

Control of the Algerian administrative authorities for imported products

"رقابة السلطات الإدارية الجزائرية للمنتجات المستوردة"

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جامعة الجزائر 01.

Abstract .

The economic transformation adopted by Algeria for more than a decade led to a gradual withdrawal from the economic sector. This transformation of the state necessitated the development of effective means to control the movement of imported products, which protect the consumer's physical and moral interests, Being the weak party in the economic relationship.

Therefore, the establishment of comprehensive protection for the consumer depends mainly on the means and mechanisms that will protect the interests of the consumer and ensure a balanced business relationship to professionals, including importers.

key words : Control - Algerian administration - products - import.

الملخص:

إن التحول الاقتصادي الذي تبنته الجزائر منذ أكثر من عشرية من الزمن أدى بها إلى الانسحاب التدريجي من القطاع الاقتصادي، حيث فرض هذا التحول على الدولة ضرورة وضع وسائل فعالة لرقابة حركة عبور المنتجات المستوردة عبر الحدود، و التي من شأنها حماية مصالح المستهلك المادية و المعنوية، كونه الطرف الضعيف في العلاقة الاقتصادية.

و عليه فوضع حماية شاملة للمستهلك يتوقف أساسا على الوسائل و الآليات التي من شأنها حماية مصالح المستهلك و ضمان علاقة تجارية متوازنة أمام المحترفين بما في ذلك المستوردين.

الكلمات المفتاحية: رقابة - الادارة الجزائرية - المنتجات - الاستيراد.

Introduction.

Protective rules applicable to all domestic or imported products are determined in objective rules and procedural rules.

The objective rules are limited to the safety standards and are mandatory measures that must be respected so that the product does not harm its consumers. The rules of procedure

in the control are confined to the control of the interference of the conformity of local or imported products before they are presented in the market, then the control of the competent administrative authority on the products after their presentation in the market, and when crossing the imported products across the border.

The adoption by the Algerian authorities of the market economy and the opening up of foreign trade to any economic aid, which was confirmed in Article 1 of the Governor's Regulation No. 91-03 of 20/02/1991, concerning the conditions for the importation and financing of goods for Algeria¹, Stipulates that: "As of 01/04/1991, every natural or legal person duly registered in the Commercial Register may import all materials or goods that are not subject to a prohibition or quantification on the basis of the settlement of BenQ without prior authorization" Control imported products to provide legal protection to the consumer in the face of the practices of the trafficker D to prevent and protect the health and safety of the consumer, in order to maximize the capabilities of the latter in dealing with practices harmful to his interests and to take the necessary measures to protect him in general in different directions, as well as to sensitize the applicant to respect the rules of honest competition and improve the market.

On the above, the problem arises, **while the protection that the Algerian administrative authorities attach to the consumer through its control of the imported products?** For the purpose of answering this must be: the provisions of the control of the administrative authorities of imported products in the first chapter, and then determine the effects of control of the administrative authorities of imported products in the second chapter.

chapter 1

Provisions of the control of the administrative authorities of the imported products.

Control is the act that is intended to ensure that the product conforms to the required specifications, either in accordance with an earlier act of production, import and distribution, embodied by licensing and authorization, and may be prior to the process of displaying the product in the market², And may be embodied by the act of the competent administrative authority following the introduction of the product in the market and when crossing imported products across borders.

In Algeria, there are many administrative bodies in charge of supervising the border. It supervises the conformity of imported products in order to regulate the market and prevent the disturbance of the market and in order to provide the needs of the consumer³ away from any unfair practices that may lead to the benefit and profits⁴. Which requires the need to identify these authorities (Section 1) and know the mechanisms in the exercise of this control (Section 2).

Section 1

Administrative control authorities for imported products.

The control of the conformity of imported products in Algeria is carried out periodically at the level of land, sea and air border posts. This is done by the Border Inspectors of the Department responsible for consumer protection and suppression of fraud⁵, which are the interests of the Ministry of Commerce (A). After the customs authorities (B) have informed the competent regional border inspector of the arrival of the products⁶.

Control can also be exercised on the basis of consumer notification to the administrative authorities alone or as a participant in a consumer association (C).

1°. The Ministry of Commerce.

The Ministry of Commerce, as the primary body responsible for consumer protection, has been assigned multiple functions⁷, primarily due to the diversity of the interests of this ministry, whether central or external, with each department being assigned a specific type of activities according to the existing regulations. And the possibility of using the Minister of Commerce in the performance of his duties in various ministerial departments⁸.

In reference to the subject of border control, this control was assigned to the Directorate of Quality Control and Fraud Suppression and the Border Control Directorate of the Central Department of the Ministry of Commerce (A) and the Quality Control and Fraud Suppression Inspectorate at the border of the Ministry of Foreign Trade (B).

A. Directorate of Quality Control and Suppression of Fraud and Sub-Directorate of Border Control.

The Central Department of the Ministry of Commerce consists of the General Directorate for Control and Regulation of Activities and Regulation, the Directorate General of Economic Control and the Suppression of Fraud⁹.

The Directorate General of Economic Control and Fraud Suppression monitors quality, suppression and control of anti-competitive practices, combating illegal trade practices, supervises economic surveillance programs and suppresses fraud, strengthens and monitors the monitoring function and conducts national interest investigations Regarding imbalances in the same market¹⁰. The Directorate of Quality Control and Fraud Suppression, and two sub-directorates, one of which is the Directorate of Border Control, are accredited in the framework of implementing its duties.

The Directorate of Quality Control and Fraud Suppression monitors the implementation of legislation and regulation relating to the quality, conformity and security of products at borders, in the internal market and on export. The Directorate also organizes quality control activities, suppression of fraud, its programming and evaluation.¹¹

The Directorate of Border Control is mandated by virtue of its field competence to define quality control programs and suppression of fraud, to evaluate the quality control work and to suppress the fraud committed by external departments and to propose all measures aimed

at improving the efficiency of the work and quality control procedures and suppression of fraud.¹²

B. Quality Control Inspectorate and Fraud Suppression at Border.

The external interests of the Ministry of Commerce shall be organized in the form of: state directorates for trade and regional directorates of commerce.¹³

These interests of ensuring the application of legislation and regulation on competition and quality, will also provide assistance to clients economists and consumers, Valmderiaat regional trade to activate, evaluate and guide the directorates state trade activities of the regional competence, particularly in the field of economic and repression of fraud control, and as well as contact with the central administration in order to coordinate Altaono controls between States, but if the investigations undertaken by requiring certain disciplines, it can request the intervention of the jurisdiction of the regional bodies to facilitate this, the most important sections of the regional Ltj Rh and inspectorates quality control and suppression of fraud at the border.¹⁴

The Quality Control and Fraud Suppression Inspectorate at the border is headed under the authority of the State Director for Trade¹⁵. The Inspectorate is responsible for monitoring the conformity and quality of imported and export-oriented products, ensuring the legitimacy and transparency of business practices and monitoring the exchange associated with foreign trade activity.¹⁶

In the performance of their duties, these administrative authorities shall be assisted by qualified agents, namely, judicial police officers and fraud suppression agents of the Ministry of Commerce and their foreign interests, who are authorized under their texts, who shall be sworn in before their administrative residence court. They shall therefore enjoy legal protection from all forms of pressure and threat. They may also use the public force and, if necessary, resort to the competent regional judicial authority.¹⁷

2°. Customs Department.

The Customs Department plays an active role in the control of the movement of entry and exit of goods, which can be confined to two areas: economic and security. The objective in both areas is to protect the consumer, whether directly or indirectly. In the economic sphere, the role of customs is based on collecting customs duties and preventing the entry or export of goods in violation of the law. In the security field, it plays an important role in monitoring restricted and prohibited goods from entering the territory of the State¹⁸. If the smuggled goods constitute a serious threat to security, economy and national health, the Customs Department may confiscate them in coordination with the National Anti-Smuggling Bureau or With local committees set up specifically to combat smuggling.

Customs agents in this framework shall have the right to inspect persons, goods and means of transport, and to carry out medical examinations to detect narcotics within the bodies with the express consent of the concerned person.¹⁹

Article 241, paragraph 1, of the Customs Law²⁰ also authorizes the right to inspect and seize customs violations of many of their bodies: customs agents, judicial police officers and their agents stipulated in the Code of Criminal Procedure²¹, agents of the National Tax Authority and the National Guardians, Price, quality and suppression of fraud. In addition, if it is related to the suppression of fraud and the subsequent follow-up, the Customs Department must request the intervention of the civil and military authorities to provide assistance²².

3°. The role of the consumer in the notification of the Administrative Control Authority.

The consumer often plays a negative role in counteracting the unfair practices of the intermediary, since he purchases the goods without looking for their source or even if they are identical. This can only be explained by the fact that the Algerian consumer lacks consumer culture. Less than the risks that surround it.

It is not enough to put in place legislations and bodies that fight against the security and safety of the consumer in the market. However, a fence or barrier must be established from entering these products into the national market. The consumer plays an effective role in establishing its rules by using his legal right to notify (A) as a participant in the Consumer Protection Association (B), for any violation of the following rules: consumer security and health, security and conformity of local and imported products and services, and commercial practices and prices.

A. Notify the consumer of the control authority alone.

The consumer may feel a state department of commerce in which the offense was committed with a simple petition explaining to the consumer the accuracy of the facts in question. In this case, if the Trade Department finds that the consumer petition is established and that the violation is fixed, it can intervene in a preventive manner to avoid damage and stop the marketing of non-conforming or dangerous products, and to intervene in a deterrent manner by imposing a fine on the applicant²³, To physical or physical harm and do not deserve the penalty of imprisonment. If the violation is serious or caused physical or material harm, the Directorate of Commerce shall transfer the file to justice²⁴.

It can also request the intervention of the customs administration when the imported products are counterfeit, based on the decision of the Minister of Finance of 15/07/2002²⁵, which defines how article 22 of the Customs Code relating to the import of counterfeit goods is applied²⁶.

When the request is accepted, the customs administration shall determine the period necessary for its intervention. It may also impose upon the applicant for intervention when its request is acceptable to form a guarantee intended to cover its potential liability to the persons involved in the said transaction. If it is subsequently found that the goods in question are not counterfeit goods .

When a customs office is notified of the decision to intervene, goods that match the description of the counterfeit goods shall cease or grant the concession of lifting the goods. The customs office shall inform the interest that immediately examined the request, which in turn shall immediately inform the authorized person and the applicant.

The applicant shall be informed of the request by the name and address of the author and the addressee if he is known so that he may notify the competent judicial authority to decide on the content and shall not lift the detention procedure. The goods shall be placed under the system of deposit with the Customs during the period of suspension or lifting of the hand.

B. Role of Consumer Protection Associations.

Alongside the administrative authorities concerned with the control of products, there are advisory bodies, such as the National Consumer Protection Council²⁷ and the Algerian Center for Quality Control and Packets²⁸. Some of them are subject to special law such as consumer protection associations, and if we register the latter for their ineffective duties Dictated by its mission to protect consumers. Which calls for the definition of the powers conferred upon it by the law in the framework of consumer protection, and the role of the consumer in the use of them when the need to generalize protection.

The Consumer Protection Association is an intermediary structure that integrates the three market players: individual consumers, professionals and public authorities, to protect a special class of public benefit that consumers are defending and representing.²⁹

Accordingly, the Consumer Association established pursuant to Law No. 90-31 of 04/12/1990 concerning associations³⁰ has three main tasks under Article 21 of Law No. 09-03 on consumer protection and suppression of fraud:

Educate consumers rational consumption and alert them to the rules of hygiene and the definition of their rights and defend them and act more vigilant and strict direction of the violators. Through the organization of forums and the dissemination and distribution of publications and approach the local population through two important ways usually referred to by consumer protection associations to achieve its objectives, namely counter-propaganda and boycotts³¹.

To assist consumers in collecting evidence and forming a solid file against the violators and directing them to the competent departments or accompanying them before the competent court.

Representing consumers before professionals and public authorities and before courts. This representation is done in two ways:

Method 1: Before the advisory bodies of the Ministry of Commerce, especially in front of the National Council for Consumer Protection, where the Association of Consumers Protection in the form of ten representatives, and the associations benefit from the assistance programs scheduled for the benefit of the Council to implement them³². The

committee, which includes representatives of consumer protection associations, is qualified in the field of contracts and business, especially as it is tasked with looking for arbitrary clauses in the contracts of compliance, drafting proposals and recommendations to the Minister of Commerce³³. And before the Competition Council as an independent administrative authority³⁴.

The Consumers' Association in these bodies has an active role in defending the interests of consumers as well as representatives of professionals and representatives of public authorities.³⁵

Method 2: The Consumers' Association shall be established before the courts as a civil party when a consumer or several consumers are subjected to individual damages caused by the venturer and of a common origin³⁶, so as to contribute to making the punishment and compensation proportionate to the interference and damage suffered by the victim consumers.

Section 2

Mechanisms of control of imported products.

Inspection shall be carried out prior to the importation of the imported products and on the basis of a file submitted by the importer or his legal representative to the concerned border inspector, which shall include the following documents: Import declaration of the product imported by the importer - A certified copy of the commercial registry abstract, a certified copy of the invoice and the original copy of each other document required in accordance with the applicable regulation and related to the conformity of the imported products³⁷.

The control of the competent administrative authorities for the imported products³⁸ is based on:

Examination of documents submitted by the importer.

Observation with the naked eye of the product, in order to ensure: the conformity of the product (section II) based on the legal or regulatory specifications that distinguish it, conformity of the product based on the conditions of its use, transfer and storage, conformity of the product with the data related to the mark and / There is no potential damage or contamination to the product.³⁹

Deduction of samples of the product (section 1) for the conduct of tests, tests or experiments, on the basis of: the results of the examination of documents or control of the naked eye, origin, nature, type and supply and the level of risk posed by the product, precedents related to the producer and importer, Reliability of inspections carried out at the exporting country level and handling locations.⁴⁰

Each monitoring process shall include a record⁴¹ of the dates and places of the completed inspection, the recorded violations and the penalties related to them. The record shall

include the invalidity of the identity of the aid or the agents who edit the records, their qualities and their administrative residence, Their exact location, the identity, occupation and place of residence of the person in charge of the inspection, all elements of the invoice, including the value of the detailed inspection, the sequence number of the inspection record, the signature of the inspection aid, the signature of the examiner, if it is refused. A notebook declaration⁴².

The minutes should include a detailed description of the measures taken and leave the reviewer to the holder of the product⁴³. The transcripts can be accompanied by any document or evidence, and the lecturer has legal authority to prove otherwise⁴⁴

1°. Truncation of samples.

Qualified agents may take samples of the product⁴⁵ for analysis in quality control laboratories and suppression of fraud or in accredited laboratories for this purpose⁴⁶, provided that the sample deduction is valid for the importer⁴⁷.

Each truncation shall consist of three homogeneous samples representing the quantity controlled⁴⁸. However, if the product is easily damaged or three samples can not be truncated due to its weight, dimensions, value, nature or small quantity, The field of microbial control, and also deducts one sample also to study at the request of the departments charged with consumer protection and suppression of fraud.

A seal is placed on each sample. This stamp contains the signature of the aid that releases the deduction minutes and a defining feature consisting of two parts that can be separated and rounded up at a later time:

Unalton, which shall be removed only in the laboratory after examination of the stamp, which shall include the label in which the product was acquired for sale, put it into the sale or the name of the sale, the date of deduction, its time and place, the registration number of the deduction, Which allows the laboratory to be directed to its research, and an appropriate document may be added for this purpose.

An un volet containing the same registration number as the stubs, the serial number allocated by the assignee for this transaction, the name of the person who signed the truncation, his commercial and personal address, the names of the senders or the consignee and the address of each of them, Road or in port or airport.

Two appointments are sent to the Quality Control and Fraud Suppression Department in the district where the deduction was made, which they register, and then one of the two samples is transferred to the competent laboratory, and the other is kept as a witness according to the appropriate conditions for keeping it⁴⁹, including transferring it to the laboratory. While retaining the intervener For the third sample, to be bound by its non-change and to take all necessary measures to maintain it⁵⁰.

The laboratories should use in the analysis of the samples the curricula conforming to the unified Algerian standards, which are prepared and approved by a decision of the Minister

of Commerce and the Committee for Evaluation and Standardization of the methods of analysis and experiments⁵¹. However, if these methods are not followed, the laboratories follow the internationally recommended curricula. In all cases, the methods used should be mentioned in the analysis paper⁵². The laboratory shall, upon completion of its work, release an analysis sheet recording the results of its inquiries regarding the conformity of the product. The paper shall be sent to the Department which has deducted the samples within 30 days from the date of receiving the laboratory except in case of force majeure.⁵³

Each deduction and analysis shall result in the editing of a record in accordance with the content specified in Article 10 of Executive Decree No. 90-39 of 30/01/1990 on quality control and suppression of fraud, and in accordance with the forms attached to the Joint Ministerial Decision of 14/07/1990 Includes identification of sampling methods, forms of quality control forms and suppression of fraud.⁵⁴

2°. Matching.

Ensure the quality of the materials produced locally or imported and conform to the legal specifications (A) and the organization that belongs to them, before presenting them in the market. This duty is imposed on each producer, intermediary or distributor, and in general, every person involved in the process of placing the consumption⁵⁵, including the importer.

The conformity assessment shall include all procedures used directly or indirectly to determine whether the conditions relating to the technical regulations or specifications⁵⁶, which are the most important means of standardization, are satisfied, as expressed in Article 03 paragraph 18 of the Consumer Protection Law and the suppression of fraud⁵⁷: « Each product subject to consumption for the conditions contained in the technical regulations, and for the health, environmental, safety and security requirements. »

The concept of conformity is therefore closely linked to standardization. Respect for this obligation constitutes the protection of the consumer from all that is offered for consumption.

In its first paragraph of the Standardization Act⁵⁸, article 2 is defined as: « the special activity for the provision of uniform and frequent provisions in the face of real or potential problems intended to achieve the optimum degree of organization within a given framework. Solutions to technical and commercial problems of products, goods and services that are frequently raised in relations between economic, scientific, technical and social partners.»

The reference documents in this definition are: Standard (C) and Technical Regulation (D), which are based on the requirements of the product in terms of the characteristics of its use rather than on its design or descriptive properties.⁵⁹

A. Legal specifications.

The legal specifications reflect the characteristics required in the product in order to achieve a specific purpose. The participants has the obligation to respect them from the time of production until consumption⁶⁰, under the administrative, civil and penal penalties depending on the damage caused to the consumer.

Article 10, paragraph 1 of Law No. 09-03 on Consumer Protection and Suppression of Fraud stipulates that: « Each of the participants shall respect the obligation of the security of the product that he places for consumption in respect of: - his characteristics, composition, packaging, conditions of assembly and maintenance » Article 11 of the same Act states in its first paragraph that: « Every product presented for consumption shall satisfy the legitimate desires of the consumer in terms of nature, class, origin, essential characteristics, composition, proportion, identity, quantities and usability. And the risks arising from its use ».

In accordance with these texts, the law on standardization⁶¹ and the law relating to the national legal system of measurement⁶² were issued, which represent the legal framework for standardization activity in Algeria.

The concept of conformity can be understood as a narrow concept that conforms to the laws and regulations in force, and an extended concept that is due to the purpose of this conformity, and is not to respond to the legitimate and expected desires of the consumer. There is a difference between the product that violates the law and the product Non-consumption, the first is contrary to the legal and regulatory specifications that belong to him, while the second is not responsive to the legitimate objectives of these specifications, the most prominent of which: to protect the health and safety of people.

B. Standard Specifications.

Standard specifications are non-mandatory documents approved by a recognized standardization body⁶³, which provide for the general public use of the rules, references, or characteristics included in the packaging, distinguishing features, method of production, and any other purpose of the same nature⁶⁴.

These specifications are published on the basis of the annual plan and the multi-year development plan. Each six months, the Algerian Institute for Standardization⁶⁵ publishes its work program indicating the specifications that have been prepared or are in the process of being prepared⁶⁶.

The national specifications⁶⁷ include, in particular: units of measurement, shape of products, their composition, dimensions, natural and chemical characteristics, type, labeling and method of use.

D. Technical Regulations.

A technical regulation shall be a document to be adopted by regulation, whose compliance shall be mandatory and shall provide for the characteristics of a product or the processes and methods of production associated with it.⁶⁸

The initiative is to prepare draft technical regulations for the ministerial department concerned to achieve one of the legitimate objectives, namely: national security, prevention of practices that lead to tiling, protection of the health and safety of people, protection of animal life or health, conservation of plants and preservation of the environment.⁶⁹

The ministerial department responsible for the preparation of the technical regulation shall verify the existence of the national specifications or the draft international standards applicable to the Algerian Institute for Standardization. However, the ministerial department can dispense with these specifications, if it is found to be inappropriate⁷⁰, and the technical regulation is not retained if the conditions or objectives that necessitated their adoption are not met or changed so that the legitimate objective can be met in a less restrictive manner⁷¹.

The draft technical regulations are mandatory for the Algerian Institute for Standardization⁷² and are used in the preparation of the Technical Regulations as annexed to Executive Decree No. 05-464 of 06 December 2005 on the organization of standardization.

E.Certification of conformity.

Subject to the standard and technical regulations, all products imported from any other country and similar products of national origin without distinction⁷³, taking into account the confidentiality of information regarding imported products at the inspection in a manner that allows the preservation of legitimate commercial interests, because the technical regulations and national specifications do not depend and not Applied with a view to creating unnecessary barriers to trade⁷⁴.

Therefore, it is possible to verify the conformity of imported products prior to dispatch or in the framework of the assistance of border inspectors by national or foreign bodies, provided that they are approved by the Minister of Commerce, which determines the modalities of delivery of the accreditation and withdraw by decision. Imported products that have been inspected by these bodies, together with a certificate of conformity with special requirements, may not be subject to naked eye surveillance or to sample truncation by border police interests.

The certificate of conformity in Algeria is granted an administrative procedure given by the body responsible for standardization, where the product conforming to the specifications is marked "TJ", which means Algerian standardization. This mark is the exclusive property of the Algerian Institute for Standardization. It is non-assignable and non-bookable⁷⁵. However, the Algerian legislator did not provide for repressive measures to prevent the use of the certificate of conformity in illegal projects.

chapter 2

Effects of control of administrative authorities on imported products.

After examination of the documents and observation with the naked eye of the product, and when there is no need to deduct samples, the competent border inspector shall receive the product entry license for the importer or his legal representative. In the event of an offense, the importer shall accept the decision of refusal of entry, which clearly indicates the reason for the rejection.

The notification shall not exceed 48 hours from the date of the inspection of the importer, from the date of deposit by the importer of the required documents. This period shall be extended for the period necessary for the conduct of tests, tests or experiments, not exceeding the maximum period of stay in the warehouse or place of specified temporary deposit In the applicable regulation.⁷⁶

If the informant's report indicates that the product is identical, the patent may be submitted to the tax administration in order to obtain the cancellation of the tax⁷⁷. If the analysis shows that the sample does not conform to the specifications that must be available in the goods, the competent administrative authority shall take all precautionary or preventive measures aimed at protecting the consumer's health and interests⁷⁸ (the first section), in addition to referring the file to the competent judicial authority (the second section).

Section 1

Administrative measures.

Administrative measures shall be summarized as a temporary or final withdrawal of the product, work to make the product identical, to change the destination, to seize, destroy or redirect the goods, which are original measures (I) plus complementary measures (II).

I.Original measures.

Through this section, we will describe these measures and the situations that need to be taken.

1. Withdrawals.

The withdrawal means preventing the holder of the product from disposing of it, ie removing the product from the path of placing the goods into the consumption area by its producer and in the absence of the latter by the nearest importer as the importer. Where the products are waxed and placed under the supervision of the relevant intermediary⁷⁹. There are two types:

A.Temporary withdrawal.

In the event that the products actually raise doubts about the inspectors after the examination or after the deduction of the samples in the fact that they are not identical, pending the results of in-depth investigations, especially the results of tests, tests or tests, which must be done within 07 working days under the lifting of the temporary withdrawal measure.This period can be extended when technical requirements for in-depth investigations require this⁸⁰.The temporary withdrawal measure shall also be lifted

immediately if it is not confirmed that the product is not identical, but if it is not matched, it shall be subject to one of the administrative measures between making it identical, changing its destination, or detaining or damaging it as the case may be.⁸¹

Noting the difference in this term between Law No. 09-03 on Consumer Protection and Suppression of Fraud Where specified in seven (7) working days, and its operative text Executive Decree No. 90-39 on Quality Control and Suppression of Fraud where specified by fifteen (15) days⁸², 94 of Law 09-03, which kept the applicable provisions in force, there is a problem with the interests of the control over the period to which they adhere.

B.The final withdrawal.

The final withdrawal shall be carried out without the prior authorization of the competent judicial authority, if it is proved that the product is forged, adulterated, poisonous or expired, the product proved to be unfit for consumption, when possession of products without a legitimate reason that can be used in counterfeiting, Or devices used for forging.⁸³

The competent representative of the Republic shall be informed immediately upon withdrawal of the product. The concerned party shall bear the expenses of withdrawal and inspection if the product is found to be incompatible and receives compensation if it is proved to be identical.⁸⁴

2. Make the product match.

A non-conformity may be due to non-observance of the regulation relating to marking (A) or be related to the intrinsic quality of the product (B).

A.Non-compliance with the labeling regulation (re-packaging).

If the product's non-conformity is due to non-observance of the regulation relating to labeling, the product shall be re-packaged according to the applicable regulation. Excludes the following products from re-packaging⁸⁵:

The products obtained under the framework of the barter whose list is determined by a joint decision between the Minister responsible for consumer protection and the suppression of fraud and the minister in charge of finance.

Products directly acquired for private consumption of workers of foreign companies or bodies.

Products purchased by duty-free shops, catering and international transport companies for travelers, hotel and tourism establishments, the Algerian Red Crescent Society, and associations and similar accredited bodies.

Noting that such materials must include a name consistent with the regulation of the country of origin or country of origin.

B. Non-conformity related to the product's own quality (match setting).

If the non-conformance of the product is related to its own quality, then its conformity shall be adjusted by removing the cause of non-conformity in accordance with the method provided for in the applicable regulation or by a method authorized by the regional directorate regionally by respecting the applicable rules or customs or by reducing Order or redirect the product to the conversion industry or change its destination, provided that no damage is caused to the quality of the product.⁸⁶

The conformity in this field must be determined according to the following provisions:

B 1. In charge of conformity control.

It shall be assigned to the importer's conformity control, which is to carry out the total operations related to its completion provided that the minimum period of preservation of the product is respected and the actual period of execution of the product is reduced⁸⁷. This process is carried out under the supervision of the Consumer Protection and Fraud Suppression Services of the place where this process takes place⁸⁸.

B 2. Non conformity results And not set.

In this context we distinguish between two situations:

First situation: If the process of controlling the conformity of the products in a specialized institution or in the importer's warehouses is not carried out within the required time limits and conditions, the inspection interests at the concerned border shall seize the product and destroy it at the importer's expense.⁸⁹

Second situation: If it is confirmed that the imported product is not identical and that matching it is impossible. In this case, the product shall be re-exported or redirected to the use of another project. If this is not done, the inspection interests at the borders concerned shall seize and destroy it at the expense of the importer.⁹⁰

Note that the list of products whose compliance is prohibited by re-packaging or by previous procedures shall be determined by the Minister responsible for consumer protection and suppression of fraud and the ministers concerned with the decision.⁹¹

The importer must also attach the product entry license with his / her customs file. In the case of non-conformity of the imported product, the interests of the border inspector who ordered this procedure shall send a copy of the decision to refuse entry of the product to the customs interests of the place of introduction of the imported product into the national territory.

3. Change destination.

Changing the destination means two situations⁹²:

The first situation : is to send the products drawn at the expense of the defaulted intermediary to a body that uses them for a legitimate purpose, either directly or after transfer, and retains the proceeds of waiver in this body until the judicial authority decides on the purpose thereof.

The second situation : is the refund of the products drawn at the expense of the inspected intermediary to the body responsible for packaging, producing or importing them

4. Reservations.

The quality control and suppression of the withdrawal of the product shall be deemed to be incompatible with the holder⁹³. Qualified agents shall launder these suspicious products and place them under the custody of the importer concerned⁹⁴, after obtaining a judicial authorization from the agent of the Republic in the court of their place of activity⁹⁵.

Qualified agents may, however, execute the detention without prior judicial permission, but with the immediate and immediate judicial authority⁹⁶ in the following situations:

- Counterfeiting.
- Products that are reserved without legitimate cause and which in themselves constitute fraud.
- Products that are not valid for consumption, except for products that can not be determined to be unfit for consumption without further analysis.
- Products that are not conformed to the approved standards of legal and regulatory specifications and represent a danger to consumer health and security.
- When it is impossible to make the product conform to what is required or the impossibility of changing its destination.
- The holder of the product refused to make him conform or to change his destination.

When the reservation is made, the aid is released immediately and in the same place (in the forms that we have previously presented to us when dealing with the control mechanisms). It must also seal the products concerned and inform the competent judicial authority or confiscated.⁹⁷

Noting that the Algerian legislator does not distinguish between the effects of the reservation and the effects of the withdrawal of the two types, where the left to the waxing of products and placed under the custody of the intervention concerned under Law No. 09-03 when taking one of the two measures, while the seizure is unique effects in Executive Decree No. 05-467 which Determines the conditions for monitoring the conformity of imported products across borders and how this is done, where the result of the seizure is to destroy the products at the expense of the importer⁹⁸.

As well as the difference in the concept of detention between Law No. 09-03 and Executive Decree No. 90-39, is the survival of the products covered by the insured under the law concerned, while the withdrawal of products from the holder in the decree.

5. Destruction.

Products are damaged whenever they can not be considered for legal and economic use, and this can also be a change in the nature of the product⁹⁹. With the release of a record containing the measure of destruction in accordance with the forms mentioned above with the previous measures.

6. Redirection.

The product must respond in all cases to the legitimate desires of the consumer and consumption, especially with regard to its nature, class, origin, basic characteristics, composition, proportion of the necessary ingredients, identity and quantity. And to provide the product according to packaging standards, and to indicate the source, and the date of manufacture and the maximum date of consumption and how to use and precautions to be taken for this and the controls carried out on it¹⁰⁰.

If these items do not appear in the label that the product carries, according to its nature and nature, it is subject to immediate arrest by a decision of the competent administrative authority¹⁰¹. The products that are reserved if they are subject to consumption are referred to a collective benefit center based on a decision taken by the competent administrative authority¹⁰².

II. Complementary measures.

Consumer protection and fraud suppression services may take complementary measures in addition to the original measures, namely the temporary suspension of the activity of the institution (A) publishing the administrative decision (B) without prejudice to the penal sanctions provided for in Law No. 09-03 on Consumer protection and suppression of fraud and the Penal Code, with the possibility of imposing a fine for reconciliation (C).

A. Temporary suspension of the activity of the institution.

When an original measure is in place, the original measure is accompanied by a temporary suspension of the activity of the institution or institutions contributing to the process of placing the product in the process of putting it into use until the reasons for the original measure¹⁰³.

B. Dissemination of administrative decision.

When we are in front of an original measure, it publishes the original administrative decision in its entirety or in short by the concerned department (the consumer protection service and the suppression of fraud in place of the offense)¹⁰⁴.

C. Fine reconciliation.

The fine of the peace means the amount of money that qualified agents may impose on the offending party, resulting in the expiry of the public action in the face of the offending party when it has paid it¹⁰⁵. With the exception of three cases that can not be dealt with by a fine of conciliation¹⁰⁶, Which :

1. If the registered offense was subjected to a penalty other than the financial penalty or was related to compensation for damage caused to persons or property.
2. In the case of multiple offenses, at least one of which shall be subject to a fine of conciliation.
3. In case of return.

Seven (7) days from the date of the minutes of the record, shall notify the concerned consumer protection services and the suppression of the infringing counter-fraud by warning of a recommended letter with acknowledgment of receipt indicating his place of residence, place and date, reason of violation, And the amount of the fine imposed on it and the terms of payment¹⁰⁷. The violator must pay a lump sum amount to all the fines due and pay him once to the taxpayer for his place of residence or place of violation within thirty (30) days following receipt of this warning¹⁰⁸.

If the arbitrator fails to pay the amount of the fine in this period, or if the notice is not received within forty five (45) days from the date of receipt of the warning, the Consumer Protection and Fraud Suppression Services shall send the file to the competent regional judicial authority. Maximum.¹⁰⁹

The tax collector shall inform the interests charged with consumer protection and the suppression of fraud concerned with the payment of payment within ten (10) days from the date of payment of the fine.¹¹⁰

III. The importer was challenged in the control results.

The importer or his legal representative may appeal the results of the inspection to the State Directorate for Regional Trade for a period of 08 days from the date of notification of refusal of entry of the product. The Directorate shall have a period of 04 working days to study the reasons for the appeal and after hearing the importer in the minutes Official.¹¹¹

If the decision to refuse entry is canceled by the State Directorate of Commerce, the border inspector concerned shall cancel the decision to refuse entry to the importer.¹¹²

In case of final rejection of product entry, the importer has two solutions:

The first solution is to submit an appeal to the Regional Directorate for Regional Trade regarding the destination that can be allocated to the product, which is found to be incompatible with the aim of controlling its conformity, change of direction, reorientation, re-export or destruction.¹¹³

The Regional Directorate shall have a period of 05 working days to adjudicate this appeal¹¹⁴. If it is not decided, the Central Directorate of Consumer Protection and the suppression of fraud shall be notified in order to take a final decision¹¹⁵.

The second solution : is to challenge the decision of the final refusal to enter the product before the Administrative Court, which is within the jurisdiction of the headquarters of the State Directorate of Commerce, for which the decision was issued, provided that the appeal against this Directorate is represented by the person of the Governor and after the grievance against this prior decision in accordance with the above mentioned deadlines.¹¹⁶

The inspection report or reports shall be sent immediately to the competent regional judicial authority, after the expiry of the deadlines specified above, and if the importer does not submit an appeal.

Section 2

Refer the file to the competent judicial authority.

The experience report resulting from the analysis of the samples shall be subject to appeal according to the procedures and forms provided for in Articles 143 to 156 of the Code of Criminal Procedure.

If the records of the inspection agents indicate the impact of the inspection of the products or of the complementary analyzes following the deduction of the samples, the product is not in compliance with the legal and regulatory specifications. The competent department of quality control and suppression of fraud shall be a file containing all the documents and observations which inform the competent judicial authority¹¹⁷, (1) and to impose restraining sanctions on the offending interlocutor when necessary (2).

1°. Follow-up actions.

The representative of the Republic shall refer the file to the competent judge if, on the basis of the reports or the records transmitted to him by the inspectors or according to the reports of the qualified laboratories, he considers that a follow-up or opening of a judicial investigation must be initiated.

The competent judge importer violator - feel it is revealed by analysis and laboratory qualifying tests of forgery or fraud of imported products - he can see the detective's report and submit its observations and requested an experience where necessary during the eight-out (8) working days, and can not be the importer violator after the expiry of this deadline to claim the experience, as the importer of the right to waive expressly for the selection of an expert - whether from the edited list in accordance with the provisions of Article 144 of

the criminal procedure Code or an expert is not restricted in this list after the approval of the competent judicial authority f rely on the expert's report, which was appointed by the judicial T. Preventively.

In cases of expertise ordered by the competent judicial authority in accordance with the provisions of the Code of Criminal Procedure, the sample retained in the interest that recorded the samples and the sample that remained with the importer shall be admitted to the experts who must use the analytical methods and tests corresponding to Algerian standards¹¹⁸. They can also use other methods as an add-on¹¹⁹. Tests or experiments are carried out within the framework of the procedures of the qualified laboratories¹²⁰.

If the offending importer does not submit the sample he has left within eight days, the sample is not taken into consideration. The experts conclude on the basis of the sample that remained in reserve in the interest that recorded the cut samples.¹²¹

If a single sample is cut, the competent judicial authority shall designate a competent expert from among the qualified laboratories and a second expert shall be appointed on the basis of the choice of the infringing importer, if any, to make a new deduction according to the forms provided for in Article 39 of Law No. 09-03 on Consumer Protection And suppression of fraud - which we have explained under the title of truncation of samples -. The judicial authority shall also take all measures in order to deduct the samples and conduct the expertise immediately by the experts on the date fixed by it.

The two experts shall conduct a joint examination of this sample, and the absence of one of them shall not preclude the completion of the examination and acquire the embryonic dye.

2°. Crimes and penalties.

The offenses of the offending violator related to breach of the obligation to ensure the safety of the product and its conformity are divided into three categories:

Crime obstructing the exercise of conformity control.

The refusal of the importer to deliver the documents or generally impede the practice of conformity by the agents of the Quality Control and Fraud Suppression Department in accordance with the provisions of Law No. 09-03 on Consumer Protection, Suppression of Fraud and Executive Decree No. 90-39, and any other relevant text, In accordance with the provisions of articles 74, 76, 79 and 84 of Law No. 09-03 and articles 155 and 435 of the Penal Code where the penalty reaches a fine with imprisonment.

3°. Crimes of fraud and forgery.

The Algerian legislator punished the crimes of consumer fraud and the falsification of any product directed to consumption in Articles 68, 69, 70, 71, 72, 75, 78, 82 of Law No. 09-03 and Article 431 of the Penal Code where the penalty reaches a fine with imprisonment.

The crime of default leading to disability or death.

If the failure of the intercessor leads to partial or permanent disability or death, the penalties provided for in article 83 of Law No. 09-03, articles 288, 289 and article 432/01 of the Penal Code shall apply where the sentence reaches life imprisonment.

In addition to the above, the products, tools and any other means used to commit the offenses are confiscated. The products subject to these violations are sold and the public treasury takes advantage of the selling price of the products after being assessed on the basis of the selling price applied by the offender or on the basis of the market price.¹²²

The fines stipulated in Law No. 09-03 shall be in accordance with Article 36 of the Penal Code. In the case of return, the fines shall be doubled and the competent judicial authority may declare the cancellation of the Commercial Register of the Offender.¹²³

Conclusion.

To this end, it is still necessary to find the most effective ways to provide legal protection to consumers in the face of unfair practices that threaten their security and health, and even exceed their financial side more than ever before. Or the absence of the agencies responsible for the follow-up and control of economic activity, but due to the way these machines work and how to address issues affecting the consumer.

If the opening of the free economic initiative leads to positive effects, the most important of which is improving the quality of goods, how to provide services and creating jobs after many public institutions failed to stay in the market due to intense competition from other national or foreign institutions. It has negative effects on consumer security and health, especially with the development of commercial fraud, imitation of signs and misleading statements, failure to respect standards, or failure to inform the consumer about other unfair activities.

Which requires the adoption of new mechanisms to develop the task of control and address all anti-trade practices, and work to provide the oversight bodies material and human resources that are competent in the search and examination of economic irregularities and speed in their implementation, while providing greater protection for these bodies from All pressures exerted on the performance of its tasks in the face of economic agents, and the need to expedite the issuance of the provisions of Law No. 09-03, especially after the research recorded a conflict between this law and the provisions of the law abrogated No. 89-02, which is still in force Effect.

Also, the consumer protection in the present circumstances remain dependent on the extent of professional respect for the various obligations that fall upon, and respect for the obligations referred to in the search, such as providing matching products specifications and standards and as well as providing necessary for the use of certain products that require according to their nature warnings, and is what leads without doubt to minimize the damage that threatens the security and consumer safety or harm the material interests, but that occurred these abuses remains the imposition of administrative measures with referral

to the competent judicial authority by the administrative authorities is legitimate and can not in any way constitute a Tq Hand trade.

It remains to be noted that the responsibility of consumer protection lies primarily in it, before it falls on the administrative and judicial bodies. The consumer must have a consumer culture that enables him to choose the best goods and services according to the priorities imposed by his financial resources and surrounding social conditions without being satisfied to satisfy The consumer's culture of consumerism will lead economic agents to review its relationship with it away from all exploitation or pressure. However, the absence of a consumer culture does not justify the consumer's consumer culture. To harm him and does not fall the responsibility of economic aid responsible for the damage.

The result is that the efforts of all parties, whether by the State as the Market Controller, by the consumer formed in the form of associations to defend their interests, or by the economic agents involved in the marketing of their products, must be combined to achieve very important and positive results within the framework of Protect consumer health and safety.

FOOTNOTES.

¹ official Journal No. 23, issued on 25/03/1991.

² Ali Fatak, the effect of competition on commitment to ensure product safety, first Edition, university thought house, Alexandria, 2007, p. 278.

³ Consumer according to article 3 paragraph 2 of Law No. 09-03 of 25/02/2009 on consumer protection and suppression of fraud, Official Journal No. 15 issued on 08/03/2009 is: "Any natural or juridical person acquires, in exchange for or Free of charge, a commodity or service intended for end-use in order to meet his or her personal needs or to meet the need of another person or an animal for which he is responsible."

⁴ These practices shall be the intervention of the executive branch pursuant to article 20 of Executive Decree No. 90-266 of 15/09/1990 on the guarantee of products and services. Official Journal No. 40 of 1990 Anyone who has the right to display the product or service for consumption in the context of his profession as a producer or manufacturer Or a craftsman, dealer, importer or distributor. Article 2 of Executive Decree No. 05 - 467 of 10 December 2005, defines the conditions for the control of the conformity of imported products across borders and the modalities thereof, Official Journal No. 80 issued on 11/12/2005.

⁵ Article 2 of Executive Decree No. 05 - 467 of 10 December 2005, defines the conditions for the control of the conformity of imported products across borders and the modalities thereof, Official Journal No. 80 issued on 11/12/2005.

⁶ Ibid. article 05.

⁷ Article 05 of Executive Decree No. 02-453 dated 21/12/2002, setting out the powers of the Minister of Commerce, Official Journal No. 85 issued on 22/12/2002.

⁸ The most important ministerial sectors are: Ministry of Interior and Local Communities, Ministry of National Defense, Ministry of Agriculture and Rural Development, Ministry of Health and Population, Ministry of Tourism.

⁹ Executive Decree No. 08-266 dated 19/08/2008 amending and supplementing Executive Decree No. 02-454 dated 21/12/2002, which includes the organization of the central administration in the Ministry of Commerce, Official Journal No. 48 Journal issued on 24/08/2002, 2008.

¹⁰ Ibid. article 04.

¹¹ Executive Decree No. 08-266, op. Cit.

¹² Ibid.

¹³ Executive Decree No. 03-409, regulating the external interests of the Ministry of Commerce, its powers and its functions, Official Journal No. 68 issued on 09/11/2003, article 02.

¹⁴ Joint ministerial decision dated 15/08/2006, which includes the definition of the functioning of the regional sections of trade and quality control inspectors and the suppression of fraud at the border, the official newspaper issue 07, issued on 28/01/2007.

¹⁵ Ibid. article 04.

¹⁶ Law No. 98-10 dated 22 August 1998 amending and complying with Law No. 79-07 of 21/07/1979, which includes the Customs Law, Official Journal No. 61 dated 23/08/1998, article 05.

¹⁷ Law No. 09-03, op. Cit., articles 25 to 28.

¹⁸ Ibid. article article 08 bis.

¹⁹ Article 42/01 of the Customs Law, op. Cit.

²⁰ Ibid.

²¹ Articles 15, 19 and 28 of the Code of Criminal Procedure.

²² Articles 29/02, 35/03 and 242 of the Customs Law, op. Cit.

²³ Article 86 of Law No. 09-03, op. Cit.

²⁴ Ibid. article 87.

²⁵ The decision of the Minister of Finance dated 15/07/2002 determines the application of Article 22 of the Customs Law on the Importation of Counterfeit Goods, Official Journal No. 56 of 18/08/2002.

²⁶ Article 22 of the Customs Law states, op.cit, "All goods bearing written data on the same products or on packages, boxes, belts, envelopes, tapes or stickers shall be prohibited upon importation, which shall imply that the goods coming from abroad Is of Algerian origin.

And shall be prohibited at importation, whatever the customs regime in which they are placed, and subject to confiscation of Algerian or foreign counterfeit goods. "

²⁷ Executive Decree No. 92-272, dated July 06, 1992, defines the composition of the National Council for the Protection of Consumers and its terms of reference Official Journal No. 52, issued in 1992.

²⁸ Executive Decree No. 89-147 dated 08/08/1989 includes the establishment of an Algerian Center for Quality Control and Packages, its organization and its work, modified and supplemented by Executive Decree No. 31-31 of 30/09/2003, Official Journal No. 59 of 05 / 10/2003.

²⁹ Jean Calais-Auloy , Frank Steinmetz , droit de la consommation , 7^{ème} édition, dalloz , Paris , 2006 , p : 203

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³⁰ Law No. 90-31 of 04/12/1990 on Associations, Official Journal No. 53, issued in 1990.

³¹ Haddad Al-Eid, International Consumer Protection, National Forum on Competition and Consumer Protection, Faculty of Law, University of Abderrahmane Meera, Bejaia, 17-18 November 2009, p.13.

³² Article 24 of Law No. 09-03 and Executive Decree No. 92-272, op. Cit.

³³ Articles 6 to 16 of Executive Decree No. 06-306 dated 10/09/2006 specifying the basic elements of contracts between economic agents and consumers and items considered arbitrary, amended by Executive Decree No. 08-44 of 03/02/2008.

³⁴ Law No. 08-12 dated 25/06/2008 amends and completes Order No. 03-03 of 19/07/2003 on competition, amended and supplemented, the Official Journa No. 36 issued on 02/07/2008, article 35/02 : « It may also be consulted on the same topics by local groups, economic and financial bodies, institutions, professional associations and trade unions, as well as consumer associations. »

³⁵ The representatives of the public authorities of both the National Council for Consumer Protection and the Committee on Arbitrary Items constitute the majority in the composition of the two bodies. Seventeen representatives of the Board and six representatives of the Committee, while the professionals have seven representatives of the Council and two representatives of the Committee, Article 4 of Executive Decree No. 92-272 , And Article 8 of Executive Decree No. 06-306 dated 10/09/2006 specifying the basic elements of contracts between economic agents and consumers and items considered arbitrary, as amended by Executive Decree No. 08-44 of 03/02/2006, 2008, Official Journal No. 07, issued on 10/02/2008.

³⁶ Article 23 of Law No. 09-03, op. Cit.

³⁷ Article 3 of Executive Decree No. 05-467, op. Cit.

³⁸ Ibid. article 06.

³⁹ Ibid. article 07.

⁴⁰ Article 08 of Executive Decree No. 05-467, op. Cit.

⁴¹ Each control procedure and each administrative measure is governed by a specific statute that determines its form and content through regulation, Article 32, last paragraph of Law No. 09-03, op. Cit.

⁴² Article 06 of Executive Decree No. 90-39 of 20/01/1990 on Quality Control and Suppression of Fraud, The Official Journal No. 50 of 1990, amended and supplemented by Executive Decree No. 01-315 of 16/10/2001, Official Journal No. 61 issued on 21/10/2001.

⁴³ Ibid. article 30.

⁴⁴ Ibid. article 31, paragraphs 3 and 4.

⁴⁵ Ibid. article 30.

⁴⁶ Executive Decree No. 96-355 of 19/10/1996 amended and supplemented by Executive Decree No. 97-459, including the establishment of a network of testing laboratories and quality analyzes, Official Journal No. 80 issued on 07/12/1997.

⁴⁷ Article 25/01 of Law 09-03, op. Cit.

⁴⁸ Articles 9 and 11 of Executive Decree 90-39, op. Cit.

⁴⁹ Ibid. article 15.

⁵⁰ Ibid. article 14.

⁵¹ Examples of these many decisions include: a decision dated July 31, 2014, which makes the method using the gel medium of rabbit plasma and fibrinogen for the staphylococcal count of mandatory coagulation enzyme, Official Journal No. 14 of 25 March 2015. The decision of November 23, In 2014, the methodology for the search for polyphosphates in meat and meat products is mandatory, Official Journal No. 12 of 08 March 2015.

⁵² The committee is headed by the Minister of Commerce and consists of ten ministers, including the Minister of Defense and the Interior, in addition to the Department of Nuclear Energy, the Algerian Center for Quality Control and Packages, the National Institute for Standardization and the National Bureau of Legal Measurements, Articles 19, 19 bis and 19 bis, 90-39, op. Cit.

⁵³ Ibid. article 20.

⁵⁴ The Joint Ministerial Decision of 14/07/1990, which includes the definition of sampling methods, forms of quality control forms, and the suppression of the official Journal No. 41 issued in 1990.

⁵⁵ Article 12 First paragraph of Law No. 09- 03, op. Cit.

⁵⁶ Ibid. article 02 paragraph 05.

⁵⁷ Law No. 09-03, op. Cit.

⁵⁸ Law 04-04 dated June 23, 2004 relating to Standardization, Official Journal No. 41 issued on 27/06/2004.

⁵⁹ Article 07 of Law 04-04, op. Cit.

⁶⁰ Ali Boulehia Ben Boukhamis, General Rules for Consumer Protection and its Responsibility in Algerian Legislation, Dar Al-Huda, Algeria, 2000, p. 75.

⁶¹ Law No. 04-04, op. Cit.

⁶² Law No. 90-18 dated 31/07/1990 relating to the national legal system of measurement, Official Journal No. 35 of 16/08/1990.

⁶³ Each body that establishes its technical competence to activate works in the field of standardization shall be accredited by the Minister responsible for standardization and shall be responsible for the preparation of the sectoral specifications and for reporting them to the Algerian Institute for Standardization and for ensuring that they are distributed in all appropriate ways. Articles 11, 12 and 13 Of Executive Decree No. 05-464 dated 06/12/2005 concerning the organization and conduct of standardization, Official Journal Number 80 issued in 2005.

⁶⁴ Article 2 Third paragraph of Act No. 04-04, op. Cit.

⁶⁵ The Algerian Institute for Standardization, established under Article 40 of Law 04-04, a previous reference, consists of representatives of all ministers except the Minister of Culture, the Minister of Mujahideen, the Minister of Sport and the Minister of Youth, in addition to representatives of national chambers and associations, Consumer protection associations, charged with the preparation of national standards, ensuring the implementation of the national standardization program, and ensuring the distribution of information on standardization, article 7 of Executive Decree No. 05-464, op. Cit.

⁶⁶ Article 13 of Law No. 04-04, op. Cit.

⁶⁷ Among the specifications issued are: The Joint Ministerial Decision of 27/04/1997 sets out the technical specifications of white sugar, the joint ministerial decision dated 27/05/1997 concerning the technical specifications of dry milk and the conditions and modalities of its presentation, 25/05/1997 Related to the technical specifications of the types of solid wheat semolina and the conditions and methods of presentation. Official Journal No. 55 issued on 20/08/1997.

⁶⁸ Article 2, paragraph 7, of Act No. 04-04, op. Cit.

⁶⁹ Ibid. Article 10 and article 2, paragraph 4.

⁷⁰ Appendix to Executive Decree No. 05-464, op. Cit.

⁷¹ Article 10 of Law No. 04-04, op. Cit.

⁷² Ibid. Article 11, second paragraph.

⁷³ Article 08 of Law No. 04-04, op. Cit.

⁷⁴ Ibid. Article 05.

⁷⁵ Kalima Habiba, consumer protection, memorandum of master's Degree in Law, contracts and liability branch, Faculty of Law, University of Algiers, no discussion date, p: 44

⁷⁶ Article 14 of Executive Decree No. 50-467, op. Cit.

⁷⁷ Article 22 of Executive Decree 90-39, op. Cit.

⁷⁸ Ibid. Article 23.

⁷⁹ Article 61 of Law No. 09-03, op. Cit.

⁸⁰ Ibid. Article 59.

⁸¹ Article 24 Final paragraph of executive decree 90-39, op. Cit.

⁸² Ibid. Article 24/4.

⁸³ Article 26 of Law 09-03, op. Cit.

⁸⁴ Article 62 The last paragraph and article 63 of Law 09-03, op. Cit.

⁸⁵ Article 18 of Executive Decree No. 05-467, op. Cit.

⁸⁶ Ibid. Article 19.

⁸⁷ Article 20 First paragraph of Executive Decree No. 50-467, op. Cit.

⁸⁸ Ibid. Article 20, paragraphs 2 and 3.

⁸⁹ Ibid. Article 21.

⁹⁰ Ibid. Article 22.

⁹¹ Ibid. Article 23.

⁹² Article 26 of Executive Decree No. 90-39, op. Cit.

⁹³ Article 27 First paragraph of Executive Decree No. 90-39, op. Cit.

⁹⁴ Article 61 of Law No. 09-03, op. Cit.

⁹⁵ Article 27, second paragraph, op. Cit.

⁹⁶ Article 27 The last paragraph of Decree 90-39, op. Cit.

⁹⁷ Ibid. Article 27, third paragraph.

⁹⁸ Article 21 and Article 22 of Executive Decree No. 50-467, op. Cit.

⁹⁹ Ibid. Article 28.

¹⁰⁰ Article 11 of Law 09-03, op. Cit.

¹⁰¹ Ibid. Article 59.

¹⁰² Article 29 Decree 90-39, op. Cit.

¹⁰³ Article 65 of Law No. 09-03, op. Cit.

¹⁰⁴ Ibid. Article 67.

¹⁰⁵ Ibid. Article 86 and 93.

¹⁰⁶ The amount of the fine shall be determined according to each violation, as follows:

- Three hundred thousand dinars (300,000 dinars) for lack of food safety, lack of product safety, lack of prior compliance control, or lack of warranty or non-implementation.

- 200 thousand dinars (200,000 dinars) for lack of hygiene and hygiene or absence of product labeling data.

- Fifty thousand dinars (50,000 dinars) for not testing the product.

- 10% of the price of the product obtained for refusal to implement the after-sale service. Ibid. Article 87 and 88 .

¹⁰⁷ Ibid. Article 90.

¹⁰⁸ Ibid. Article 89 and 92/1.

¹⁰⁹ Ibid. Article 92/3 and 86 last paragraph.

¹¹⁰ Ibid. Article 92/02.

¹¹¹ Article 10 of Executive Decree No. 05-467, op. Cit.

¹¹² Ibid. Article 11, last paragraph.

¹¹³ Ibid. Article 15/01.

¹¹⁴ Ibid. Article 15/02.

¹¹⁵ Ibid. Article 16.

¹¹⁶ Articles 801, 803 and 828 of the Code of Civil and Administrative Procedure.

¹¹⁷ Article 31 of Executive Decree No. 90-39, op. Cit.

¹¹⁸ These curricula become mandatory by the decision of the Minister in charge of quality, after the approval of the Committee for the Evaluation and Standardization of the Methods of Analysis and Experiments thereon, Articles 19 and 32, *ibid.*, And Article 52/02 of Law 09-03, *op. Cit.*

¹¹⁹ Article 52/02 of Law 09-03, *op. Cit.*, And article 32 of Executive Decree No. 90-39, *op. Cit.*

¹²⁰ Article 25/01 of Law 09-03, *op. Cit.*

¹²¹ Article 48 of Executive Decree No. 90-39, *op. Cit.*

¹²² Article 80 and 82 of Law 09-03, *op. Cit.*

¹²³ *Ibid.* Article 85.