

Accordingly, the legal framework governing thermal waters must be designed to acknowledge their intrinsic value and to establish regulations that serve their developmental goals, without compromising their protection. This responsibility becomes more pressing for the legislator in light of two key variables: the imperative of sustainable thermal tourism development, on the one hand, and the legal complexity stemming from the diversity of property regimes governing lands with thermal characteristics, on the other.

This research paper aims to provide an analytical study of the legal system regulating thermal waters, by examining the foundational pillars upon which this system is built—whether those concerning the rules that determine the thermal nature of water, the formation of what is referred to as the “thermal inventory,” or the mechanisms that ensure continuous regulation for the purpose of protection. The study will further analyze the exploitation mechanisms of thermal waters and reveal their resulting impacts.

To achieve its objectives, this paper is guided by a central research question: *To what extent is the legal framework governing thermal waters effective in advancing their investment potential?* In seeking to answer this question and to produce meaningful and practical findings, the paper is structured into two main sections. The first addresses the legal establishment of thermal waters, while the second is devoted to analyzing the mechanisms of their exploitation.

2. The Establishment of Thermal Waters

The establishment process serves as the legal procedure through which water acquires its thermal classification. This process is carried out in accordance with specific legal mechanisms (Subsection One), and it entails a set of legal consequences (Subsection Two).

2.1. Mechanisms for Establishing Thermal Waters

According to the provisions of Executive Decree No. 07-69 (07/69, 2007), the mechanisms for establishing thermal waters and confirming their thermal nature range between a primary mechanism, which is the classification procedure (First Branch), and an exceptional mechanism, applied only when legally necessary, which involves expropriation for public utility (Second Branch).

A/ Classification as the Primary Procedure for Establishing Thermal Waters

Thermal waters are considered part of the natural underground water resources located within the earth's subsurface (Ahmed & Mouna , 2016). Accordingly, the law recognizes them as waters that emerge from natural springs or are drawn from drilled wells, which may possess therapeutic properties due to the specific characteristics of their sources, the consistency of their natural features, and their chemical composition. Seawater that, once treated and transported, exhibits therapeutic effects may also be classified as thermal water. These types of waters are subject to the classification procedure, which is deemed the final act of establishing them as thermal waters. (07/69, 2007)

From a legal standpoint, classification is considered one of the procedures for incorporating property into the category of public national domain (Yahiaoui, 2005). Some scholars define it as the legal or factual status that confers a public nature upon a property. In order to proceed with classification, it is required that the entity requesting the classification has prior ownership of the property and that it is prepared for the intended public purpose. (No.90/30, 1990)

However, before the classification can be implemented, a preliminary procedure must be carried out—known as the identification process, which serves as a temporary form of establishment. This involves subjecting the water to microbiological and chemical analyses. The aim of the identification process is to assess the importance of the resource and to determine its therapeutic characteristics and relevant medical applications (07/69, 2007). These findings must be certified by accredited laboratories (05/12, 2005).

The party entitled to request the identification of thermal waters is primarily the State, through its authorized institutions, for the purposes of inventory, regulation, protection, and exploitation, given that these waters are considered part of the national public domain. However, the right to request identification is not limited to the State; it may also be granted to any individual holding a valid license for water exploration and extraction who seeks to exploit the source for therapeutic purposes. Such licenses are issued

in accordance with applicable regulations, even when the land on which exploration activities take place is privately owned. This is based on the legal principle that ownership of land includes the space above and below the surface to the extent necessary for its enjoyment in height and depth. Nonetheless, ownership of the surface may, by law or agreement, be separated from ownership of what lies above or beneath it (75/58, 1975)¹.

The aforementioned license constitutes one of the legal limitations on the right to exploit subsurface resources. This is because the waters targeted for exploration and extraction—though located beneath privately owned land—are classified as part of the nation's natural resources. As such, they are legally recognized as part of the national public domain of natural assets. This legal classification justifies the exploitation of thermal waters through a concession system, (No.90/30, 1990) which is considered one of the primary methods for managing and utilizing state-owned property and facilities (Baali, 2004)

Once the identification process is completed, it must be approved by a decision issued by the Minister responsible for thermal waters. This approval renders the waters eligible for classification. The classification itself is declared by the Minister responsible for tourism, based on a proposal from the Technical Committee for Thermal Waters and after consultation with the Minister in charge of thermal waters. The latter must provide an opinion within one month of being notified; failure to respond within this period is considered an implicit positive opinion. Classification is based on a range of factors, including the geological location of the spring, water and gas flow levels, temperature, electrical conductivity, radioactivity (if applicable), physicochemical composition, and therapeutic uses (07/69, 2007)

B/ Expropriation as an Exceptional Procedure for Establishing Thermal Waters

After the legislator granted the processes of identifying, assessing, and valuing thermal water sources the status of public utility (03/01, 2003), and affirmed the possibility of issuing a public utility declaration for thermal springs—thereby integrating them into the approved thermal inventory by means of a decree, based on their therapeutic value, the flow rate of the spring, and the viability of site exploitation—it was explicitly stated that the

expropriation of land overlying a declared thermal spring may be adopted. This is expressed in the following provision:

"If the owner of the land on which a declared thermal spring of public utility flows refuses any use or exploitation under this decree, or refuses to lease or sell the land, expropriation may be carried out in accordance with the provisions of Law No. 91-11 of 27 April 1991, after a formal notice of one (01) year is served by the territorially competent Wāli". (07/69, 2007)

In other words, if the owner of the land—where a thermal spring has been declared both thermal in nature and of public utility—refuses to participate in its exploitation through a concession agreement, or refuses to sell or lease the land to the State, the expropriation procedure may be applied, in accordance with the provisions of the relevant expropriation law (91/11, 1991). A series of regulatory texts and implementing decrees support this procedure, making it a comprehensive legal and institutional framework upon which the State relies to assert control. (Boudhan, 2012)

It can thus be concluded that the declaration of public utility for a thermal spring constitutes a temporary establishment procedure, equivalent to the identification phase for thermal waters, whereas expropriation of the land parcels where such springs are located is considered the final act of establishment. Whether thermal waters are established through the primary (classification) or exceptional (expropriation) procedure, a range of legal effects inevitably result.

3. Legal Effects of Establishing Thermal Waters

Once the thermal waters have been definitively established and officially recognized as such, two primary legal effects arise, both of which fall within the core objective of protecting these waters. These effects manifest through a specific system of supervision (Subsection I) and a system of regulation (Subsection II).

3.1. Submission to a Specific Supervision System

The legislator has affirmed that the protection of thermal waters is a duty entrusted to the State through its competent institutions. Among the key mechanisms for ensuring this protection is the supervision of thermal waters, which must be continuous and systematic, focusing particularly on the stability and quality of the waters. Supervision may also extend to the

facilities involved in the extraction, conveyance, and transportation of thermal waters.

Should this monitoring reveal any turbidity, contamination, or microbial infection, the use of such waters for therapeutic or curative purposes becomes strictly prohibited.

If planning is understood as an integrated set of interventions, preparations, and actions that govern and structure a given sector while setting a clear future vision through regulatory and management tools, then thermal waters may equally be the subject of strategic planning aimed at their supervision (07/69, 2007)

In this context, the legislator referred to what is termed the “National Plan for the Supervision and Promotion of Thermal Waters”, as part of outlining the responsibilities of the Technical Committee on Thermal Waters, which is mandated to issue opinions regarding this plan. However, this brief mention by the legislator remains insufficient, given the importance of this plan and the critical role it plays in defining the mechanisms for effective supervision and enhancement of thermal waters.

Such plan should be based on a national strategic vision aligned with the imperatives of sustainable thermal tourism development, while remaining consistent with existing sectoral planning frameworks—particularly the National Water Plan (05/12, 2005)

Given the above, it is proposed that the Algerian legislator introduce a dedicated chapter within Executive Decree No. 07-69 that outlines the provisions of the National Plan for the Supervision and Promotion of Thermal Waters, specifying the modalities for its preparation and implementation .

3.2. Submission to a Specific Regulatory System

This system falls within the scope of administrative regulation, which is one of the core functions of public administration (Al-Helwa, 2007), designed to impose restrictions on individual freedoms in pursuit of the requirements of public order (Lailwa, 2008). Regulation is typically implemented through a series of procedures that often take the form of restrictive measures, among which is the prohibition regime. The latter constitutes a manifestation of protection principles, whereby the authorities

are empowered to ban certain activities and enforce compliance through sanctions. (Abdelmounim, 2009)

In the context of definitively established thermal waters, the prohibition regime is applied through the following regulatory measures:

- No activity that could impair the qualitative preservation of thermal waters is allowed within the health protection zone established around recognized thermal springs. Likewise, all activities are prohibited within the proximate protection zone surrounding those springs. These zones and associated prohibitions are defined by a joint ministerial decree issued by the Minister of Water Resources and the Minister of Tourism (Article 16 of the Decree).

- All commercial, industrial, and artisanal activities are prohibited within the protection zones (Article 17).

- No underground probing or works may be carried out within the protection zone of a declared thermal spring of public benefit without explicit authorization from the competent authority (Article 18).

- It is forbidden within the protection zones to spread organic fertilizers (whether of human, animal, or industrial origin), to dispose of household or other waste, or to perform any activities that could alter the quality of the thermal waters, reduce their flow, or change their course (Article 19).

- These prohibitions apply even to privately owned land located within the boundaries of the established protection zones around thermal springs (Article 20).

- Finally, the legislator has strictly prohibited the use of officially recognized thermal waters anywhere in the national territory for agricultural, industrial, or any other purposes that are not therapeutic (Article 21 of the Decree) .

4. Exploitation of Thermal Waters

Once the thermal nature of water resources has been legally established through the mechanisms previously outlined, such waters become subject to exploitation under an appropriate legal framework—namely, the concession contract. Pursuant to the provisions of Executive Decree No. 07/69, it is mandatory to fulfill a set of conditions and follow specific procedures to

validly conclude the contract (Section I), which subsequently gives rise to several legal consequences (Section II).

4.1 Conditions and Procedures for the Exploitation of Thermal Waters by Concession Contract

Having affirmed that concession constitutes the exclusive legal means for the use and exploitation of thermal waters, the legislator thereby adopted one of the pre-established systems enshrined in water law (75/58, 1975). Within this framework, the decree outlines both the eligibility criteria required of the investor to benefit from the concession (Subsection I) and the procedural steps to be followed in granting the contract (Subsection II).

4.1.1 Legal Requirements for Granting the Concession

Pursuant to the provisions of **Executive Decree No. 07/69**, any applicant seeking a concession for the exploitation of thermal waters must demonstrate, on the one hand, a **legal connection to the land parcel** where the thermal spring is located, and on the other hand, a **capacity to carry out the intended activity**.

With respect to the **first condition**, the legal relationship with the land may be proven in one of the following ways:

- The applicant may be the **owner of the land** bearing the thermal nature and must provide valid **property title deeds**; (Abdelrazak, November 2017)
- Alternatively, the applicant may possess a **usufruct right** over the land, in which case appropriate legal documentation confirming this right must be presented; (75/58, 1975)
- The applicant may also be a **lessee**, holding a **notarial lease contract** that expressly specifies the purpose of using and exploiting thermal waters for a duration at least equal to the concession period. (07/69, 2007)

It follows from this that the land may either be **privately owned** or **publicly owned by the State**, with the State being permitted to lease its private domain properties. (No.90/30, as amended and supplemented, 1990)

Notably, the legislator, in defining the category of persons eligible to request a concession for the use and exploitation of thermal waters, **did not include holders of exploration permits** (for water research and capture), despite the fact that such individuals are authorized, at the preliminary stage,

to request classification of waters and recognition of their thermal nature. In principle, such permit holders **should be entitled to benefit from a concession**, and ideally, they should even be granted **priority rights**. This is a legislative gap that ought to be addressed.

It should also be emphasized that the **concession may be granted not only to natural persons but also to legal entities**, such as companies or institutions. This is inferred not from an express provision, but rather from **implicit references** in the decree—such as in the sample concession decision (07/69, 2007), the list of documents required for the application, and the general principles of the decree, which define a “**thermal institution**” as “any establishment that utilizes thermal waters and their derivatives for therapeutic or fitness purposes.” (07/69, 2007)

Regarding the **second condition**, i.e., the ability to carry out the activity, the decree refers to this as the **requirement of professional competence** in the relevant field. The applicant must personally possess such competence. However, **by exception**, if the applicant lacks the necessary qualifications, they must engage in **permanent collaboration** with a professionally competent individual who will be responsible for managing the therapeutic and wellness facilities. Such competence may be demonstrated by either: (07/69, 2007)

- A **medical degree**,
- A **higher technical diploma in public health**, provided the individual works **under the supervision of a contracted medical doctor**.

In the case where the applicant seeks a **concession to establish a thalassotherapy institution** (i.e., one using seawater and marine-extracted natural water for therapeutic and fitness purposes, as defined in **Article 6** of the decree), the applicant must, in addition to proving professional competence as outlined above, also demonstrate the following:

- **Provision of a suitable land parcel** for establishing the thalassotherapy facility in accordance with **Law No. 02/02**, (02/02, 2002) which imposes **planning and land use constraints** for such establishments. This includes adherence to **beach development plans**, where the selected site must fall within **three kilometers** from the highest sea tide mark, and the construction itself must respect a **300-meter**

setback (non-building easement) from the shoreline (02/02, 2002). Compliance with broader **coastal development schemes** (defining the conditions and modalities for construction and land occupation on the coastal strip and adjacent natural parts of beaches, 2007), **urban planning instruments**, and **coastal protection regulations** is also mandatory, (Hanouni, 2012) in recognition of the **fragile nature of coastal zones** and the risks posed by unregulated development. (07/69, 2007)

- **Holding a concession or permit to use marine waters**, in accordance with **Article 10 of Ordinance No. 76/80** (76/80, 1976)(Maritime Law, as amended) This article stipulates that maritime public property may be subject to **permits for works, concessions, or temporary usage**, issued by the competent authorities and subject to fees determined upon technical advice. An amendment to this ordinance added a final clause to Article 10, specifying: “...*such permits are issued by the competent authorities and result in the payment of fees determined in accordance with applicable legislation.*” (98/05, 1998)

4.1.2 Procedures for Granting the Concession

The procedures for granting a concession are divided into two stages: the application submission stage, accompanied by the necessary technical documents, and the stage of reviewing and deciding on the application.

First Stage: Application Submission: The process begins with sending the application in five copies to the minister responsible for thermal waters, through the competent regional wali (governor). The wali is required to forward the application to the ministry along with their opinion within a maximum of two months. The application must include the following documents:

- Name, surname, and residence of the applicant; for legal entities, the company's name and address.
- Proposed name for the source, which should be distinct from any other existing source and not linked to any geographical designation.
- A map extract at a scale of 1:50,000 or 1:200,000, or a plan indicating the location of the source.

- For institutions utilizing seawater, an extract from a map at a scale of 1:50,000 or 1:200,000, or a plan indicating the location of the institution relative to the sea.
 - A seawater usage license for seawater treatment institutions.
 - Detailed information about the daily flow of the source, including possible seasonal variations, temperature, microbial content, and the therapeutic properties of its water.
 - The location of the thermal spring in question, in accordance with the regulatory data found in the thermal spring inventory.
 - The basic company regulations, if applicable.
 - A descriptive statement of the planned works for drawing and transporting the water.
 - A descriptive statement of the therapeutic structures to be built or already built.
 - A technical and economic study of the project for the use and exploitation of the thermal water.
 - Any other documents or information considered necessary.

Second Stage: Application Review: Once the application is received, the minister responsible for thermal waters forwards it to the technical committee for thermal waters for review. The committee must issue an opinion within one month of being notified by the minister. The committee may issue one of the following decisions:

- Approval,
- Approval with conditions that the applicant must meet,
- Rejection in the following cases:
 - o When the application does not meet the requirements specified by the decree,
 - o If the applicant has had a concession revoked,
 - o If the requested water has shown signs of turbidity, contamination, or microbial infection.

In the case of approval, the minister is required to make a decision within one month of receiving the committee's opinion. If approved (12/205, 2012.), the minister issues a decision granting the concession for a 20-year period, renewable, in exchange for a royalty payment. If rejected,

the rejection decision must be substantiated and delivered to the applicant within the same one-month period from the date of receiving the application, as stipulated by the legislator.

The applicant has the right to appeal the rejection decision before the minister within one month from the date of receiving the rejection decision. The minister will then decide within one month from the date the appeal is received. (07/69, 2007)

The technical committee is established under the minister responsible for thermal waters and consists of:

- The minister responsible for thermal waters or their representative (Chairperson),
- A representative of the minister responsible for water resources,
- A representative of the minister responsible for public health,
- A representative of the minister responsible for local authorities,
- A representative of the minister responsible for the environment,
- A representative of the minister responsible for finance,
- The Director General of the National Water Resources Agency,
- The Director General of the National Tourism Development Agency,
- Two individuals chosen by the minister based on their expertise in this field.

The committee may invite any individual whose expertise or professional activities could assist in their deliberations. The ministry responsible for thermal waters provides the technical committee's secretariat.

It is noteworthy that the committee's composition does not include a representative of the minister responsible for tourism, despite the fact that thermal waters have a tourism-related aspect. The decree No. 07/69 was issued to implement the provisions of Law No. 03/01 on the sustainable development of tourism, and the minister responsible for tourism is the authority authorized to classify thermal waters based on the technical committee's proposal. It is worth questioning whether the minister responsible for tourism, who plays a key role in the classification of thermal waters, should not also be involved in providing an opinion on

granting the concession for these waters. Therefore, it is suggested that the text be amended to include a representative of the minister responsible for tourism in the committee's composition.

The members of the committee are appointed by decision from the minister responsible for thermal waters, based on recommendations from the relevant authorities, for a renewable period of three years. The committee meets twice a year at the request of its chairperson, and can meet in an extraordinary session at the chairperson's initiative. A quorum of at least two-thirds of the members is required for the meeting, and decisions are made by a simple majority of the members present. In case of a tie, the chairperson's vote prevails. (07/69, 2007)

The limited number of meetings is insufficient to drive investment in the thermal waters sector. Therefore, increasing the number of meetings to three or four sessions per year would be advisable.

A notable feature of the concession granting procedures is their centralization, which can lead to administrative obstacles, delays, and complexities in the process, causing disputes and hindering the granting of contracts. This negatively affects sustainable tourism development, the promotion of thermal tourism, and its activation (08/04, 2008). It is suggested that the legislator reconsider the concession granting procedures in line with the legal corrections made to other types of investment properties, such as state-owned private property allocated for investment projects or state-owned agricultural land. (07/69, 2007)

Therefore, it is proposed that concessions for thermal waters be granted by a decision from the wali, and the establishment of a body representing the minister responsible for thermal waters at the level of regional water resources directorates. The technical committee would be formed at the provincial level under the authority of the wali, who would chair it. The committee would consist of local stakeholders representing the relevant ministries. The composition of the committee would be as follows: (10/03, 2010)

- The wali of the relevant province (Chairperson),
- The director responsible for water resources,
- The head of the thermal water department,

- The director responsible for tourism,
- The director responsible for public health,
- The director responsible for local administration,
- The director responsible for the environment,
- The director responsible for state property and land registry,
- The director of the local branch of the National Water Resources Agency,
- The director of the local branch of the National Tourism Development Agency.

The committee may invite any individual whose expertise or professional activities could assist in its deliberations. The secretariat of the technical committee would be provided by the provincial water resources department.

4.2. Consequences of the Concession Agreement in the Context of Thermal Waters

These consequences are reflected in the rights and obligations granted by the contract to its parties. By reviewing the provisions of Executive Decree No. 07/69 and the attached specifications, it is evident that the obligations of the granting authority reflect the rights of the concessionaire, and the latter's obligations correspond to the rights of the authority. Based on this, the rights of the concessionaire will be discussed (Section I), followed by their obligations (Section II).

4.2.1 Rights of the Concessionaire

The rights granted to the concessionaire for the use and exploitation of thermal waters are rarely highlighted in comparison to the obligations they bear. These rights can be outlined as follows: (07/69, 2007)

- The concessionaire has the right to receive the thermal area as soon as the granting decision is issued. The handover is documented through a protocol signed in person by both the granting authority and the concessionaire, and the protocol is accompanied by a list detailing the inventory of movable and immovable assets.
- The concession allows the concessionaire to carry out the following activities: (drawing thermal or seawater, transporting, storing, and distributing thermal healing water, even to other thermal

institutions that may supply it to avoid contamination risks; using and consuming thermal healing water; and all other activities related to the concession).

- The concessionaire is entitled to benefit from the buildings and installations existing at the time of the contract's signature, which are included in the concession, unless the parties agree otherwise in a joint contract.

- Financially, the concessionaire, in return for fulfilling their obligations, has the right to collect royalties from the sale of thermal water and income from other services related to the institution's activities, such as specialized medical treatment services in massage operations and physical fitness recovery, and may also offer additional services such as spaces dedicated to relaxation and catering.

- The concessionaire has the right to implicit renewal of the contract upon its expiration, which is set for twenty years. They also have the right not to renew the contract, provided they notify in writing before the expiration of the original term.

4.2.2 Obligations of the Concessionaire

The obligations of the concessionaire for the use and exploitation of thermal waters are numerous and diverse. There are obligations stipulated by the decree and others detailed in the specifications model. According to the decree, the concessionaire is required to:

- Begin the work related to the exploitation of thermal waters within a maximum of three months from the date the concession is granted.

- Pay a fee determined by the Finance Law, which is paid to the regional office of the National Property Inspection Fund.

- Deliver the thermal waters to the users in the same condition as when they were extracted.

- Bear the financial burden for any new analysis conducted by accredited laboratories due to changes in the water's characteristics, as detected during inspections carried out by the concessionaire or state authorities.

- In the event of water changes, the minister responsible for tourism must be notified, and the concessionaire must take full responsibility.

The contract may be suspended or terminated based on the analysis results.

- Conduct regular monitoring and maintenance of the source and water, as well as carry out all necessary construction and renewal work for the facilities. If these obligations are violated, the contract may be terminated, and the concessionaire is liable for the consequences of termination if the source is neglected for two years or deviates from its therapeutic purpose.

- Not transfer, assign, or lease the concession, in whole or in part, to a third party. (07/69, 2007)

Referring to the specifications model, the legislator has included additional and varied obligations for the concessionaire, which can be summarized as follows:

- Not to deviate from the thermal area specified in the concession and outlined in the site plan attached to the specifications.

- To commence exploitation work on thermal waters within one month from the date the granting authority communicates its technical opinion on the project and grants the necessary construction permits.

- To bear the fee, which may be revised if the authority incorporates any expansion areas deemed necessary for technical and economic reasons.

- To rationally exploit the thermal spring water and comply with water law provisions.

- To choose appropriate locations for setting up treatment facilities to facilitate the drawing of thermal water, organize the structures into units that integrate all types of treatments, physical activities, and relaxation areas, and ensure that treatment and fitness recovery areas have wall coverings of ceramic material and non-slip floors in light colors, which are easy to wash and disinfect.

- To provide a medical facility with departments dedicated to normal, basic, and emergency treatments, while adhering to various technical standards, such as room sizes, ceiling heights, ventilation, air conditioning, water supply, waste disposal systems, and emergency call systems in all areas.

- The institution is required to provide customers with dry and warm clothes that meet health standards.
- The thermal treatment institution must provide a masseuse, nurse, bath attendant for every eight rooms, a sprayer for every fifty showers, a lifeguard, a hygiene specialist, and ensure continuous training for staff.
- To facilitate inspection operations and provide all necessary clarifications requested by the granting authority regarding the quality of resources and equipment used.
- To guarantee adequate medical coverage, conduct regular water analyses every 15 days at its own expense, send a six-month report to the authority detailing the analysis results, authorized modifications, and works that may require permission, as well as the number of customers who visited the thermal institution.
- To pay all taxes and fees resulting from exploitation and to bear any damages caused to third parties under the concession, including the requirement to take out all insurance contracts stipulated by applicable laws. (07/69, 2007)

Finally, it should be noted that under Article 40 of the decree, in the event of the death of the concessionaire, their heirs may continue the exploitation, provided they inform the minister in charge of thermal waters through the regional governor within two months, and comply with the provisions of the decree within six months from the date of death.

5. Conclusion

In conclusion, it can be stated that the Algerian legislator has established a legal framework for thermal waters, within the scope of an organizational and practical process that aligns with the provisions of the Sustainable Tourism Development Law, while also incorporating aspects of water law. This legal framework for thermal waters has been defined through the provisions of Executive Decree No. 07/69, which sets out legal rules aimed at promoting thermal waters and integrating them into investment and tourism development. This is evident from the initial procedures allowing for the identification of the thermal nature of the waters, whether through a temporary procedure involving their designation or a final procedure

involving their classification. The decree also outlines subsequent procedures that facilitate the exploitation of these waters through the appropriate mechanism, namely the concession.

However, it is important to highlight the legal shortcomings identified within the provisions of this decree, which hinder the achievement of the goal to encourage investment in the thermal water sector, elevate it, and achieve sustainable tourism development. These issues include the centralized nature of the procedures for granting concessions to use and exploit thermal waters, as well as various flaws in some of its provisions, such as those defining the eligibility of individuals to apply for a concession or the workings of the technical committee for thermal waters.

Based on the above, this study has resulted in the following recommendations:

- Adding a section to Executive Decree No. 07/69 that outlines the provisions of the national plan for monitoring and promoting thermal waters, detailing the procedures for its preparation and implementation.
- Allowing individuals holding a license for water exploration and extraction works to apply for a concession to use and exploit thermal waters, and accordingly, amend Article 25 of the decree.
- Amending Article 33 of the decree, with the following proposed phrasing: "Rejection of the concession must be substantiated and communicated to the applicant within one month from the date of receiving the committee's opinion."
- Amending Article 47 of the decree to include a representative of the minister responsible for tourism in the membership of the technical committee for thermal waters.
- Amending Article 49 by increasing the number of sessions held by the technical committee for thermal waters to at least three or four sessions per year.
- Eliminating the centralization of the concession granting process by amending Article 23 of the decree to allow for the granting of concessions for the use and exploitation of thermal waters by a decision of the wali (governor).

- Creating a body representing the minister responsible for thermal waters in the form of a department within the regional water resources directorates.
- Establishing the technical committee for thermal waters at the provincial level under the authority of the wali, with its membership consisting of various local partners representing the current ministries.
- In general, providing financial and human resources support to institutions involved in the exploitation of thermal waters by training specialized personnel in research and therapeutic properties of these waters. This would be in line with the recognition of thermal waters as a developmental and tourism economic resource, aiming to create alternative winter tourism to the summer beach tourism concentrated in coastal areas.

These recommendations aim to enhance the efficiency of the legal framework for thermal waters, encourage investment, and foster the sustainable development of thermal tourism in Algeria.

6. Bibliography

- 02/02, L. N. (2002). Coastal Protection and Enhancement. *Journal Officiel Algérie* (pp. Articles 14, 17, and 18). Algérie: Journal Officiel Algérie.
- 03/01, A. 1. (2003). Sustainable Tourism Development. *Journal Officiel Algérie* (p. No. 11). Algérie: Journal Officiel Algérie.
- 05/12, L. N. (2005). This refers to the provisions of Water. *Journal Officiel Algérie* (p. 74 and 75). Algérie: Journal Officiel Algérie.
- 07/69, E. D. (2007). *defining the conditions and modalities for the use and exploitation of thermal waters*. Official Gazette No. 13 .
- 08/04, O. N. (2008). the conditions and modalities for granting concessions on lands belonging to the private domain of the state for investment projects. *Journal Officiel Algérie*. Algérie: Journal Officiel Algérie.
- 10/03, L. N. (2010). defining the conditions for the exploitation of agricultural lands belonging to the private domain of the state. *Journal Officiel Algérie* (p. No. 46). Algérie: Journal Officiel Algérie.
- 12/205, E. D. (2012.). This procedure became obsolete after the issuance. *Journal Officiel Algérie*. Algérie: Journal Officiel Algérie.
- 75/58, N. (1975). the Civil Code. *Journal Officiel Algérie*. Algérie: Journal Officiel Algérie.
- 76/80, U. L. (1976). the Maritime Code. *Journal Officiel Algérie* (p. No. 47). Algérie: Journal Officiel Algérie.

- 91/11, L. N. (1991). Expropriation for Public Utility. *Journal Officiel Algérie* (p. No. 21). Algérie: Journal Officiel Algérie.
- 98/05, L. N. (1998). amending Ordinance No. 76/80 of 23/10/1976 on the Maritime Code. *Journal Officiel Algérie* (p. No. 47). Algérie: Journal Officiel Algérie.
- Abdelmounim, B. A. (2009). *Legal Administrative Means of Environmental Protection in Algeria*. University of Algiers: Doctoral Thesis, Faculty of Law, University of Algiers.
- Abdelrazak, M. (November 2017). Land Registration and Methods of Proving Real Property Ownership. *Journal of Comparative Legal Studies*, 169-172.
- Ahmed , C., & Mouna , T. (2016 , June). Water Resources Management Strategy: A Challenge for Sustainable Development in Algeria. *Algerian Journal of Public Policies*, p. 62.
- Al-Helwa, M. R. (2007). *Environmental Protection Law in Light of Sharia and Law*. Alexandria, Egypt: New University House.
- Baali, M. E.-S. (2004). *Administrative Law: Administrative Organization and Activities*. Annaba, Algeria: Dar El-Ilm for Publishing and Distribution.
- Boudhan, M. (2012). *The Legal System of Expropriation for Public Utility: Legislative and Regulatory Texts Supported by Jurisprudence*. Ain M'lila, Algeria: Dar El-Houda.
- defining the conditions and modalities for construction and land occupation on the coastal strip and adjacent natural parts of beaches. (2007). *Journal Officiel Algérie* (p. No. 43 of 01). Algérie: Journal Officiel Algérie.
- Hanouni, N. (2012). *Rational Protection of the Coastline in Algerian Law*. University of Blida: Doctoral Thesis, Faculty of Law, University of Blida.
- Lailwa, D. M. (2008). Administrative Law. *Denmark* (p. 56). Denmark: the Arab Academy.
- No.90/30, L. (1990). as amended and supplemented. *Journal Officiel Algérie*, (p. No. 52). Algérie.
- Yahiaoui, A. (2005). *Theory of Public Funds*. Algiers: Houma Publishing and Distribution House.