TOBNA journal for Academic scientific studies ISSN 2661-7633 / EISSN 2716-8883
Year: 2025 Vol : 08 No : 01 Page : 903 - 915

UNILATERAL PREVENTIVE LEGAL MECHANISMS FOR ACHIEVING ENVIRONMENTAL DEVELOPMENTAL BALANCE IN ALGERIAN LEGISLATION AND REGULATION

Badis Cherif, The legal, political, and Sharia research laboratory,
Abbas Laghrour University of Khenchela, Algeria,
badis.cherif@univ-khenchela.dz

Send Article Date: 2025-01-05 **Date of acceptance of the article: 2025-03-02**

Abstract:

Examining the content of environmental legislation and regulation in Algeria, and its alignment with international commitments and developmental necessities, necessitates addressing the preventive legal mechanisms established to protect environmental rights. These mechanisms are considered a manifestation of sustainable development principles, serving as integral pillars aimed at achieving the desired objectives of strategies designed to ensure development for present and future generations. Building on this, the goal of this research paper is to highlight Algeria's commitment to the precautionary principle and its incorporation into environmental legislation and regulations, which include the preventive mechanisms the state uniquely employs to safeguard the environment.

key words: Environment, Development, Prevention, Legislation, Regulation, Algeria.

Introduction:

Global interest in environmental protection gained significant momentum with the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992. This conference produced a series of legal documents, including the Earth Summit Declaration (Rio Declaration), Agenda 21, the Principles of Forest Protection, the Framework Convention on Climate Change, and the Convention on Biological Diversity.

All these documents emphasized the concept of sustainable development, which aims to meet the needs and aspirations of present generations using natural and environmental resources without compromising the ability of future generations to meet their own needs. Sustainable development seeks to balance the demands of various forms of development on one hand and the requirements for protecting environmental resources and natural wealth on the other.

As a result, states were compelled to establish legal mechanisms to uphold these globally recognized principles at the national level. This includes instituting the necessary frameworks to ensure that developmental activities continue without negatively impacting or harming the environment. Failure to do so can lead to adverse effects threatening the international community as a whole, as environmental degradation does not adhere to political or natural borders.

Given that Algeria is a member of the international community, this study examines the extent to which global principles of sustainable development, particularly in their preventive dimension, are reflected in Algerian environmental legislation and regulation.

The principles of sustainable development have been enshrined in Algerian legislation through two main approaches: Unilateral Approach: The state, through its legislative, administrative, and judicial bodies, exclusively manages and protects the environment.

TOBNA journal for Academic scientific studies ISSN 2661-7633 / EISSN 2716-8883
Year: 2025 Vol : 08 No : 01 Page : 903 - 915

Participatory Approach: The state engages with various stakeholders, including civil society and the private sector, to manage and protect the environment collaboratively.

The first approach, which constitutes a key focus of this study, is reflected through a set of preventive mechanisms established to uphold the precautionary principle. These mechanisms are embodied in the preventive tools of environmental administrative regulation. To address this topic, the following question arises:

What are the unilateral preventive legislative and regulatory mechanisms adopted in Algeria to achieve a balance between the requirements of sustainable development and the need to preserve the environment?

To answer this question, we will examine the theoretical and practical aspects of the study through two topics.

THE FIRST TOPIC: PREVENTIVE MECHANISMS OF ENVIRONMENTAL ADMINISTRATIVE REGULATION IN ALGERIAN LEGISLATION AND REGULATIONS

Environmental administrative regulation, as a unilateral mechanism employed by the state to preserve natural and artificial environmental components, encompasses two approaches: the preventive approach, also known as preemptive environmental regulation[1], which is the focus of this study, and the deterrent approach, referred to as post-regulatory administrative enforcement. Both approaches utilize systems or tools applied by environmental regulatory authorities to prevent harm and impose administrative sanctions aimed at protecting the environment from pollution[2].

The preventive systems of environmental administrative regulation are defined as the legal tools, instruments, or mechanisms designed to prevent actions that contravene environmental legislation and regulations. They also encompass preemptive measures authorized for administrative regulatory bodies to exercise their powers in environmental preservation.

Preventive environmental administrative regulation systems can be categorized into two main frameworks.

FIRST REQUIREMENT: PROCEDURAL PREVENTIVE REGULATORY SYSTEMS WITH A SUPERVISORY AND MANAGERIAL CHARACTER

Various individual activities that impact the environment are subject to preventive procedural oversight. This oversight is exercised by administrative regulatory authorities, which decide

1- It is important to note that, alongside these systems, the Algerian legislator has adopted post-violation environmental regulatory systems, which are deterrent mechanisms. These tools or methods are granted to environmental administrative regulatory authorities to monitor individuals' and institutions' compliance with environmental protection requirements in their activities. They also serve as penalties for violations of these requirements. These deterrent systems can be summarized as follows: Notification Activity; Suspension License; Revocation.

2- It should be noted here that the international community has adopted 27 principles to implement the environmental protection agenda. These principles are closely linked to sustainable development, including the precautionary principle, which underpins the preventive systems of environmental administrative regulation. This principle is considered one of the most prominent in this field due to the technical and legal debates it generates. It was highlighted at the Rio Conference as Principle 15, with the following meaning: "States should adopt precautionary measures to protect the environment according to their capabilities, and the absence of full scientific certainty cannot be used as a reason for failing to address risks that could cause serious and irreparable damage."

whether to grant individuals permission to carry out certain activities or prohibit them. These authorities also have the power to require individuals to take specific actions to ensure their activities align with established environmental standards and regulations. This oversight is implemented legislatively and practically through the systems of licensing, prohibition, and obligation, which will be elaborated on as follows:

Firstly: The Licensing System

The licensing system is one of the most effective administrative tools for supervising and controlling individual activities. It enables the administration to monitor activities that impact the environment. It can be defined as: "An administrative permit and unilateral act expressing the will of the administrative authority to regulate a specific activity," or as: "A decision issued by the administration allowing the exercise of a specific activity, contingent upon obtaining prior approval[1]."

The administration grants licenses when the necessary conditions stipulated by law are met. In the context of environmental preservation, administrative licensing takes two forms: Licenses for Activities Not Prohibited: These licenses are required by the demands of maintaining public order and protecting the environment. Examples include licenses for operating industrial, commercial, or service projects that may pollute the environment, as well as construction permits. Licenses for Activities Otherwise Prohibited: These involve permits granted for activities that are inherently prohibited, such as discharging industrial wastewater into rivers[2].

Secondly: The Prohibition System

The prohibition system represents a legal tool applied by environmental regulatory authorities through administrative decisions aimed at preventing certain actions due to the risks associated with their practice. The prohibition imposed by the legislator varies between absolute prohibition and relative prohibition. Absolute prohibition entails banning certain actions outright due to their harmful effects on the environment, with no exceptions or permits[3]. Relative prohibition, on the other hand, involves banning specific actions that could harm the environment or its components unless permission or authorization is obtained from the competent administrative authorities under the conditions and regulations specified by laws and systems[4].

Thirdly: The Obligation System

The obligation system entails the issuance of individual orders by environmental administrative regulatory authorities, requiring natural and legal persons to undertake specific actions to avoid environmental risks[5]. This regulatory measure obligates individuals, entities, and establishments to take specific positive actions to prevent environmental pollution or requires

1- Abdel-Ghani Basyouni, A Comparative Study of the Foundations and Principles of Administrative Law and Its Applications, Mansha'at Al-Ma'arif, Alexandria, Egypt, 1990, p. 385.
2- Majid Ragheb Al-Hilu, Environmental Protection Law, Dar Al-Jami'a Al-Jadida, Alexandria, Egypt, 2007, p. 137.
3- Sanka Dawood Mohammed, Administrative Regulation for Environmental Protection – A Comparative Analytical Study, Dar Al-Kutub Al-Qanuniya, Dar Shatat for Publishing and Distribution, Egypt, 2012, p. 226.
4- Majid Ragheb Al-Hilu, Op.Cit., p. 96.
5- Sanka Dawood Mohammed, Op.Cit., p. 229.

TOBNA journal for Academic scientific studies ISSN 2661-7633 / EISSN 2716-8883
Year: 2025 Vol : 08 No : 01 Page : 903 - 915

those responsible for pollution to remove its effects[1]. Failure to comply would result in harm or disruption to environmental public order.

The obligation system, as a form of preventive individual orders issued by environmental administrative regulatory authorities, is subject to conditions, which include[2]:

- The legislator does not stipulate the issuance of prior regulations for implementing individual obligation orders.
- The obligation order must fall within the scope of environmental administrative regulation and contribute to maintaining the elements of environmental public order.
- The obligation order must be issued in exceptional circumstances and must constitute the sole means available to the environmental administration.

SECOND REQUIREMENT: PREVENTIVE ADMINISTRATIVE REGULATORY SYSTEMS OF A TECHNICAL SUPERVISORY NATURE

In addition to procedural preventive regulatory systems, individual activities—particularly major industrial and commercial economic activities and other projects that implement the state's developmental programs and plans at local and national levels—are subject to legal preventive regulatory oversight of a technical nature. This oversight is applied by the competent administrative regulatory authorities to ensure, in advance, the absence of any environmental impact. These authorities possess preemptive technical inspection powers, which are part of the procedures and measures required to align these economic activities and developmental projects with the specified environmental technical standards and criteria. This alignment must occur before granting permits for construction and operating licenses, along with periodic inspections. This type of oversight is legislatively and practically implemented primarily through the Environmental Impact Assessment System and the Reporting System, which are discussed as follows:

Firstly: Environmental Impact Assessment System

The Environmental Impact Assessment System refers to the necessity of taking effective and consistent measures to prevent significant environmental harm before initiating any project or activity[3]. The Algerian legislator defines the Environmental Impact Assessment[4] as a study conducted in advance for developmental projects, structures, fixed installations, factories, other technical works, and all activities and development programs that directly affect the environment, either immediately or in the long term. This includes impacts on species, resources, natural habitats, ecological balances, and the framework and quality of life[5].

Based on these definitions, the Environmental Impact Assessment can be described as a preemptive evaluation study for hazardous projects and installations that have a direct or indirect impact on various natural and situational environmental elements. Its aim is to mitigate or minimize the negative effects that could harm the environment and pose psychological and physical health threats to citizens.

1- Refer to: Ahmed Salem, Administrative Protection of the Environment in Algerian Legislation, Master's Thesis, Faculty of Law and Political Science, University of Biskra, 2014, p. 65.

2- For further details on the obligation system, refer to: Ben Safia Siham, Administrative Authorities Responsible for Environmental Protection, Master's Thesis, Faculty of Law, University of Algiers, 2011, p. 159.

3- Ben Safia Siham, Op.Cit., p. 160.

4- This definition is provided in Article 15 of Law No. 03-10, dated July 19, 2003, concerning environmental protection within the framework of sustainable development.

5- Abdel-Monem Ben Ahmed, Legal Administrative Means for Environmental Protection in Algeria, PhD Dissertation in Public Law, Faculty of Law, University of Algiers, 2009, p. 12.

TOBNA journal for Academic scientific studies ISSN 2661-7633 / EISSN 2716-8883
Year: 2025 Vol : 08 No : 01 Page : 903 - 915

Given this concept, the Environmental Impact Assessment is considered a preemptive administrative procedure integrated into the process of preparing administrative decisions regarding whether to grant permits for implementing and materializing various developmental projects. This system is accompanied by another technically oriented system known as the Risk Assessment System, which is a complementary technical preventive procedure to the Environmental Impact Assessment.

The Risk Assessment System focuses on the preparation for operating economic and industrial installations, particularly after their completion. It addresses the evaluation of industrial activity-related risks before or after the activity commences. It further includes assessing potential risks following an incident, malfunction, or failure in the economic and industrial installation.

This complementary system to the Environmental Impact Assessment can be considered a tool granted to the competent administrative regulatory authorities to assess the scope and nature of environmental risks resulting from industrial facilities' operations. These evaluations form the basis for issuing operating permits[1]. It is worth noting that these operating permits are subject to a set of procedures and conditions that the operator must comply with to obtain the license, depending on the significance of the installation.

Secondly: The Reporting System

The reporting system is one of the modern approaches introduced through environmental protection laws. Its objective is to ensure continuous preventive oversight of economic activities and installations. This system is closely related to the obligation system, as it requires individuals engaged in various activities to submit periodic reports about those activities, enabling administrative authorities to exercise oversight.

Given the importance of this system, the Algerian legislator has expanded its scope beyond the preventive measures and restrictions applied in environmental administrative regulation, as examined in this study. It now encompasses the government's initiative for preparing the National Environmental and Sustainable Development Plan. A key procedure in the preparation of this plan is the development of the National Environmental Report, a document derived from extensive intersectoral consultations. This report allows for the identification of the fragility of the physical aspects of the territory, institutional and legal imbalances, and deficiencies in the environmental activities undertaken[2].

In our view, this system reflects Algeria's commitment to the precautionary principle and demonstrates alignment between Algerian environmental legislation and international environmental protection law.

1- Badis Cherif, Legal Technical Protection of the Environment from Industrial Activity Risks, Journal of Real Estate Law and Environment, University of Mostaganem, Algeria, Vol. 11, Issue 01, 2023, p. 121.

2- The provisions governing the National Environmental Report are outlined in Executive Decree No. 15-207, dated July 27, 2015, which specifies the procedures for initiating and preparing the National Plan for Environmental Activity and Sustainable Development. Paragraph 05 of Article 02 of the decree states that the government must prepare reports to evaluate environmental activity and sustainable development periodically every five years.

TOBNA journal for Academic scientific studies ISSN 2661-7633 / EISSN 2716-8883
Year: 2025 Vol : 08 No : 01 Page : 903 - 915

THE SECOND TOPIC : APPLICATIONS OF PREVENTIVE ENVIRONMENTAL ADMINISTRATIVE REGULATION IN ALGERIAN LEGISLATION AND REGULATIONS

Before delving into the applications of preventive environmental administrative regulation in Algerian legislation and regulations, it is important to highlight that these applications aim to affirm and consolidate Algeria's commitments in this field. They reflect the international will to establish the rules of international environmental law by implementing the requirements of environmental protection at the national level. These requirements necessitate, among other things, the adoption of principles with a global dimension, designed to achieve the objectives of the international community in this area.

Among these principles, those closely linked to sustainable development stand out, particularly the precautionary principle, which raises significant technical and legal debates. This principle was highlighted at the Rio Conference of 1992 as Principle 15, emphasizing that states should adopt precautionary measures to protect the environment according to their capabilities. The absence of scientific certainty cannot be invoked as a justification for failing to address risks that could cause significant and irreparable harm[1].

The Rio Conference played a foundational role in establishing this principle, which is one of the novel principles introduced in international environmental protection. By examining international texts and jurisprudential efforts addressing this principle, we find that it has not been defined explicitly but rather characterized through its distinguishing features compared to other principles.

Below, we provide examples of how this principle is embodied in Algerian environmental legislation and regulations, as evidenced through the applications of the preventive regulatory systems outlined above:

FIRST REQUIREMENT: APPLICATIONS OF PROCEDURAL PREVENTIVE REGULATORY SYSTEMS IN ALGERIAN LEGISLATION AND REGULATIONS

Upon examining environmental legislation and regulations, we find that the Algerian legislator, in seeking greater effectiveness in achieving environmental developmental balance, has implemented numerous applications of preventive environmental administrative regulatory systems in their procedural and managerial dimensions. These applications are specifically established and enshrined in the provisions of Law No. 03-10, dated July 19, 2003, concerning the protection of the environment within the framework of sustainable development, as well as in other laws and regulations that precede or follow this law, directly or indirectly linked to constitutional and international environmental protection requirements. Examples of these applications include the following:

Firstly: Applications of the Licensing System in Algerian Environmental Legislation and Regulations

The licensing system, as a regulatory measure for environmental protection, refers to the authorization issued by competent authorities to undertake a specific activity that impacts

1- The Algerian legislator defined the precautionary principle in Article 03 of Law No. 03-01 on Environmental Protection within the Framework of Sustainable Development as follows: "The precautionary principle: which requires that the lack of available technologies, based on current scientific and technical knowledge, should not delay the adoption of effective and proportionate measures to prevent the risk of significant environmental harm, provided this is achieved at an acceptable economic cost."

environmental elements. This authorization may be granted by central authorities for projects of significant environmental impact or by local authorities such as the governor or the head of the municipal council[1]. Any violator who initiates an activity requiring a license without obtaining one is subject to various legal administrative and criminal penalties[2]. Algerian legislation contains numerous examples of administrative licensing applications related to environmental protection, such as:

1- Building Permits

A key example of licensing related to urban planning and development, building permits are closely linked to environmental protection under urban planning laws[3]. A building permit is one of the most significant tools for preventive oversight to preserve the environmental and natural surroundings, serving as a key mechanism to prevent the haphazard exploitation of the environment.

The Urban Planning Law mandates obtaining a building permit for constructing new buildings, regardless of their intended use. Executive Decree No. 91-176, dated May 28, 1991, outlines the procedures for preparing certificates of urbanization, subdivision permits, division certificates, building permits, certificates of compliance, demolition permits, and their issuance. This decree emphasizes the need to balance granting building permits with environmental protection. Preventive oversight is evident in the issuance and denial of permits, as the authorities investigate compliance with required conditions. Cases for denying a permit include instances where the project compromises the environment, surrounding area, aesthetic appeal, or urban coordination[4].

2- Operating Permits for Classified Installations

By examining Article 19 of **Law No. 03-10**, the Algerian legislator defines classified installations as factories, workshops, stone quarries, mines, and, in general, installations operated or owned by any natural or legal person, whether private or public, which pose risks to public health, hygiene, safety, agriculture, environmental systems, natural resources, sites, landmarks, or coastal areas. They may also disturb neighborhood tranquility. The legislator categorizes classified installations into two groups:

a. Installations Requiring Licenses

Article 19 of Law No. 03-10 specifies the authority responsible for granting operating licenses for classified installations based on their significance and the degree of risks or harms associated with their operation. These installations are divided into three categories:

- First-Class Installations: Include at least one installation requiring a ministerial license.
- Second-Class Installations: Include at least one installation requiring a license from the territorially competent governor.
- Third-Class Installations: Include at least one installation requiring a license from the head of the municipal council.

b. Installations Requiring Declarations

These installations are considered to pose no risk or direct impact on the environment and have no adverse effects on public health, hygiene, or tourist areas. Therefore, they do not require

1- Ahmed Lakhal, The Role of Local Communities in Environmental Protection, Houma Publishing, Printing, and Distribution, Algeria, 2014, p. 206.
2- Ibid, p. 206.
3- This refers to Law No. 90-29, dated December 1, 1990, concerning Urban Planning and Development.
4- Azri Al-Zein, Procedures for Issuing Building and Demolition Permits in Algerian Legislation, Journal of Thought, University of Biskra, Algeria, Vol. 03, Issue 01, 2008, p. 17.

an Environmental Impact Study or an Impact Reference. The permit for such installations is issued by the head of the municipal council upon the submission of relevant information by the owner of the installation.

3- Licenses for the Use and Exploitation of Forests

As an example of licenses related to the exploitation of natural resources such as forests and water, forests, due to their specific nature, may be used or exploited in two ways:

- Forestry Use: Refers to usage by residents living within or near the forest[1].
- Forestry Exploitation: Refers to tree cutting, where the administration responsible for forest management holds extensive powers before, during, and after the issuance of forest exploitation licenses[2].

4- Examples of Other Licenses

Law No. 05-12 on water resources establishes a specific legal framework for the use of water resources. Article 71 stipulates that any natural or legal person must obtain a license or concession from the administration responsible for water resources. Additional examples of the licensing system include:

- Hunting License: This license is required by law for hunters, who must be members of an association and possess valid insurance documentation. The law outlines administrative regulatory procedures in this field[3].
- License for the Export of Hazardous Special Waste: The provisions for this license are regulated under Executive Decree No. 19-10, dated January 23, 2019, concerning the export of hazardous special waste.

Secondly: Applications of the Prohibition System in Algerian Environmental Legislation and Regulations

After defining the prohibition system as a preemptive preventive measure aimed at preserving the environment, we will now explore some of its legal and regulatory applications in Algerian legislation. By referring to **Law No. 03-10** on environmental protection within the framework of sustainable development, the Algerian legislator has outlined cases of absolute and relative prohibition, as follows:

1- Absolute Prohibition

Law No. 03-10 allows environmental administrative regulatory authorities to impose absolute prohibitions to preserve environmental public order in all its aspects by preventing certain actions that pose significant risks to natural and situational environments. Examples include[4]:

- Article 51 of the same law prohibits any discharge or disposal of wastewater or the dumping of waste, regardless of its nature.

1- Refer to Articles 34, 35, and 36 of Law No. 84-12, dated July 23, 1984, as amended by Law No. 91-20, dated December 2, 1991, concerning the General Forestry System.

2- The Algerian legislator regulated forest exploitation in Article 17 of Law No. 84-12, mentioned above, while Article 18 stipulates the necessity of obtaining a license issued by the Forestry Administration following preliminary procedures preceding its issuance.

3- This is in accordance with the provisions of Law No. 04-07, dated August 14, 2004, concerning hunting.

4- Among other cases of absolute prohibition provided for in laws related to the protection of environmental elements is Law No. 03-02, dated February 17, 2003, which establishes general rules for the use and exploitation of beaches. Article 12 of this law prohibits any beach operator from engaging in activities that harm public health, degrade seawater quality, or damage its inherent value.

- Article 156 of Law No. 14-05, dated February 24, 2014, which includes the Mining Law, prohibits granting permits for any mining activities in sites protected by law or international agreements.

2- Relative Prohibition

As previously explained, relative prohibition can be lifted upon obtaining the necessary permits from the competent administrative authorities, provided the conditions outlined in environmental protection laws are met. Examples of relative prohibition in Algerian legislation include:

- Article 55 of Law No. 03-10, which requires a permit issued by the Minister of Environment for operations related to the loading and unloading of materials and waste intended for disposal at sea.
- Article 18 of Law No. 14-05, which permits mining activities in forested or aquatic areas only after obtaining formal approval from the Minister of Environment.

Thirdly: Applications of the Obligation System in Algerian Environmental Legislation and Regulations

The obligation system, like other preventive systems aimed at mitigating risks and environmental harm, has numerous applications in Algerian environmental legislation and regulations. Examples include:

- Article 49 of Law No. 03-10, which obligates those responsible for air-polluting emissions that threaten people, the environment, and property to take the necessary measures to eliminate or reduce these emissions. This article also requires industrial unit owners to adopt all necessary measures to reduce or cease the use of substances that deplete the ozone layer.
- Another example of the obligation system is found in Article 06 of Law No. 01-09, dated December 12, 2001, concerning waste management, control, and disposal. This article mandates that every producer or holder of waste take all necessary measures to minimize waste production to the greatest extent possible, and to adopt and use cleaner and less waste-producing technologies.

The obligation system also extends to other areas, such as the protection of water resources and aquatic environments, as well as coastal environmental protection[1].

SECOND REQUIREMENT: APPLICATIONS OF PREVENTIVE ADMINISTRATIVE REGULATORY SYSTEMS OF A TECHNICAL SUPERVISORY NATURE

Given the effectiveness of preventive and technical supervisory systems of environmental administrative regulation in achieving developmental and environmental sustainability, the Algerian legislator has given them due importance. This is evident in the relevant legislation, particularly Law No. 03-10, and other related laws and regulations containing provisions that enshrine these systems. Examples of these applications are as follows:

Firstly: Applications of the Environmental Impact Assessment System in Algerian Legislation and Regulations

Based on the definition of the Environmental Impact Assessment System provided above, two criteria are used to classify projects subject to such assessments. The first criterion relates to the importance and size of projects and activities, including projects such as the planning and

1- Similarly, Article 04 of Law No. 09-03, dated February 25, 2009, concerning consumer protection, requires anyone involved in making food products available for consumption to ensure their safety, maintain hygiene standards, and avoid harm to consumer health.

establishment of new industrial activity zones. The second criterion pertains to the degree and extent of the environmental impact, covering impacts on natural resources, environments, and spaces, as well as on ecological balances, the framework of living conditions, and quality of life. These two criteria are emphasized by the Algerian legislator in Executive Decree No. 90-78, dated February 27, 1990, concerning environmental impact assessments.

The content of the assessment, the procedures for its approval—including public investigations, review of the study, and its validation—are outlined in Article 16 of Law No. 03-10 and Executive Decree No. 07-150, dated May 19, 2007[1], which specifies the list of classified installations for environmental protection.

The Algerian legislator has also adopted the Risk Assessment System as a complementary environmental preventive system to the Environmental Impact Assessment. This is reflected in various legal provisions, including Article 21 of Law No. 03-10, which stipulates that the issuance of an operating permit for classified installations must be preceded by a risk assessment. This study evaluates the potential risks and impacts of the project on public health, hygiene, safety, agriculture, environmental systems, natural resources, sites, landmarks, and tourist areas, or the comfort of neighboring communities.

The legislator further detailed the implementation of this system in several laws and regulations directly related to risk assessments, such as Law No. 04-20, dated December 25, 2004, concerning the prevention of major risks and disaster management within the framework of sustainable development, where Article 60 mandates that all industrial installations undergo a risk assessment before commencing operations[2]. Similarly, Article 14 of Executive Decree No. 06-198, dated May 31, 2006, on regulations applicable to classified establishments for environmental protection, provides a detailed outline of the contents of these assessments[3].

Secondly: Applications of the Reporting System in Algerian Environmental Legislation and Regulations

Despite the practical significance of this system as part of the preventive technical environmental administrative regulation, the Algerian legislator did not explicitly mention it in Law No. 03-10, instead referring to its legal and practical requirements implicitly and indirectly. Article 08 of the law states that any natural or legal person possessing information related to environmental elements that could directly or indirectly affect public health must convey this information to local authorities and the authorities responsible for the environment[4].

However, the Algerian legislator has adopted this system in several environmental laws and regulations. For example[5]:

- Article 21 of Law No. 01-19, previously mentioned regarding waste management, mandates that any holder or producer of waste requiring a permit from the Minister of

1- Article 16 of Law No. 03-10 refers to the regulation governing Environmental Impact Assessments and outlines the minimum requirements of their content, including a description of the proposed activity, an overview of the original state of the site and its environment, the extent of its impact, and a description of the potential environmental effects...

2- Badis Cherif, Op.Cit., p. 123.

3- It should be noted that the Algerian legislator defined the Risk Assessment System in Article 12 of Executive Decree No. 06-198, mentioned above.

4- Badis Cherif, Op.Cit., p. 130.

5- As for Law No. 03-10, it implicitly refers to the reporting system in Article 08, which states: "Any natural or legal person possessing information related to environmental elements that could directly and/or indirectly affect public health must communicate this information to local authorities or the authorities responsible for the environment."

Environment must periodically provide information about the quantity, nature, and characteristics of the waste, as well as details about its treatment.

- Article 109 of Law No. 05-12, concerning the Water Law, requires the holder of a concession for managing public water or sanitation services to submit a report to the granting authority.

Conclusion:

In conclusion, this study highlights that the unilateral preventive legal systems adopted in Algeria to achieve environmental developmental balance are largely consistent with the precautionary principle, which is one of the key principles of sustainable development established at the Rio Conference in 1992.

However, these systems alone cannot achieve their intended goal of harmonizing the requirements of development with the necessities of environmental preservation. Their effectiveness relies on integration with other legal systems, such as post-regulatory or deterrent mechanisms, which also align with the principles of sustainable development and Algeria's international commitments in this domain.

Furthermore, the desired effectiveness of these systems as a whole cannot be realized without the strict application of the substantive and procedural provisions governing them. This ensures the level of effectiveness required to minimize and mitigate the negative impacts of various developmental activities.

Bibliography List:

First: Legal Texts

1. Law No. 84-12, dated July 23, 1984, amended and supplemented by Law No. 91-20, dated December 2, 1991, concerning the General Forestry System.
2. Law No. 90-29, dated December 1, 1990, concerning Urban Planning and Development.
3. Law No. 01-19, dated December 12, 2001, concerning Waste Management, Monitoring, and Disposal.
4. Law No. 03-02, dated February 17, 2003, establishing general rules for the use and exploitation of beaches.
5. Law No. 03-10, dated July 19, 2003, concerning Environmental Protection within the Framework of Sustainable Development.
6. Law No. 05-12, dated August 4, 2005, concerning Water Resources.
7. Law No. 09-03, dated February 25, 2009, concerning Consumer Protection.
8. Law No. 14-05, dated February 24, 2014, containing the Mining Law.
9. Executive Decree No. 90-78, dated February 27, 1990, concerning Environmental Impact Assessments.
10. Executive Decree No. 91-176, dated May 28, 1991, specifying procedures for preparing urbanization certificates, subdivision permits, division certificates, building permits, certificates of compliance, and demolition permits, and their issuance.
11. Executive Decree No. 07-150, dated May 19, 2007, specifying the list of classified installations for environmental protection.
12. Executive Decree No. 15-207, dated July 27, 2015, specifying procedures for initiating and preparing the National Plan for Environmental Activity and Sustainable Development.
13. Executive Decree No. 19-10, dated January 23, 2019, concerning the export of hazardous special waste.

Second: Books

1. Ahmed Lakhal, *The Role of Local Communities in Environmental Protection*, Houma Publishing, Printing, and Distribution, Algeria, 2014.
2. Sanka Dawood Mohammed, *Administrative Regulation for Environmental Protection – A Comparative Analytical Study*, Dar Al-Kutub Al-Qanuniya, Dar Shatat for Publishing and Distribution, Egypt, 2012.
3. Abdel-Ghani Basyouni, *A Comparative Study of the Foundations and Principles of Administrative Law and Its Applications*, Mansha'at Al-Ma'arif, Alexandria, Egypt, 1990.
4. Majid Ragheb Al-Hilu, *Environmental Protection Law*, Dar Al-Jami'a Al-Jadida, Alexandria, Egypt, 2007.

Third: Theses and Dissertations

1. Ahmed Salem, *Administrative Protection of the Environment in Algerian Legislation*, Master's Thesis, Faculty of Law and Political Science, University of Biskra, 2014.
2. Ben Safia Siham, *Administrative Authorities Responsible for Environmental Protection*, Master's Thesis, Faculty of Law, University of Algiers, 2011.
3. Abdel-Monem Ben Ahmed, *Legal Administrative Means for Environmental Protection in Algeria*, PhD Dissertation in Public Law, Faculty of Law, University of Algiers, 2009.

Fourth: Articles

1. Azri Al-Zein, *Procedures for Issuing Building and Demolition Permits in Algerian Legislation*, Journal of Thought, University of Biskra, Algeria, Vol. 03, Issue 01, 2008.

2. Badis Cherif, *Legal Technical Protection of the Environment from Industrial Activity Risks*, Journal of Real Estate Law and Environment, University of Mostaganem, Algeria, Vol. 11, Issue 01, 2023.