The Role of the Postal and Electronic Communications Regulatory Authority in protecting Investors and Consumers

دور سلطة ضبط البريد والاتصالات الالكترونية في حماية المستثمر والمستهلك

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***Date of send**: 02/04/2026*	***date of acceptance:10**/05/2026*	***date of publication**: 10/06/2026*

abstract:

Law No. 04-18 established the Postal and Electronic Communications Regulatory Authority, granting it financial and administrative independence and broad powers and authorities to fulfill its regulatory role. In addition, legal mechanisms, including preventive measures and deterrent actions, have been put in place to enable it to carry out supervisory tasks aimed at ensuring the rights of investors and consumers in the postal and communications market, especially after the sector was opened to private investment.

Keywords: Postal and Electronic Communications Regulatory Authority, Economic Regulation, Preventive Oversight, Licensing, Regulatory Authority.

ملخص:

لقد أنشأ القانون 18-04 سلطة ضبط البريد والاتصالات الالكترونية، ومنحها الاستقلالية المالية والإدارية، وخول لها صلاحيات و سلطات الواسعة من أجل تأدية دورها الضبطي. الى جانب ذلك فقد سخر لها اليات قانونية شملت التدابير الوقائية والإجراءات الردعية من أجل ممارسة مهام الرقابة لضمان حقوق المستثمر والمستهلك في سوق البريد والاتصالات لاسيما بعد فتحه مجال الاستثمار فيه للقطاع الخاص.

الكلمات المفتاحية: سلطة ضبط البريد والاتصالات الالكترونية، الضبط الاقتصادي، الرقابة القبلية، الترخيص، سلطة الضبط.

Introduction

The political and economic choices adopted by the public authorities in Algeria, as enshrined in the 1989 Constitution, necessitated the creation of several independent administrative authorities to regulate economic activity. This led to the establishment of economic regulatory authorities, which aim to structure economic life by ensuring, on the one hand, the efficient performance of public services transferred to the private sector, and on the other hand, safeguarding the rights of investment institutions and consumers as beneficiaries of these services.

In this context, numerous legal texts have been issued to regulate the scope of intervention of administrative regulatory authorities, including the Postal and Electronic Communications Regulatory Authority. However, its scope of intervention has raised several issues, which can be summarized in the following key question:

What are the powers and legal mechanisms granted to the Postal and Electronic Communications Regulatory Authority to regulate the market and protect operators and users of various communication means and electronic networks?

This issue will be addressed through the following outline:

Chapter One: Organization and Powers of the Postal and Electronic Communications Regulatory Authority

- **Section One:** The Legal Framework of the Postal and Electronic Communications Regulatory Authority
- **Section Two:** Powers and Authorities of the Postal and Electronic Communications Regulatory Authority

Chapter Two: Legal Mechanisms for Protecting Investors and Consumers in the Postal and Electronic Communications Market

- **Section One:** Preventive Measures for Regulating the Postal and Electronic Communications Market
- **Section Two:** Deterrent Actions to Suppress Violations in the Postal and Electronic Communications Market

Chapter One: Organization and Powers of the Postal and Electronic Communications Regulatory Authority

The postal and telecommunications sector is one of the most vital public services, both nationally and internationally. With the introduction of competition, the state has transferred or delegated public service

responsibilities to national public and private institutions. Consequently, the need arose to establish a distinct legal framework for regulating this market (**Section One**) and to define the powers and authorities that enable the regulatory body to effectively carry out its oversight role (**Section Two**).

Section One: The Legal Framework of the Postal and Electronic Communications Regulatory Authority

To regulate the postal and electronic communications market, a regulatory authority was established with a distinct legal nature (Subsection One), granting it a level of independence that aligns with its supervisory and regulatory role (Subsection Two).

Subsection One: legal nature of the Postal and Electronic Communications Regulatory Authority

The Postal and Electronic Communications Regulatory Authority (ARPCE) is an independent body overseeing the postal and electronic communications sector. It possesses legal personality and financial autonomy and was established under Law No. 2000-03, which set the general rules governing postal and telecommunications services [1]. However, this law was later repealed and replaced by Law No. 18-04, which defines the general regulations governing postal and electronic communications[2]. Which re-established the Postal and Electronic Communications Market Regulatory Authority provided in by Article 11 of Law No. 18-04.

By analyzing the aforementioned legal texts, it can be concluded that the regulatory authority is characterized by:

1. Its Authoritative Nature: The powers granted to the Postal and Electronic Communications Regulatory Authority are not limited to providing advisory opinions and recommendations. Instead, they extend to issuing decisions, which are typically within the jurisdiction of the executive branch, as well as imposing sanctions, a power traditionally reserved for the judiciary[3].
2. Its Administrative Nature:
    - From a substantive perspective, this authority ensures the enforcement of public law in the sector it regulates.
    - From a judicial oversight perspective, administrative decisions issued by regulatory authorities in the economic field are subject to legal challenges before administrative courts[4].

Subsection Two: The Independence of the Regulatory Authority as a Guarantee for Effective Oversight

Considering the legal provisions governing the Postal and Electronic Communications Regulatory Authority as outlined in Law No. 18-04, the legislator has granted the authority independence in both financial policy-making and administrative management to ensure the effective fulfillment of its supervisory and regulatory functions.

Financial independence is one of the fundamental pillars of the regulatory authority's functional autonomy. It allows the authority to operate without relying solely on state funding, ensuring greater neutrality in decision-making. Article 28 of Law No. 18-04 explicitly defines the financial resources of the regulatory authority, stating that "funding sources include: fees for services rendered, levies and charges, costs related to the allocation and management of numbering resources, fees for the certification of postal and electronic communications equipment, percentage of the financial proceeds generated from licenses, authorizations, and general permits, as specified in Articles 34, 123, and 131 of the same law, in accordance with the Finance Law. "

The legislator thus ensures that the Postal and Electronic Communications Regulatory Authority has financial autonomy, enabling it to cover its expenses primarily through revenues generated from services provided to operators in the postal and electronic communications sector[5].

The independence of the Postal and Electronic Communications Regulatory Authority is also reflected in its administrative autonomy, particularly through the powers granted to its Director General who has the authority to draft the basic regulations and internal rules governing the employees of the regulatory authority, as well as to organize the administrative and technical departments. He also exercises hierarchical authority over the staff.

Additionally, the authority is free from prior and subsequent presidential oversight, as well as from administrative guardianship. The deliberations of the regulatory authority's council are considered valid once procedural requirements are met and voting is completed, as stipulated by law. They do not require approval from any administrative entity, making them immune to any unilateral modification or annulment.[6]

Section Two: Powers and Authorities of the Postal and Electronic Communications Regulatory Authority

With the liberalization of the postal and telecommunications market and the introduction of competition under Law No. 2000-03, the state aimed to modernize the sector in line with technological advancements. This reform sought to end the state's monopoly over postal and telecommunications services, opening the market to investment and competition.

As a result, the establishment of the Postal and Telecommunications Regulatory Authority became a key measure to ensure fair competition, oversee market dynamics, and regulate service providers within this newly liberalized sector.[7]

Accordingly, the regulatory authority has been granted a set of broad powers (First Section), as well as authorities (Second Section) that have strengthened its regulatory role.

Subsection One : Powers of the Postal and Electronic Communications Regulatory Authority

Regulation of postal and electronic communications has been established by Law n 04-18[8], encompassing the following tasks:

- Ensuring the existence of fair and lawful competition in the postal and electronic communications markets by taking all necessary measures to promote or restore competition in these sectors.
- Overseeing the implementation of infrastructure sharing for electronic communications while respecting property rights.
- Granting general licenses for the establishment and/or operation of electronic communications networks, the provision of electronic communications services, licenses for private networks, as well as licenses for postal services and operations.
- Resolving disputes that arise between operators concerning interconnection, access, infrastructure sharing, and national roaming.
- Settling disputes between operators and subscribers.
- Ensuring that postal and electronic communications operators comply with legal and regulatory provisions, particularly those related to postal services, electronic communications, and cybersecurity.
- Safeguarding the rights of subscribers to electronic communication services and postal service users.

- Establishing a procedure to determine how subscriber complaints are handled.
- Conducting any oversight falling within its jurisdiction in accordance with applicable regulations and the provisions of the operators' terms of reference.

Moreover, in accordance with Article 30 of Law No. 04-15, dated 11 Rabi' al-Thani 1436 (corresponding to February 1, 2015), which establishes the general rules related to electronic signatures and certification, the regulatory authority has been entrusted with the role of the economic authority for electronic certification. Accordingly, it is responsible for the following tasks:

- Granting licenses to electronic certification service providers after obtaining approval from the National Electronic Certification Authority.
- Retaining expired electronic certification certificates and the data associated with their issuance by electronic certification service providers.
- Ensuring the existence of fair and genuine competition by taking all necessary measures to promote or restore competition among electronic certification service providers.
- Arbitrating disputes between electronic certification service providers or between them and users in accordance with applicable legislation.

Subsection Two: Legal Authorities Granted to the Regulatory Authority

In addition to the broad powers granted to the Postal and Electronic Communications Regulatory Authority, this body, as a regulatory authority, possesses the following powers:

1- General Regulatory Authority:

The Postal and Electronic Communications Regulatory Authority exercises general regulatory power by proposing laws and regulations related to the postal and telecommunications sectors. Article 13 of Law No. 04-18 states: "The Minister in charge of Postal and Telecommunications consults the Regulatory Authority on the following matters: the preparation of any draft regulatory texts related to the postal and telecommunications sectors, the consultation provided by the Regulatory Authority takes two forms:"

2- **Oversight and Investigation Authority**:

The establishment of the principle of freedom of industry and commerce does not mean the absence of limits, as public authorities intervene in regulating the telecommunications sector, given its strategic and sensitive nature. This is

evident in the state's requirement for prior approval from the Regulatory Authority before operators can engage in telecommunications activities. Thus, the authority exercises oversight over market entry and extends its supervision to the market itself.

3. **Disciplinary Authority**:

The legislator has granted the Regulatory Authority significant powers in imposing penalties, based on various principles, including decriminalization, economic regulation, and deterrence. However, the exercise of this punitive power is subject to two conditions: it must not infringe on individual freedoms, and it must adhere to the penal principles applicable before the judiciary.

Chapter Two: Legal Mechanisms for Protecting Investors and Consumers in the Postal and Electronic Communications Market

To enable the Regulatory Authority to fulfill its oversight duties and to regulate the constitutionally established principle of freedom of industry and commerce, the legislator has granted the Postal and Electronic Communications Regulatory Authority a set of legal tools for intervention. These tools are applied either before an offense occurs through preventive measures (*First Subsection*) or after an offense has been committed through sanctions (*Second Subsection*).

Section One: Preventive Measures for Regulating the Postal and Electronic Communications Market

Law No. 04-18, dated 24 Sha'ban 1439 (corresponding to May 10, 2018), which repealed Law No. 03/2000 on postal services and telecommunications, introduced various forms of oversight exercised by the sector’s Regulatory Authority.

This oversight is implemented through a licensing system, an authorization system, and a simple declaration, depending on the nature and scope of the investment activity.

Subsection One: Allocation

The allocation system includes operations related to the establishment, operation, and provision of mail services, as well as postage stamps, other postal payment markings, postal money orders, and postal check services.

Law No. 04-18 has restricted the benefits of this system exclusively to Algeria Post, as stipulated in Article 33, which aligns with Article 63 of Law No. 03/2000. This article served as the basis for Executive Decree No. 418-01, dated December 20, 2001, which defines the operational system applicable to each postal service. Under this decree, postal services, postal money orders, postal checks, the issuance of postage stamps, and all postal payment markings have been subjected to the allocation system.

Subsection Two: Licensing or Authorization

The licensing system refers to an administrative act through which a regulatory authority grants a beneficiary the right to engage in a specific activity or enjoy certain rights.

The authorization granted by the Regulatory Authority follows this same principle. It is a formal approval issued to a natural or legal person, subject to predefined conditions, for the establishment and operation of networks and/or the provision of specific services.

This licensing system allows the Regulatory Authority to exercise strict oversight over certain activities within the telecommunications market. These activities are sensitive and comprehensive, requiring precise conditions and thorough evaluation before granting or denying the license[9].

As for the license, it is a technique widely used in administrative law and is considered a form of authorization that only the administration has the authority to grant in exchange for a fee, allowing the exploitation of activities that fall within regulated sectors.

Regarding licenses for the establishment and/or operation of telecommunications networks or infrastructure, or the provision of telecommunications networks, it is a license granted by the Regulatory Authority to a natural or legal person who has won the bid following a competitive process. This license is issued in exchange for a financial fee, allowing the beneficiary to engage in activities within the telecommunications market. The successful bidder is required to comply with the predefined conditions outlined in the terms of reference.

Subsection three : Simple Declaration

Any natural or legal person wishing to operate a service subject to the simple declaration system must submit a declaration of intent to the Regulatory Authority, expressing their intention to commercially exploit the service. They must also comply with the operational conditions set by the authority.

The declaration document must include the following information:

- A detailed description of the service to be operated.
- The geographical coverage of the service.
- The tariffs to be applied to users.
- Registration in the commercial register.

Section Two : Deterrent Measures for Suppressing Violations in the Postal and Electronic Communications Market

Professor Rachid Zouaimia has noted that independent administrative authorities are not merely consultative bodies. They do not only have real decision-making power, but they also exercise powers that originally belonged to the executive branch. Moreover, some independent administrative authorities hold punitive powers, which were traditionally the domain of the

judiciary. Therefore, granting these bodies the status of authorities is beyond dispute[10].

Accordingly, the Postal and Electronic Communications Regulatory Authority imposes a range of penalties, which can be classified into: financial penalties (*First Section*), non-financial penalties (*Second Section*).

Subsection One: Financial Penalties

A financial penalty is a sanction that affects the financial assets of the violating party. It is similar to a criminal fine, as it requires the payment of a monetary amount to the state through the public treasury.

It is worth noting that Law No. 2000-03 was revised under the 2015 Finance Law and was later repealed by Law No. 04-18, which granted the Postal and Electronic Communications Regulatory Authority the power to impose a range of financial penalties on postal and telecommunications operators who fail to meet their fundamental obligations. These financial penalties are applied prior to other sanctions and include[11]:

First: Penalties Imposed on Operators Holding a License for the Establishment and Operation of Public Networks

When a licensed operator for the establishment and operation of public networks fails to comply with the legislative and regulatory provisions or the decisions issued by the Regulatory Authority, the latter formally notifies the operator, granting a 30-day deadline for compliance.

If the operator fails to comply within this period, the Regulatory Authority, depending on the severity of the violation, may impose one of the following sanctions through a reasoned decision:

Financial Penalty: The fixed amount must be proportionate to the severity of the violation and the benefits gained from it. Alternatively, it may be equivalent to the financial profit obtained from the violation. However, it must not exceed 5% of the operator's net annual revenue (excluding taxes) from the last completed financial year.

Fixed Financial Penalty: A maximum fine of 1,000,000 DZD for operators who intentionally or negligently provide inaccurate information in response to the authority's requests under this law and its implementing regulations. This penalty also applies in cases of delayed submission of required information or late payments of various fees, contributions, and compensations for services provided. Additionally, the Regulatory Authority may impose a daily penalty fine ranging from 10,000 DZD to 100,000 DZD per day of delay.

Second: Sanctions Imposed on Licensed Operators

If a licensed operator fails to comply with the legislative and regulatory provisions or the decisions issued by the Regulatory Authority, the latter formally notifies the operator, granting a 30-day deadline for compliance. If the operator fails to comply within this period, the Regulatory Authority,

depending on the severity of the violation, may impose a financial penalty through a reasoned decision. The fixed amount of the financial penalty must be proportionate to the severity of the violation and the benefits derived from it or equal to the gains obtained. However, it must not exceed 2% of the operator's turnover (excluding taxes) for the last completed financial year.
This percentage may increase to 5% if the same obligation is violated again. If no prior financial activity exists, the financial penalty cannot exceed 1,000,000 DZD, with a maximum cap of 2,000,000 DZD.

Third: Penalties Imposed on Service Providers

If a service provider operating under the simple declaration system fails to comply with the legislative and regulatory provisions or the decisions issued by the regulatory authority, the regulatory authority will issue a formal notice of compliance within 30 days.
If the service provider fails to comply, the regulatory authority, depending on the severity of the violation, may impose a financial penalty through a reasoned decision.
The fixed amount of the fine must be proportionate to the seriousness of the violation and the benefits derived, or it may be equal to the gains obtained. However, the penalty must not exceed 2% of the provider's annual turnover (excluding taxes) for the last completed financial year.
This percentage may increase to 5% in cases of repeated violations[12].

Subsection Two: Non-Financial Penalties

If the operator persists in failing to comply with the conditions of the warning, despite the application of financial penalties, these additional penalties will be imposed. They are divided into:

First: Rights-Restricting Penalties, which are classified into:

1-Penalties Preceded by a Warning:

If the Regulatory Authority warns the non-compliant operator and they fail to respond, the Minister in charge of telecommunications, based on a reasoned decision and at the operator's expense, may impose one of the following penalties upon the recommendation of the Regulatory Authority[13]:

- **Total or partial suspension** of the license for a maximum period of thirty (30) days.
- **Temporary suspension** of the license for a period ranging from one (1) to three (3) months, or a reduction of its duration by up to one (1) year.

2. Penalties Without Prior Warning:

These involve the immediate suspension of the license after notifying the Minister in charge of telecommunications. This penalty is applied only in one specific case: violation of requirements related to national defense and public

security[14]. The equipment covered by the license, authorization, or simple declaration remains subject to protective measures in accordance with applicable legislation, pending a final decision on the suspension.

Secondly: Rights-Depriving Sanctions

Rights-depriving sanctions are the most severe and, under Law No. 04-18, include the permanent withdrawal of a license, authorization, or simple declaration. Their severity lies in the fact that they result in the sanctioned operator's removal from the market.

If the operator does not comply with the withdrawal decision after the expiration of the total, partial, or temporary suspension period, the license may be permanently revoked following the same procedures used for its issuance. This means that the Regulatory Authority withdraws the license, which is then approved by the Minister in charge of telecommunications, who subsequently submits an executive decree proposal.

The cases in which a license may be permanently withdrawn are limited to three situations[15]:

1. Continuous and proven non-compliance by the license holder with the fundamental obligations stipulated in this law.
2. Failure to pay the applicable fees, charges, or taxes.
3. Demonstrated inability of the license holder to operate the license effectively, particularly in cases of early dissolution, judicial liquidation, or bankruptcy.

Conclusion:

The establishment of the Postal and Telecommunications Regulatory Authority is a positive step toward organizing the postal and telecommunications markets and implementing the concept of regulation to reinforce market economy principles and uphold free competition. This authority is considered one of the most effective regulatory bodies due to:

- The Postal and Telecommunications Regulatory Authority, like other economic regulatory bodies, enjoys several powers, the most important of which are regulatory authority, supervisory authority, and punitive authority.
- The authority is granted extensive and significant supervisory powers covering all aspects and stages of activities and transactions.

Therefore, to enhance the role of the Electronic Communications Regulatory Authority in protecting investors and network users, we propose the following:

- Regulatory authorities should be granted greater independence, including allowing their members the freedom to elect their own chairman, to eliminate informal administrative dependence on the executive authority.
- The delays Algeria is experiencing in the postal and telecommunications sector, particularly in telecommunications, require strengthening and activating the role of the regulatory authority to address these delays and improve public service quality. This is especially crucial for internet provision, which continues to provoke public dissatisfaction. This issue can be attributed to the authority's failure to enforce strict oversight over operators or the ineffectiveness of the regulatory and monitoring mechanisms at its disposal.

margins:

[1] Law No. 2000-03 of **August 5, 2000** (corresponding to **5 Jumada al-Awwal 1421**), as amended and supplemented, establishes the general rules governing postal and telecommunications services.

[2] Law No. **18-04** of **May 10, 2018** (corresponding to **24 Sha'ban 1439**) establishes the general rules governing postal and electronic communications.

[3] **Boualkemah Hajar**, *The Postal and Electronic Communications Regulatory Authority Under Law 18-04*, Master's Thesis in Public Law, Mohamed Seddik Ben Yahia University, Jijel, Academic Year 2018/2019, p. 15.

[4] **Korari Madjoub**, *Regulatory Authorities in the Economic Sector: The Postal and Telecommunications Regulatory Authority as a Model*, Master's Thesis in Public Law, Abou Bekr Belkaid University, Tlemcen, Academic Year 2009/2010, p. 25.

[5] **Saioud Mohamed Taher**, *The Independence of the Postal and Electronic Communications Regulatory Authority Under the Provisions of Law 18-04, Journal of Studies on the Effectiveness of the Legal Rule*, Vol. 04, No. 01, 2020, p. 46.

[6] **Saioud Mohamed Taher**, *Op. Cit*, p. 47.

[7] **Boujemline Walid**, *Economic Regulatory Authorities in Algerian Law*, Balqis Publishing House, Algeria, 2011, p. 102.

[8] Particularly through Articles 13 and 15 of this law.

[9] Karima Zaatari, *The Legal Status of the Postal and Telecommunications Regulatory Authority*, Master's Thesis, Specialization in Administration and Finance, Faculty of Law, M'hamed Bougara University, Boumerdes, Algeria, 2012, pp. 77-78.

[10] ZOUAIMIA Rachid, *Independent Regulatory Authorities in the Face of Governance Requirements*, BELKIS Edition, Algeria, 2013, p. 36.

[11] MIMOUN Tahar and GHALLAB Fateh, *The Role of the Postal and Telecommunications Regulatory Authority in Algeria in Protecting Fair Competition, Journal of Development and Applied Economics* – University of M'sila, Issue No. 03, March 2002, pp. 262-263.

[12] See paragraph 02 of Article 136 of Law 18-04, which establishes the general rules related to postal and electronic communications.

[13] See paragraph 3 of Article 133 from the same Law

[14] See Article 129 of Law 18-04, which establishes the general rules relating to postal and electronic communications.
[15] See Article 128 from the same Law.

List of References:

Books:

1. BOUJEMLINE Walid, *Economic Regulatory Authorities in Algerian Law*, 2011.
2. ZOUAIMIA Rachid, *Independent Regulatory Authorities Facing the Requirements of Governance*, BELKIS Edition, Algeria, 2013.

Articles:

3. Taher Maimoun & Fateh Ghaleb, *The Role of the Postal and Telecommunications Regulatory Authority in Algeria in Protecting Fair Competition*, Journal of Development and Applied Economics – University of M'sila, Issue 03, March.
4. Saioud Mohamed Taher, *The Independence of the Postal and Electronic Communications Regulatory Authority Under the Provisions of Law 04-18*, Journal of Studies on the Effectiveness of the Legal Rule, Volume 04, Issue 01, 2020.

Theses and Dissertations:

5. Karima Zaâtari, *The Legal Status of the Postal and Telecommunications Regulatory Authority*, Master's Thesis in Management and Finance, Faculty of Law, M'hamed Bougara University, Boumerdes, Algeria, 2012.
6. Gourari Madjoub, *Regulatory Authorities in the Economic Sector: The Postal and Telecommunications Regulatory Authority as a Model*, Master's Thesis in Public Law, University of Aboubakr Belkaid, Tlemcen, Academic Year 2009/2010.

Legal Texts:

7. Law No. 2000-03, dated May 5, 2000 (corresponding to 1st Jumada al-Awwal 1421), amended and supplemented, defining the general rules related to postal and telecommunications services (Official Journal No. 48).
8. Law No. 18-04, dated May 10, 2018 (corresponding to 24th Sha'ban 1439), defining the general rules related to postal and electronic communications (Official Journal No. 27).