of profits or revenue, for sales transactions and services for export (Article 138 of the Code of Direct Taxes and assimilated Taxes, modified and supplemented by Article 10 of the Finance Act 2011).

These exemptions are granted in proportion of the sales made in foreign currencies. The benefit from these regulations is subject to the presentation, by companies, to the competent tax authorities, of a document certifying the payment of foreign exchange earnings to a bank located in Algeria.

The operations of transportation by land, sea or air, the reinsurance and bank operations are not affected by the exemption.

Exemption of Tax on Turnover

Exemption on VAT

The VAT exemption concerns the sales operations and it relates to the exported goods (Article 13 of the Code of Taxes on Turnover – TCA).

Purchase free of VAT

Exporters can benefit from the purchase free of tax on the added value for:

- purchases or imports of goods made by an exporter, intended for either export or re-export unchanged, or to be incorporated in the manufacture, composition, conservation or packaging of products for export;

-
- services directly related to the export transaction (Article 42-2 of the Code of Taxes on the Turnover – TCA).

VAT refunds

The VAT refund may be made for export transactions of goods, works and services, or delivery of products for all goods and services for which duty-free purchases are authorized (Article 42 and 50 of the Code of Taxes on Turnover – TCA).

Procedures

A request for approval to duty-free purchase shall be submitted to the Director of Taxation of Department with territorial jurisdiction, which transmits it to the Regional Tax Director of attachment within thirty (30) days after its receipt.

Approval is granted by the Regional Tax Director taxes having territorial jurisdiction.

Deadlines and period of validity

Terms in examination of the file are of at least 30 days.

References:

- The direct tax code, section 138 amended by section 06 of the Finance Act 2009 and 220-3 of the Code of direct taxes and similar taxes.
- Tax code on the turnover (Article 13 and 42/2).
- Finance Act for 2011 (Article 10)

For more information, please contact the:

Ministry of Finance

Taxes Head Office

Site Ahmed Francis

Ben Aknoun – Alger

Phone: +213-(0) 21-59 54 54/021-59 55 26

Fax: +213-(0) 21-59 55 12

Web: www.finances-algeria.org

Web: www.impots-dz.org

Commercial samples for export

Object

As part of the exploration of foreign markets, exporters are allowed to export reasonable quantities of samples. Customs regulations define the export commercial sample as an article representing a type of merchandise to be exported abroad, as part of the exploration of foreign markets and to generate an order.

Procedures

Depending on the value of samples, three options are allowed:

In the case of fairs

The customs procedure for fairs is reserved for goods of Algerian origin intended to be exposed to or demonstrated at fairs or events. The numbers or quantities of each item of merchandise must be reasonable, given the nature and destination of each commodity. Goods are subject to a customs declaration for temporary export accompanied by a commitment to re-import the same, granted without a deposit.

In the case of sales exhibitions

Goods shipped to fairs abroad for exhibition and sale are subject to underwriting by the owner of a temporary export declaration, comprising a pro forma invoice provided with a prior domiciliation.

The exporter must sign a commitment to Customs to regularize the operation a posteriori, as applicable:

- for sold goods, a Customs declaration of permanent export, backed by a domiciled invoice;
- for unsold goods, a Customs declaration for re-importation.

In the case of permanent exports

Products definitively exported by exhibitors (gifts, free distribution) are subject to the production, to the Customs services, of an export license without payment, issued by the Ministry of Trade.

N.B.:

Samples with values exceeding 100,000 DZD and non-commercial nature may be exported under a license called “export license without payment”, issued by the Ministry of Trade, by special dispensation.

References:

- Article 33 of Regulation No. 07-01 of the Bank of Algeria from February 3rd, 2007 concerning the rules applicable to current international transactions and to foreign currency accounts.
- Note No. 1156/DGD/CAB/D.133 of September 26th, 2001 relating to fairs and exhibitions abroad.

For more information, please contact the:

Ministry of Finance

Customs Head Office

19 rue du Docteur Saadane – 16 000 – Alger –

Phone: +213-(0) 21-72 59 59

Fax: +213-(0) 21-72 60 00/72 59 75

Web: www.douane.gov.dz

The temporary export procedure

Object

This regime allows, without applying measures of an economic prohibition and for a specific purpose, the temporary export of goods to be re-imported within a specified period:

- either in unchanged state, without having undergone any change except normal depreciation due to the usage that is made of them;
- either under the outward processing, after suffering a manufacturing, processing, additional labor and repair;

SMEs and SMIs activating in the field of export and whose production is dependent on supply of raw materials and production equipment from abroad, benefit from the suspension of duties and taxes and of prohibitions of an economic nature, in the context of:

- the temporary admission of goods for inward processing and this exempt from providing security;
- temporary export of goods for outward processing;
- temporary admission of empty packaging for goods to be exported and this exempt from providing security;

Conditions under the scheme for the temporary export

Individuals or legal entities under the Algerian law that have an industrial or commercial activity or craft can benefit from the temporary export.

The export cargo has to be in free circulation (“acquire Algerian origin”) and identifiable at the time of re-importation (in the compensating products).

This scheme provides simplified mechanisms and procedures (suspension of duties and taxes, of prohibition measures of economic nature, exemption from security deposit in fairs and exhibitions etc.) and can promote the development of the export activity of SMEs and SMIs and thus strengthen the competitiveness of companies in international markets.

Procedure for granting the temporary export regime

The outward processing

The exporter must submit a prior request for authorization to temporary export (according to the model held by the customs administration), to the customs office where the goods are to be found or at the customs office of exit.

The application must be accompanied by the following:

-
- a copy of the contract, domiciled with a bank.
 - a technical data sheet of the operation.

For the temporary export, the beneficiary must subscribe a Customs declaration of temporary export (code 3601), with a commitment of re-importation.

At the expiration of the time allowed by the Customs, the temporarily exported goods must be re-imported or permanently re-exported from abroad.

Temporary export for trade fairs and exhibitions

Temporary exports for “fairs and exhibitions abroad” are not subject to prior authorization of the customs administration; however, they may be subject to authorization of the Ministry of Trade.

Goods shipped to fairs abroad for exhibition and sale are subject to the subscription of a Customs declaration of temporary export (code 3603), comprising a pro forma invoice provided with a prior domiciliation.

The owner of the goods must also sign a commitment to customs to regularize the operation with:

- for sold goods, a customs declaration for permanent export, backed by an invoice domiciled;
- for unsold goods, a customs declaration for re-importation.

The ATA carnet

The ATA carnet is a Customs transit document with suspension of duties and taxes, allowing the temporary export in 71 countries of certain types of goods and equipment for various uses, particularly:

- commercial samples.
- exhibition in trade fairs.
- cultural and sporting events.
- professional equipment.

The document is adjustable according to the travel arrangements for the goods. It is presented on paper in A4 format. It consists of a number of leaflets, inserts and components, corresponding to successive border passages.

The ATA carnet is valid for a period of 12 months, but the Customs administration may limit its validity according to the intended use of the goods. After this validity, the user must return the book to the issuing association, namely the CACI.

The advantages of the ATA carnet:

This system has multiple advantages over traditional Customs declarations, based on a document being standardized in 71 countries that have ratified the International Convention on Temporary Admission (Brussels Convention of 1961 and the Istanbul Convention of 1990).

The formalities are simplified and exempt the user of the payment of securities abroad. It is therefore a tool for facilitating international trade, including export promotion.

The ATA carnet:

- is a single document that replaces all the successive statements normally required at the border.
- provides successive guarantees to destinations.
- is valid for several operations under one deposit.
- is characterized by ease of preparation (denominated in plain text) and easy availability.

Procedure

The ATA Carnet is available for sale at the bookstore trade of CACI and costs 150 DA, taxes included.

In order to be endorsed and validated by CACI, which is the issuing and guaranteeing association for Algeria, the ATA carnet must be duly filled by the user.

The carnet holder must submit a signed commitment (form provided) and a list of the concerned goods.

Costs

Issuance costs of the ATA carnet are calculated based on the value of the goods according to the formula:

Issuance costs excl = 15,000 DZD + 1% of the value of the goods; (VAT = 17%)

These fees are not refundable and are to be paid by check payable to the CACI. The issuance of an ATA carnet is done “at the counter”.

References:

- Law 79-07 of July 21st, 1979 as amended and supplemented by Law No. 98-10 of August 22nd, 1998 on the Customs Code.
- Finance Act 1997 (Art.104).
- International Conventions concluded under the auspices of the Customs Cooperation Council – CCD – (now 1995 World Customs Organization – WCO) ratified by Algeria.

For more information, please contact the:

Ministry of Finance

Customs Head Office

19 rue du Docteur Saadane – 16 000 – Alger –

Phone: +213-(0) 21-72 59 59

Fax: +213-(0) 21-72 60 00/72 59 75

Web: www.douane.gov.dz

Algerian Chamber of Commerce and Industry - CACI -

Palais Consulaire

6 Boulevard Amilcar Cabral

BP 100 - Alger 1er Novembre - Alger 16000

Phone: +213-(0) 21-96 66 66/ 96 77 77

Fax : +213-(0) 21-96 99 99

E-mail: cacidip@wissal.dz

Web: www.caci.dz

**Solving international conflicts
in foreign trade**

International arbitration

Object

Arbitration is an alternative way of dispute resolution, in which an arbitrator intervenes to make decisions that commit both parties who use his services. Companies negotiate their international contracts below their sole responsibility. But among the most important clauses they have to negotiate, there are those concerning the settlement of commercial litigation.

In Algeria, the amendment of the Code of Civil Procedure by Decree No. 93.09 of April 25 1993, allows private and public companies, to unequivocally recourse to domestic and international arbitration to resolve their economic and trade litigation.

The advantages of arbitration

The use of arbitration has several advantages, namely:

The choice of skills (expertise)

The arbitrators are carefully selected for their competence, their seriousness and honesty, their designation is based on their qualifications to handle the dispute submitted.

The speed

Apart from some exceptionally complex cases, the arbitrage proceedings shall be summary and sums up, for the parties, to deposits of memories or submission of observations, the cause being generally heard in a reasonably short time.

Confidentiality of settlement

The arbitration procedure is a method of settling disputes which is covered by confidentiality. Unlike the hearings of the courts, those of the arbitration board are held in camera.

The speed of the execution of sentences

The arbitral decisions are promptly executed. It should be remembered that arbitrage decisions are often negotiated solutions between the parties and are not subject to appeal on the substance.

CACI has invested itself to enable our businesses to take advantage of this mode of settlement and has established, in connection with the Algeria National Committee of ICC (International Chamber of Commerce), a Centre of Conciliation and Arbitration.

Procedures

It is sufficient that one party seizes the Secretariat of the Centre to initiate the process of arbitration.

However, in order that the Center of Conciliation and Arbitration of the CACI be competent to handle the dispute arising from a contract between two parties, the contract must include a clause entitled “arbitration clause” which reads as follows:

“Any dispute or controversy which may arise on the interpretation and execution of this contract shall be settled amicably within... after notification by either party to the other of its desire to achieve it. Alternatively, these differences or disputes will be settled by the Center of Conciliation and Arbitration of the Algerian Chamber of Commerce and Industry, in accordance with its rules. Its decisions are final and without appeal”.

For more information, please contact the:

Algerian Chamber of Commerce and Industry - CACI -
Palais Consulaire
6 Boulevard Amilcar Cabral
BP 100 - Alger 1^{er} Novembre - Alger 16000
Phone: +213-(0) 21-96 66 66/ 96 77 77
Fax : +213-(0) 21-96 99 99
E-mail: cacdidp@wissal.dz
Web : www.caci.dz



Part three

Special administrative formalities

Border control measures

Imported products conformity control

Object

Admission of products on the national territory is subject to a compliance check, conducted by border inspections under the Authority of the Consumer Protection and the repression of fraud.

The checks provided by the terms of the decrees are carried out in a way that is harmonized and coordinated among different inspection services involved at borders and according to the risk posed by the imported good, linked to its nature, its composition and its origins.

The control is performed prior to the Customs clearance, informing the Customs of the arrival of the product, based on a dossier submitted by the importer or his authorized representative to the concerned border inspection. The authorization of admission or the cancellation of the decision of denial of admission or furthermore the authorization of admission of the product on the national territory after its bringing into conformity inside the bonded area, is required for customs passage.

Quality control at the borders

The border inspection of quality control and fraud repression is headed by a chief of inspection under the authority of the Director of Commerce of the department.

The inspection is responsible for:

- the quality control of imported products and of those for export.
- the compliance with good practices of loyalty and transparency.
- the exchange controls related to foreign trade activity.

How to obtain the authorization

The authorization of admission or decision of refusal of admission of the product is obtained from the border inspection of quality control and of the repression of fraud.

Terms and Conditions

With the exception of a pre-established list of goods (Appendix 2), non-conforming product may, under certain conditions, be brought into compliance and if necessary re-exported or destroyed at the expense of the importer, in default of which he may be seized according to law.

In any event, the product brought into conformity must have a sufficient lifetime before expiry.

Procedures

Border control concerns the examination of the documents accompanying the goods and/ or the visual examination of the product, which can be supplemented by sampling.

The documentary check consists of checking:

- the import declaration of the product, duly filled in by the concerned importer;
- a certified copy of the extract from the Register of Commerce;
- a certified copy of the invoice;
- the original of any document required by the regulations and relating to the conformity of imported products.

The visual inspection consists of ascertain:

- the conformity of the product by reference to legal or regulatory requirements characterizing it, in terms of its handling, transporting and storage;
- the compliance of the product with the indications on the LABELING and/ or accompanying documents;
- the absence of any alteration or contamination of the product;
- the existence of the certificate of guarantee;

The sample collection is decided based on:

- results of the examination of documents or visual checks carried out;
- the origin, nature, type, format and level of risk posed by the product.
- the background of the product and the importer;
- the reliability of inspections in the exporting country and places of handling.
- the priorities set by the Authority of the Consumer Protection and of the repression of fraud.

Processing the results of control operations:

- If no infringement is detected after documentary review and/ or after visual inspection of the product and if it is not necessary to proceed to sample collection, the concerned inspection shall issue a permit for admission of the product;

-
- In cases where there have been infringements, it is issued a decision of refusal of admission of the product;
 - In case of contestation of the importer, a reasoned appeal for change of destination can be introduced and made within eight days from the date of notification, with the department direction of trade having territorial jurisdiction and the fact is mentioned on the record of the statement;
 - The concerned direction of trade has four days to investigate the grounds for the appeal. When the findings of the latter are reversed, the refusal is canceled, otherwise, the refusal is maintained;
 - In case of sample collection, after test results, the admission or denial it is notified.

The terms of notification of the inspection results shall not exceed 48h from the date of submission. They may be extended by the time needed for analysis, but they may not exceed the maximum duration in storage.

In case of non-compliance and final refusal, the importer may submit an appeal with the regional office having territorial jurisdiction, concerning the change of destination of the product for its bringing into conformity and its reorientation, re-export or destruction. The concerned department has five working days to decide on the appeal.

If the appeal does not result in the terms, the importer may seize the services of the central administration responsible of consumer protection for a final decision, notwithstanding any other legal remedies. The lawsuit file must be prepared and forwarded to the prosecutor, upon expiration of the appeal with the department Trade Direction or upon confirmation of its refusal of admission, regardless of the appeal concerning the destination of the non-compliant product.

Where non-compliance concerns a failure to comply with the regulations on LABELING, the product can be repacked in accordance with the regulations. This provision does not apply to other products acquired through the border barter, products purchased directly for the exclusive consumption of the foreign organizations; products acquired by free-shop stores, by the catering companies, local authorities etc.

These products must, however, present LABELING in accordance with the regulations of the country of origin or provenance.

Products whose compliance is not possible are subject of conservation or destruction measures provided by regulations.

References:

- Act No. 09-03 of February 25th, 2009 on consumer protection and the repression of fraud
- Executive Decree No. 05-467 of December 10th, 2005 laying down the conditions and terms of border control of the conformity of imported products.
- Executive Decree No. 90-39 of January 30th, 1990 relating to quality control and of the repression of fraud.
- Interdepartmental Order of August 15th, 2006 fixing the operation of the territorial subdivisions of the trade and inspections of quality control and of the repression of fraud at the border. (Art 4 and 5)

For more information, please contact the:

Ministry of Trade

HEAD OFFICE of Regulation and Organization of
Activities – DGROA –

Cité Zerhouni Mokhtar Mohammadia (ex. Les Bananiers)

Phone: +213-(0) 21-89 00 74/89 00 75 à 85

Fax: +213-(0) 21-89 00 34

Web: www.mincommerce.gov.dz

The prior import authorization for consumer products with a character of toxicity or posing a particular risk

Object

The import of consumer products of a toxic nature or Presenting a particular risk, excluding pharmaceuticals and related substances or cosmetics and personal care products, is subject, before their entry into the national territory to a prior authorization. Products used as part of a profession are not considered here.

This prior authorization is mandatory for the admission on the national territory.

How to obtain the prior authorization

The prior authorization is established by the services of the Ministry of Trade.

Terms and Conditions

- The consumer product to be imported does not contain any prohibited chemical
- Each file must relate to a single product
- The prior authorization is issued after consultation with the Algerian Center of Quality Control and Packaging (ACQCE).
- When one of the items for which prior authorization has been issued is found to be lacking, the authorization is removed.
- The possible decision of refusal must be well founded.

Procedures

The request for prior import authorization must be sent by registered mail with return receipt or deposited directly by the importer or his authorized representative at the department Direction of Trade having territorial jurisdiction. A deposit receipt or acknowledgment is given in this case, which may not be worth temporary prior authorization.

The request for prior authorization for the importation of toxic products or products with a particular risk is accompanied by a file containing:

- a certified copy of the extract from the Register of Commerce.
- the nature and the physical and chemical specifications of components used in the manufacture of the concerned product;
- the results of analyzes carried out by the Algerian Center of Quality Control and Packaging (ACQCE);

-
- the protection measures taken in packaging and LABELING of the product;
 - the precautions to be taken in respect of the release for consumption of the concerned product and particularly the prohibited uses;
 - the statement on classified installations under Decree No. 88-149 of July 26th , 1988;

Terms

The authorization decision from the Ministry of Trade is given within a period not exceeding 45 days, possibly extended for a maximum period of 15 days.

Costs

The authorizations are issued free of charge.

References:

- Law No. 09-03 of February 25th , 2009 on consumer protection and the repression of fraud
- Executive Decree No. 97-254 of July 8th, 1997 on prior authorizations to manufacture and import of toxic products or presenting a particular risk.
- Government decree on April 4th, 2005 amending the decree on December 28th, 1997 establishing the list of consumer products posing a particular risk and the lists of chemicals whose use is prohibited or regulated in the manufacture of such products.

For more information, please contact the:

Ministry of Trade

HEAD OFFICE of Economic Control and Fraud Control
Cit  Zerhouni Mokhtar Mohammadia (ex. Les Bananiers)

Phone: +213-(0) 21-89 00 74/89 00 75

Fax: +213-(0) 21-89 00 34

Web: www.mincommerce.gov.dz

Certificates of origin for the export of Algerian products

Object

The certificate of origin is a commercial document which can be requested by the exporter to prove the origin of the goods following known and clearly defined criteria (rules) of origin, in order to qualify for preferential treatment and tariff advantages by recipient countries.

Currently, there are three types of certificates of origin in Algeria.

1 – Certificate issued under bilateral treaty

The Goods Movement Certificate EURI:

It concerns only the 27 member countries of the European Union and serves as a certificate of origin. It was introduced following the implementation of the Association Agreement between Algeria and the EU entered into force on September 1st, 2005.

In the case of exports, only the Algerian Customs visa is recognized by the host country.

2 – Certificate issued in the multilateral treaty framework

Certificate of Origin of the Great Arab Free Trade Area (GAFTA), effective in Algeria since January 2009.

It concerns all members of the League of Arab States, with the exception of the Republic of Djibouti, the Democratic Republic of Somalia and the Comoros Islands.

3 – Certificate of origin of the Generalized System of Preferences GSP (Form A):

Countries that accept this certificate are: Australia, Belarus, Canada, the United States, Russia, Japan, Norway, New Zealand, Switzerland including Liechtenstein, Turkey and the 27 countries of the European Union.

Certification procedures for certificates of origin

The forms (prints) of different certificates of origin listed above are available at the trade bookstore of CACI and of the Chambers of Commerce and Industry of each department.

Certificates of origin (Form A and GAFTA) must be endorsed by the Algerian Chamber of Commerce and Industry (CACI). The Movement Certificate EUR1 for goods is, in turn, to be certified by the Customs. The Chambers of Commerce and Industry located in each department can endorse certificates of origin of the Generalized System of Preferences GSP (Form A).

To endorse the certificate of origin at the CACI, the exporter must present:

- the printed form of the certificate of origin, duly filled in.
- a copy of the domiciled export invoice.
- the payment of the visa fee set at 500 DZD per certificate.
- for the first operation for a visa at the CACI services it is requested to provide a copy of the register of commerce, as well as the tax identification number.

Tariffs applied by CACI for prints

Type of Certificate of Origin	Price of the print
1 / Generalized System of Preference	50 DZD Taxes included
2 / EUR1	70 DZD Taxes included
3 / Arab Free Trade Zone.	100 DZD Taxes included

When paying cash, a stamp tax is added.

For more information, please contact the:

Algerian Chamber of Commerce and Industry - CACI -
Palais Consulaire
6 Boulevard Amilcar Cabral
BP 100 - Alger 1er Novembre - Alger 16000
Phone: +213-(0) 21-96 66 66/ 96 77 77
Fax : +213-(0) 21-96 99 99
E-mail: infos@caci.dz
Web : www.caci.dz

The health certificate for animal products

Object

Products of animal origin are subject to the presentation of a health certificate required for customs clearance.

How to obtain the health certificate

The health certificate is requested from the Veterinary Services of the Ministry of Agriculture and Rural Development and established by agreement with the Official Veterinary Services of the country of origin.

Procedures

The form “Template of H.C. Request” includes mandatory fields for:

- the applicant’s identity
- the products to be imported, particularly their:
 - nature
 - quantity
 - origin/ source/ destination
 - health status (toxicology, microbiology, age, radiation)

It is necessarily accompanied by bacteriological test results from authorized laboratories, endorsed by the official veterinary services of the country of origin.

Duration of validity: The duration of validity varies depending on the product and the means of transport.

Cost of obtaining: Currently, the cost of obtaining the model health certificate is not applicable by the official Veterinary Services.

References:

- Law 88-08 on veterinary medicine and animal health protection
- Executive Decree No. 91-452 relating to veterinary inspections at border posts
- Executive Decree No. 10-90 of March 10th, 2010 supplementing the Executive Decree No. 04-82 of March 18th, 2004 laying down the conditions and procedures for sanitary accreditation of institutions whose business is related to animals, animal products and products of animal origin and to their transport.

For more information, please contact the:

Ministry of Agriculture and Rural Development, Department of Veterinary Services - 12 Boulevard Colonel Amirouche, 16 000, Alger
Phone: +213-(0) 21-71 17 12/ Fax:+ 213-(0) 21-71 51 29
Web: www.minagri.dz

**The request for exemption from customs
duties for imports**

Object

Any import free of customs duties within the framework of free trade agreements concluded by Algeria must be subject to a prior request for exemption from customs duties.

The request for exemption from customs duties is a statistic license for the purpose of monitoring imports.

How to obtain the exemption from customs duties

The request form for exemption from customs duties is to be obtained from the Direction of Commerce of the department having territorial jurisdiction.

Terms and Conditions

- The endorsed request is required to the operator by the Customs services at the clearance of his goods, in order to benefit from the exemption from customs duties;
- The quantity or volume of goods actually imported must be less than or equal to the amount or volume of products declared.

Procedures

The request for exemption from customs duties is presented on a form provided by the Direction of Commerce of the department having territorial jurisdiction.

Information required by the form:

- the name or business name of the applicant, his telephone, fax and address;
- the commercial designation of the goods;
- the net weight;
- the FOB or ex-factory value;
- the freight;
- the country of origin and the country of provenance;
- the Register of Commerce number and the tax identification number;
- no. of tariff subheading;
- the stamp and signature of the importer;

Documents to be attached with the application:

- the pro forma invoice in triplicate;
- a certified copy of the register of commerce;

-
- a certified copy of the taxpayer identification number;
 - a certified copy of articles of association;
 - a certified copy of the certificate of deposit of the financial statements with the National Center of the Register of Commerce;
 - an extract of the tax clearance certificate;
 - a certified copy of the attestation of the update with the NSCC and/or CASNOS.

The duly filled application, along with the supporting documents, is filed with the Direction of Commerce of the department having territorial jurisdiction, which forwards it to the concerned Regional Department of Commerce for approval.

After examining the file, the Regional Direction of Trade shall grant visa exemption from customs duties.

Terms

The terms of obtaining the visa for exemption from customs duties does not exceed thirty (30) days from the date of filing the application.

Duration of validity

Application for exemption from customs duties is established for each import transaction. The duration of validity of an endorsed application is six (6) months. It is renewable under the same conditions.

Cost of obtaining: The visa exemption from customs duty is free.

References:

- Executive Decree No. 10-89 of March 10th, 2010 laying down the procedures for monitoring imports under exemption from customs duties within the framework of free trade agreements.

For more information, please contact the:

Ministry of Trade

Cité Zerhouni Mokhtar Mohammadia (ex. Les Bananiers)

Phone: +213-(0) 21-89 00 74/89 00 75 à 85

Fax: +213-(0) 21-89 00 34

Web: www.mincommerce.org.dz

Agricultural products

**The sanitary derogation for imports of animals,
animal products and/or products of animal origin**

Object

The importation of live animals is subject to the sanitary derogation regime, while animal products and/ or products of animal origin may be subject to sanitary derogation (SD). The sanitary derogation is required for customs clearance.

How to obtain the sanitary derogation

The SD is issued by the Directorate of Veterinary Services of the Ministry of Agriculture and Rural Development. The average processing time of the file is 48h.

Procedures

The request for the SD is submitted by the importer or the exporter or, if appropriate, their agent, according to a standardized form sent in a single copy to:

The Ministry of Agriculture and Rural Development

12 boulevard Colonel Amirouche, 16000, Algiers, Algeria

Phone: +213-(0) 21-71 17 12

Fax: +213-(0) 21-71.88.10

It includes the following topics:

- the identity of the applicant
- the products to be imported, particularly their:
 - nature
 - quantity
 - origin
 - provenance
 - weight and landing place

The duration of validity

The validity of the sanitary derogation for import depends on the product to be imported. The Directorate of Veterinary Services may at any time cancel this derogation, in accordance with the country health changes.

Terms

The sanitary derogation for imports is established for a single operation and its validity may be suspended at any time, depending on the health

conditions (animal or human) prevailing over all or over a part of the country of origin, of transit or of the destination region, in the case of an export.

In addition and for imports, some animals are quarantined (quarantine station):

- bred cattle: 10 days
- slaughter cattle: 2 days
- bred horses: 15 days
- poultry inputs (started pullets, turkey poults etc.) are quarantined at their breeding place or where hatched.

The main export products affected by the SD are: fish, snails, frogs, skins, milk and dairy products.

Costs

For each request for sanitary derogation for import, it is requested to attach to the file a tax stamp of 100 DA.

References:

- Law 88-08 on veterinary medicine and animal health protection
- Executive Decree No. 91-452 relating to veterinary inspections at border posts
- Executive Decree No. 10-90 of March 10th, 2010 supplementing Decree No. 04-82 of the Executive March 18th, 2004 laying down the conditions and procedures for sanitary accreditation of institutions whose business is related to animals, animal products and products of animal origin and to their transport.

For more information, please contact the:

Ministry of Agriculture and Rural Development

Department of Veterinary Services

12 Boulevard Colonel Amirouche –16 000 – Alger –

Phone: +213-(0) 21-71 17 12

Fax: +213-(0) 21-71 51 29

Web: www.minagri.dz

The sanitary derogation for animal exports, animal and / or products of animal origin

Object

The export of animals, animal products and/ or products of animal origin is subject to sanitary derogation.

The sanitary derogation is a document certifying that no reportable disease has been declared in the exporting country. The products affected by such a derogation are:

- horses, cattle, sheep, goats;
- domestic poultry, exotic birds and animals;
- bees, rodents, game;
- meat, eggs, honey, wool, hides untreated;
- seed for artificial insemination, zygotes;
- intestines;
- solipeds, fissipeds

Other products are not subject to the rules of the derogation sanitary but to veterinary control at the borders; these are:

- treated or processed animal products (milk and dairy products etc.)
- pets
- food concentrates for animal nutrition

Procedures

Documents required for obtaining the sanitary derogation for export:

- a request, in accordance with the specimen, addressed to the Directorate of Veterinary Services.
- a copy of the sanitary veterinary authorization for the facility or premises;
- the original of the hygiene certificate, dated within 15 days from the application submission (this document is required for certain products);
- the microbiological analysis reports;
- a stamp tax of 100 dinars;
- a copy of the register of commerce of the exporter (document required for the as import operator as well);

The veterinary sanitary inspection at the border post of entry (import) or exit (export) includes:

- the documentary control;
- the physical control;

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- microbiological analyzes (the number of samples varies depending on product)

Samples

Conditions or documents required for filing of the registration dossier:

- one sample by presentation, along with the corresponding certificate of analysis
- a titrated sample of the active raw material, along with the corresponding certificate of analysis.
- following a feasibility study by the control laboratory, the number of samples for the analysis of the product is communicated.

The requests for authorization for release on the market are filed at the registry office of the Sub-Directorate of veterinary pharmaceuticals of the Ministry of Agriculture and Rural Development.

References:

- Law 88-08 of January 26th, 1988 relating to veterinary medicine and animal health protection
- Executive Decree No. 90-240 concerning the conditions of manufacture, sale and control of veterinary drugs.
- Decree 91-452 of November 16th, 1991 concerning veterinary inspections at border posts.
- Executive Decree No. 04-188 of July 7th, 2004 laying down the procedures for capturing, transporting, marketing and introduction into aquatic environments of brood stock, larvae, fry and spat and the means of capture, transport, storage, import and marketing of fishery and aquaculture products that have not attained the minimum legal size for breeding, culture or scientific research.
- Executive Order No. 2010690 of March 10th, 2010 supplementing Executive Decree No. 2004-82 of March 18th, 2004 laying down the terms and conditions of sanitary approval of establishments whose activity is related to animals, animal products and products of animal origin and to their transport.
- *Decree of March 10th, 2008 laying down the conditions and content of the authorization for capture, transport, marketing and introduction into aquatic environments of spawners and fishery and aquaculture products that have not attained the minimum regulatory size, for breeding, culture or scientific research.*

For more information, please contact the:

Ministry of Agriculture and Rural Development

Department of Veterinary Services

12 Boulevard Colonel Amirouche –16 000 – Alger –

Phone: +213-(0) 21-71 17 12

Fax: +213-(0) 21-71 51 29

Web: www.minagri.dz

The phytosanitary control on imports of plants and plant products

Object

The importation of plants, vegetable products and regulated articles is governed by legislative, regulatory and procedural frameworks as follows.

Procedures

The imported plants and vegetable products are subject to phytosanitary control at official air, land and sea ports of entry on the national territory.

Phytosanitary control involves the careful examination of all the imported cargo, with the collection of samples for analysis, to ensure the conformity of the goods with the phytosanitary requirements and regulations, before introduction of the national territory.

The import of plants and plant products, under any Customs procedure other than the international transit without transshipment, must necessarily be accompanied by a phytosanitary certificate issued by the authorities of the country of origin, according to a model that is consistent with the one established by the International Convention for the Protection of Plants, revised in 1997

The agent of the border phytosanitary authority shall issue a certificate of free movement, when the cargo is recognized, after analysis, healthy and free from the presence of pests requiring quarantine.

If the presence of a regulated pest is confirmed, the goods will be subject to an interception measure, notified to the importer.

Conditions for import of seeds and seedlings

The import of seeds and plants for breeding and/ or multiplication is subject to a prior technical import authorization.

Authorization issuing procedure

The file relating to the application for the prior technical authorization to import, consisting of the following documents, is submitted to the Directorate of Plant Protection and Technical Controls (DPVCT/ MARD):

- a request for prior authorization to import conforming to the model
- a license for people engaged in the seeds and seedlings production;
- a license for people engaged in the business of selling seeds and seedlings;
- a farmer card for people engaged in agricultural production;
- a phytosanitary certificate issued by the official phytosanitary services of the intact production area, proving that the plant material

is checked and monitored by the phytosanitary services of the production area;

- a certification scheme for the certified equipment;
- a non-GMO certificate attesting that the plant material has undergone no transfer or modification of genes;
- an Orange International certificate (to any dry seed).

How to obtain the prior technical authorization for import

The prior technical authorization for import is issued by the Directorate of Plant Protection and Technical Controls (DPVCT/ MARD), on request of the importer filed at least thirty (30) days before the date of importation.

This authorization is valid for three (03) months from the date of signature and is valid for a single introduction.

References:

- Law No. 87-17 of August 1st, 1987 on phytosanitary protection;
- Presidential Decree No. 02-400 of November 25th, 2002 ratifying the International Convention for Plant Protection, as approved by the Conference of the United Nations Food and Agriculture, at its twenty-ninth session in November 1997;
- Executive Decree No. 93-286 of November 23rd, 1993 regulating the phytosanitary border control;
- Order of July 14th, 2002 listing of plant species subject to a prior technical permit for import and specific phytosanitary requirements.
- Decree of February 10th, 2011 establishing the lists A and B of species and plant varieties permitted for production and marketing;
- Order of April 7th, 2004 amending and supplementing Decree of May 21st, 1955 laying down the standards phytotechnic and phytosanitary import of seeds and seedlings of vegetable crops, tree crops, vineyards and field crops;
- Interdepartmental Order of August 05th, 2009 approving the technical regulation relating to the regulation of wood-based packaging materials for trade.

For more information, please contact the:

Ministry of Agriculture and Rural Development

Department of Veterinary Services

12 Boulevard Colonel Amirouche, 16 000, Alger

Phone: +213-(0) 21-71 17 12 - Fax: +213-(0) 21-71 51 29

Web: www.minagri.dz

The control on imports of pesticides for agricultural use

Object

The importation of pesticides for agricultural use is governed by legislative, regulatory and procedural frameworks as follows.

Procedures

Importing unlicensed pesticides for agricultural use is prohibited.

The pesticides for agricultural use are subject, before being placed on the market in Algeria, to an approval granted by the Ministry of Agriculture.

The import of pesticides for agricultural use is carried out by importers.

The importer of pesticides for agricultural use must be authorized and is required to purchase from manufacturers and/ or formulation companies authorized in their countries of origin by the relevant authorities.

The import of pesticides for agricultural use is subject to obtaining prior technical authorization issued by the competent national phytosanitary authorities, on request of the importer, according to the model.

Documents in the file accompanying the application

- a copy of the articles of association of the company.
- a copy of the register of commerce.
- a pro forma invoice of the product.
- the certificate of analysis of pesticide compliance issued by a laboratory authorized by the authorities of the country.
- the certificate attesting the product origin, issued by the competent services.
- a copy of the authorization of the Ministry of Energy and Mines (in case the product contains dangerous materials or chemicals).
- a copy of the label.

This authorization is valid for a single introduction.

The request is made by the applicant with the Ministry of Agriculture (Directorate of Plant Protection and Inspections), at least two (02) months before the scheduled date of import and must include of the file above mentioned.

At the borders, the imported pesticides for agricultural use are subject to control, which covers the document review of the file and the control of the entire imported cargo, with collection of samples for analysis, in order to ensure the compliance of the product to the requirements that have prevailed to its approval.

The agent of the border phytosanitary authority shall issue a certificate of free movement, when goods are recognized to meet the requirements that have prevailed to its approval, after analysis.

In case of non compliance of the product, after analysis, the goods will be subject to an interception measure, notified to the importer.

Case of import of pesticides classified as dangerous

Importing pesticides for agricultural use, classified as particularly dangerous by current regulations, can only be done by users properly authorized.

The list of particularly dangerous pesticides for agricultural use includes:

- the methyl bromide;
- the aluminum phosphide;
- the strychnine;
- the magnesium phosphide.

References:

- Law 87-17 of August 1st, 1987 on phytosanitary protection.
- Executive Decree No. 95-405 of December 2nd, 1995 on the control of pesticides for agricultural use, as amended and supplemented.
- Executive Decree No. 10-69 of January 13th, 2010 laying down the measures applicable on import and export of pesticides for agricultural use.
- Executive Decree No. 03-451 of December 1st, 2003 on safety rules applicable to activities related to materials and dangerous chemicals and containers of gas under pressure.
- Order of March 13th, 2000 defining the content of the particulars and packaging information of pesticides for agricultural use.

For more information, please contact the:

Ministry of Agriculture and Rural Development

Directorate of Plant Protection and Technical Controls

12 Boulevard Colonel Amirouche –16 000 – Alger –

Phone: +213-(0) 21-71 17 12

Fax: +213-(0) 21-71 51 29

Web: www.minagri.dz

The phytosanitary control of plant products for export

Object

The export of vegetable products is governed by legislative, regulatory and procedural frameworks as follows.

Procedures

Vegetable products destined for export are subject to phytosanitary inspection at official air, land and sea points of exit of the national territory. Phytosanitary control involves the careful examination of all the cargo to be exported, with the collection of samples for analysis, to ensure the conformity of the goods with the phytosanitary requirements of importing country.

Terms and conditions

The agent of the border phytosanitary authority having territorial jurisdiction, in charge of phytosanitary control, inspects the cargo before shipment to the importing country.

The border phytosanitary authority having territorial jurisdiction issues a phyto-sanitary certificate, according to the model that complies to the one established by the International Convention for the Protection of Plants, revised in 1997, that must accompany the shipment for export.

References:

- Law No. 87-17 of August 1st, 1987 on plant protection;
- Presidential Decree No. 02-400 of November 25th, 2002 ratifying the International Convention for Plant Protection, as approved by the Conference of the United Nations Food and Agriculture, at its 29th session in November 1997;
- Executive Decree No. 93-286 of November 23rd, 1993 regulating the phytosanitary border control;

For more information, please contact the:

Ministry of Agriculture and Rural Development
Directorate of Plant Protection and Technical Controls
12 Boulevard Colonel Amirouche –16 000 – Alger –
Phone: +213-(0) 21-71 17 12
Fax: +213-(0) 21-71 51 29
Web: www.minagri.dz

The phytosanitary control of plant of the dates for export

Object

The export of dates is governed by a specific control, given the sensitive nature of the product.

Procedures

Notwithstanding the provisions relating to phytosanitary inspection at the identified border points, the procedures for controlling the exports of dates are provided as follows:

The control of dates on packaging sites

The control gives rise to the issue by the phytosanitary services of the Ministry of Agriculture, the quality services of the Ministry of Trade and the Customs, with territorial jurisdiction, of the following documents:

- A certificate of phytosanitary quality and disinfection of dates, issued by the phytosanitary authority having territorial jurisdiction, certifying that the goods have been inspected, are recognized as free of any banned organism and/ or that it respects the tolerance levels, as required by the authorities of the destination country.
- the minutes of a report of compliance of the dates destined for export, issued by the quality services territorially competent, attesting the conformity of the product.
- A final export declaration issued by the Customs Service Office.

The dates eligible for export and recognized conform to the phytosanitary and compliance plans are put in containers, sealed by the Customs services territorially competent and accompanied by the documents above mentioned.

Transshipment, splitting the merchandise or packaging changes, result in a new mandatory check of the cargo.

Control at the border posts

For the cargo submitted directly to loading for export, not accompanied by control on packaging sites documents:

- physical control of goods in bonded area, jointly by agents phytosanitary inspectors and agents of the quality and the repression of fraud.

-
- issuance of a phytosanitary certificate by the border phytosanitary service having territorial jurisdiction, if the cargo is recognized as free of prohibited organisms and having undergone disinfection.

For the cargo having undergone control on packaging sites:

- verification of documents for the goods presented in sealed containers.
- a phytosanitary certificate is issued by the phytosanitary service at the borders having territorial jurisdiction, certifying that the goods intended for export meet the requirements of the official services of the country of destination.

References:

- Law n ° 87-17 of August 1st, 1987 on phytosanitary protection;
- Executive Decree No. 93-286 of November 23rd, 1993 regulating the phytosanitary control at the borders;
- Interdepartmental Order of November 17th, 1992 on the quality and presentation of the dates destined for export;
- Decision No. 105 of September 28th, 2000 on the organization of export control of dates;
- Note No. 1051 of October 13th, 2001 on the control of dates on packaging sites;

For more information, please contact the:

Ministry of Agriculture and Rural Development
Directorate of Plant Protection and Technical Controls
12 Boulevard Colonel Amirouche –16 000 – Alger –
Phone: +213-(0) 21-71 17 12
Fax: +213-(0) 21-71 51 29
Web: www.minagri.dz

The phytosanitary control for export of potatoes for consumption

Object

The export of potatoes for consumption is governed by a specific control, given the sensitive nature of the product.

Procedures

Notwithstanding the provisions relating to phytosanitary inspection at the identified border points, procedures for controlling exports of potatoes for consumption are provided as follows:

Export request

The operator must file an export request, according to the model, at the DSA (Phytosanitary Inspectorate of department), prior to export.

Control on storage sites

Consignments intended for export must meet the requirements of the importing country.

- *Presentation of the consignments* intended for export to control agents of the phytosanitary inspection;
- *Inspection of the goods and systematic collection of samples* of potato plant for phytosanitary analyzes;
- *Treatment by the operator of the tuber sprouts* destined for export using the authorized pesticides. This must be indicated in the phytosanitary certificate issued by the phytosanitary inspector of the exit point;
- *Delivery of a phytosanitary certificate* from the Phytosanitary Inspectorate of the department, certifying that the goods have been inspected and have undergone phytosanitary analysis, that they are recognized as free of any banned organism and/ or they respect tolerance levels as required by the official services of destination country.

Control at the port of shipment

- *Establishment of a phytosanitary certificate* by the phytosanitary service at the border having territorial jurisdiction, certifying that the goods intended for export meet the requirements of official services in the destination country and according to the model consistent with the one established by the International Convention for the plant Protection, revised in 1997.

Requirements

Phytotechnic

- **maturity**: the tubers must be fully ripe with an adhesive peel.
- **greening**: no greened tubers.
- **caliber**: depending on the requirements of the importing country.
- **variety**: choice of the importer.
- **lesions**: the tubers must be free of lesions.

Phytosanitary

The consignments intended for export must be free from pests specified by the importing country due to bacterial and/ or mycological diseases, the presence or infestation of pests such as wireworms, ringworm etc.

Packaging

Tubers must be packed and packaged as required by the supplier.

Wooden pallets

Wooden pallets must meet the provisions of the ministerial decree of August 5, 2009 approving the Technical Regulation on the regulation of packaging materials made from wood destined for trade.

Transport of goods

The potato tubers destined for export must be transported in refrigerated containers to prevent decay.

References:

- Law No. 87-17 of August 1st, 1987 on phytosanitary protection;
- Executive Decree No. 93-286 of November 23rd, 1993 regulating the phytosanitary border control;
- Order of April 7th, 2004 amending and supplementing Decree of May 21st, 1955 laying down the standards phytotechnic and phytosanitary import of seeds and seedlings of vegetable crops, tree crops, vineyards and field crops;
- Interministerial Order of August 5th, 2009 approving the Technical Regulation on the regulation of packaging materials made from wood, destined for trade.

For more information, please contact the:

Ministry of Agriculture and Rural Development

Directorate of Plant Protection and Technical Controls

12 Boulevard Colonel Amirouche –16 000 – Alger –

Phone: +213-(0) 21-71 17 12

Fax: +213-(0) 21-71 51 29

Web: www.minagri.dz

Industrial products

Importing tobacco and tobacco products

Object

The imports of tobacco and tobacco products are permitted only to licensed tobacco manufacturers.

Manufacturing authorization for tobacco and tobacco products

A request for authorization shall be sent to the market and tobacco products regulator. Provisionally, the prerogatives of this authority are exercised by the General Tax Directorate of the Ministry of Finance (see address below). Only legal entities in the form of joint stock companies, whose capital is at or above 250 million DZD and at least 51% of the shares are held by domestic residents in Algeria, may be approved as a manufacturer of tobacco.

Except for snuff or chewing tobacco, at least one of the foreign shareholders must justify the exploitation of foreign brands.

The authorization of a tobacco manufacturer is subject to a specification including, among others:

- a statement on an investment project
- a statement showing the price structure for each manufactured or imported product
- a statement of the estimated manufacture of products destined to the placing on the local market or export
- a statement of imports of these products

The manufacturer must also issue a statement of profession, showing:

- the list and the technical specifications of the equipment for the manufacture of tobacco products and their mode of operation,
- the adopted types for boxes, cases, purses or packages, their shapes and sizes, as well as the weight of tobacco or the number of cigarettes/ cigars they contain.
- the factory regime, regarding the working days and hours.

The authorization may be withdrawn under certain predefined conditions.

Import conditions

The approved manufacturers may be authorized, before the entry into production, to import tobacco products under the following conditions:

- the import may only relate to the marks provided to be produced
- it is allowed only for a limited period, equivalent to the entry into production of the factory and after initiation of actual work for the realization of the investment

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- the quantities allowed to be imported correspond to a share of those to be produced for the same period
 - the import may be carried out only by a decision concerning the import authorization issued by the regulatory authority, on confirmation of the total liberation of social capital.

For each import operation, the manufacturer of tobacco products must make, within 48h, a statement of arrival of goods to the tax office territorially competent.

The tax office has a period of 48h from the receipt of the declaration of arrival, to proceed to the recognition of the received quantities.

References:

- Law No. 2000-06 of December 23rd, 2000 Finance Act 2001 (sections 32 and 33).
- Ordinance No. 09-01 of July 22nd, 2009 supplementary Budget Law for 2009.
- Executive Decree No. 04-331 of October 18th, 2004 regulating the activities of manufacture, importation and distribution of tobacco products.

For more information, please contact the:

Ministry of Finance

Taxes Head Office

Site Ahmed Francis

Ben Aknoun – Alger

Phone: +213-(0) 21-59 54 54/+213-(0) 21-59 55 26

Fax: +213-(0) 21-59 55 12

Web: www.impots-dz.org

Medico-surgical materials equipments and instruments

Object

The import of medico-surgical materials, equipment and instruments is subject, from the Ministry of Health, of a license for the import and marketing companies.

Are allowed to import medico-surgical materials, equipment and instruments (with prior permission):

- practitioners located in a private capacity (firms, private clinics);
- the public health institutions under the Ministry of Health, Population and Hospital Reform.
- associations, humanitarian NGOs.

Exports are not, at this stage, subject to an approval or authorization from the Ministry of Health.

License

Procedure

The obligation of license is subject to deposit with the Ministry of Health of a file comprising the following:

- an application for license.
- a certified copy of the articles of association of the company.
- a certified copy of the register of commerce, with activity code 406-204.
- a presentation of the company.
- a certified copy of the original certificate of the engineer or senior technician (biomedical, electronic or electrical) who serves as technical director.
- a notarized contract of employment binding the technical director of the company (minimum 24 months).
- a site plan detailing the description of the premises, including the surfaces allocated for sales, storage and maintenance, whose area shall be greater than or equal to 90m².
- a commitment to maintain the sold equipment for a period of 03 years and the availability of spare part for a period of 10 years.

To be admissible, the application for license must be accompanied by specifications setting out the technical conditions for the importation and marketing of medico-surgical materials, equipment and instruments, duly

endorsed by the importer and established for this purpose by the Ministry of Health.

Validity of the license

The validity of the license is determined by the validity of the trade register in accordance with the decree of June 13, 2011, establishing the validity of the extract from the Commercial Register issued to people exercising certain activities.

Indeed, the services of the Ministry of Health, Population and Hospital Reform will proceed with updating the licenses in question, every 02 years.

Import authorization

Procedure

The import authorization is required for each import operation, regardless of the public or private operator, for Customs passage. Nevertheless, it should be noted that this authorization does not apply to authorized operators, in accordance with Order No. 101 of September 1st, 2005 laying down the conditions for exercising the activity of importing and marketing medico-surgical materials, equipment and instruments. Only the license issued by the Office of the Ministry of Health grant the Customs passage.

An import authorization for medico-surgical materials, equipment and instruments, issued in advance by the Ministry of Health, Population and Hospital Reform to private practitioners (clinics, surgeries, medical laboratories), Health institutions and other agencies, is established by the Department of Planning and Development, after examining the file.

It comprises:

- an import request that indicates:
 - the number of the invoice and the date,
 - the total amount to be imported,
 - the number and the date of the compliance or opening licence of the concerned structure.

- the import and debit authorizations, in the format provided by the Ministry of Health;
- the pro forma invoices;
- the certificates of conformity to ISO or EU manufacturing standards;
- the CE marking and quality system certificate;
- the license for the private structure issued by the offices of the Ministry of Health, Population and Hospital Reform.

Special terms and conditions

The importation of refurbished medico-surgical materials, equipment and instruments is prohibited.

Terms: The average duration of the import authorization is one week.

Costs: The establishment of the import permit is free.

References:

- Law 85-05 of February 16th, 1985 on the protection and promotion of health, as amended and supplemented.
- Decree No. 101/ MSPRH of September 10th, 2005 fixing the conditions for exercising the activity of importing and marketing of medico-surgical equipment, instrumentation, consumables and equipment.

For more information, please contact the:

Ministry of Health, Population and Hospital Reform

Department of Planning and Development

Sub-Directorate of Medical Material and Equipment

125, Rue Abderrahmane Laala, El Madania, Alger, Algérie

Phone : +213-(0) 21-27 99 00

Fax : +213-(0) 21-27 90 51

Site web: www.ands.dz

**The prior authorization for the import of cosmetics
and hygiene products**

The import of cosmetics and personal hygiene products, excluding those that can be assimilated to drugs, is subject, before their entry on the national territory, to prior authorization. It is required for admission to the national territory and release on the market.

Procedures

The prior authorization is transmitted to the Quality and Fraud Control Service territorially competent, which issues a receipt.

The deposit receipt or the acknowledgment of receipt may in no case replace the prior authorization.

The necessary documentation to obtain this authorization is sent to the services of the Direction of Commerce of the department. The file includes:

- a certified copy of the extract of the register of commerce of the manufacturer, packer or importer of the product;
- a certified copy of the tax ID;
- a certified copy of the articles of association of the company;
- a certified copy of the certificate of submission of the company financial statements to the National Center of Register of Commerce;
- an abstract of the tax clearance certificate;
- a certified copy of the certificate of update with the CNAS and/ or CASNOS;
- the name and designation of the product in accordance with Appendix 1, under section 3 of the Executive Decree No. 10-114 of 18 April 2010;
- the use and mode of use;
- the indication of the qualitative composition of the product and the analytical quality of raw materials. The chemicals must be identified by their common name and scientific name, where available, or by their international nonproprietary name (INN) recommended by the World Health Organization. Substances of vegetable or animal origin must be designated by their common name and accompanied by details of their breeding;
- the results of analyzes and tests on raw materials and finished products;

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- the results of tests and used methods, particularly those concerning the degree of skin toxicity, percutaneous or mucous membranes;
 - the method of identification of batches;
 - the special precautions for use of the product;
 - the template and/ or the layout of the product LABELING;
 - the name, title and professional qualifications of the individual(s) responsible for manufacturing, packaging or importation and for the compliance checks.

Terms and conditions

Each file must relate to a single product.

The LABELING of cosmetics and personal care products shall include the following, affixed visibly, legibly and indelibly marked in the national language and, in addition, in another language:

- the name of the product immediately accompanied, if it is not already contained in this name of his designation, by reference to section 3 of Executive Order No. 97-37;
- the name or business name and address or head office of the manufacturer, packer or importer and an indication of country of origin when the products are imported;
- the nominal quantity, at the time of packaging, expressed in an authorized appropriate unit of measurement;
- the expiry date and conditions for preservation and/ or storage; the expiration is mandatory only for cosmetics and personal care products with a minimum durability not exceeding thirty (30) months;
- the production date or the reference for identifying the lot of goods;
- in cases where reference is made to a component in the trade name, the proportion of this component must be indicated.
- the composition, the special conditions of employment and contraindications;

The period of validity expires when a change is made to the formula of manufacture.

In case this is not practicable, this information must appear on the packaging or on an attached sheet. In this case, an abbreviated indication referring the consumer to the above indication must appear on the container.

Costs

The prior authorization for the import of cosmetics and personal hygiene products is delivered free of charge.

References:

- Law 09-03 on Consumer Protection and the repression of fraud
- Executive Decree No. 97-37 of January 14th, 1997, defining the terms and conditions of manufacturing, packaging, import and commercialization in the domestic market of cosmetics and personal hygiene products.
- Executive Decree No. 10-114 of April 18th, 2010 amending and supplementing the Executive Decree No. 97-37 of January 14th, 1997 defining the terms and conditions of manufacturing, packaging, import and commercialization in the domestic market of cosmetics and personal hygiene products.

For more information, please contact:

The department Regional Direction of Commerce
46 Boulevard Mohamed V – 16 000 – Alger
Phone: +213-(0) 21-63 12 24 / +213-(0) 21-63 12 14
Fax: +213-(0) 21-63 32 44 / +213-(0) 21-64 32 45
Web: www.mincommerce.gov.dz

The certificate of approval of a telecommunications terminal equipment and radioelectric installation

Object

The telecommunications terminal equipment or radio equipment imported or produced locally are subject to approval.

This is required by Customs in the case of an import or, if appropriate, an export of a locally made product.

How to obtain the agreement

The approval of the relevant device is obtained from the Regulatory Authority for Post and Telecommunications (ARPT).

Procedures

The application for authorization is submitted to the Directorate General of ARPT. It consists of two files: one administrative and one technical.

The administrative file

The administrative file includes:

- an application for approval submitted to the Director General of the ARPT on form (Appendix 01 of the record);
- a certified copy of the register of commerce of the company owning the equipment to be approved. It should include the positions 408-408 and 408-413;
- a certified copy of tax registration card;
- a certification that the product indicated in the request is still being manufactured;
- a declaration of conformity issued by the manufacturer;
- a solemn undertaking, according to the template provided by the ARPT, specifying that the applicant will only commercialize the approved equipment and that the materials will be properly labeled (Appendix 02 of the record);
- a commitment to pay the fee of application for approval (Appendix 03 of the record);

The technical file

The technical file shall comprise the following documents:

- the user manual;
- the technical description of equipment;
- the tests report on electrical safety;

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- the tests report on electromagnetic compatibility;
 - the tests report for the radio installations;
 - the tests report on the specific absorption rate (SAR) for radio installations.

A *sample of the product* is attached to the application for approval.
Common working languages are: Arabic, French and English

Terms

- The granted approval is nominative to the make, model, the importing company or producer and country of manufacture.
- The validity of the certificate of approval is two (02) years.
- Maximum processing time is sixty (60) days.

Costs

The establishment of a certificate of registration is subject to payment of:

- file management fees of 5,000.00 DA. Fixed and non-refundable, they are to be paid when filing the application for approval (by check, bank transfer or CCP).
- costs of technical studies, according to a table drawn up by the ARPT, depending on the type of equipment, subject to the approval application.

Applications for certification may be downloaded from the website:
www.arpt.dz

References:

- Law No. 2000-03 of August 5th, 2000 laying down general rules on post and telecommunications

For more information, please contact:

Regulatory Authority of Post and Telecommunications (ARPT)

1, rue Kaddour RAHIM

Hussein-dey – 16 008 –Alger – Algérie

Phone: +213-(0) 21-47 02 05 / +213-(0) 21-47 77 77

Fax : +213-(0) 21-47 01 97

e-Mail : info@arpt.dz

Web: www.arpt.dz

Importing measuring instruments

Model approval

Object

Measuring instruments, directly or indirectly involved in any business transaction, are subject to model approval prior to entry into service on the national territory.

How to obtain the model approval

A model approval decision is established after study and testing in accordance with the regulations and standards governing this instrument category, by the National Office of Legal Metrology (ONML).

Procedures

The application for model approval shall be filed with the Department of ONML. It is made by the manufacturer or his duly authorized representative and accompanied by a technical dossier triplicate copies:

- general information:
 - full name;
 - business name;
 - address of the manufacturer or accredited representative.
- technical information, including:
 - a note describing the method and conditions of operation of the instrument;
 - diagrams and dimensional drawings of the instrument and its constituent bodies;
 - reports or test and/ or calibration certificates, that the instrument has been subject to;
 - instruction manuals, maintenance and repair.

The duration for obtaining the decision depends on the nature of the instrument, on the tests and the place required by the tests. It gives rise, according to the type of instrument, to a single final decision or to a one-year interim decision, followed by a final decision.

For the tests, the ONML agents are often required to travel abroad, to the manufacturer or accredited third party laboratories.

Validity

The interim/ final approval allows the import and the initial operation on the national territory.

The instrument is still subject to the general rules of verification:

- primary verification, when entering into service (at the manufacturer's or the user's).
- periodic verification (at least once a year) and monitoring.

Approved measuring instruments having undergone a change are subject to a new approval.

Costs

The approval decision is subject to fees set by the Finance Act.

All fees generated by experts for their interventions are the sole responsibility of the applicant.

Visa or import authorization

Any measuring instrument is subject to Customs clearance visa by ONML.

The visa application must be submitted by the importer at the headquarters and regional annexes of the ONML authorized, accompanied by the following:

- the commercial register of the importer
- the tax ID
- the original domiciled invoice for the batch to import.
- the specifications of the imported instrument
- the inward report endorsed by the customs.

The visa is valid for a single operation (deposits and withdrawals during the reception days).

Non-exhaustive list of the main instruments regulated by specific decrees:

- weighing instruments.
- mass measurement.
- taximeters.
- cold water meters.
- measuring system other than water.
- gas volume meters.
- tanks for transport of hydrocarbons.
- electrical energy meters.
- liquid level indicator.
- length measuring instruments.
- length measurement for common use.

References:

- Law No. 90-18 on the national legal metrology system.
- Law No. 01-21 of December 22nd, 2001 Finance Act 2002
- Executive Decree No. 91-537 of December 25th, 1991 on the national measurement system.
- Executive Decree No. 91-538 of December 25th, 1991 on the control and compliance audits of measuring instruments.
- Decree of June 15th, 1992 concerning the conditions of approval and deposit model of measuring instruments.
- Orders fixing the provisions applicable to different categories of measuring instruments.
- International Recommendations of the International Organization of Legal Metrology (IOLM).

For more information, please contact:

The National Office of Legal Metrology

38, Rue Med Rabia, Kouba, 16050, BP 415, Kouba, Algérie

Phone: +213-(0) 21-29 78 98 / +213-(0) 21-29 78 91

Fax: +213-(0) 21-29 79 68

e-Mail: sec.direct@onml.dz

Web: www.onml.dz

Dangerous and highly dangerous chemical products

Object

The dangerous and highly dangerous chemical products are subject, for import, to a prior visa.

How to obtain the visa

The visa is issued by the Ministry of Energy and Mines, as part of an interdepartmental procedure and sent to the applicant through the Directorate of Industries and Mines having territorial jurisdiction.

Procedures

The authorization shall be submitted to the department Direction of Mines and Industry having territorial jurisdiction, according to an established model obtained from this direction of department.

It is issued following advice from of the services of the Ministry of National Defense and the Ministry of Interior.

It gives rise to the delivery of a receipt that is not “a prior notice”.

It is accompanied by the following:

- an information leaflet.
- the tax card.
- the register of commerce.
- the articles of association of the company.
- the lease for the storage depot.

Validity

The validity of the authorization is of one (01) year, renewable.

References:

- Executive Decree No. 03-451 of December 1st, 2003 on safety rules applicable to activities related to materials and dangerous chemicals and containers of gas under pressure, as amended and supplemented by Decree No. 10-19 of January 12th, 2010.
- Government decree on August 1st, 2004 laying down the terms and conditions of acquisition, on the foreign market, of materials and dangerous chemicals.

For more information, please contact the:

Ministry of Energy and Mines

Tour A, Val d'Hydra BP 677 Alger

Phone: +213-(0) 21-48 85 26 - Fax: +213-(0) 21-48 85 57

Web: www.mem-algeria.org / e-Mail: info@mem-algeria.org

Sheet No. 44**Importing gold and silver manufactured or not manufactured****Object**

The import of gold and silver manufactured or not manufactured is subject to authorization by the Ministry of Finance.

How to obtain the authorization

A provisional authorization is issued by the Ministry of Finance for the purpose of obtaining the register of commerce.

The final approval is issued after obtaining the register of commerce.

Terms and conditions

The applicant must:

- subscribe to the requirements of specifications
- undergo a procedure of preliminary inquiry on the compliance with the requirements of the specifications, carried by the tax authorities
- make proof of the subscription of a creditworthy guarantor.

Procedures

The specification is requested and submitted once signed, with the tax department having territorial jurisdiction.

It is accompanied by a file composed as follows:

- a handwritten application
- a certified copy of the original title deed of the premises or of the lease of the premises
- a plan showing the general situation of the local in its external environment and the number and location of machines
- an authorization from the civil defense is not required for the import of precious metals, but it is required if the applicant wishes to be licensed as a collector or recycler of precious metals.

Terms

The provisional authorization is issued within 30 days after the submission of the file.

The deadline for obtaining the final approval is 30 days from the deposit with the central administration of the file accompanied by the specifications duly signed.

Costs

Licenses are issued for free;

The creditworthy guarantor is prorated to the volume of business forecasting.

References:

- Ordinance No. 76-104 of December 9th , 1976 on the Code of indirect taxes
- Executive Decree No. 04-190 of July 10th , 2004 laying down the procedures for approval and subscription specifications for the exercise of the import activity of gold and silver manufactured or not manufactured and the activity of recovery and recycling of precious metals.
- *Order No. 084 of June 07th , 2005 laying down detailed rules for implementing the provisions of Executive Decree No. 04-190 of June 10th , 2004.*

For more information, please contact the:

Ministry of Finance

Taxes Head Office

Site Ahmed Francis, Ben Aknoun – Alger

Phone: +213-(0) 21-59 54 54 / +213-(0) 21-59 55 26

Fax: +213-(0) 21-59 55 12

Web: www.impots-dz.org

Gas and steam pressure equipment

Object

The gas and steam pressure equipment are not subject to a visa prior to their importation, installation and commissioning. The concerned gas and steam pressure equipment are listed in Appendix 3.

Procedures

The receipt procedure for gas and steam equipment is done according to the official receipt procedure for devices subject to regulation. This requires:

- the introduction of a preliminary file for an advice on compliance
- the verification of such compliance in the factory.
- the verification of compliance on the final file

In the event that the equipment are identical, one preliminary file, specifying the item numbers or serial numbers, is sufficient.

The preliminary file for the request of approval includes:

- the application letter for approval.
- the certificate of authentication of the signatures of the manufacturer*.
- the application letter for an advice on compliance.
- the certificate of compliance and of internal and external visits*
- the descriptive sheet and the technical specifications of the equipment.

* Documents to be endorsed by the Chamber of Commerce and the Consulate of Algeria.

Factory control and tests:

When signing the contract between the owner and the builder for the supply of gas and steam pressure equipment, the owner must provide in the contract a clause requiring the manufacturer to sign an agreement with the Directorate of Energy and Mining Patrimony (DMEP), concerning the control procedures for the equipment destined to the energy sector.

For the hydrocarbon sector, it is necessary for these appliances to comply with the standard treatment procedure for the technical files prepared by the Hydrocarbon Regulatory Authority (HRA).

Upon completion of construction of gas and steam pressure equipment, the manufacturer must seize, as applicable, either the DMEP (Ministry of Energy and Mines) or the HRA.

The tests are performed, as appropriate, in the presence of a representative of the DPEM or HRA, or of their representatives.

In the event that the test is conclusive, a report is issued, signed by the representative of DPEM or HRA, as appropriate.

The final file includes:

- a copy of the letter of advice on the preliminary file compliance, issued by the DPEM or HRA, as appropriate.
- a copy of the summons for testing, issued by the manufacturer
- the response of the DPEM or HRA, as appropriate.
- a certificate for the materials used in the construction of the equipment
- the specifications and certifications of the welding procedures
- the certificates(s) of welders and operators
- the certificates of all the tests and controls that have been carried out
- the diagram of the heat treatment, if applicable
- the minutes of the hydrostatic testing
- the photocopy of the identification plate, after stamping.

Control fees

The tickets and royalty fees are borne by the applicant. The fee is 600 USD per expert per day of mission.

References:

- Executive Decree No. 90-245 of August 18th, 1990 regulating gas pressure equipment.
- Executive Decree No. 90-246 of August 18th, 1990 regulating steam pressure equipment.
- Circular No. 2 of July 21st, 1993 on technical regulatory control of oil processing and storage facilities and electric power production facilities.

For more information, please contact the:

Ministry of Energy and Mines

Tour A, Val d'Hydra BP 677 Alger

Phone: +213-(0) 21-48 85 26 - Fax: +213-(0) 21-48 85 57

Web: www.mem-algeria.org

e-Mail: info@mem-algeria.org

Hydrocarbon Regulatory Authority (HRA)

e-Mail: arh@arh.mem.gov.dz

Sensitive equipment

Object

Some sensitive equipment, whose misuse can affect the public order and safety, are subject to special permits for importation, circulation, operations and detention by the individuals or legal entities, excluding security services.

Are concerned:

- the telecommunications equipment
- some appliances including microlights, balloons, hang gliders, paragliders
- some traffic signal equipment, such as flashing lights, special flashing or scintillating lights and special signaling ramps
- the telescopes and binoculars, astronomical telescopes, eyeglasses pans, equipment which might be used as aiming means and especially laser pointers.

How to obtain the special permit

Approval of activities involving sensitive equipment:

The exercise of commercialization activities and service delivery for sensitive equipment is subject to obtaining a permit from the Ministry of Interior and Local Communities.

Acquisition and import of sensitive equipment:

The acquisition and import of sensitive equipment are subject to an authorization procedure and visa.

This permit is issued as appropriate, by:

- the Minister of Telecommunications
- the Minister of Transport, for road and aviation equipment listed above
- the Minister of Interior and Local Communities, for binoculars and other optical equipment and equipment that can be used as aiming means mentioned above.

Procedures

The application is filed with the department or agency in charge of sensitive equipment. It must state:

- the identity/ business name, address, profession/ business of the applicant. The profession is proved by a convincing supporting document;

-
- the complete description (type, brand, model) of the equipment, subject to the application for authorization and their quantity;
 - the technical specifications of the equipment;
 - the origin of the equipment, the country of origin and the transport arrangements;
 - the storage or use location.

References:

- Executive Decree No. 09-410 of December 10th, 2009 laying down the safety rules applicable to activities on sensitive equipment.
- Government decree on July 9th, 2003 laying down the terms and conditions of import, acquisition, possession, operation, disposal and transport of sensitive equipment.

For more information, please contact the:

Ministry of Interior and Local Communities

General Directorate of Civil Liberties and General Affairs

Government Palace

Phone: +213-(0) 21-73 23 40

Ministry of Transport

Chemin Ibn Badis

El Biar- Alger

Phone: +213-(0) 21-92 98 85 /92 28 19

Fax: +213-(0) 21-92 62 82

Web: www.ministereustransports.dz

Pharmaceutical products

Importing and distributing pharmaceuticals for human use

Distribution of pharmaceuticals for human medicine

It is meant by wholesale distribution of pharmaceuticals, any activity that involves obtaining, holding and distributing pharmaceuticals for human medicine, to the exclusion of all retail sales.

The technical management of any production and/ or distribution of pharmaceutical products facility must be provided by a pharmacist, approved by the Ministry of Health and Population – Department of Pharmacy.

The useful covered storage area could not be less than 300 m², of which at least 200 m² on the ground, in one piece.

Procedure for issuing the operating permit

The opening and operating of a production and/ or distribution of pharmaceutical products facility are subject to prior authorization:

- of the Minister of Health, in the case of a production facility, after submitting the application.
- of the governor of the department, in the case of a distribution establishment.

This permission is granted following advice from a central commission established with the Minister for Health for production facilities and a department commission, for distribution facilities.

Import

Can operate as a wholesaler-importer any economic operator authorized to distribute pharmaceuticals.

Registration, accreditation and national and hospital nomenclatures

In order to protect or restore the health of citizens, to ensure the implementation of programs and prevention campaigns, to diagnose and treat patients and to protect the public against the use of unauthorized products, the medical practitioners may prescribe and use only medications that are registered and approved pharmaceutical products for use in human medicine, appearing on related national nomenclatures or drugs having undergone a temporary authorization for use.

Any pharmaceutical product ready for use, as well as medical devices for use in human medicine, may not be placed on the market if they have not been previously certified as compliant to the elements of the registration

dossier of registration or of approval, or have not received an equivalent certification in the country of origin to the date of importation.

Various regulatory considerations

New measures have been taken by the Government to encourage national pharmaceutical industry and to play the international competition in order to ensure the supply of medicines and medical products on favorable terms.

As part of the regulation of the pharmaceutical market in the areas of production, importation and distribution, provisions are introduced in the Act N° 08-13 of July 20th, 2008, amending and supplementing Law N° 85-05 of February 16th, 1985 on the protection and promotion of health.

The National Agency for Pharmaceuticals was created, responsible for ensuring the accessibility, safety, quality, control, regulation and compliance for pharmaceutical products.

Procedures

Annual forecast imports are subject to a technical visa issued annually by the Ministry of Health (Article 20 of the specification of technical conditions).

These institutions are also authorized to provide wholesale distribution; retail distribution is reserved for pharmacies, placed under the responsibility of a pharmacist.

Only the drugs not on the list of pharmaceutical products used in human medicine prohibited for import are allowed to be imported.

The pharmaceutical products must be submitted to checks for compliance with the national control laboratory for pharmaceutical products, prior to marketing to wholesale distributors.

The detention for each batch of pharmaceuticals of a certificate of compliance, issued by the national control laboratory for pharmaceutical products, is mandatory.

Medical and scientific information

The medical and scientific information, as well as advertising on pharmaceuticals and medical devices for use in human medicine, mandatory for products registered or approved, is made by importers, manufacturers or any other operator specializing in medical promotion and must be submitted beforehand to the advice of the commission charged with supervising the medical and scientific information and advertising, created with the Ministry of Health.

It is mandatory to inform the Ministry of Health, after each import operation, of the achievements of its imports forecast and of the inventory status.

The list of papers and documents required for the import dossier

- the authorization to operate the import facility, issued by the departments of the Ministry of Health;
- a certified copy of the register of commerce;
- the list and the quantity of goods to be imported, according to the models established by the relevant authority;
- a declaration to be subscribed by the importer in the form established by the relevant authority;
- a manufacturer-importer several commitment;
- the tax identification number;
- the articles of association of the company;
- the undertakings implementation plan;

Specific clauses

When the importer is himself the packager of the bulk imported pharmaceuticals and medical devices he must undertake to produce them within a period not exceeding one (1) year. (Article 27 of the specification of technical conditions for imports).

When the importer is himself the manufacturer of his products and has his own sales subsidiary in Algeria, he must be the exclusive importer of his range of pharmaceuticals and medical devices. He must also undertake to expand, steadily and continuously, the range of products manufactured in Algeria.

Any new import authorization is conditioned by the investment in pharmaceutical production, particularly by:

- the construction of pharmaceutical production units, to own account or in partnership,
- the production in technical and scientific partnership, in the existing pharmaceutical production units,
- the upgrading of production units or the expansion of units,
- the provision of records of molecules representing the share of participation in an investment project.

References:

- Law No. 08-13 of July 20th, 2008, amending and supplementing Law No. 85-05 of February 16th, 1985 on the protection and promotion of health.
- Executive Decree No. 92-284 of July 6th, 1992 on the registration of pharmaceutical products used in human medicine.

-
- Executive Decree No. 92-285 of July 6th, 1992, on the authorization to operate production and/ or distribution of pharmaceutical establishments, as amended and supplemented.
 - Executive Decree No. 92-286 of July 6th, 1992 on the medical and scientific information on pharmaceuticals and medical devices for human medicine.
 - Order of October 30th, 2008 fixing the specifications of the technical conditions for the importation of pharmaceuticals and medical devices for human medicine.
 - Order of May 8th, 2011, concerning the prohibition of importation of pharmaceuticals and medical devices for human medicine manufactured in Algeria.

For more information, please contact the:

Ministry of Health, Population and Hospital Reform

125, rue Abderrahmane Lallaa – El Madania – Algiers

Phone: +213-(0) 21-67 53 15

Fax: +213-(0) 21-65 36 46

Web: www.sante.gov.dz

The National Agency for Pharmaceutical Products for use in the Human Medicine

LNCPP-National Laboratory for the Control of Pharmaceuticals

Clinique Ahmed Aroua, Rond Point Sidi Yahia,
Hydra - Algiers

Phone: +213-(0) 21-48-18-89

Fax: +213-(0) 21-48-11-83

e-Mail: incpp@sante.dz

Registering pharmaceuticals for human medicine

Object

Any pharmaceutical product on the market must have previously obtained from the Ministry of Health, Population and Hospital Reform a registration decision (RD), which acts as the marketing authorization (MA). It is issued for a period of five years, renewable for five-year period.

The issuance of the RD depends on the prior registration of the product from the National Agency for Pharmaceuticals for use in Human Medicine, once installed.

Procedures

The RD is established by the Ministry of Health, on request made according to an established model, accompanied by a briefing reporting the main physico-chemical, pharmacological and where appropriate, microbiological, toxicological and clinical product data.

The registration procedures for pharmaceuticals for use in human medicine are defined by the Decree No. 139 of October 8th, 2005.

Article 1: The form template for any application for registration of a drug is prescribed in Annex 1 to this Order.

Article 2: The list of elements of the consolidated record:

- the application form for registration;
- the authorization to market, issued by the health authorities of the country of origin;
- the authorization to operate the facility;
- the certificate of good manufacturing practice;
- the certificate of FOB prices for the imported products or for the products packaged in Algeria and the proposed sale price ex factory, excluding taxes, for products manufactured in Algeria;
- a memorandum on the economic and therapeutic interest;
- (05) samples with the original certificate of analysis;
- (05) copies of labels;
- (05) copies of product documentation;
- (05) copies of the product packaging;
- the chemical and pharmaceutical records (for products of the nomenclature) + the toxicological and clinical files (for products not on the nomenclature);

-
- copies of the certificates of analysis of the active ingredient and all excipients, including water for injection;
 - a microbiological study for injectables, ATB, eye drops, eye ointments, dermal ointments, dermal creams and dermal lotions.
 - the receipts for payment of registration fees;
 - a copy of the receipt of the exchange of the dinar equivalent of registration fees;
 - a summary of the technical information, according to Forms A, B and C;
 - the technical file on CD.

N.B.:

All applications must be written or translated into the technical language used in Algeria.

The registration process includes a review of prices for the drugs to be registered.

This review is conducted by the Economic Committee, a committee of experts chaired by the Director of Pharmacy at the Ministry of Health, Population and Hospital Reform. Its mission is to study the economic literature on the pharmaceutical product subject to registration, in order to determine its price.

References:

- Law No. 08-13 of July 20th, 2008, amending and supplementing Law No. 85-05 of February 16th, 1985 on the protection and promotion of health
- Executive Decree No. 92-285 of July 6th, 1992, on the authorization to operate establishment of production and/or distribution of pharmaceuticals, as amended and supplemented.
- Order No. 1139 of October 18th, 2005, on the organization and functioning of the Economic Committee.

For more information, please contact the:

Ministry of Health, Population and Hospital Reform
125, rue Abderrahmane Lallaa – El Madania – Algiers
Phone: +213-(0) 21-67 53 15
Fax: +213-(0) 21-65 36 46
Web: www.sante.gov.dz

Sheet No. 49

Submission of import prices for drugs imported or resold unchained

Procedure

The sheet of deposit of prices for imported drugs is drawn up by the operator and submitted or sent by post by registered mail with return receipt, before marketing the product, to the Directorate of the Conjunction from the Ministry of Trade, according to the model below.

<i>FILING OF PRICES FOR DRUGS IMPORTED AND RESOLD UNCHANGED</i>			
<i>I. IMPORTER</i>		
<i>II. PRODUCT:</i>		
<i>D.C.I. name (and dosage form):</i>		
<i>Specialty name</i>		
<i>D.C.I. code</i>		
<i>Country of origin</i>		
<i>Supplier</i>		
<i>Table</i>		
<i>Clearance doc. date</i>		
<i>Received quantity</i>		
<i>Currency</i>		
<i>Exchange rate</i>		
<i>FOB currency price</i>		
<i>III. PRICE STRUCTURE:</i>			
<i>Elements</i>	<i>Base</i>	<i>Filed price</i>	
		<i>Rate</i>	<i>Value</i>
<i>1 – FOB currency price</i>			
<i>2 – FOB dinars price</i>			
<i>3 – Insurance</i>			
<i>4 – Freight</i>			
<i>5 – CIF price</i>			
<i>6 – Customs duties</i>			

7 – Customs user fees			
8 – Customs taxes			
9 – Approach expenses			
10 – Cost			
11 – Wholesale margin			
12 – Wholesale price			
13 – Retail margin			
14 – Pharmacy price, tax included			
15 – S.H.P.			
16 – Retail price			
	<i>(Name, Surname and Function)</i>		
	<i>Stamp and signature</i>		

The items in the file include:

- the registration number issued by the Ministry for Health
- the statistical reporting of receipt of the imported batch, issued by the Directorate of Pharmacy and Medicines from the Ministry of Health and Population.
- Customs document (D10)

References:

- Law No. 08-13 of July 20th, 2008, amending and supplementing Law No. 85-05 of February 16th, 1985 on the protection and promotion of health.
- Executive Decree No. 92-285 of July 6th, 1992, on the authorization to operate establishment of production and/ or distribution of pharmaceuticals, as amended and supplemented.
- Executive Decree No. 98-44 of February 1st, 1998, relating to upper margins for the production, packaging and distribution of medicinal products for human medicine.

For more information, please contact the:

Ministry of Health, Population and Hospital Reform

125, rue Abderrahmane Lallaa – El Madania – Algiers

Phone: +213-(0) 21-67 53 15 / Fax: +213-(0) 21-65 36 46

Web: www.sante.gov.dz

Veterinary products

Importing drugs for veterinary use

Object

The import of veterinary drugs, mentioned hereafter as “product” is subject to prior obtaining of:

- the import license issued by the Ministry of Agriculture and Rural Development.
- the authorization for the national market for the imported product (specialty), issued by the Ministry of Agriculture and Rural Development.

Procedures

- The origin of the imported product must be manufacturing laboratories, approved in their country of origin by health authorities.
- The imported product must first be marketed in its country of origin, except for drugs for the prevention and treatment of diseases that do not exist in the country of origin and which may be subject to import after approval of the Ministry of Agriculture and Rural Development.
- The imported product is subject to a compliance verification by the competent veterinary services of the Customs entry post.
- The product must be accompanied by an analysis certificate for each batch, proving that it complies with the requirements of the authorization for the Algerian market, issued by the manufacturing laboratory. The analysis report must include:
 - the general characteristics (appearance, volume, specific gravity, water solubility, water content, pH) of the product.
 - the various components of the product and their dosages.
 - the results of sterility tests.
 - for vaccines: the general characteristics, the results of physico-chemical control, control of sterility, the safety monitoring and identification and results of the activity monitoring.
- Product LABELING is necessarily written in Arabic and another language.

References:

- Law 88-08 on veterinary medicine and animal health protection.
- Executive Decree No. 90-240 of August 04th, 1990 on the conditions of manufacture, sale and control of veterinary drugs.
- Executive Decree No. 09-102 of March 10th, 2009 laying down the measures applicable on import and export of veterinary drugs.

For more information, please contact the:

Ministry of Agriculture and Rural Development

Department of Veterinary Services

12 Boulevard Colonel Amirouche, 16000, Alger

Phone: +213-(0) 21-71 17 12

Fax: +213-(0) 21-71 51 29

Web: www.minagri.dz

The authorization for the marketing of drugs for veterinary use

Object

The veterinary drugs placed on the domestic market are subject to obtaining a prior authorization delivered by the Ministry of Agriculture.

Procedures

The request for authorization to market a veterinary drug must be sent in triplicate. The application shall be accompanied by:

The administrative file:

- the application form for the marketing authorization for the veterinary drug, according to the model established by the veterinary services department, duly filled in and signed by the laboratory applying for the marketing authorization.
- the certified copy of the approval of the manufacturing and/ or packaging plant.
- the certified copy of the letter of representation of the person designated by the parent laboratory and empowered to take all steps with our services
- the marketing authorization obtained in the country of origin (original or certified copy, if necessary accompanied by official translation), endorsed by the Algerian consular services of the country issuing the document.
- the marketing authorization obtained in a third country (the original or certified copy, if necessary accompanied by the official translation), endorsed by the Algerian consular services of the country issuing it.

The technical file:

The scientific file in triplicate, written in French, consists of:

- the analytical record;
- the clinical record;
- the pharmaco-toxicological record.

It is highly appreciated to present a copy of the technical file on CD-ROM.

The sample for further analysis.

References:

- Law 88-08 of January 26th, 1988 relating to veterinary medicine and animal health protection
- Decree 91-452 of November 16th, 1991 concerning veterinary inspections at border posts
- Decree of March 6th, 2011 setting the procedure for authorization of importers of veterinary drugs.

For more information, please contact the:

Ministry of Agriculture and Rural Development
Department of Veterinary Services
12 Boulevard Colonel Amirouche, 16000, Alger
Phone: +213-(0) 21-71 17 12
Fax: +213-(0) 21-71 51 29
Web: www.minagri.dz

**The approval of wholesale of drugs
for veterinary use**

Object

The import of veterinary drugs is subject to authorization by the Minister for Agriculture, following advice from of an interdepartmental commission and in accordance with the decree of March 6, 2011.

Procedures

Any request for obtaining the authorization for the wholesale and import of veterinary drugs, must be accompanied by the following:

- a written application addressed to the Minister of Agriculture and Rural Development.
- a certified copy of articles of association of the company
- a certified copy of the lease or of the property deed (notary)
- the original of the certificate of conformity of the storage and wholesale of veterinary drugs, issued by the Veterinary Inspection of department (requirements: refrigeration + a surface of 150 m²)
- a certified copy of the diploma of the technical director (DVM or pharmacist).
- a copy of the decision to practice in a private capacity (for the DVM)
- a certified copy of the direction of exercise in a private capacity (for the pharmacist) issued by the Ministry of Health, Population and Hospital Reform
- a certified copy of the notarial act appointing the DVM or the pharmacist as technical director.
- a solemn undertaking by the DVM to no longer practice animals medicine or surgery (certified signature at the APC)

References:

- Law 88-08 on veterinary medicine and animal health protection.
- Executive Decree No. 90-240 concerning the conditions of manufacture, sale and control of veterinary drugs.
- Decree of March 6th, 2011 fixing the procedure for authorization of importers of veterinary drugs.

For more information, please contact the:

Ministry of Agriculture and Rural Development

Department of Veterinary Services

12 Boulevard Colonel Amirouche, 16000, Alger

Phone: +213-(0) 21-71 17 12

Fax: +213-(0) 21-71 51 29

Web: www.minagri.dz

Foreign publications

The visa for diffusing scientific, technical and cultural foreign periodical publications in Algeria

Object

Periodicals of all kinds, intended to diffusion in Algeria, are subject to a visa from the Ministry of Communication.

The visa is granted in a case by case manner, as an authorization issued on request with the Ministry of Communication.

The export of periodicals is not subject to prior authorization or visa.

Procedures

Import authorization

The commercial enterprises importing periodicals must be holders of a commercial register bearing the indication “importing journals and publications”.

The importation by foreign entities and by diplomatic missions of periodical publications for free of charge distribution is subject to approval by the competent authority.

Any request must be accompanied by:

- a copy of the articles of association of the company
- the list of titles to be imported.

The imported publications must contain the standard information: business name of the publisher, managing editor, the postal addresses and the telephone and fax numbers, the frequency, the expiry date and the market value of the publication, expressed in DA.

Regarding the value expressed in dinars, a three (03) months period is granted to importers to make the necessary arrangements with their suppliers.

The authorization applies only to the publications circulating in their country of origin on the date indicated on the publications and are excluded all publications withdrawn and accounted as unsold.

The importer or his distributor shall provide the Department of Communication with regular statistics on the number of copies imported and sold, its distributors and aggregators as well as its area of distribution.

The domestic or foreign periodicals and specialized publications, regardless of their nature and purpose, must not contain any illustration, narrative,

information or insertion contrary to Islamic morality, national values, to human rights or be the advocate of racism, fanaticism and treason.

These publications must also not include any advertising that may promote violence and delinquency.

In all cases, the importation must comply with the laws and regulations governing foreign trade activity, as well as with the provisions relating to legal deposit.

Failure to comply with any above mentioned provision results in the cancellation of the import authorization.

Request for the diffusion visa

Deposit by the importer or distributor of five (05) copies of publications or broadcast numbers.

Terms: The visa is obtained within 24h at most, after the filing of the application for visa by the importer or by his distributor. The subscription centrals are excepted from this deposit.

Costs: The establishment of the permit and the visa is free. The numbers of the publications that are not authorized to the diffusion will be the subject either of repatriation or of destruction, as the responsibility of the importer. In either case, they must be the subject of a report.

References:

- Law 90-07 of August 24th , 1990 on information

For more information, please contact the:

Ministry of Communication

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Web: www.communication.gov.dz

The authorization for diffusion of books published abroad

Object

The books and publications other than periodicals published abroad on any medium and intended to be distributed in Algeria, are subject to authorization.

The export of books is not subject to prior authorization.

How to obtain the authorization

The broadcasting license is given by the Ministry of Culture.

The broadcasting license of the Holy Quran and religious books and literature on all media must be subject to prior approval of the Ministry of Religious Affairs and Endowments.

Procedures

Only legal entities established under Algerian law are allowed to import books and publications for commercial distribution, as well as for institutions, organizations, administrations and public libraries.

Commercial enterprises must be holders of the position or 410-203 or 410-204 of the Register of Commerce.

Any request for authorization must be accompanied by a presentation sheet of the book, a copy of the register of commerce, a copy of the tax certificate and two invoices with bank domiciliation.

It may be asked to deliver a copy of the book, subject of the application.

The importation and distribution of books whose content is contrary to the values of the country are prohibited.

Terms

The granted approval is valid for a single consignment of books to be imported, defined by the billing accompanying the file.

Terms in obtaining visas are, exceptions apart, of 48h.

Costs

The establishment of the authorization is free of charge.

References:

- Executive Decree No. 03-278 of August 23rd, 2003 establishing the regulatory framework for distribution of books and articles Algeria.

For more information, please contact the:

Ministry of Culture

Sub-Directorate of books and public reading

Palais de la Culture « Moufdi Zakaria »

Plateau des Anassers-Kouba

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Monitoring specific products – absolute prohibitions and temporary suspensions

Products subject to a specification for export

Object

Some products, materials and goods are subject to a standard requirement for export. The list of these products is as follows:

- **Category B:** Raw materials
 - hides
 - raw cork
- **Category C:** Materials and equipment

Procedures

The specification is filed with the department Direction of Trade having territorial jurisdiction; the printed forms of the specifications are to be obtained from the same direction.

It is filed in five (05) copies for the services of:

- the Ministry of Foreign Trade,
- the Ministry of Finance,
- the Customs,
- the paying bank and for the exporter.

The requirement is forwarded to the Ministry of Foreign Trade along with the reasoned advice from the department Director of trade, after checking the conformity of the information provided by the applicant, within a period not exceeding 15 days.

The granting or the refusal of the visa shall be within fifteen (15) days after the receipt of the requirement by the services of the Ministry of Foreign Trade.

Prior to any export transaction, the exporter is required to submit to the Customs a certificate issued by the department direction of Trade proving compliance with the requirement.

The exporter may lodge an appeal with the Ministry of Trade, in case of refusal to issue the certificate by the department direction of Trade territorially competent.

The requirement includes certain obligations; the most important can be reminded as follows:

- Only goods owned by the exporter or acquired by him from traders regularly enrolled in the Register of Commerce can be exported;
- The storage of products, materials and goods must be provided by economic operators having facilities designed for this purpose (any

nuisance on the environment or health and safety of citizens being not tolerated);

- The storage of the raw materials specified in **Category B** must be provided by economic operators having adequate facilities;
- The traders are required to have a register, numbered and signed by the department Director of commerce territorially competent, bringing out all the information relating to the movements of goods (nature, quantity, origin, name or business name of suppliers and registration number of the vehicle that provided the delivery).

The validity of the requirement is one year, renewable.

Documents to be provided

The request for requirement must be accompanied by the following:

- a copy of the register of commerce,
- a copy of the tax identification card,
- the information sheet attached to the requirement (origin of goods to be exported and carrier identification),
- any other documentation that is relevant by the regulations.

Special provisions for products

Hides

Exporters are required to purchase from slaughterhouses and tanneries duly accredited, having facilities that meet the required standards of health protection and environment.

The raw cork

The exporter of raw cork has to justify his procurement of products from domains or from private owners duly certified by the Forest Administration.

References:

- Article 43 of the Supplementary Budget Law for 2010 amending the provisions of Article 84 of the Finance Act 2007.
- Executive Decree No. 07-102 of April 2nd, 2007 establishing the conditions for export of certain products, materials and goods.
- Government decree on May 14th, 2007 listing the products, goods and materials subject to *requirements* for export.
- Circular No. 584 of the Customs Head Office of June 3rd, 2007 concerning the export of ferrous and nonferrous metal waste, of hides and cork and of materials and equipment.

For more information, please contact the:

Ministry of Trade

HEAD OFFICE of Foreign Trade

Cité Zerhouni Mokhtar Mohammadia (ex. Les Bananiers)

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Measures related to the marketing of counterfeit goods

Object

The measures imposed by the Finance Act 2008 are intended to punish counterfeit imported and/ or exported goods, infringing intellectual property rights. They must be applied by the Customs and relate to the goods described below.

Description of goods

All goods bearing on themselves or on packages, boxes, bales, envelopes, labels or bands, indications such as to suggest that these goods from abroad are of Algerian origin, are prohibited from import.

Counterfeit goods infringing an intellectual property rights are prohibited from import and export:

- goods, including their packaging, on which was affixed a brand mark or a trademark validly registered in the same types of goods, or which cannot be distinguished in its essential aspects from such brand mark or trademark and that, therefore, violate the rights of the owner of the trademark in question;
- all trademark signs (logo, label, sticker, brochure, user guide, warranty document) even presented separately under the same conditions as the goods set out above;
- packaging materials bearing the trademarks of counterfeit goods, presented separately under the same conditions as the goods referred to above;
- goods that contain copies made without the consent of the owner of copyright or related rights or of the holder of a right relating to the registered design and/ or of a person duly authorized by the owner in the country of production, if the making of those copies infringes the right in question;
- goods infringing a patent.

The suspected counterfeit goods are subject to a suspension of the release or withholding when:

- declared for release for consumption.
- declared for export.
- discovered during an inspection carried out.
- placed under an economic Customs procedure or in a free zone.

The customs authorities shall take the necessary measures to allow:

- the destruction of the goods found to be counterfeit goods or their placement in commercial channels so as not to prejudice the rightholder and without compensation of any sort and at no cost to the Treasury;
- to take, in respect of such goods, any other measures to effectively deprive the concerned persons of the economic benefits of the transaction, provided that the Customs administration does not allow:
 - re-export of counterfeit goods, unchanged;
 - simply removing the trademarks which have been affixed to counterfeit goods;
 - placing the goods under another Customs procedure.
- the goods of low value, recognized as counterfeit, are abandoned for destruction.

References:

- Law No. 79-07 of July 21st, 1979, as amended and supplemented, with the Customs Code (Articles 22, 22a, 22b, 22c).
- Law No. 07-12 of December 30th, 2007 Finance Act for 2008 (Articles 41-45)
- *Customs Code (Articles: 28, 29 and 51).*

For more information, please contact the:

Ministry of Finance

Customs Head Office

19 rue du Docteur Saadane – 16 000 – Alger –

Phone: +213-(0) 21-72 59 59 / 72 60 60

Fax: +213-(0) 21-72 59 39 / 72 59 75

Web: www.douane.gov.dz

The trade of unprotected movable cultural property

The trade of unprotected movable cultural property, identified or not, is a regulated profession.

Movable cultural property includes:

- the product of archaeological exploration and research, land and underwater,
- antique instruments (tools, pottery, inscriptions, coins, jewelry, seals, traditional clothes, weapons)
- the elements resulting from the fragmentation of historical sites,
- the property of artistic interest (paintings and drawings, executed entirely by hand, original prints);
- manuscripts, books, documents, publications or special interest;
- the items of numismatic (coins) or philatelic interest;
- archival documents (maps, photographs, motion pictures, sound recordings and documents machine readable).

Conditions to exercise trade of unprotected movable cultural property:

(Legislative authority: Executive Decree No. 06-155 of May 11th, 2006)

Each applicant for the course of trade of unprotected movable cultural property is subjected to a professional test. The graduates in the field of art are exempt from the professional test.

The exercise of this trade is subjected to registration in the Register of Commerce and the authorization of the Minister of Culture.

An application for exercise of trade of unprotected movable cultural property must be sent by registered mail, return receipt requested, to the Minister of Culture. It contains the following documents:

- legalized photocopies of certificates and diplomas;
- documentary evidence of professional qualification;
- the certificate of competency issued by a commission established by the Ministry of Culture;
- the identification of the premises where the activity is to be exercised.

For merchants engaged in this trade, the application must be accompanied by proof of seniority in this activity.

A certificate of sale of any item and/ or artwork attesting to its authenticity and its original property, its age and its origin is established by men of art authorized by the Minister of Culture.

The Minister of Culture must be informed of the sale of any identified masterpiece.

It is worth considering the following scenarios:

- The export of unprotected movable cultural property is subject to authorization of the Minister of Culture.

For objects and works of art legally imported, a certificate of sale is established, containing:

- *“Acquired abroad to..... date..... from, the price amounting to.....”*
 - specifications concerning the nature, composition, origin, age
 - the justification of the Customs authorities of the countries of origin.
- The export from the national territory of protected movable cultural property is forbidden.
 - The temporary export of protected cultural property can be done through scientific or cultural exchange or in order to participate in research into a universal context. It is authorized exclusively by the Minister of Culture.

References:

- Law No. 98-04 of June 15th, 1998 on the protection of cultural heritage.
- Ordinance No. 73-37 of July 25th, 1973 ratifying the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, done at Paris November 17th, 1970. (International Convention adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its sixteenth session).
- Decree No. 06-155 of May 11th, 2006 laying down the conditions and terms of trade of identified or unidentified unprotected movable cultural property.
- Decree No. 09-229 of June 30th, 2009, amending Decree No. 06-155 of May 11th, 2006 concerning the conditions and procedures for exercising the trade of unprotected movable cultural property.

For more information, please contact the:

Ministry of Culture

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Sheet No. 58**Absolute prohibition and temporary suspension****Object**

The goods listed below are prohibited to import or export, as appropriate:

Import prohibitions:	Legal references
Used (second hand) goods	Article 50 of the supplementary budget law for 2009, as amended by Art. 54 of the supplementary budget law for 2010
Counterfeit goods	Article 22 of the Customs Code
Toys imitating fire weapons	Order of January 25 th , 1997 (Ministry of Interior)
Firecrackers and other pyrotechnics	Decree 63-291 of August 2 nd , 1963 and Presidential Decree No. 90-198 of June 30 th , 1990
Substances that deplete the ozone layer	Executive Decree No. 00-73 of April 1 st , 2000, completing the Executive Decree No. 93-165 of July 1 st , 1993
Used tires	Government decree on July 1 st , 2000 (Ministry of Trade and Ministry of Finance)
Used private vehicles	Supplementary budget law for 2005

Export bans	Legal references
The export of ferrous and nonferrous metal waste, metals and raw hides and skins, including in the framework of outward processing.	Article 43 of the Supplementary Budget Law for 2010
Food products whose prices are subsidized by the state⁽¹⁾ : durum wheat, common wheat, barley, semolina, flour, pasta, couscous, bags packaged pasteurized milk.	Letter of Prime Minister No. 1180 of August 3 rd , 2009
Palm seedlings	Inter-ministerial decree listing the goods suspended of export of April 9 th , 1994
Sheep and cattle breeding	Inter-ministerial decree listing the goods suspended of export of April 9 th , 1994
Objects representing a national interest in terms of history, art or archeology, including old vehicles	Inter-ministerial decree listing the goods suspended of export of April 9 th , 1994

Temporary suspension of export	Legal references
The raw or semi-finished coral	Executive Decree No. 01-56 of February 15 th , 2001 suspending the coral fishing Government decree on February 26 th , 1992

⁽¹⁾ Excluding products made with cereals imported under inward processing (cf. note 809/D082/10/ of the Head Office of the Algerian Customs December 13th, 2010)

Labeling

Object

Labeling and presentation of non-food household products

These are products used for the maintenance or the comfort of the premises, excluding drugs and food.

The label must be legible and indelible and shall contain the following mandatory particulars:

- the sales description, whose purpose is to acknowledge the exact nature of the product
- the net quantity, in internationally metric units
- the name or business name or trademark, the address of the person responsible for manufacturing, packaging, importation or distribution of the product and, if applicable, the special conditions of use.
- the user manual of the product
- all other compulsory information required by a specific text.

The labeling must be written in Arabic.

Labeling and presentation of food

LABELING and presentation of prepackaged or not prepackaged foods, offered as such to consumers and those intended for food services (hospitals, canteens and communities):

- The indications on the labeling are written in Arabic and, incidentally and optionally in one or more other languages.
- They are listed in an apparent location and so that they are visible, clearly legible and indelible under normal conditions of sale.
- The label must not detach itself from the package.
- In the case of packaging or containers whose surface is past 20 cm², provided that the unifying package bears the other mandatory, the labeling may bear only the entries:
 - the commercial name
 - the net quantity
 - the minimum storage life or use-by date.
- The description must indicate the exact nature of the food and normally it must be specific and not generic.

-
- The statement of net quantity of food is expressed in the international metric system:
 - volume measurements, for liquid food;
 - weight measurement, for solid food;
 - weight or volume, for solid or viscous food;
 - number of units, for food sold by the piece;
 - The ingredients list consists of enumerating all the ingredients of the foodstuff, in decreasing order of their percentage of incorporation in the production of the foodstuff.

The reference for the minimum storage life or of the use-by date is not required for:

- fresh fruits and vegetables not having been peeled, cut or not having undergone any similar processes;
- liqueur wines, sparkling wines, aromatized wines and similar products;
- beverages containing 10% or more of alcohol;
- bakery or pastry to be consumed 24 hours after manufacture;
- vinegar;
- food grade salt;
- sugars in the solid state;
- confectionery products consisting of flavored and/or colored sugars;

Are exempt from the indication of ingredients, the following foodstuffs:

- fruits and vegetables;
- aerated waters, whose name shows this feature;
- vinegar;
- the cheese, butter, fermented milk and cream, insofar as these foods have undergone only the addition of the dairy product;

Foods that contain the following ingredients must be clearly set out:

- cereals containing gluten;
- crustaceans and derived products;
- eggs and derived products;
- fish and fish products;
- peanuts, soybeans and derived products;
- milk and dairy products including lactose;
- nuts and derived products;
- sulphites in concentrations of 10 mg/ kg or above.

References:

- Law No. 89-02 of February 7th, 1989 on the general rules of consumer protection.
- Law No. 09-03 of February 25th, 2009 on consumer protection and punishment of fraud
- Law No. 91-05 of January 16th, 1991 on the generalization of the Arabic language;
- Executive Decree No. 90-366 of November 10th, 1990 regarding the labeling and presentation of non-food household products
- Executive Decree No. 90-367 of November 10th, 1990 on the labeling and presentation of food
- Executive Decree No. 97-37 of January 14th, 1997 defining the terms and conditions of manufacture, import packaging and marketing.
- Executive Decree No. 97-429 of November 11th, 1997 relating to technical specifications for textile products.
- Decree No. 97-494 of December 21st, 1997 concerning the presentation of risks arising from the use of toys.
- Executive Decree No. 05-467 of December 10th, 2005 laying down the conditions and terms of border compliance controls of imported products.
- Executive Decree No. 05-484 of December 22, 2005 amending and supplementing the Executive Decree No. 90-367 of November 10th, 1990 regarding the labeling and presentation of food and food additives.
- Executive Decree No. 10-114 of April 18th, 2010 amending and supplementing the Executive Decree No. 97-35 of January 14th, 1997 defining the terms and conditions of manufacturing, packaging, import and marketing in the domestic market, cosmetics and personal hygiene products.

For more information, please contact the:

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Appendix

Appendix 1

Illustrative list by category of imported cosmetics and personal hygiene products, subject to conformity and quality control prior to their admission in Algeria.

“Methods of conformity and quality control of imported products”

Tariff heading	Tariff subheading	Description of goods
33-03		Perfumes and colognes
33-04		Beauty or make-up preparations and preparations for the maintenance or care skin, other than medicinal preparations including sunscreen or sun tan preparations, manicure or pedicure preparations.
33-05		Hair preparations
33-06	3306.10.00 V 3306.90.00 R	Toothpastes Other
33-07		Preparations for pre-shave, shaving or aftershave, personal deodorants, bath preparations, depilatories and other perfumery or toilet preparations and other cosmetic preparations, not elsewhere specified or included, air fresheners deodorizers, whether or not perfumed or having or not disinfectant properties.
34-01	3401.11.90 K	Other

Appendix 2

List of products whose bringing into conformity is prohibited:

“Methods of conformity and quality control of imported products”

Milk and milk products

- conditioned raw milk
- conditioned pasteurized milk
- UHT sterilized milk
- condensed milk
- milk Gel
- fermented or acidified milk
- milk junket
- butter, buttermilk
- milk cream
- yogurts, kefir
- casein and caseinates
- dairy spreads
- fresh cheese

Other

- meat carcass or cut, packaged, frozen or deep frozen meat
- frozen or deep frozen fish
- ready meals prepared in advance
- sauces
- canned and semi-preserved meat
- Any product conditioned under vacuum or nitrogen atmosphere
- Any product chilled, frozen or deep frozen
- Infant food
- Eggs and products

Appendix 3

List of the pressure equipment subject to approval and control:

“Gas and steam pressure equipment”

The gas pressure equipment is:

- The units of production, storage or implementation of compressed, liquefied or dissolved gas or steam, or superheated liquids under pressure
- Mobile devices for storing compressed, liquefied or dissolved gas or pressurized vapor
- The gas or vapors compressors other than water vapor and pipes for liquids other than water
- Fire extinguishers with a capacity greater than 5 liters
- The acetylene generators
- Acetylene containers and factory pipes for the same gas
- Air compressors

“Executive Decree No. 90-245 of August 18th, 1990 regulating the gas pressure equipment”

The steam pressure equipment includes:

- boiler or generator
- steam boiler
- water boiler
- waste heat boiler
- water heater boiler
- fixed boiler
- mobile boiler
- steam superheater
- heater or economizer

“Executive Decree No. 90-246 of August 18th, 1990 regulating the steam pressure vessels”

Aménagement de stand

Événementiel

Publicité

Conseils

Communication

Cadeaux d'entreprises

Editions

Création graphique

El Kalima

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