

The National Agency for Touristic Real Estate as a public institution specialized in preparing economic real estate for Investment

الوكالة الوطنية للعقار السياحي كمؤسسة عمومية مختصة
لتهيئة العقار الاقتصادي الموجه للاستثمار

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Abstract :

Law No. 23-17, enacted in 2023, represents one of the most recent legislative developments in Algeria. It establishes the conditions and procedures governing the allocation of economic land intended for investment projects, particularly those concerning state-owned private property.

This law introduces a new legal concept of economic property, defined as any land belonging to the private domain of the state or any other private property acquired by the Algerian Investment Promotion Agency on behalf of the state, which may be designated to host an investment project in accordance with the relevant investment legislation. The significance of this topic lies in its focus on a modern and strategic reform within Algeria's economic land management policy, given its central role in stimulating both local and foreign investment and enhancing the business climate. The development of economic lands allocated for investment purposes is entrusted to specialized public agencies operating in the fields of industrial, tourism, and urban real estate — a step that reflects the state's commitment to modern governance and efficient management of investment property. Within this context, the present study aims to analyze the organization of one of these specialized public agencies, namely the public agency dedicated to tourism real estate, considering the importance of the tourism sector in achieving sustainable economic development and attracting high-value investments.

Keywords : Industrial real estate, touristic real estate, urban real estate, National Agency for Touristic Real Estate

ملخص:

يُعد القانون رقم 23-17 الصادر سنة 2023 من أحدث النصوص التشريعية في الجزائر، إذ جاء ليحدد شروط وكيفيات منح العقارات الاقتصادية الموجهة لإنجاز المشاريع الاستثمارية، والمتعلقة أساساً بالعقارات التابعة للأماكن الخاصة للدولة. وقد قدّم هذا القانون مفهوماً جديداً للعقار الاقتصادي، باعتباره كل عقار تابع للملك الخاص للدولة أو لأي ملكية خاصة تقتنمها الوكالة الجزائرية لترقية الاستثمار لفائدة الدولة، والتي يُمكن أن تخصص لاحتضان مشاريع استثمارية وفقاً لأحكام التشريع الجديد المتعلق بالاستثمار. وتبرز أهمية هذا الموضوع في كونه يتناول إصلاحاً حديثاً ومحورياً في سياسة تسيير العقار الاقتصادي بالجزائر، لما له من دور أساسي في تحفيز الاستثمار الوطني والأجنبي وتحسين مناخ الأعمال. كما أن تطوير العقارات الاقتصادية المخصصة لإنجاز المشاريع الاستثمارية أسند إلى وكالات عمومية متخصصة في مجالات العقار الصناعي، والسياحي، والحضري، مما يعكس توجه الدولة نحو حوكمة حديثة وفعالة للعقار الاستثماري. وفي هذا الإطار، تهدف هذه الدراسة إلى تحليل تنظيم إحدى هذه الوكالات العمومية، وهي الوكالة المتخصصة في مجال العقار السياحي، بالنظر إلى أهمية القطاع السياحي في تحقيق التنمية الاقتصادية المستدامة وجذب الاستثمارات النوعية.

الكلمات المفتاحية: العقار الصناعي؛ العقار السياحي؛ العقار الحضري؛ الوكالة الوطنية للعقار السياحي

Introduction:

The n° Law 23-17 issued in the year 2023¹, defining the conditions for granting economic real estate in Algeria for the purpose of exploiting it to achieve investment projects. This law defined the concept of economic real estate in its fourth article as any real estate falling within the private domain of the State and/or any other private property acquired by the Algerian Agency for the Promotion of Investment for the benefit of the State likely to receive an investment project within the meaning of the law relating to investment.

This law clearly defined all real estate that falls within the private domain of the State in its second article and it is composed of : developed land falling within industrial zones and activity zones, developed land located within the perimeter of new towns, developed land falling within expansion zones and tourist sites, developed land falling within technology parks, residual real estate assets of dissolved public enterprises, surplus real estate assets of economic public enterprises, land intended for commercial real estate development, other developed land falling within the private domain of the State.

The same law excluded in its third article a categories of land from the application of its provisions and it concern : agricultural land or land intended for agriculture falling within the private domain of the State, land located within mining perimeters, land located within hydrocarbon research and exploitation perimeters and protection perimeters for electricity and gas works, land falling within the private domain of the State intended to accommodate aquaculture activity zones, land located within the perimeters of archaeological sites and historical monuments, land intended for real estate development benefiting from State aid, land falling within the private domain of the State intended for the implementation of public investment projects.

The economic real estate question of investment must according to Article 6 of the same law be part of the private domain of the State, be neither allocated nor in the process of being allocated, be located in urbanized sectors or sectors planned for urbanization as defined by the development and urban planning instruments, with the exception of investment projects which, due to their nature, require their location outside these sectors.

The legislator granted in accordance of the article eight of the same law the Algerian Investment Promotion Agency to be responsible, through its one-stop shop, by delegation of the State, for: deciding, in consultation with the sectors concerned, on the orientation of real estate availability with a view to their development by the specialized agencies, managing and promoting the State's economic land portfolio for the purposes of its concession, maintaining and updating the economic real estate file likely to constitute the real estate offer intended for investment, and including the characteristics of each real estate asset, the obligation to make available to investors all information relating to real estate availability, through the investor's digital platform, acquiring on behalf of the State, any private status land likely to receive an investment project, grant economic real estate falling within the private domain of the State for the benefit of investors, by way of a private concession convertible into a transfer, monitor and

support investors until the completion of their investment projects, participate in the development of urban planning instruments with a view to expressing investment needs.

Decrees have been promulgated in the same year for the application of the law n° 23-17, the Executive Decree n°23-486 of 15 Jomada Ethania 1445 corresponding to December 28, 2023 establishing the consistency of economic land falling within the private domain of the State intended for the implementation of investment projects subject to concession. This decree aims to specify the consistency of economic land falling within the private domain of the State intended for the implementation of investment projects subject to concession and the Executive.

The second Executive Decree is the decree n° 23-487 of 15 Jomada Ethania 1445 corresponding to December 28, 2023 setting the conditions and terms of concession convertible into transfer of economic land falling within the private domain of the State intended for the realization of investment projects. This decree aims to set the conditions and terms of concession by mutual agreement convertible into transfer of economic land falling within the private domain of the State intended for the realization of investment projects².

The development of economic real estate belonging to the private domain of the State, intended for the implementation of investment projects is ensured by public agencies specialized in the field of industrial, Touristic and urban real estate³.

This research paper comes to shed light on one of these agencies specialized in the tourism field⁴, this lead us to the following question: how will the National Agency for Touristic Real Estate, through its organization and missions contribute for the promotion of tourism investments ?

To answer this question, the research will be divided into two main sections: the first section will be about The organization of the National Agency for Touristic Real Estate (section 1), the second about the missions of National Agency for Touristic Real Estate (section 2), and the third section about the role of the Algerian Agency for Investment Promotion, in the investment in the tourism sector (section 3),

Section I: The organization of the National Agency for Touristic Real Estate

In accordance with the article n° seven of the law n°23-17 mentioned below an National Agency for Touristic Real Estate is established under the Executif Decree n° No. 23-489 of 15 Jomada Ethania 1445 corresponding to December 28, 2023 relating to the creation, organization and operation of the National Agency for Touristic Real Estate,⁵. this Agency replaced the National Agency for Tourism Development⁶.

The introduction to this Agency will be by the definition of its functioning organs, the Board of Directors (**subtitle 01**) and the General Director (**subtitle 02**)

Subtitle 01: The Board of Directors of the National Agency for Touristic Real Estate.

The Board of Directors is an important organ of the Agency due to its composition (**A**) and its missions (**B**).

A :The composition of The Board of Directors

The board of directors is chaired by the representative of the minister responsible for tourism, it is composed of:

- two (2) representatives of the minister of finance (general directorate of the national domain and general directorate of the budget);
- a representative of the minister of the interior, local authorities and land use planning;
- a representative of the minister responsible for energy;
- a representative of the minister responsible for public works;
- a representative of the minister responsible for industry;
- a representative of the minister responsible for urban planning;
- a representative of the minister responsible for the environment;
- a representative of the minister responsible for culture;
- a representative of the minister responsible for hydraulics;
- a representative of the Algerian Agency for the Promotion of Investment⁷.

The term of office of the members of the Board of Directors is three years, renewable one time and in the event of its interruption, the member shall be replaced in the same manner and the newly appointed member shall succeed the old member until the expiry of that term of office.

The designation and appointment of those members is under a condition that they have to be among those holding senior positions, and must have at least the rank of director of the central administration⁸.

The Board of Directors meets, upon convocation by its Chairman, in ordinary session three (3) times per year. It may meet in extraordinary session, at the request of its Chairman, or of the Director General of the agency, or of two-thirds (2/3) of its members⁹.

For its operation the National Agency may call upon any person who, by reason of his or her expertise, is able to provide information on the issues on its agenda¹⁰.

B :The missions of The Board of Directors:

In accordance with article 16 of the Executive Decree No. 23-489 The Council of Administration decides and deliberates on :

- the Agency's annual and multi-annual action plans;
- the Agency's draft budget;
- the Agency's financial statements;
- the Agency's annual activity management report;
- the general conditions for concluding contracts, markets and agreements binding the Agency;
- the Agency's internal organization and its internal regulations;
- the creation of annexes and subsidiaries of the Agency on national territory;
- acquisition of shareholdings and conclusion of all forms of partnerships related to its field of activity;

- all real estate development actions in its field of activity;
- the draft remuneration system for the Agency's staff;
- the conditions for accepting donations and legacies and their allocation in accordance with the legislation and regulations in force;
- the draft collective agreement for the Agency's staff;
- the development of activities related to the purpose of the Agency;
- any question likely to improve the organization and operation of the Agency and to promote the achievement of its missions.

For any ordinary session the summons, accompanied by the files relating to the agenda, are sent to the members of the board at least ten (10) days before the scheduled date of the meeting. However, this period may be reduced for extraordinary sessions, without it being less than five (5) days¹¹.

The board of directors may only validly deliberates in the presence of two-thirds (2/3) of its members. If the quorum is not reached, a new meeting will be held within the following eight (8) days, and the board shall validly deliberate, in this case, regardless of the number of members present, and its deliberation are adopted by simple majority, in the event of an equal division of votes, the chairman's vote is casting.¹².

Subtitle 02: The General Director of the National Agency for Touristic Real Estate.

The General Director of the Agency is appointed in accordance with the regulations in force. He has the powers to ensure the management of the material and financial resources made available to the Agency and takes all measures concerning the organization and operation of the structures under its authority.¹³.

The principles missions of the General Director consists of :

- the implementation of the deliberations of the Board of Directors;
- the development of draft annual and multi-annual activity programs;
- the preparation and execution of the Agency's budget;
- the preparation of draft financial statements;
- the proposal to create annexes and subsidiaries of the Agency throughout the national territory;
- the appointment of Agency employees, the termination of their functions and the exercise of hierarchical authority over them;
- the representation of the Agency before the courts and in all acts of civil life;
- the conclusion of contracts, markets and agreements.

The Director General presents, at the end of each year, an annual activity report accompanied by the balance sheets and profit and loss accounts which he sends to the Minister responsible for tourism after approval by the Board of Directors¹⁴.

Section II: The missions and financial provisions of the National Agency for Touristic Real Estate.

The Executive Decree No. 23-489 relating to the creation, organization and operation of the National Agency for Touristic Real Estate, assigns an important missions for the Agency (**Subtitle01**) under financial provisions (**Subtitle02**).

Subtitle 01 : The missions of the National Agency for Touristic Real Estate.

In accordance with the second article of the Executive Decree No. 23-489 the National Agency for Touristic Real Estate is a public establishment of an industrial and commercial nature, endowed with legal personality and financial autonomy.

The Agency is regulated by the rules applicable to the administration in its relations with the State and deemed to be commercial in its relations with third parties, it is placed under the supervision of the Minister responsible for tourism. Its headquarters is located in Algiers¹⁵.

The main missions of the Agency are :

- the development and internal connection to the various roads and networks, on behalf of the State, of the tourist land falling within the private domain of the State located within the expansion zones and tourist sites, intended for the implementation of investment projects
- ensuring the external connection to the various roads and networks of the expansion zones and tourist sites, in coordination with the sectors concerned in accordance with the regulations in force;
- the development of various urban planning instruments related to tourist development;
- the determination and delimitation the boundaries of the expansion zones and tourist sites and to rehabilitate them, in consultation with the Algerian Agency for the Promotion of Investment;
- the management, operation, monitoring and maintenance of the common areas of the expansion zones and tourist sites, in accordance with the regulations in force;
- the maintenance and updating of the file relating to the tourist land and economic operators established in the expansion zones and tourist sites;
- the safeguarding and preservation of tourist land of which it ensures the management of common areas¹⁶.

The National Agency for Touristic Real Estate has the ability to exercises other missions, the Agency as part of the development of economic real estate, may undertake, where appropriate, development operations and internal connections to various roads and networks, for land belonging to the public national domain and those belonging to individuals in

accordance with the legislation and regulations in force, and the agency has the ability also to develop, alone or in partnership, multi-purpose activity spaces comprising infrastructure and/or buildings intended for rental for the specific needs of businesses and investors; and to establish real estate for commercial use¹⁷.

Subtitle 02 : The financial provisions of the National Agency for Touristic Real Estate

The financial year of the National Agency for Touristic Real Estate begins on the first of January and ends on 31 December of each year. The Agency receives an initial allocation, the amount of which is set by joint decree of the Minister for Tourism and the Minister for Finance and a remuneration is allocated by the State to the Agency in return for the development of touristic real estate falling within the State's private domain intended for the implementation of investment projects¹⁸.

The Agency's budget includes a revenue heading and an expenditure heading.

Under revenue:

- remuneration linked to the management of the development of touristic land on behalf of the State;
- royalties due in return for the administration and management of the common parts of tourist land located within expansion zones and tourist sites;
- remuneration for public service obligations imposed on it by the State in accordance with the services set out in the specifications drawn up for this purpose;
- possible budgetary subsidies from the State;
- revenue generated by its activities;
- bank loans and similar;
- donations and legacies;
- all other resources related to its missions.

Under expenditure:

- operating expenses;
- capital expenditure;
- all other expenses falling within the scope of its missions¹⁹.

For the accounting of the Agency it is kept in commercial form and the statutory audit is carried out by one or more auditors in accordance with the provisions of the legislation in force²⁰.

according to the specifications of the agency's public service obligations The Agency receives a contribution from the State for each financial year in return for the public service obligations included in these specifications and for each financial year, the Agency shall submit to the Minister responsible for tourism, before 30 March of each year, an assessment of the amounts to be paid to it to cover the actual costs of public service obligations, under these specifications.

The appropriations are determined by the Minister responsible for finance and may be revised during the financial year, if necessary and the State's contributions must be the subject of separate accounting.

The budgetary allocations owed by the State, under these specifications, shall be paid annually to the Agency, in accordance with the procedures established by the legislation and regulations in force²¹.

A report on the use of State contributions, certified by the auditor, must be sent to the Minister of Finance and the Minister responsible for tourism, at the end of each financial year, the Agency establishes each year the budget for the following financial year, under public service constraints.

This budget includes:

- the balance sheets and the forecast accounting income statements with the Agency's commitments to the State;
- a physical and financial investment program;
- a financing plan;
- an audit report certified by the auditor.

The annual contributions determined under these specifications of public service constraints are entered into the budget of the Ministry responsible for tourism, in accordance with the procedures established by the legislation and regulations in force²².

Section 3 : The role of the Algerian Agency for Investment Promotion, in the investment in the tourism sector

The Algerian Agency for Investment Promotion« Is a public administrative establishment, endowed with legal personality and financial autonomy. Placed under the authority of the Prime Minister, it is responsible for supporting and assisting both local and foreign investors in the implementation of their investment projects. The Agency serves as the sole point of contact for investors through its One-Stop Shops, which are tasked with providing support in completing all the necessary procedures for realizing investment projects »²³.

There are many reasons to invest in Algeria such as :

- « The Stable Economic Growth ;
- Attractive Sectoral Opportunities ;
- Structural Reforms And Business Climate ;
- Youthful demographics and skilled workforce ;
- Trade Agreements And International Partnerships ;
- Advantages Of The Algerian Banking And Financial System ;
- Positive Impacts Of Free Trade Agreements For Investors »²⁴.

The main sectors of investment in Algerai are :

-information and Communication Technology Sector ;

- Agriculture Sector ;
- Fisheries and Aquaculture Sector ;
- Sector of Industry and Pharmaceutical Production ;
- Sector of New and Renewable Energies ;
- Tourism sector ;
- The cultural industries sector²⁵.

To facilitate investment in Algeria in all those sectors, and especially in the field of tourism sector: as the investment opportunities are multiple such as Coastal Tourism, Saharian Tourism and Thermal Tourism, a digital platform has been established. In accordance with Article 23 of Law n° 22-18 relating to Investment called the “Investor’s Digital Platform”.

The “Investor’s Digital Platform” is managed by the Algerian Agency for Investment Promotion, to provide all necessary information, particularly on investment opportunities in Algeria, land offers, investment incentives and advantages, as well as related procedures, obtain information related to all aspects of their investment project implementation, and any project holder or investor could use this platform to, register investment project, to benefit from incentives granted under the investment encouragement scheme, as provided by current regulations, to request economic real estate and benefit from the platform’s services²⁶.

« This digital platform, interconnected with the information systems of organizations and administrations involved in the investment project implementation process, ensures the dematerialization of all procedures and the online completion of all formalities related to investment. It also allows for the adaptation of procedures according to the type of investments and requests, it serves also as an electronic instrument for guidance, support, and monitoring of investments from their registration through the operational period »²⁷.

The Investor’s Digital Platform aims to several objectives (Subtitle 01), and has multiple advantages (Subtitle 02).

Subtitle 01: The objectives of The Investor’s Digital Platform

The Investor’s Digital Platform aims to:

- « Handle, simplify, and facilitate the processes of business creation and investment.
- Improve communication between investors and the economic administration.
- Ensure transparency in the procedures to be carried out and the methods of processing investor files.
- Expedite the processing and examination of investor files by the relevant services.

- Enable investors to remotely monitor the progress of their files.
- Optimize public service in terms of deadlines, agent performance, and service quality.
- Improve the internal functioning of public services and make them more available and accessible to investors.
- Organize efficient collaboration between the administrations involved in the act of investing.
- Facilitate direct and instant exchange between agents of the relevant administrations and organizations »²⁸.

Subtitle 02: The Advantages of The Investor's Digital Platform

The advantages of The Investor's Digital Platform are multiple such as :

- « Assistance in company creation
- Online registration of investment projects
- Traceability and transparency allowing for file tracking
- Significant reduction in investor travel
- Instant and easy access to information for system users
- Automatic reporting of data and information reliability
- Improvement of decision-making efficiency (statistics, dashboards, and trends)
- Centralized, ergonomic system accessible from a web browser
- Through a single electronic account, the investor can access and request all the functionalities required for their project
- Monitoring of project realization from creation to operational phase through data input by various stakeholders (AAPI executives, administrations represented at the One stop shop, customs, tax services, CNAS, etc.)²⁹

Conclusion:

The importance of the National Agency for Touristic Real Estate in preparing economic real estate directed for investment³⁰ goes through its composition, operation and its important missions .

The importance of this institution is also evident through the specifications included in the executive decree organizing the agency, which has determined, and strictly within the framework of the specifications, some important provisions.

For that The National Agency for Touristic Real Estate is a tool for implementing the national policy on the development of touristic real estate and the management of its common

areas and is responsible, within the framework of the public service obligations entrusted to it by the State, in particular for :

- establishing, managing and developing a database related to touristic land and investment;
- preparing and updating the files of expansion zones and touristic sites and touristic infrastructure;
- proposing the classification of new touristic expansion zones in consultation with the Algerian Agency for the Promotion of Investment.

Hence the role of the Algerian Agency for Investment Promotion, is so important for the development of the tourism sector in Algeria through its multiple functions especially the Investor's Digital Platform with the informations proposed to investors such as showing the opportunities and benefits to invest in Algeria, the land offers, the investor's guide, which facilitates the procedures for both local and foreign investors to invest in Algeria.

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²Published in the same JORA n° 85 of 17 Joumada Ethania 1445 corresponding to December 30, 2023

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⁶The National Tourism Development Agency was established by Executive Decree No. 98/70 of February 21, 1998. It was placed under the supervision of the Minister in charge of Tourism, the Agency was considered a public institution of an industrial and commercial nature, enjoying legal personality and financial independence, and subject to the applicable rules.

The missions of this agency were :

« development, rational exploitation and protection of tourist real estate, ensuring the protection and preservation of tourist expansion areas, and the acquisition of lands necessary for the establishment of tourist structures, conducting studies and preparations for tourist and hotel activities and mineral baths. contributing with the relevant institutions to upgrading places within tourist expansion areas and around mineral water sources, whether in Algeria or abroad, ensuring, in coordination with the institutions and bodies concerned, the rational management of places and equipment of common benefit and provides all a proposal that aims to improve, modernize and expand it,preserve and maintain the shared facilities and equipment or assign someone to do so. carrying out all the work of upgrading the tourist expansion areas, acquiring the necessary lands for tourist exploitation of mineral water sources of high therapeutic value and carry out the necessary preparation studies..... »

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⁸Article 13 Ibid.

⁹Article 17 Ibid.

¹⁰Article 11 ,Ibid.

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¹²Article 18 and 20, Ibid.

¹³Article 12, 21-22, Ibid.

¹⁴Article 23 , Ibid.

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Consulted on 24/12/2024

²⁴-aapi.dz/en/raisons-dinvestir-en-algerie-en/

Consulted on 24/12/2024

²⁵For more read about the film industry see : Law No. 24-07 of 20 Chaoual 1445 corresponding to April 29, 2024, governing the film industry JORA, of 23 Chaoual 1445 corresponding to May 02, 2024.

« This law establishes the general regulations for investment, infrastructure development, and training in film-related professions, ensuring transparency and fair competition. It is a new opportunity for both local and foreign investors, responding to the growing demand from industry professionals eager to capitalize on Algeria's talents, expertise, and natural resources », www.aapi.dz. Consulted on 24/12/2024

²⁶aapi.dz/en/plateforme-numerique-de-linvestisseur-en

Consulted on 24/12/2024

²⁷Ibid

²⁸aapi.dz/en/plateforme-numerique-de-linvestisseur-en/

Consulted on 24/12/2024

²⁹Ibid.

³⁰For more read about objectives and the dynamics of the Tourism Development Master Plan:

The five objectives of the Tourism Development Master Plan (Tourism Development Master Plan) are:

- Making tourism a sector that contributes to economic development and serves as an alternative to the hydrocarbon sector ;
- Ensuring the involvement of other sectors, such as public works, agriculture, and culture ;
- Reconciling tourism promotion with the environment ;
- Valuing historical, cultural, and religious heritage ;
- Continuously improving Algeria's image.

Its dynamics are :

- Valuing the Algerian destination to increase its attractiveness and competitiveness ;
- Developing distinctive tourist poles and villages through rationalizing investment and development ;
- Publishing the Tourism Quality Plan (PQT) to enhance excellence in national tourism offerings by integrating training through professional advancement, education, and openness to information and communication technology ;
- Public-Private Partnership Plan ;
- Tourism Financing Plan.

-Serir Abd Allah Amina, Tourism investment and development strategy in light of the Horizons 2030 Tourism Development Master Plan, in « Proceedings of the National Virtual Symposium on: The Role of the Tourism Sector in Driving Local Development, Op.cit, pp145-166 ;

and for more read about the the importance of investment in tourism sector :

-Boudali Mohamed, Foundations and challenges of the tourism and travel industry in Algeria, Ibid, pp36-54.

-Bensaria Souad, Contribution of tourism investment to sustainable tourism development, Ibid, pp167-183.

-Benrajda Amel , Aissa Zahia, The importance of developing the speciality of real estate law in legal studies, Contribution in the International Conference about :Real Estate Ownership Purification in Arab Legislation - Reality and Challenges", FLPS, UMBB, 2023.

-Keadri Zhira, The importance of specialized training in the tourism field, in « Proceedings of the National Virtual Symposium on: The Role of the Tourism Sector in Driving Local Development, MJDD Publications, UMBB, December 2022,, pp259-272.