



The Role of Economic Operator in Achieving Development in Algeria

Prof. Khouatra samia

University of M'hamed Bouguerra, Boumerdes,
(Algeria)

s.khouatra@univ-boumerdes.dz

DR. Beggar selma

University of M'hamed Bouguerra, Boumerdes,
(Algeria)

s.beggar@univ-boumerdes.dz

Abstract ;

Algeria has adopted the most efficient and effective mechanisms to regulate the activities of economic operators, aiming to ensure fair and transparent commercial transactions, promote domestic and foreign trade and industry, encourage national and foreign investment, and stimulate private initiatives in various economic activities. These efforts are aimed at achieving economic development objectives.

Article info

Received

09/01/2026

Accepted

05/03/2026

Keyword:

- ✓ Economic Operator
- ✓ Investment
- ✓ Economic development

1. Introduction

Economic aid is defined as any entity that engages in an economic activity, regardless of its nature or status, whether a natural person or a legal entity, public or private, trader or non-trader, who continuously engages in economic activities and introduces its products and services to the market. As a result of this activity, the economic aid entity bears legal responsibility for any damages and risks arising from the goods and services it offers. The legislator has regulated the practices of economic aid through the obligations it imposes, which, when violated, trigger the legal liability of the economic aid entity, thus leading to the imposition of the appropriate penalty. This is based on the fulfillment of certain conditions and the adherence to specific procedural rules to ensure a fair and balanced penalty that is proportional to the breach of these obligations. These obligations vary depending on the applicable laws, such as commercial practices law, consumer protection law, fraud suppression law, and competition law. Respecting and applying these laws ensures the legality and validity of the entity's actions and ultimately contributes to economic development. It is also important to highlight the mechanisms that assist the economic aid entity in fulfilling its obligations, whether they are supervisory bodies or supporting institutions.

2. Basic Obligations of Economic Operators for Achieving Development

In this section, we address the obligations contained in Algerian legislation through various texts, such as the Commercial Practices Law, the Consumer Protection and Fraud Suppression Law, and the Competition Law. When an economic operator adheres to and properly implements these obligations, they fulfill their role effectively.

2.1 General Obligations of the Economic Operator

General obligations refer to those legal requirements that the economic law imposes on all economic operators, specifically on the economic operator, whether they are a trader, investor, or even an ordinary citizen. The most important of these obligations include the principles of freedom of trade and industry, freedom of investment, and freedom of competition.

2.1.1 Principle of Equality and Freedom of Trade and Industry

First: Principle of Equality

The Algerian legislator enshrined the principle of equality constitutionally, as stipulated in the 2020 Constitution, which emphasizes equality between all Algerians in rights and duties. All citizens are equal before the law, and no discrimination based on origin, race, gender, opinion, or any other personal or social condition is allowed.

Thus, we can say that engaging in economic activities and adhering to the laws regulating them is an equal practice among all economic participants. Equality here pertains to the law itself, its provisions, and its application. Regarding the application of the law on the economic operator as a party in the economic relationship, it must be applied equally to the same category or with other categories as permitted by the law. An example of the application of the principle of equality is the equal opportunity for all economic operators to benefit from the facilities provided by the state in

the investment field, such as permits, loans, market guarantees, and others that facilitate economic activity without discrimination.

Second: Principle of Freedom of Trade and Industry
As part of the open economic policy towards the market, Algeria has adopted the principle of freedom of trade and industry in all its constitutions, with the latest being the 2020 Constitution, which guarantees and ensures the practice of trade and industry within the framework of the law.

It is noticeable that this provision is absolute, with no distinction made between Algerians and foreigners regarding their enjoyment of this freedom. This principle is surrounded by several guarantees, including freedom of innovation, ensuring the integrity of state institutions in dealing with investments, state responsibility for the security of persons and property, guaranteeing property rights without restriction, and the legitimacy of expropriation for public use with the provision of fair and equitable compensation. (Imad, 2014)

The principle of freedom of trade and industry for the economic operator means that they have the full right to freely engage in one or more activities of their choice. In other words, it opens the commercial and industrial field to free activity and private initiative without specific restrictions, except those imposed by the requirements of economic regulation. (Chérif, 2004)

It can be said that the law considers industry and trade to be intertwined. In this regard, the meaning of trade in commercial law differs from its common economic understanding. In the economic context, trade refers to the intermediary activities between the producer and the consumer—specifically, the circulation and distribution of wealth without production. From this understanding, there is a distinction between the production of wealth, which is termed industry, and the circulation of wealth, which is trade. However, in commercial law, trade encompasses a significant portion of industry, especially the manufacturing industry. Therefore, the term trade has a broad meaning, and hence commercial law applies to both industry and trade. This is why an industrialist (such as a factory owner) is considered a trader and is thus subject to the same legal provisions as traders. (Imad, 2014)

2.1.2: Principle of Freedom of Competition and Investment

First: Principle of Freedom of Competition

This principle is clearly embodied in Algerian law through the legal provisions governing competition. The principle of freedom of competition is based on the freedom to engage in economic activities lawfully, allowing competition between economic operators without harming one another or the economic development of the country.

The prices of goods and services are freely determined based on competition rules. Therefore, the legislator explicitly enshrines the principle of a free economy, where the state intervenes indirectly. Various institutions have been established to ensure the legitimacy of the competition principle, such as the judiciary, the Competition Council, and regulatory authorities under the Ministry of Trade.

Freedom of competition means operating in a market with multiple economic actors engaged in the same activity and continuing to compete without restrictions. In other words, the economic operator

is free to engage in any economic activity, provided they respect the requirements of commercial law, competition law, and broader economic regulation. (Mohamed, 2013)

The application of this principle depends on several factors, including the supply and demand system prevailing in the market. There are numerous scenarios for this principle—economic operators may compete to attract customers or to improve production and services. While they may not satisfy all customers or meet expected prices, they strive to adhere to the legal framework governing this principle in a market economy.

This principle leads to several important outcomes, including: freedom of contracting, freedom of prices, the right to own property, and the right to choose the appropriate business or economic activity—all of which serve economic development.

Second: Principle of Freedom of Investment

The principle of freedom of investment is enshrined in investment laws, the latest being Investment Law 22-18. The legislator emphasizes that investments should be made freely while respecting the relevant laws and regulations concerning regulated activities and environmental protection. It can also be said that this principle is constitutionally protected under the 2020 Constitution.

One of the key outcomes of enshrining the principle of investment freedom is the absence of state-designated sectors for state-owned or institutional enterprises. All investment activities are open to both nationals and foreigners, except where they conflict with laws and regulations concerning regulated activities or environmental protection. However, restrictions have been imposed to protect economic activities and public interests.

2.2 Obligations of the Economic Operator in Specific Texts

This section outlines the obligations set by the legislator in specific laws, such as the Commercial Practices Law, the Competition Law, and the Consumer Protection Law, which define the behavior of the economic operator in particular areas to ensure compliance with principles of transparency, fairness, and consumer protection.

2.2.1: Obligations of the Economic Operator in the Commercial Practices Law

1. Obligation of Transparency:

- Economic operators are required to provide consumers with all information concerning the goods or services, including their material condition, proper usage, and associated risks. Furthermore, the economic operator must disclose all pricing information, which promotes market transparency and ensures the freedom of contract for consumers.
- The invoice serves as a primary tool for ensuring transparency, detailing all amounts paid, any additional fees, and amounts due, particularly in cases of installment sales or consumer credit. (Zahra, 2013)

2. Obligation of Fairness:

- The Algerian legislator places great emphasis on the necessity for economic operators to act with fairness in their commercial relations with both competitors and

consumers. This requires compliance with good faith principles in contracts and the prevention of imposing unknown or unacceptable conditions.

- This obligation guarantees the application of both transparency and fairness principles in commercial transactions, thereby fostering consumer trust in the market. (Ardia, 2020)

2.2.2. Obligations of the Economic Operator in the Competition Law

1. Abuse of a Dominant Position:

- The law prohibits economic operators from abusing their dominant market position in a manner that distorts competition, such as through monopolistic practices, price manipulation, or exclusion of competitors.

2. Abuse of Economic Dependence:

- It is prohibited for any firm to exploit its economic dependency on another firm in a manner that violates competition rules, such as by imposing unfair conditions or refusing to engage in contractual relationships without justifiable reasons.

3. Predatory Pricing:

- The law prohibits offering predatory pricing practices that aim to eliminate competitors from the market. These practices are considered anti-competitive and harmful to the economic development of the market. (Salma, 2010).

2.2.3 Obligations of the Economic Operator under the Consumer Protection Law

1. Obligation of Hygiene and Safety of Products:

- Economic operators involved in the food industry are required to ensure that the products they place on the market meet hygiene and safety standards, free from contaminants, and that they comply with the appropriate handling, storage, and transport conditions.

2. Obligation of Product Safety:

- Economic operators must ensure that products offered to consumers are safe for their intended use and do not pose a risk to the health and safety of consumers.

3. Obligation of Product Compliance:

- Every product must meet the legitimate expectations of the consumer in terms of nature, type, origin, characteristics, and potential risks associated with its use. It must also conform to the declared specifications, including packaging, production date, shelf life, storage conditions, and safety precautions.

4. Obligation of Warranty and Compensation:

- Economic operators must provide consumers with warranties for products sold, ensuring that any defective products are repaired, replaced, or refunded within the warranty period.

5. Obligation to Inform Consumers:

- Economic operators must inform consumers about all relevant details concerning the products they offer, including prices, terms of sale, and other essential information, through appropriate labeling, marking, or other suitable methods.

These specific obligations aim to protect consumer rights and ensure competitive fairness within the market, thereby fostering a stable market environment and promoting sustainable economic development.

3. Mechanisms for Activating the Role of the Economic Operator

It has become clear to the state that, in order to achieve a balance between the conflicting interests of individuals in the economic relationship, particularly between the economic operator on one hand and the consumer on the other, there must be laws that regulate state intervention in economic activities. This is done through independent administrative bodies that organize economic activity and regulate the state's intervention in the free market. In the first section, we will discuss some of the mechanisms that regulate the economic operator's activity, while the second section will explore the impact of these mechanisms on economic development.

3.1: Mechanisms for Regulating the Activity of the Economic Operator

The state has introduced new mechanisms, distinct from traditional management, in the form of independent administrative authorities, also known as regulatory authorities. These authorities were tasked by the state with overseeing economic and financial activities.

An independent administrative authority is defined as a national body that is neither subordinated to executive authority nor subject to administrative oversight, contrasting with traditional administration. It enjoys functional and organizational independence, both from the executive and legislative branches of government, although it is subject to judicial oversight. These authorities have broad powers that distinguish them from advisory bodies, and their role is to regulate the economic sector. Thanks to their independence, they ensure neutrality, as the state, when acting as an economic operator, cannot simultaneously be both a competitor and a judge.

Among the regulatory authorities established by Algerian law are:

- The Supreme Council for Media (90-07) (dissolved in 1993).
- The Council of Money and Credit. (11-03)
- The Banking Committee. (93-10)
- The Committee for Regulating and Monitoring Stock Exchange Operations.
- The Competition Council. Law No. (03-03)
- The Postal and Telecommunications Regulatory Authority. 2000-03
- The National Agency for Mining Assets and the National Geological and Mining Monitoring Agency. (04-94)
- The Electricity and Gas Distribution Regulatory Committee.
- The Transport Regulatory Authority.
- The National Agency for Monitoring and Regulating Petroleum Activities and the National Agency for the Valorization of Petroleum Resources. (05-07)
- The Water Regulatory Authority. (08-303)
- The National Authority for the Prevention and Fight Against Corruption. (06-01)
- The Insurance Oversight Committee. (06-04)
- The National Agency for Pharmaceutical Resources Used in Human Medicine. (15-308)
- The Audiovisual Regulatory Authority. (12-05)

These independent administrative authorities have a range of powers that were originally vested in the three branches of government (legislative, executive, and judicial). Each authority intervenes in its area of expertise to fulfill the regulatory role within the economic domain.

3.2 The Impact of Economic Surveillance of the Economic Operator on Development

The economic surveillance apparatus is an administrative structure under the Ministry of Trade, aiming to achieve the country's economic and social objectives, ensure the overall balance of the market, and protect the interests of all participants, particularly through:

3.2.1. Ensuring the Proper Functioning of the Market to Enhance its Competitive Environment

1. Ensuring the proper functioning of the market: The economic surveillance apparatus intervenes to ensure a balance between supply and demand for various products and to regulate price levels:

Ensuring the regular and diverse supply of essential and sensitive products and materials.

Facilitating access to the market and encouraging competition in various products and services.

Combating monopolistic practices and speculative trading.

Ensuring adherence to the legal framework for the prices of regulated products.

Rationalizing the prices of free market products.

2. Enhancing the competitive environment of the market: The economic surveillance apparatus works to establish commercial conduct rules and fair competition standards, continuously ensuring their adherence:

Toward the consumer: This includes informing consumers about prices and sale conditions, invoicing, sales techniques, and advertising practices.

Between professionals: This includes invoicing, price lists, general terms of sale and purchase, and commercial cooperation.

Monitoring anti-competitive practices and addressing them, such as agreements, the excessive exploitation of dominant or dependent economic positions, and unfairly low prices.

Monitoring economic concentration processes.

Combatting anti-competitive practices such as refusal to sell, conditional sales, discriminatory sales and purchases, etc.

Fighting against various forms of unfair competition, such as counterfeiting, parallel trade, and similar activities.

3.2.2. Supporting All Parties in the Economic Relationship

1. Economic Operators and Participants: Establishing rules for commercial transactions and fair competition practices, continuously ensuring their adherence:

Continuously monitoring the concerns of professionals and consumers, listening to their issues.

Disseminating essential economic and legal information.

Providing technical and legal guidance to economic operators.

Promoting and developing a competition culture.

4. CONCLUSION

Economic operators carry out their activities and investments in compliance with laws and regulations. The economic operator, from the perspective of commercial practices law, is anyone who engages in their activities within the professional framework, maintaining transparency and integrity in their relationships with other economic operators and consumers. Under competition law, they are considered legitimate competitors in the market, subject to competition rules and the avoidance of restrictive practices. The commercial law defines them within the scope of commerce, granting them the status of traders and classifying their activities as commercial acts. Under consumer protection and anti-fraud law, the economic operator is considered a producer, defined as an entity that produces natural materials and transforms them into manufactured or semi-manufactured products, with obligations to protect consumer interests. Therefore, the economic operator must adhere to competition laws, commercial practices, and all associated duties and obligations within the economic sector.

Algeria has also adopted the most efficient and effective mechanisms to regulate the activities of economic operators, aiming to ensure fair and transparent commercial transactions, promote domestic and foreign trade and industry, encourage national and foreign investment, and stimulate private initiatives in various economic activities. These efforts are aimed at achieving economic development objectives. To further these goals, the following recommendations are provided:

5.Suggestions: To improve the functioning of economic operators, a series of ongoing or temporary measures should be taken, particularly aimed at the following:

1. Addressing the concerns of both economic operators and consumers to improve their relationship.
2. Strengthening the dissemination of information regarding economic activities through sectoral websites and distributing brochures and guides to inform the greatest number of consumers and economic participants about the activities of economic operators in all their diversity.
3. Organizing awareness and promotional campaigns aimed at promoting the economic activities of operators, in collaboration with external services, consumer protection associations, chambers of commerce, and professional associations.
4. Preparing a special media and communication program for media outlets and organizing academic events at universities and institutes, especially in economics, to raise awareness about the legal status of economic operators.
5. Promoting national and international cooperation through economic agreements between economic participants, highlighting the economic operator as the central figure in contractual relationships, aiming to develop competition, trade, investment, and economic development.

5. Bibliography List :

1- Books :

- Tiour Si Mohamed, "Legal Framework for Competitive Freedom in Algeria," Dar Huma Publishing, Algeria, 2013.

2-Theses:

- Kato Mohamed Chérif, "Anti-Competitive Practices in Algerian Law (A Comparative Study with French Law)," PhD Thesis in Public Law, Faculty of Law, University of Tizi Ouzou, 2004.
- Allawi Zahra, "Invoicing as a Tool for Transparency in Commercial Practices," Master's Thesis in Private Law, Faculty of Law and Political Science, University of Oran, 2013.

3- Journal article :

1-Ijabi Imad, "The Principle of Freedom of Trade and Industry in Algeria," Research Journal for Academic Studies, Issue 4, Faculty of Law, University of M'Sila, December 2014.

1. Ben Cheikh Ardia, "Transparency and Its Relationship to Integrity in Commercial Practices," Algerian Journal of Legal and Political Sciences, Vol. 57, Issue 5, University of Algiers, 2020.
2. Kahal Salma, "The Competition Council and Regulation of Economic Activity," Master's Thesis, Faculty of Law, University of Mohamed Boudiaf, Boumerdes, 2010.

4-Laws or legal texts

- 1- Law No. 90-07, relating to Media, issued on April 3, 1990, Official Journal No. 14, dated April 3, 1990.
- 2- Law No. 90-10, relating to Money and Credit, issued on April 14, 1990, Official Journal No. 16, dated April 14, 1990, repealed by Law No. 03-11, issued on August 11, 2003, related to Money and Credit.
- 3- Ordinance No. 11-03, relating to Money and Credit, issued on August 26, Official Journal No. 52, amended and supplemented.
- 4- Legislative Decree No. 93-10, related to the Securities Exchange, issued on May 23, 1993, Official Journal No. 41, dated May 24, 1993.
- 5- Ordinance No. 03-03, relating to Competition, issued on July 19, 2003, Official Journal No. 43, amended by Law No. 08-12, dated July 25, 2008.
- 6- Law No. 2000-03, related to Postal and Telecommunications Services, issued on August 5, 2000, Official Journal No. 48, dated August 6, 2000.
- 7- Executive Decree No. 03-199, relating to the internal regulations of the National Agency for Mining Assets, issued on April 1, 2004, Official Journal No. 20, dated April 14, 2004.
- 8- Executive Decree No. 04-94, relating to the internal regulations of the National Agency for Geology and Mining Monitoring, Official Journal No. 20, dated April 14, 2004.
- 9- Law No. 02-01, relating to Electricity and Gas via Pipelines, issued on February 5, 2002, Official Journal No. 8, dated February 5, 2002.
- 10- Law No. 02-11, relating to the 2003 Financial Law, issued on December 24, 2002, Official Journal No. 86, dated December 25, 2002.

- 11-Law No. 05-07, relating to Hydrocarbons, issued on April 28, 2005, Official Journal No. 50, dated July 19, 2005, amended and supplemented.
- 12-Executive Decree No. 08-303, issued on September 27, 2008, related to the Powers and Organizational Rules of the Public Water Regulatory Authority, Official Journal No. 60, dated September 28, 2008.
- 13-Law No. 06-01, issued on February 20, 2006, related to the Prevention and Fight Against Corruption, Official Journal No. 14, dated March 8, 2006, amended and supplemented.
- 14-Law No. 06-04, relating to Insurance, issued on February 20, 2006, Official Journal No. 15, dated February 22, 2006.
- 15-Executive Decree No. 15-308, issued on December 6, 2015.
- 16-Organic Law No. 12-05, relating to Media, issued on January 12, 2012, Official Journal No. 2, dated January 15, 2012.